



TEXAS

The University of Texas at Austin

Clery Act

*University Risk and Compliance
Services*

February 2024

Office of Internal Audits
UT Austin's Agents of Change



OFFICE OF INTERNAL AUDITS
THE UNIVERSITY OF TEXAS AT AUSTIN

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Executive Summary

Clery Act

University Risk and Compliance Services
Project Number: 23.011

Audit Objective

The objective of the audit was to determine whether The University of Texas at Austin (UT Austin) complies with the Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requirements.

Conclusion

UT Austin has processes to provide timely incident notifications, conduct emergency tests, provide publicly accessible crime logs, and include the required elements in the Annual Security Report (Report).

However, there are opportunities to enhance the CSA identification and notification processes to ensure the CSA listing is complete and that CSAs are aware of their responsibilities under the Clery Act. Additionally, one criminal incident required to be reported by the Clery Act was not included in the 2022 Report.

Audit Observations¹

Recommendation	Risk Level	Estimated Implementation Date
Campus Security Authorities	High	December 2024
Annual Security Report Correction	Medium	Complete

Engagement Team

Mr. Patrick McKinney, CIA, Director
Ms. Andrea Rios, Auditor I

¹ Each observation has been ranked according to The University of Texas System Administration (UT System) Audit Risk Ranking guidelines. Please see the last page of the report for ranking definitions.



Detailed Audit Results

Observation #1 Campus Security Authorities

The process to identify campus CSAs does not ensure a complete and accurate list. The Clery Manager contacts personnel from colleges, schools, and units (CSU) to identify CSAs in those areas; however, she does not perform additional procedures to independently identify CSAs.

Notable Practices

University Risk and Compliance Services has developed Clery Act 101 training and is rolling it out to known CSAs.

Campus Security Authorities have a responsibility under federal law to report known criminal offenses on or around campus to various units on campus (e.g., UT Police Department). Therefore, it is critical to ensure CSAs are appropriately identified and notified of their responsibilities. The Clery Act defines a CSA as campus police or security personnel/organizations, individuals or organizations that receive reports of criminal offenses, and officials of an institution that have significant responsibility for students and campus activities. The Department of Education provides institutions with latitude to determine which employees should fulfill this role and generally defers to an institution's definition. UT Austin has defined the CSA role to include student worker supervisors. However, University Risk and Compliance Services (Compliance) believes the current definition is too expansive and is working to redefine who is considered a CSA on campus. An updated definition would likely exclude student worker supervisors.

Data analysis showed that under UT Austin's current CSA definition, approximately 1,000 employees who supervise students had not been identified as CSAs. Additionally, 15 of 40 CSAs (38 percent) interviewed were unaware of Clery Act reporting requirements. When processes do not reasonably ensure all CSAs are identified and aware of their responsibilities, known criminal offenses may not be properly reported. Fines for each Clery Act violation can be as high as \$68,000.

Recommendation: Compliance should continue its efforts to update UT Austin's CSA definition and should update CSA identification procedures to more independently identify a comprehensive list of CSAs under the new definition. Additionally, Compliance should continue the rollout of Clery Act 101 training and should monitor completion to establish CSA awareness of their reporting responsibilities.

Management's Corrective Action Plan: Compliance is reviewing the federal legal definition of CSA and its application to UT Austin and will update UT Austin's operational definition by May 30, 2024.

Compliance is working with Human Resources to create an improved process for identifying CSAs and notifying those individuals of their role and responsibilities. This process will incorporate the revised operational definition of CSA and will be completed by September 1, 2024.



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Compliance is continuing the rollout of the Clery Act 101 training module through UTLearn. Due to the impact of a new CSA identification process, Compliance plans to have training assigned to all CSAs by December 31, 2024.

Responsible Person: Clery Compliance Manager and Deputy Compliance Officer

Planned Implementation Date: December 31, 2024

Observation #2 Annual Security Report Correction

UT Austin did not include one family and dating violence incident from December 2021 in the 2022 Report as required. The UT Police Department did not include the incident in the Clery statistics sent to the Clery Manager for inclusion in the Report. The UT Police Department indicated human error caused the omission and indicated a more thorough review of data would be implemented. Compliance updated the Report in January 2024 after Internal Audits notified them of the missing incident. No additional corrective actions are needed.

Conclusion

UT Austin has processes to provide timely incident notifications, conduct emergency tests, provide easily accessible crime logs, and to include the required elements in the Annual Security Report.

However, there are opportunities to enhance the CSA identification and notification processes to ensure the CSA listing is complete and that CSAs are aware of their responsibilities under the Clery Act. Additionally, one criminal incident required to be reported by the Clery Act was not included in the 2022 Report.

The following table provides a summary of the audit results.

Table: Controls Assessment

Audit Objective	Controls Assessment
Objective 1: Campus Security Authorities	Satisfactory, with High-Risk Opportunity
Objective 2: Documentation Requirements	Satisfactory
Objective 3: Annual Security Report	Satisfactory

Background

The Clery Act is a federal law requiring colleges and universities that participate in federal financial aid programs to disclose information about crime on and around their campuses, as well as fire statistics that occur in student housing. This data is used to develop policies around crime prevention, awareness, and response and to create the Report. Non-compliance with the Clery Act can lead to fines, loss of federal financial aid funding, and reputational damage to the institution.



Scope, Objectives, and Methodology

This audit was conducted in conformance with The Institute of Internal Auditors’ *International Standards for the Professional Practice of Internal Auditing*. Additionally, we conducted the audit in accordance with Generally Accepted Government Auditing Standards and meet the independence requirements for internal auditors. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions on our audit objectives.

The scope of this review included the 2022 Report and current operating procedures. Specific audit objectives and the methodology to achieve the objectives are outlined in the table below.

Table: Objectives and Methodology

Audit Objective	Methodology
Objective 1. Determine whether CSAs have been properly identified, informed of their responsibilities, and received appropriate training.	<ul style="list-style-type: none"> • Interviewed a sample of CSAs • Determined whether CSAs have completed applicable training • Reviewed communications notifying CSAs of their role and responsibilities. • Used analytics to determine if employees supervising students were identified as CSAs
Objective 2. Determine whether specific compliance requirements related to timeliness, testing, and log documentation are met.	<ul style="list-style-type: none"> • Verified timely notifications were made, and documentation maintained, for a sample of incidents meeting notification requirements. • Reviewed emergency tests (including fire drills) records/logs to verify requirements for annual testing were met and documented • Verified logs are maintained and readily available to the campus community.
Objective 3. Determine whether the Annual Security Report contains the information, definitions, and statistics required as per the Clery Act.	<ul style="list-style-type: none"> • Verified Clery Report crime count accuracy • Confirmed a sample of incidents were included in the Report and categorized correctly • Verified required elements (e.g., policy statements, and crime statistics) were included in the Report • Verified appropriate attempts to obtain applicable crime incident statistics from local law enforcement



Criteria

20 USC §1092(f), The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Title 34, Code of Federal Regulations §668.46, Institutional Security Policies and Crime Statistics

Observation Risk Ranking

Audit observations are ranked according to the following definitions, consistent with UT System Audit Office guidance.

Risk Level	Definition
Priority	If not addressed immediately, has a high probability to directly impact achievement of a strategic or important operational objective of The University of Texas at Austin (UT Austin) or the UT System as a whole.
High	Considered to have a medium to high probability of adverse effects to UT Austin either as a whole or to a significant college/school/unit level.
Medium	Considered to have a low to medium probability of adverse effects to UT Austin either as a whole or to a college/school/unit level.
Low	Considered to have minimal probability of adverse effects to UT Austin either as a whole or to a college/school/unit level.

In accordance with directives from UT System Board of Regents, Internal Audits will perform follow-up procedures to confirm that audit recommendations have been implemented.

Report Submission

We appreciate the courtesies and cooperation extended throughout the audit.

Respectfully Submitted,

Sandy Jansen, CIA, CCSA, CRMA, Chief Audit Executive



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