

December 17, 2001

Mr. Fred Zook, Ph.D.
President
Salem International University
223 West Main Street, P.O. Box 500
Salem, WV 26426-0500

Via Federal Express
USA Air Bill #
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OPE ID: 00382000
PRCN: 200130318804

Dear Dr. Zook:

On June 11-22, 2001 and August 21-24, 2001, Mr. James Moore and Mr. Fred Wynn, Institutional Review Specialists, conducted a program review focusing on Salem International University's (the University) compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Act). The findings of the review are presented in the enclosed report.

Our review disclosed several weaknesses in the University's campus security operations in general and its approach to the Act in particular. This program review report contains specific findings of non-compliance. These findings are referenced to the applicable Federal laws and regulations. Each finding also sets forth specific corrective actions. These corrective actions are specifically designed to assist the University toward full compliance with the Act and to provide accurate and complete campus security information to the campus community.

In addition to these specific findings of non-compliance contained in this report, our review identified serious weaknesses in the University's approach to campus security that further complicate full compliance with the Act. Section E contains several recommendations that were developed as a result of our identification of these weaknesses. These recommendations should be incorporated in the development and implementation of a comprehensive corrective action plan.

Please review and provide a substantive response to each finding. The University's response must state with particularity the causes for the finding,

*Dr. Fred Zook, President
Salem International University
Campus Security Program Review Report # 2*

progress on all required corrective actions, and all other specific steps taken by the University to correct these findings. Your response should be sent directly to this office, to the attention of Mr. James Moore within 60 days unless otherwise noted.

This report contains required actions that necessitate the development and implementation of various policies and procedures, as well as, specific amendments to statistics as previously reported for calendar years 1997, 1998, and 1999. It is essential that the individuals charged with the responsibility for administering the provisions of the Act fully understand its requirements and have sufficient resources to implement those requirements.

I would like to express my appreciation for the courtesy and cooperation extended during our site visit. If you have any questions regarding this report, please call the Philadelphia Case Management Team at (215) 656-6442. Your continued cooperation throughout the program review process is greatly appreciated.

Sincerely,

John S. Loreng
Team Leader

Enclosure

Cc: Mr. Stephen H. Maxwell, Director of University Finance
Mr. John Folsom, Director of Campus Security
Mr. Jerry Schearer, Assistant Dean of Students

**Institutional Review Data Sheet
Salem International University**

Date of Review: June 11-22, 2001; August 21-24, 2001

Years Reviewed: 1997, 1998, and 1999

OPE-ID Number: 00382000

TIN: 550357051

Type and Control: Private, Non-Profit

Accreditation: North Central Association of Schools and Colleges

Reviewing ED Officials: James Moore
Fred Wynn

George Blissman, Special Agent
Office of the Inspector General

Institutional Officials Contacted:

Dr. Ronald Ohl, President
Mr. Stephen Maxwell, Director of University Finance
Mr. John Folsom, Director of Campus Security
Mr. Jerry Schearer, Assistant Dean of Students and Director of Campus Activities
Ms. Jenny Waters, Director of Housing and Residence Life
Dr. Susan Sieber, Director of Student Health Services
Mr. Don Apparius, Dean of Students
Dr. Phyllis Freedman, Director of Campus Library

Non-institutional Officials Contacted:

Mr. E.T. Howell, Chief, Salem Police Department
Mr. Kenneth Yost, City Manager, City of Salem
Mr. C.P. Meathrill, Captain, Salem Police Department
Mr. Michael Koacher, Special Agent, Federal Bureau of Investigation
Mr. George Hess, United States Immigration and Naturalization Service
Mr. Grant Smith, Harrison County Drug Task Force

INTRODUCTION

A. THE UNIVERSITY

Founded in 1888 as Salem College, Salem International University is a private, non-profit, independent university. In 1989, the institution became an affiliate of the Teikyo Group, an international network of postsecondary institutions headed by Teikyo University in Japan. At this time it was renamed Salem Teikyo University. In 2001, the institution was renamed Salem International University (the University). In the same year, Informatics Inc., a wholly owned subsidiary of Informatics Holdings Ltd., a Singapore corporation, purchased the University. The institution offers Bachelor's and Masters Degrees in fields such as Business, Information Technology, Education, and Biotechnology. Currently, the University enrolls approximately 700 students. Situated on some 138 acres, the University's campus is comprised of buildings and facilities on 84 separate parcels at the main location and throughout the Salem-Clarksburg area.

B. BACKGROUND

In February 2000, Mr. E.T. Howell, Police Chief, City of Salem Police Department (SPD), contacted the U.S. Department of Education's Office of the Inspector General for Investigations. Chief Howell raised concerns that University officials were actively frustrating the SPD's law enforcement efforts on campus. This allegation included but is not limited to the destruction of evidence, obstruction, as well as attempts by the University to limit the SPD's access to the campus, its employees, and students. He also stated that that he believed that the University was not in compliance with the crime statistics reporting requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Act).

As an example of these concerns, Chief Howell detailed an incident that involved the disappearance of three Chinese youths during a summer student exchange program. In August 1998, the University (then Salem Teikyo) hosted a summer youth camp co-organized by the institution and the Ameson Education and Cultural Exchange Foundation (Ameson). In addition to the educational benefit to students, the arrangement also served the economic and institutional interests of the parties. Namely, the program provided a source of prospective students for the University and a revenue stream for Ameson who received a per student fee.

After arriving in the United States, three students who were to participate in the exchange through other institutions entered a waiting vehicle at the John F. Kennedy International Airport in New York City and were subsequently not seen again. Local authorities were notified at the time. Three other students in the group were to participate in the exchange program through Salem-Teikyo University and were transported to the campus. Shortly after their arrival on campus, these youths disappeared from the campus, leaving most of their possessions in their dormitory rooms. It is important to note that University officials never formally reported this incident to any law enforcement agency.

In lieu of reporting the incident to law enforcement, the University conducted its own investigation. Based on our review of available records, it appears that this investigation was limited to an informal search of University grounds and the surrounding area and telephone

contacts with Ameson. As a result of its investigation, the University concluded that the youths' disappearance was probably pre-arranged, that they were safe, and most likely living with family members in the United States. Nevertheless, Ameson determined that the incident required some action and severed its association with the recruiting agent that arranged the missing student's participation in the exchange program. During the course of its investigation, it appears that the role of the recruiting agent in the disappearance or the possibility that the youths were the victim of false pretenses or deception was not considered or examined. The University is still unable to provide any substantive evidence that these youths did not meet with foul play.

By their own means, the Federal Bureau of Investigation (FBI) and local law enforcement authorities eventually learned of this incident in October 1998 and attempted to ascertain the facts for themselves. However, due in no small measure to the University's failure to report, the FBI's inquiries were inconclusive. As of the date of this program review report, the United States Immigration and Naturalization Service has not been able to verify the location of the youths in question.

Although it is unlikely that this event would have resulted in any mandatory reporting under the Act, the University's reluctance to notify the proper investigative agencies lends credence to allegations that campus criminal matters are not properly documented, reported, or investigated. Based on the preceding as well as information developed by the Philadelphia Case Management Team and the Office of the Inspector General – Investigations, it was determined that a program review focused on campus security was called for in this case.

B. SCOPE OF REVIEW

A program review was conducted from June 11-22, 2001 and from August 21-24, 2001, to examine the institution's compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Act). Specifically, our stated objective was to determine the accuracy and completeness of campus crime statistics and policy disclosures as published in the University's Campus Security Reports for calendar years 1997, 1998, and 1999. While our procedures provide for the identification of indications of fraud and misuse, the program review is an administrative monitoring activity, not an audit or criminal investigation. The program review team examined the institution's records related to campus security including incident reports maintained by the Office of Campus Security and the Office of Student Affairs. Additional documentation from the Judicial Board and Student-Faculty Conduct Committee records for current and former students were also reviewed. Several hundred hardcopy records were analyzed during this program review.

Information was requested from various other offices. However, little documentation was available regarding their role in the campus security process. These offices include the Office of Health Services and the Office of the Registrar. Representatives of these offices stated that they had no documentation relevant to our review. The Housing and Residence Life Office (HARLO) made only minimal documentation available for our review. Additional documentation including HARLO training materials, policy and procedure manuals, and various memoranda and notes were also examined. Available records from the City of Salem Police Department, including incident reports, patrol logs, and other documents were analyzed as well.

It is important to note that the SPD's records were not systematically organized for the years under review. However, the current Chief of Police and the City Manager have instituted new procedures that will provide for more complete records in the future.

In addition to the review of documents listed above, the review team also contacted 23 current and former University employees as well as current and former students to further ascertain the institution's compliance with the Act. The interviews conducted with these individuals helped the case team obtain a more complete picture of institutional policies and practices related to campus security. Many of these individuals are not identified on the Institutional Review Data Sheet at their request. Throughout the program review process, Special Agent George Blissman of the Office of the Inspector General – Investigations provided valuable assistance to the program review team.

During the review, several areas of non-compliance were noted. Many of these findings and the circumstances under which they arose have caused special concern for the program review team. Therefore, the University is advised to answer the issues noted in this program review report in as accurately, completely, and timely a manner as possible. The review team will carefully analyze the University's response and initiate appropriate action. Such action may include a formal referral of this matter to the U.S. Department of Education's Office of the Inspector General – Investigations or the Department's Office of Administrative Actions and Appeals. The Office of the Inspector General – Investigations will make a separate determination as to whether or not additional action is appropriate. Such actions may include a criminal investigation and/or a referral to the Office of the United States Attorney.

Findings of non-compliance are referenced to the applicable statutes and regulations and specify corrective actions that must be taken to bring campus security operations into compliance with the statutes and regulatory provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in this report regarding the University's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, nothing in this report shall relieve the University of its obligation to comply with all statutory and regulatory provisions governing the Title IV Programs.

C. FINDINGS AND REQUIREMENTS

FINDING # 1: LACK OF ADMINISTRATIVE CAPABILITY

The General Provision Regulations that govern the Title IV, Student Financial Assistance Programs establish certain standards that all participating institutions must maintain if they are to be deemed administratively capable. During the campus security program review, several significant exceptions were identified that call the University's ability or willingness to comply with the Act into serious question. This finding reinforces and supplements a similar determination regarding our review of the University's administration of the Title IV, HEA, Student Financial Assistance Programs (see our August 13, 2001 report – PRCN: 200130318775). The following serious findings detail multiple indications that the University lacks an adequate system of internal controls and administrative capability:

2. Failure to Report Specific Incidents;
3. Miscoding of Specific Incidents;
4. Failure to Coordinate Information from All Sources;
5. Failure to Issue Timely Warnings;
6. Failure to Report Hate Crimes in Prior Reports;
7. Failure to Distribute the Campus Security Report in Accordance with Federal Regulations; and,
8. Required Policy Statements Omitted or Incomplete.

In addition to these specific findings of non-compliance, the review team identified numerous conditions that cause special concern with regard to the University's commitment to an effective campus security operation and compliance with the Act. The program review team feels strongly that the following concerns have directly contributed to the findings identified in this program review report:

1. The annual budget for the Office of Campus Security is insufficient to meet the security needs of the University. Specifically, the Office of Campus Security's annual budget for Fiscal Year 2000 was \$2,075. Total enrollment during fiscal year 2000 was approximately 625 students. Therefore, the budgetary appropriation for the Office of Campus Security amounted to less than \$4.00 per student. With the exception of employee wages, this amount is intended to fund all Office of Campus Security operations including equipment, uniforms, supplies, and repairs. During the site visit, the Director of Campus Security stated that his budget was nearly exhausted as of June 2001. The review team found no variance in expenditures for this fiscal year that might account for the shortfall. Therefore, the review team is forced to conclude that the Office of Campus Security operates with few resources as a matter of course.

2. The annual salaries of the Office of Campus Security staff are exceedingly low and are not sufficient to attract and retain high quality personnel. The University has been fortunate to retain 3 experienced staff members. However, the Director has been authorized to only offer newer hires full-time temporary positions at or near the minimum wage. As such, turnover and low morale have become a serious issue. Currently, only the Director receives an annual salary of over \$20,000.
3. As of the time of this program review report, the Security Department consists of four officers, and only three of these officers are routinely involved in regular security patrols. This makes it very difficult for the Security Department to provide effective 24-hour, 7-day coverage. All relevant University publications clearly state that the Office of Campus Security is on duty around the clock.
4. Campus Security personnel are frequently required to perform tasks unrelated to campus security. Such requirements reduce the amount of security coverage on campus and hinder the Security Department's ability to carry out their required duties. For the years under review, additional duties of campus security personnel included:
 - Delivering mail to the main post office;
 - Installing telephone and Internet cables;
 - Answering telephones;
 - Picking up items for the Business Office;
 - Picking up money for the Snack Bar;
 - Assisting the Physical Plant;
 - Working on the SIU cooling system if needed; and
 - Picking up newspapers and watering the lawn for the university president while the president is out of town.

Impaired administrative capability increases the likelihood that the applicable statutes and regulations that govern the Title IV Programs will not be followed. With regard to the Act, such an impairment may result in the campus community being deprived of important security information. Impaired administrative capability and weak internal controls are an indication that an institution lacks the ability or willingness to comply with Federal regulations.

REFERENCE:

- 34 CFR § 668.14, General Provision Regulations, as amended, June 22, 2000
- 34 CFR § 668.16, General Provision Regulations, as amended, November 1, 1999
- 34 CFR § 668.46, General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

To continue participation in any Title IV, Higher Education Amendment (HEA) program, an institution must demonstrate that it is capable of adequately administering the program under the standards established by the Secretary. The Secretary considers an institution to have

administrative capability if it: administers the Title IV, HEA programs in accordance with all statutory provisions of, or applicable to, Title IV of the HEA, and all applicable regulatory provisions prescribed under the statutory provisions; has written procedures for or written information indicating the responsibilities of the various offices. These standards apply to all aspects of the Title IV Program regulations including the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act at 34 CFR § 668.46.

As a result of this finding, the University is required to take all necessary corrective actions to cure the exceptions identified in this program review report. In addition, the University must develop and implement a comprehensive system of policies and procedures to ensure that these findings do not recur. Additional instructions on this comprehensive review are outlined in the requirement for finding # 2.

Based on our evaluation of all available information, the Philadelphia Case Management Team will determine appropriate additional actions and advise the University of these in our Final Program Review Determination letter.

FINDING # 2: FAILURE TO REPORT SPECIFIC INCIDENTS

A. Incidents not Reported

The institution failed to report all required incidents in its 2000 Campus Security Report. For the crime category of Forcible Sex Offenses, the University reported “0” incidents for all years under review. It should be noted that, since the inception of the Act, the University has never reported a sex offense in its Campus Security Reports. The review team acquired documentation that clearly shows that the University knew about the incidents in the chart below. Based on information developed by the review team, we have determined that there exists a high likelihood that additional incidents of this type occurred and that appropriate documentation was not provided for our review or was never generated in the first place.

DATE OF INCIDENT	TYPE OF INCIDENT	INCIDENT REPORT FILED (Y/N) – DATE
10/30/1997	Forcible Sex Offense	Yes; 10/30/1997
11/01/1997	Forcible Sex Offense	Yes; 11/01/1997
05/07/1998	Forcible Sex Offense	Yes; 05/07/1998
09/02/1998	Forcible Sex Offense	Yes; 09/02/1998
09/18/1999	Forcible Sex Offense	Yes; 09/18/1999

Documents acquired by the review team clearly illustrate that University officials were aware of these incidents. These documents support the review team’s determination that the following offices that have responsibility for reporting under the Act were aware of the above referenced incidents:

<u>Date of Offense</u>	<u>Individuals/Offices Aware of Offense</u>
10/30/97	Campus Security; President's Office; Dean of Students
11/01/97	Campus Security
05/07/98	Campus Security; President's Office; Dean of Students; Director of Housing and Residence Life
09/02/98	Campus Security; President's Office; Dean of Students; Director of Housing and Residence Life; Provost's Office
09/18/99	Campus Security; Dean of Students; Director of Housing and Residence Life

The institution was unable to fully explain why none of these incidents was included in the Campus Security Report. During an interview on June 13, 2001, the SIU Director of Campus Security said no sexual assaults were reported to his office for "the past few years". He explained that, four years ago, there was an incident where the student "may have gone directly to the Salem Police Department." He said he was not aware of any incidents of sexual assaults on campus since then. On October 16, 1998, the Director of Campus Security told Special Agents Robert G. Koehler and Lawson B. Allen of the Federal Bureau of Investigation that there were two sexual assaults at the institution "over the last two years". Specifically, he mentioned that he heard that there had been a rape on campus on October 2, 1998. The review team found no evidence that the Office of Campus Security or any other University office did any follow-up work, made any inquiries, offered any assistance to the alleged victim, or made any contacts to ascertain the details of the incident. However, the review team was unable to locate any documents regarding this case and so no details are included herein. During an August 21, 2001 interview, the Director of Campus Security told the review team that he did not recall making the above statement to Special Agents Koehler and Allen.

After seeing copies of incident reports for some of the incidents listed above, the Director of Campus Security offered the following explanations:

- The November 1, 1997 incident was left off the report because, since the incident was reported to the Salem Police Department, it would be included on their UCR report if valid. It was not on the SIU Annual Campus Security Report because it would then be reported twice.
- The September 18, 1999 incident was left off the report because the alleged perpetrator was later found not guilty.

With respect to the November 1, 1997 incident, it is important to note that the Director of Campus Security is a former Chief of Police for the City of Salem. As a former chief, the Director should be familiar with the Uniform Crime Reporting System requirements. Moreover, as Director of Campus Security and as the official principally responsible for Clery Act reporting, the Director should be aware that the inclusion of this incident on both reports would not result in duplicative disclosure. With regard to the September 18, 1999 incident, the Director, once again as the designated official for Clery Act reporting, should have known that

statistics in the Campus Security Report represent “incidents of crimes reported” to a campus security authority or law enforcement. In our interviews, the Director did not claim to be unaware of these incidents. In addition, the review team is aware that University personnel with Clery Act reporting responsibilities attended a training session that covered these requirements. Indeed, the review team has acquired copies of the training materials from this session that clearly set forth the Act’s reporting requirements.

In each of the five forcible sex offenses listed in this finding, the review team located documentation of these incidents in the files maintained by the Office of Campus Security. These files are one of the main sources of information used to compile the Campus Security Report. During the program review, several current and former employees of the University’s Office of Campus Security stated that it was not possible for the Director to not be aware of incidents where an incident report was generated. Moreover, given the inconsistent and at times contradictory reasons given as to why the incidents were not included in the Campus Security Report, the review team must consider the possibility that the omission of these incidents may have resulted from the deliberate and/or willful acts of one or more University officials. The review team will make that assessment based on our review of the University’s response and other available information.

Please be advised that the review team will carefully analyze the University’s response to this finding of non-compliance and initiate appropriate action. Such action may include an additional referral for violations of the Campus Sexual Assault Victims’ Bill of Rights Act of 1992.

B. Under-Reporting of Incidents

In addition to the failure to report certain categories of crime, the University also under-reported certain incidents of crime. Due to systemic weaknesses in the record keeping used by the relevant offices, it is impossible to determine which incidents were used to arrive at the statistics in the Campus Security Report and which were omitted. During our site visit, the review team requested that the Director of Campus Security provide the specific documentation that served as the basis for all statistics as published in the Campus Security Report. The Director was unable to document a substantial audit trail for these statistics. The following chart details the under-reporting problem with respect to the crime category of burglary:

Year	Category	Number of Incidents Reported	Actual Number of Incidents
1997	Burglary	0*	16
1998	Burglary	5	14
1999	Burglary	11	26

** No burglaries were reported for 1997. This category is included here and not in Part A of this finding because some of these incidents may have included on the report as larcenies (which are not required to be reported).*

It appears that several factors contributed to this case of under-reporting. These factors include but are not limited to the following:

- Poorly Written and/or Incomplete Incident Reports;
- No Systematic Compilation or Maintenance of Incident Reports and other records;
- Inclusion of Categories of Crime, such as Larcenies, not Required by the Act;
- Poor Training of Security Staff; and,
- Lack of Adequate Administrative Oversight.

Within the crime category of burglary, many incident reports contain information that clearly meets the UCR definition of a burglary but were coded as “stolen property,” “theft,” “Cubes” (a reference to a specific residence hall), or were simply not coded at all. Additionally, incident reports are not stored in any routinized manner that provides for adequate custody, control, or easy reference of relevant documents. It is also clear that security officers have not been given adequate training on report writing or incident classification. Additionally, it is clear that the Director of Campus Security has not been given the administrative authority and resources necessary to develop and implement a comprehensive system of quality controls.

Failure to include all required statistics in the Campus Security Report deprives the campus community of important safety and security information and effectively negates the intent of the Act. Such failure may cause readers of the report to have an incomplete perspective of campus security, which may result in persons not taking all necessary steps to provide for their own safety.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f), as amended
Section 485 (f), Higher Education Act, as amended
34 CFR § 668.46(b), General Provision Regulations, as amended, November 1, 1999
34 CFR § 668.46(c), General Provision Regulations, as amended, November 1, 1999
Appendix E to Part 668 – Crime Definitions in Accordance With the Federal Bureau of
Investigation’s Uniform Crime Reporting Program

REQUIREMENT:

Federal regulations require that participating institutions compile and publish accurate and complete statistics concerning the occurrence on campus of the following incidents: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws are also required. Certain policies and procedures are required to be published in the Campus Security Report as well. The Act also requires the Campus Security

Report be distributed to all current students and employees and that prospective students and employees are advised of its availability. To comply with these requirements, it is absolutely essential that all incidents of crimes on campus that are reported to a campus security authority or law enforcement are included in the Campus Security Report.

In response to this finding, the University must conduct a comprehensive review of its campus security policies and procedures with specific attention to the coding of incidents, the collection and compilation of data, the production of the report, and its distribution. This assessment must be used as the basis for the development of a substantive corrective action plan. This corrective action plan must state with particularity the causes of non-compliance in past reports, the specific steps that will be taken to address these weaknesses, and all new processes and procedures. This plan must also provide for an adequate audit trail for all published statistics as well as proper custody and control of data. Additionally, the corrective action plan must also delineate all responsible parties with regard to data collection and analysis, production, publishing, and distribution of the Campus Security Report.

This plan must accompany the University's response to this program review report. Once the corrective action plan is reviewed and approved by the review team, the University will be required to prepare and distribute a supplemental Campus Security Report for calendar years 1997, 1998, 1999, and 2000.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 3: MISCODING OF SPECIFIC INCIDENTS

The University did not properly code the incidents listed on Appendix A. As a result, the statistics for certain crime categories were not accurately disclosed in the University's Campus Security Report. The causes and effects of this finding relate closely to those identified in finding # 2B. In many cases, incident reports were not filed out in an accurate and complete manner. In other cases, incident reports were coded with little or no adherence to the crime definitions set forth in the Uniform Crime Reporting (UCR) System. And in still other cases, the incidents were not coded at all. The task of writing and reviewing incident reports is often delegated to students or employees with no training. Many of these reports are written in the form of first-hand or eyewitness accounts, with no coding or addenda by the Campus Security Office. This is true even though the stated policy of the Office of Campus Security is that an actual incident report should be generated for all cases. Moreover, the review team was forced to make an independent determination of which incident reports were used to compile the statistics in the Annual Campus Security Report. The institution was unable to demonstrate how it calculated the report's statistics.

Because the University's approach to compiling Campus Security Reports relies so heavily on the quality of hardcopy, hand-written incident reports, it is essential that these records be completed, maintained, and reviewed with the utmost care. Based on our review, it is clear that

this has not been happening in this case. This failure led to inaccurate and incomplete data being disseminated to the campus community in Campus Security Reports.

This condition deprives the campus community of important safety and security information and may inhibit the reader's ability to make informed security decisions, and thus negates the intent of the Act itself.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f), as amended
Section 485 (f), Higher Education Act, as amended
34 CFR § 668.46(b), General Provision Regulations, as amended, November 1, 1999
34 CFR § 668.46(c), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require that participating institutions compile and publish accurate and complete statistics concerning the occurrence on campus of the following incidents: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws are also required. Certain policies and procedures are required to be published in the Campus Security Report as well. The Act also requires the Campus Security Report be distributed to all current students and employees and that prospective students and employees are advised of its availability. To comply with these requirements, it is absolutely essential that incident reports are properly coded according to the Uniform Crime Reporting (UCR) Systems definitions.

In response to this finding, the University must conduct a comprehensive review of campus security policies and procedures and develop a substantive corrective action plan in the manner described in the requirement of finding # 2.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING #4: **FAILURE TO COORDINATE INFORMATION FROM ALL SOURCES**

For the years covered by the program review, Salem International University did not gather statistics for incidents of reportable crimes from certain institutional and non-institutional sources in a manner sufficient to produce its Campus Security Report in accordance with the Act. While the review team is still evaluating the possibility that certain errors and omissions noted in this finding and elsewhere in this program review report were the result of deliberate and/or

willful acts, it is clear that the institution's procedures for collecting, documenting, compiling, and publishing the Campus Security Report are inadequate.

The effect of this condition is that the institution has failed to comply with significant provisions of the Act. Based on a thorough analysis of the institution's Campus Security Reports and a series of interviews conducted with relevant parties, the review team has determined that the institution's failure to coordinate information from all required sources has resulted in substantial miscoding and underreporting of incident statistics. Details of this condition are as follows:

A. The Miscoding of Specific Incidents

The review team has determined that the incidents listed on Appendix A were miscoded and therefore, may not have been included in the institution's Campus Security Reports. Because institutional officials cannot state with particularity which incident reports support specific statistics, the full impact of miscoding on underreporting cannot be ascertained. Based on our analysis, the institution's failure to coordinate with internal and external sources as well as the lack of a formal record keeping, incident classification, and Campus Security Report methodology contributed to this condition.

Although the issues of miscoding and under-reporting are noted elsewhere, it cannot be ignored that the University's failure to coordinate with and rely upon local law enforcement authorities contributed to the violations noted in this program review report and to the general inefficiency and ineffectiveness of campus security operations. A training session, held at West Virginia University and attended by the Director of Campus Security and the Assistant Dean of Students emphasized the importance of coordinating information with local law enforcement and "defer[ing] to the judgment of law enforcement professionals" when reporting questions arise.

B. Omission of Arrest and Judicial Board Referral Data

The review team has determined that Salem International University did not include required arrest data in its Campus Security Reports. This determination is based on information developed by the program review through document analysis and interviews. On June 14, 2001, the review team interviewed the Chief of Police and the City Manager for the City of Salem, WV. Based on these interviews and a cursory review of City of Salem Police Department records, the review team has determined that the institution has neither requested information from nor provided information to local law enforcement on a regular basis. In recent years, relations between the University and the City have been tenuous at best. As a result, official communication between these organizations occurs very infrequently. As mentioned in the Background section of this program review report, City officials believe that the University questions their right to conduct investigations or other activities on the campus. This position seems to be validated by an internal memorandum that was acquired by the review team. The June 5, 1995 memorandum from Mr. Terry Miller, former Director of Personnel, states in part,

"Effective immediately – 6/5/95 – If anyone calls or asks in person for information regarding any student, staff, or faculty member of the Salem-Teikyo University community you are not* allowed to give out any information. You are to tell them that they will have to file a formal, written request with Terry Miller. This request must contain the information they are seeking

and the reason they need this information. This order is per Terry Miller and applies to absolutely everyone, including Salem PD. If any information is released, it could result in termination of the person who released the information.” [* Original Emphasis]

It is important to note that this memorandum predates the tenure of the current Chief of Police, whom the past President of the University blames for the lack of effective communication. Several current and former University officials have substantially corroborated the assertions of the City officials referenced above. Furthermore, several members of the security staff have affirmed that they are not permitted to contact law enforcement without prior permission and that information is not routinely shared or solicited from the Salem Police Department. In fact, the Director of Campus Security stated in a June 13, 2001 interview that the only sources for statistics are incident reports from the Offices of Campus Security and Student Affairs. This is a concern for the institution’s campus security operation in general and for compliance with the Act in particular for the following reasons:

- 1) Campus Security personnel have not received adequate training and are burdened with a variety of non-security-related tasks.
- 2) The Office of Campus Security does not have the legal authority or resources to conduct adequate follow-up investigations or otherwise provide appropriate recourse for victims.
- 3) The Office of Campus Security does not have the authority to seize and maintain contraband, evidence, or other instrumentality of crime.
- 4) Campus Security personnel do not have the power to arrest, cite, or detain criminal suspects.
- 5) The Office of Campus Security is not a law enforcement agency and therefore is not required or permitted to report statistics under the Uniform Crime Reporting System (UCR)/National Incident-Based Reporting System (NIBRS).

The University also failed to compile and publish accurate and complete statistics regarding persons referred to the campus judicial system as a result of violations of Federal and State laws and University policies. The following chart illustrates reporting errors identified by comparing the University’s referral statistics to a sample of incident reports and judicial files that resulted in or should have resulted in a disciplinary response based on available information:

	1997		1998	
	SIU	Review Team	SIU	Review Team
Alcohol Violations	0	19	1	13
Drug Violations	0	3	2	6
Weapons Violations	0	0	2	3
Other Alcohol	0	Not a Required Category	3	Not a Required Category

In response to the high volume of cases heard by judicial boards at institutions across the Nation, the 1998 Amendments to the Higher Education Act added judicial referrals as a required reporting category. Although these statistics were not required for previous years, the University has chosen to include them in their report. Therefore, the review team must apply the same level of scrutiny to these disclosures as would be applied to required reporting under the 1998 Amendments even for prior years. This approach is necessary in light of the Act's intent to provide important consumer information of the highest possible quality.

C. Omission of Incidents Reported to Health Services

During the on-site program review, the review team conducted extensive interviews with the Director of Campus Security and the Assistant Dean of Students. These two officials were principally responsible for producing the Campus Security Report. Both officials stated that the only sources of data used for the compilation are incident reports from the Office of Campus Security and the Office of Student Affairs. When specifically asked if incident statistics are received from the Office of Health Services or from any counselors, both respondents stated that they were not. The respondents also stated that this was true even for the all years prior to the 1998 Amendments.

For 1997 and 1998, institutional officials with significant counseling responsibilities were required to report statistics to be included in the Campus Security Report. However, these officials were not required to provide any other information to law enforcement or institutional officials. Under the 1998 Amendments to the Higher Education Act, professional and pastoral counselors are exempt from all reporting requirements. However, institutions are encouraged to

voluntarily implement procedures that will result in the inclusion of these statistics in their Campus Security Reports.

The Director of Health Services was interviewed during the on-site program review. A follow-up letter was also sent to the Office of Health Services. In her response, the Director stated that, “because this office did not keep separate files of incident reports or other matters pertinent to the reporting of crime statistics during the three (3) calendar years being examined, I have been unable to locate any documents responsive to your request.” Her letter also states that, “both my predecessor and I had the practice of referring any individual who came to our office for assistance to the school counselor for follow-up treatment. All such visits that would have been pertinent to the campus security reports would have been shared with either Security or the Dean of Students. The usual way that this office receives referrals is from Security.”

It is important to note that information developed by the review team refutes these assertions in several respects. Firstly, we are aware that certain documents from the Office of Health Services are currently stored in the attic of the Administration Building. During our interview with the Director of Health Services, we were also advised that health records for 1998 to the present are currently stored in the office. However, no documents were made available for our review. Moreover, a member of the Campus Security staff has stated that little or no information is provided to them by Health Services. As noted previously, the Director of Health Services stated in an interview that no data has ever been solicited or volunteered for inclusion in the Campus Security Report.

Additionally, during interviews with certain sexual assault victims and their families, the review team learned that counseling and victim support services were not routinely provided to survivors. Indeed, several interviewees including former employees stated that students are actively discouraged from reporting crimes to law enforcement or seeking relief through the campus judicial system. These individuals also stated that complainants and their advocates often met with threats, reprisals, or both. It should also be noted that the position of School Counselor is currently vacant and has only been sporadically filled for the years under review. Based on information developed by the review team, it appears that at least 3 or 4 sexual assaults are reported to institutional officials each year.

Failure to coordinate information from all relevant sources and to compile, publish, and distribute accurate and complete crime data deprives the campus community of important security information.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092(f), as amended
Section 485 (f), Higher Education Act, as amended,
34 CFR § 668.46(c)(9), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require that participating institutions compile and publish accurate and complete statistics concerning the occurrence on campus of the following incidents: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws are also required. The Act also requires that certain policies and procedures be published in the Campus Security Report as well. Institutions also must distribute the report to all current students and employees and notify prospective students and employees of its availability. To comply with these requirements, it is absolutely essential that institutions have a mechanism to coordinate information and statistics from all sources to include institutional officials and outside agencies.

In response to this finding, the University must conduct a comprehensive review of campus security policies and procedures and develop a substantive corrective action plan in the manner described in the requirement of finding # 2. As part of the corrective action plan, the institution is required to work local law enforcement agencies to ensure that all statistics published in the Campus Security Report are accurate and complete. The corrective action plan must also provide for an information sharing and feedback mechanism to ensure that information is requested and received from all relevant University offices.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 5: **FAILURE TO COMPLY WITH THE “TIMELY WARNING” REQUIREMENT**

For the years under review, the University did not issue timely warnings regarding serious or on-going threats to the safety and security of the campus community. During the site visit, the program review team requested copies of all such warnings prepared and distributed to University students and employees. Additionally, the review team presented certain incident reports that detailed crimes that should have resulted in such a warning and requested copies of the warnings or an explanation as to why none was given. These incident reports detailed serious crimes against persons and property including assaults, multiple burglaries, and multiple indecent exposures. Neither the Director of Campus Security nor the Assistant Dean of Student Affairs could specifically explain these omissions. The Director of Campus Security also stated that timely warnings were not typically disseminated.

Although University officials were unable to provide substantive documentation that timely warnings were issued for the years under review, the Director of Campus Security was able to provide more recent examples of bulletins sent to the security officers. The examples provided to the review team detail an apparent bias-related assault and vandalism of a student’s car. It is important to note these “memorandum” are addressed only to “All Officers” and the Director acknowledges that their distribution was limited to only those individuals.

Through our analysis of Campus Security Reports and interviews, we also determined that the University does not have a substantive policy on the issuance of these warnings as required by the Act. In addition to supporting a finding that the University lacked the administrative capability to effectively administer the Title IV Programs, this exception also supports the contention of many informed respondents that the University has taken specific actions with the intended effect of under-reporting criminal incidents.

Failure to issue timely warnings of serious and/or on-going threats deprives the campus community of vital security information, denies them the opportunity to take adequate steps to provide for their own security, and effectively negates the Act's intent.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crimes Statistics Act,
20 USC § 1092 (f), as amended
Section 485 (f), as amended
34 CFR § 668.46 (b)(i), General Provision Regulations, as amended, November 1, 1999
34 CFR § 668.46 (e), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require that participating institutions must develop and implement all necessary policies, procedures, and systems to ensure compliance with all statutes and regulations that govern the Title IV programs including the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Statistics Act. With respect to the Act, Federal regulations require that participating institutions compile and publish accurate and complete statistics concerning the occurrence on campus of the following incidents: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws are also required.

The Act also requires that certain policies and procedures be published in the Campus Security Report as well. In addition, institutions must distribute the report to current students and employees and notify prospective students and employees of its availability. Additionally, Title IV institutions must take steps to keep the campus community informed about safety and security concerns on an on-going basis by maintaining a open crime log and issuing timely warnings when appropriate. To comply with the timely warning requirement, it is absolutely essential that institutions develop and implement policies and procedures that detail specific circumstances and/or categories of events that will trigger a warning. The policy should also detail the parties that will be charged with writing, publishing, and distributing these warnings. Lastly, of course, the University must ensure that these policies are effectively executed in appropriate cases.

In response to this finding, the University must conduct a comprehensive review of campus security policies and procedures and develop a substantive corrective action plan in the manner

described in the requirement of finding # 2. The corrective action plan must incorporate the elements described above.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 6 HATE CRIMES STATISTICS NOT INCLUDED IN PRIOR YEARS

Prior to the issuance of the 2000 Campus Security Report, the University did not include statistics identifying the number of bias-related criminal incidents on campus.

Hate crimes are a required reporting category of the Act and are defined as serious Part 1 crimes as set forth in the Uniform Crime Reporting (UCR) system that meet the criteria prescribed by the Hate Crimes Statistics Act. Any case that involves these serious criminal offenses against persons or property that manifest evidence that the victim was intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability must be classified as a hate crime. As is the case with several other findings in this program review report, this exception suggests that the University lacks the administrative capability and internal control systems required by Federal regulations. In the 2000 Campus Security Report, the University did report hate crime statistics.

Failure to collect and distribute accurate and complete campus security statistics and policies deprives the campus community of important security information.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f), as amended
Section 485 (f), Higher Education Act, as amended
Hate Crimes Statistics Act, Public Law 101-275, 20 USC § 534, as amended
34 CFR § 668.46 (c)(3), General Provision Regulations, November 1, 1999

REQUIREMENT:

With respect to the Act, Federal regulations require that participating institutions compile and publish accurate and complete statistics concerning the occurrence on campus of the following incidents: murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws are also required. The Act also required that certain policies and procedures be published in the Campus Security Report as well. In addition, institutions must distribute the report to current students and employees and notify prospective students and employees of its availability. To comply with these requirements, it is absolutely essential that incidents of crimes that manifest evidence that a victim was

intentionally targeted due to a suspect classification, status, trait or category covered by the Hate Crimes Statistics Act are properly disclosed in the University's Campus Security Reports.

As noted, the University has taken corrective actions with regard to this exception. In response to the findings in this program review report, the University must conduct a comprehensive review of campus security policies and procedures and develop a substantive corrective action plan in the manner described in the requirement of finding # 2. This plan must provide for a system of internal controls that will ensure that this type of finding does not recur.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 7: FAILURE TO DISTRIBUTE THE CAMPUS SECURITY REPORT IN ACCORDANCE WITH FEDERAL REGULATIONS

The University did not distribute its Campus Security Report to all current students and employees. In addition, the University did not adequately inform all prospective students and employees of the Report's availability.

With regard to current students and employees, our finding is based on representations by institutional officials that no active distribution was ever undertaken. Moreover, the review team asked a cross-section of interviewees whether or not they ever directly received a copy of the report from the University. All respondents stated that they have never received a copy of the report by any direct action of the University. The Assistant Dean of Students and the Director of Campus Security advised the review team that copies of the report were usually available at certain sites on campus including the Admissions and Student Affairs Offices but that they were not actively distributed.

With regard to notification of prospective students and employees, our finding is based on a thorough review of publications typically provided to applicants as well as the University's official Internet site. No reference to the report's availability was found. A brief note on page 54 of the 2000-01 Student Handbook does state that, "...University is in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is published annually and [is] available to every student, faculty, and staff. Copies of this report may be found in the Office of Security, the Office of Student Affairs, and the Admissions Office." However, it is important to note that this publication is only provided to enrolled students.

Failure to distribute accurate and complete campus security statistics to current and prospective students and employees in accordance with Federal regulations deprives the campus community of important security information.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f), as amended
Section 485 (f), Higher Education Act of 1965, as amended
34 CFR § 668.46 (e), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require participating institutions to provide the report to all current students and employees through appropriate publications and mailing. This includes direct mailing to each individual through the U.S. Postal Service, by direct hand or campus mail distribution to the individual, or posting on the institution's Internet site. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request.

Federal regulations also require participating institutions to provide a notice to all prospective students and employees that gives a statement of the report's availability, its contents, and its exact electronic address if posted to an Internet site. This notice must also advise interested parties of their right to request a paper copy of the report and have it furnished upon request. In response to this finding, the University must take all necessary steps to ensure that all current students and employees receive an accurate and complete copy of the supplemental Campus Security Report as required in finding # 2, when published.

In addition, the University is required to add a notification statement to its admissions and employment materials that are normally provided to prospective students and employees. This statement may take whatever form deemed appropriate but must be conspicuous, clear, and complete. Additionally, the University's response must include a progress report of its corrective actions and a revised policy that states with particularity all steps that will be taken to ensure the University's compliance with these regulations.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 8: **REQUIRED POLICY STATEMENTS OMITTED OR INCOMPLETE**

In the years covered by the program review, the University failed to include certain required policy statements in its Campus Security Reports. These policy statements are intended to allow students and parents to make informed decisions and be aware of available resources and channels for recourse. The inclusion of these policies in the Campus Security Report gives interested parties a single reference point for security information.

The review team noted several policy deficiencies including the lack of a required notification to students that they have a right to have their academic and/or living situations changed following an alleged sexual assault. Another example is the lack of disclosure regarding procedures for campus disciplinary action in alleged sexual assault cases. Although the other required policy areas are at least alluded to in the University's Campus Security Reports, the information as presented is exceedingly vague and as such does not provide readers with enough information to make meaningful choices about resources or options.

The lack of an adequate policy disclosure regarding the rights and options of alleged sexual assault victims triggers a special concern as a result of our contacts with sexual assault survivors. Specifically, on August 31, 2001, the review team and Special Agent George Blissman conducted a telephone interview with a survivor's mother. Among other serious allegations, the interviewee described her interactions with University officials and her difficulty in securing their cooperation following the incident. The parent requested that her daughter be taken off the University's meal plan because the victim was afraid to eat in the cafeteria because the alleged perpetrator and his friends were taunting her during meals. The Assistant Dean of Students told the parent that University policy did not provide for such requests. The student was eventually released from her meal plan only after the family threatened legal action.

This event illustrates not only the omission of a required policy but the actual failure to provide a reasonable accommodation. Finally, this event provides further evidence that University officials were made aware of at least one sexual assault for the years under review. This incident took place on October 30, 1997 and is included in finding 2A.

Failure to publish all required policy disclosures deprives the campus community of important security information and effectively negates the intent of the Act.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092(f), as amended
Section 485 (f), Higher Education Act of 1965, as amended
34 CFR § 668.46 (b)(11)(v) and (b)(11)(vi), General Provision Regulations, as amended,
November 1, 1999

REQUIREMENT:

Federal regulations require that institutions include certain policy statements in their Campus Security Reports. These disclosures are intended to more fully inform the campus community about the institution's security policies and programs. In general, these policies cover topics such as the law enforcement authority and practices of the institution police or security force, reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention and adjudication must also be disclosed. A notification to students must also be included in the report that advises the

campus community that victims of sexual assaults may change their academic or living arrangements.

In response to this finding, the University must take all necessary steps to ensure that all necessary policy disclosures are included in the revised Campus Security Report required under finding # 2. In addition, the University must review and revise all existing policies to ensure that they provide sufficient information to allow students to make informed security decisions.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 9: **FAILURE TO REPORT SEPARATELY FOR NON-CONTIGUOUS LOCATIONS**

The University did not comply with crime statistics reporting requirements for each separate campus or facility. Specifically, the University published one set of aggregate statistics for all main campus and non-contiguous locations. A footnote to the Campus Security Report states that, “1999 Crime Report Statistics include the Barker [Equestrian] Center, the Carmic[h]ael Center, Cantano Stadium, and Fort New Salem.” However, because the statistics are reported in the aggregate, it is not possible to identify the number or type of incidents that occurred at any specific location.

In addition, our analysis suggests that no statistics were included for these locations in previous Campus Security Reports. The incomplete and poorly organized record keeping system that serves as the primary source documentation for the Campus Security Report further complicates the process of identifying the precise location of certain incidents.

As noted elsewhere in this report, the responsible officials were unable to demonstrate an adequate audit trail that supports the veracity of the timing or location of all criminal incidents reflected in the Campus Security Reports. Once again, while this is largely a procedural violation, it speaks to the University’s inability and/or unwillingness to comply with the provisions of the Act and therefore, calls the institution’s administrative capability into question.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f)
Section 485 (f), Higher Education Act, as amended
34 CFR § 668.46 (d), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require that all participating institutions compile and publish separate crime statistics for each location or facility. Generally, an institution must comply with the statistical

reporting requirements for each administrative division, location, or property that is not in the same reasonably contiguous geographical area as the main location.

In response to this finding, the University must conduct a comprehensive review of its campus security policies and procedures to ensure that only accurate and complete statistics are published in future Campus Security Reports. As a part of this review, the University must develop and implement a program of internal controls that will ensure that the University reports crime statistics separately for all non-contiguous locations. With its response, the University must also provide an accurate list of all properties that it currently owns or controls. A copy of all revised policies associated with this finding must accompany the University's response.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

FINDING # 10: **CRIME STATISTICS REPORTED ON A FISCAL YEAR BASIS RATHER THAN A CALENDAR YEAR BASIS**

For all years before 1999, the University computed and published its crime statistics on a fiscal year rather a calendar year basis. While this exception is mostly procedural in nature, it supports the review team's assessment that the institution lacks the administrative capability and a system of internal control sufficient to administer the Title IV programs and comply with all provisions of the Act. Based on our analysis of the University's Campus Security Reports and available supporting documentation, it appears that corrective actions are now in place to provide for reporting based on calendar years.

REFERENCE:

Disclosure of Campus Security Policy and Campus Crime Statistics Act,
20 USC § 1092 (f)
Section 485 (f), Higher Education Act, as amended
34 CFR § 668.46(c), General Provision Regulations, as amended, November 1, 1999

REQUIREMENT:

Federal regulations require that all required statistics published in the University's annual Campus Security Report must be reported on a calendar year basis. The original text of the Crime Awareness and Campus Security Act of 1990 called for the reporting of statistics on a fiscal year basis. However, it was determined that a calendar year based system would provide more uniformity and therefore, a better mechanism for meaningful comparisons by interested parties. This change was effected in Federal regulations in 1994. For Campus Security Reports due after September 1, 1995, all statistics must be reported on a calendar year basis.

As noted, the University has taken corrective actions with regard to this exception. In response to the findings in this program review report, the University must conduct a comprehensive review of campus security policies and procedures and develop a substantive corrective action

plan in the manner described in the requirement of finding # 2. This plan must provide for a system of internal controls that will ensure that crime statistics are reported on the correct schedule and that this type of finding will not recur.

In our Final Program Review Determination letter, the Philadelphia Case Management Team will advise the University of any additional actions that will be pursued as a result of the non-compliance identified in this finding.

D. RECOMMENDATIONS

In an attempt to encourage institutions to publish accurate and complete crime statistics and policies, the United States Congress took significant steps to strengthen reporting requirements through the 1998 Amendments to the Higher Education Act. The result of these efforts is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. For its part, the United States Department of Education has also taken considerable steps to provide clarification and training as well as providing for more oversight through program reviews, technical assistance, and data collection and analysis.

The Philadelphia Case Management Team has conducted this program review to ascertain the University's compliance with the Act. The findings in this report and required corrective actions, remedies, and referrals are a part of our oversight duties. We also take very seriously our charge to assist the University toward full compliance with the Act. For this reason, we offer the following recommendations. These recommendations were developed as a result of our examination and are offered for the University's consideration. The recommendations are brief and informal but may be useful as the institution develops its corrective action plan. The University is encouraged to comment on these matters in its response as appropriate.

1) Consider designating a single administrator as the primary party responsible for overseeing the preparation, publishing, and distribution of the Campus Security Report

During interviews with University officials, the review team determined that there are no established policies or procedures in place to guide the reporting process. And more importantly, there is no one person ultimately charged with ensuring adherence to the Act's requirements. If the University elects to designate such an official, special care should be taken to ensure that the individual has the expertise, resources, and autonomy to carry out this responsibility without undue pressure or interference from senior management.

2) Consider implementing an enhanced record keeping system that provides for an adequate audit trail as well as custody and control of sensitive information

Through our data collection efforts, the review team determined that incident reports are not organized or maintained in any cognizable manner. As such, the Director of Campus Security or other staff must first set out to locate pertinent information and attempt to bring some order to it before any compilation or analysis can be completed. During our review, we found records in

several different locations including open boxes in the Administration Building attic. This lack of organization has clearly contributed to the inaccuracy and incompleteness of the crime statistics. More importantly, some of these documents contain sensitive information that should be carefully controlled. Therefore, all records should be systematically organized and secured for at least the term of all applicable record retention requirements.

3) Establish uniform standards for report writing

Currently, Security Officers are not required to prepare reports in any particular format. Training on Uniform Crime Reporting categories should be provided. Training on the importance of constructing an accurate and complete narrative free of opinion should also be considered. In many cases, incident reports were not labeled or were assigned titles that did not describe the incident. Numerous examples and their negative effects are noted throughout this program review report. Because the incident report system is entirely manual and because these reports are the most important source documents for accurate and complete reporting, it is essential that the individuals preparing the Campus Security Report not have to read each report and attempt to divine the specifics of the incident. For this reason, it is important that the responsibility for incident report writing not be delegated too broadly. Currently, residence life staff, including students serving as resident assistants, write incident reports. Perhaps this should be reconsidered. One possible way to provide for uniformity would be to use pre-printed incident report forms that contain lists of crimes or events. Definitions of various incidents could be printed on the back of each form and training could be provided to all relevant personnel. The use of pre-numbered forms would also provide a better audit trail as well.

4) Work with local law enforcement and other outside agencies to improve reporting and information sharing

The initial complaint alleged that the University did not provide information regarding criminal activity to outside agencies at the direction of senior officials. This appears to be true as evidenced by the events detailed in the “Background” section of this program review report. For some time, the University and City of Salem Police Department have had a tenuous relationship. However, it appears that positive steps are underway to address this problem. It is essential that these efforts continue and succeed. For the years under review, it is established that the University did not include information from the Salem Police Department or any other outside agency in its Campus Security Reports. The University’s special inclination to not involve outside agencies has even reached to persons that most likely should have received medical attention and/or counseling. Perhaps University personnel could meet with officials from the appropriate agencies to agree on procedures and share information.

5) Give security officers expanded authority to contact external agencies

During interviews with University officials, the review team was advised that security officers are not permitted to contact local police without prior authorization from the (past) President or other official acting on his behalf. This is troubling because certain other offices, including the Housing and Residential Life Office, are permitted to contact police when absolutely necessary. It is unclear what this policy adds to the institution’s security program and gives added credence

to longstanding accusations that local police officers are not welcome on the campus. The institution should consider establishing guidelines for those cases where police or emergency services involvement may be appropriate. Some examples may include cases involving medical or safety issues or those where the custody of evidence is vital.

6) Expand outreach and oversight of athletic programs and the Greek System

During our program review, we identified a significant number of criminal and disciplinary incidents involving members of athletic teams and fraternal organizations. For the years under review, we found little or no indication that much in the way of outreach or oversight was directed at these constituencies. Perhaps the new Administration can work with coaches and advisors to provide more assistance in these areas. In doing so, the overall security of the campus community would be increased while decreasing the likelihood of coaches becoming entangled in the security or judicial process.

7) Increase investments in the Office of Campus Security and its personnel

Our assessment of the University's Office of Campus Security and its role in complying with the Act has caused a special regulatory concern as detailed in this program review report. It is quite clear that the University's compliance with the Act specifically and the security program in general could be improved by increasing investments in the Office of Campus Security. Simply put, the office as presently constituted does not appear to have adequate resources to fulfill its mission. The University may want to consider hiring additional staff and upgrading equipment. Additionally, as mentioned throughout, an improved record keeping system is needed. Staff training and development should also be addressed. If possible, improvements to the compensation package of current staff should also be explored. Currently, morale is very low.

APPENDIX A
Salem International University
Finding # 3 - Miscoded Incidents

<u>Date of Incident</u>	<u>Original Coding</u>	<u>Correct Coding</u>
01/03/1997	NONE	Burglary
01/17/1997	"Theft"	Burglary
01/25/1997	"Vandalism H.H."	Burglary
01/29/1997	"Theft"	Burglary
02/14/1997	"Theft"	Burglary
02/17/1997	"Battery"	Aggravated Assault
02/25/1997	"Theft"	Burglary
03/15/1997	"Physical Assault, Sexual Harassment, Trespass Other Offenses"	Aggravated Assault
05/05/1997	NONE	Aggravated Assault
05/25/1997	"Assault M.H."	Aggravated Assault (x2)
05/29/1997	"Theft"	Burglary
09/09/1997	"Missing Computer"	Burglary
09/24/1997	"Stolen Wallet"	Burglary
10/26/1997	"Stolen Property"	Burglary
10/28/1997	"Breaking and Entering"	Burglary
10/28/1997	"Theft"	Burglary (x2)
10/30/1997	NONE	Forcible Sex Offense
11/01/1997	"Possible Sexual Assault"	Forcible Sex Offense
11/09/1997	"Cubes"	Aggravated Assault
11/10/1997	"Stolen money and credit card"	Burglary
11/12/1997	"Domestic Violence at Cubes"	Aggravated Assault
12/02/1997	"Mongt. Hall"	Aggravated Assault
NONE	NONE	Burglary
01/10/1998	NONE	Burglary
04/08/1998	"Larceny" (Salem P.D.)	Burglary
04/27/1998	"Altercation at Snack Bar"	Aggravated Assault
04/28/1998	"Theft" (Salem P.D.)	Burglary
05/07/1998	NONE	Forcible Sex Offense
05/07/1998	NONE	Burglary
05/08/1998	"Theft"	Burglary
05/19/1998	NONE	Burglary (x2)
06/01/1998	"June 1 1998"	Burglary
07/20/1998	"Theft"	Burglary
07/30/1998	"Theft"	Burglary
08/16/1998	NONE	Burglary
08/24/1998	NONE	Burglary
08/24/1998	"Theft 421 H.H."	Burglary
09/02/1998	"Sexual Harassment"	Forcible Sex Offense
09/29/1998	"Fight at Cubes"	Aggravated Assault
10/11/1998	"Camera being stolen"	Burglary
10/25/1998	"Altercation, student needing medical examination"	Aggravated Assault
11/02/1998	"Stolen CDs"	Burglary

APPENDIX A (Continued)
Salem International University
Finding # 3 - Miscoded Incidents

<u>Date of Incident</u>	<u>Original Coding</u>	<u>Correct Coding</u>
12/12/1998	"Fire at Fort New Salem"	Arson
12/13/1998	"Breaking and Entering"	Burglary
NONE	NONE	Burglary
01/10/1999	"B&E, Theft"	Burglary (2)
01/23/1999	"Vandalism at Oak Cube"	Burglary
02/05/1999	"Break in at Oak Cube 123"	Burglary (2)
02/12/1999	"Altercation at R.H."	Aggravated Assault
02/21/1999	"Unauthorized entry, theft, other charges"	Burglary
03/08/1999	"Suspicious theft – 521 M.H."	Burglary
03/11/1999	"Physical assault, threat of bodily harm"	Aggravated Assault
03/11/1999	"Assault, domestic assault"	Aggravated Assault
03/11/1999	"B&E, theft"	Burglary
03/14/1999	NONE	Aggravated Assault
04/12/1999	NONE	Burglary
04/12/1999	NONE	Burglary
04/12/1999	NONE	Burglary
05/05/1999	"Theft M.H. 519"	Burglary
05/05/1999	"Theft 6 Floor M.H."	Burglary
05/08/1999	"Fight at Montg. Hall"	Aggravated Assault
05/12/1999	"Theft"	Burglary
05/25/1999	"Stolen Purse"	Burglary
05/27/1999	NONE	Burglary
06/01/1999	NONE	Burglary
06/08/1999	NONE	Burglary
07/25/1999	"Theft"	Burglary
07/31/1999	NONE	Burglary
08/16/1999	"Theft"	Burglary
08/24/1999	"Stolen Property"	Burglary
09/01/1999	NONE	Burglary
09/27/1999	"Theft"	Burglary
10/01/1999	NONE	Burglary
11/03/1999	NONE	Burglary
NONE	NONE	Arson
NONE	NONE	Burglary