



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued March 3, 2022

Massachusetts Maritime Academy

For the period July 1, 2017 through December 31, 2019





Commonwealth of Massachusetts
Office of the State Auditor
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Making government work better

March 3, 2022

United States Maritime Service Rear Admiral Francis X. McDonald, President
Massachusetts Maritime Academy
101 Academy Drive
Buzzards Bay, MA 02532

Dear Rear Admiral McDonald:

I am pleased to provide this performance audit of the Massachusetts Maritime Academy. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2017 through December 31, 2019. My audit staff discussed the contents of this report with management of the academy, whose comments are reflected in this report.

I would also like to express my appreciation to the Massachusetts Maritime Academy for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular background.

Suzanne M. Bump
Auditor of the Commonwealth

cc: Jessica Waters, Chair of the Board of Trustees of the Massachusetts Maritime Academy
Carlos Santiago, Commissioner of the Massachusetts Department of Higher Education

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LIST OF ABBREVIATIONS

ASR	annual security report
CFR	Code of Federal Regulations
Clery Act	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
CSA	campus security authority
HEA	Higher Education Act of 1965
HR/CMS	Human Resources Compensation Management System
ID	identification number
MMA	Massachusetts Maritime Academy
OSA	Office of the State Auditor
PSO	Public Safety Office
SSO	Student Services Office
USC	United States Code
US ED	United States Department of Education
VAWA	Violence against Women Act

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Maritime Academy (MMA) for the period July 1, 2017 through December 31, 2019. In this performance audit, we examined MMA's compliance with certain aspects of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended. The Clery Act, which was enacted in 1990, is intended to protect current and prospective students and employees from crimes by requiring public and private colleges and universities to disclose information on campus security and crime prevention procedures and practices, as well as certain incidents that occur within their geography.¹

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 15	MMA did not maintain a current and complete daily crime log.
Recommendations Page 16	<ol style="list-style-type: none">1. MMA should develop policies and procedures that require its Student Services Office (SSO) staff to identify all Clery Act crimes and report them to the Public Safety Office (PSO) within two business days after they are reported to SSO.2. MMA should establish monitoring controls to ensure that these policies and procedures are followed.3. MMA should ensure that SSO staff members are properly trained on how to identify Clery Act crimes and report them to PSO staff members for inclusion in the daily crime log.

1. According to the United States Department of Education's 2016 edition of the *Handbook for Campus Safety and Security Reporting*, a college's or university's geography includes places "(1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on noncampus buildings or property that your institution owns or controls."

Finding 2 Page 16	MMA did not accurately report Clery Act crime statistics in its 2020 annual security report (ASR), did not retain adequate documentation to support its reported crime statistics, and did not always make reasonable efforts to obtain Clery Act crime statistics from local or state police.
Recommendations Page 22	<ol style="list-style-type: none">1. MMA should develop policies and procedures that require its staff to record and report incidents using the Clery Act crime categories (as well as their locations, including whether they occurred in residential facilities), to retain the documentation, and to make a reasonable effort to obtain statistics on Clery Act crimes that occur within its geography from local or state police. The policies and procedures should also require the staff to use TriTech's data field to classify Clery Act crimes, as appropriate.2. MMA should provide periodic training to its staff regarding how to properly review campus crime records and how to categorize and report the information from these records in ASRs using the Clery Act crime categories.
Finding 3 Page 22	MMA did not provide required Clery Act training to all newly enrolled students and newly hired employees.
Recommendations Page 23	<ol style="list-style-type: none">1. MMA should establish policies and procedures that ensure that Clery Act–required training is assigned to, and completed by, all newly enrolled students and newly hired employees.2. MMA should establish monitoring controls to ensure that staff members adhere to these policies and procedures.
Finding 4 Page 24	Some of the information in MMA's 2018 and 2019 ASRs was incomplete and inaccurate.
Recommendations Page 27	<ol style="list-style-type: none">1. MMA should ensure that the staff members who are responsible for preparing its ASRs are properly trained on what information must be disclosed therein.2. MMA should establish monitoring controls (e.g., formal supervisory review or a quality assurance process) to ensure that the information in its ASRs is accurate and complete.

Post-Audit Action

In their response to this report, MMA officials noted,

Immediately following the in-person out-brief by members of the Office of the State Auditor last August . . . our new vice president for student services . . . sought out the services of D. Stafford and Associates to conduct an off-site review of our Annual Security and Fire Safety Report, to conduct both on and off site review of the methodology and process for complying with the Clery Act (which will include 2.5 days of training for members of our newly formed Clery Compliance Committee), and to conduct an incident report/records review. Our work with the assigned team from D. Stafford and Associates began in earnest and continues with planned on and off-site engagements scheduled for mid-March with a report and recommendations to follow shortly thereafter.

OVERVIEW OF AUDITED ENTITY

The Massachusetts Maritime Academy (MMA) was originally founded as the Massachusetts Nautical Training School under Section 1 of Chapter 402 of the Acts of 1891. MMA is a fully accredited four-year coeducational public state university and the second oldest maritime academy in the country.

According to its website,

The mission of the Massachusetts Maritime Academy is to provide a quality education for graduates serving in the merchant marine, the military services, and those who serve the interests of the Commonwealth, Nation and global marketplace. The Academy does so by combining a rigorous academic program with a regimented lifestyle that instills honor, responsibility, discipline, and leadership.

MMA operates under the oversight of the state's Board of Higher Education and is governed by a board of trustees with 11 members (9 appointed by the Governor, 1 appointed by MMA's alumni body, and 1 appointed by the student body). MMA offers undergraduate degrees and programs in energy systems engineering; facilities engineering; marine engineering; emergency management; marine science, safety, and environmental protection; international maritime business; and marine transportation, as well as graduate degrees in facilities management, emergency management, and maritime business management. MMA is located at 101 Academy Drive in Buzzards Bay.

MMA had 1,802 students in fall 2018 and 1,792 in fall 2019. During fiscal years 2018, 2019, and 2020, MMA's operating budgets were \$55,694,979, \$56,342,349, and \$57,614,588, respectively.

MMA participates in federal student financial aid programs under Title IV of the Higher Education Act of 1965 (HEA) and therefore must comply with the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), described below. During the 2018–2019 and 2019–2020 school years, MMA students received the following financial aid from various federal student financial aid programs under the HEA.

MMA Student Financial Aid Funding

Academic Year	Pell Grant	Federal Supplemental Educational Opportunity Grant	Federal Work Study	Direct Loans	Total Federal Student Aid
2018–2019	\$1,238,673	\$59,699	\$113,134	\$10,302,345	\$11,713,851
2019–2020	\$1,182,832	\$59,699	\$113,134	\$10,258,916	\$11,614,581

The Clery Act

The Crime Awareness and Campus Security Act of 1990, within Section 485(f) of the HEA, was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998. The Clery Act was codified as Section 1092(f) of Title 20 of the United States Code and is reflected in Section 668.46 of Title 34 of the Code of Federal Regulations. It is a federal consumer protection statute that provides current and prospective students and employees of institutions of higher education, as well as the general public, with important information about public safety on campuses of institutions of higher education.

According to No. 202 of Volume 79 of the *Federal Register*,

The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs.

Under the Clery Act, institutions that are subject to the act must do the following:

- collect, classify, and count reports and statistics on crimes that occur within their geography
- issue campus alerts of ongoing or immediate threats to the health or safety of students or employees
- publish an annual security report (ASR) and make it available to students, employees, and others via mail, email, or the Internet
- disclose procedures for notifications when students are missing
- disclose procedures for institutional disciplinary actions
- provide training programs to students and employees to increase their understanding of, and skills for, addressing topics such as dating violence, domestic violence, sexual assault, and stalking
- have programs designed to educate students and employees about alcohol abuse, drug abuse, campus security, and crime prevention

- maintain a daily crime log
- publish an annual fire safety report and disclose fire safety information (if they maintain on-campus housing)
- submit crime and fire statistics to the United States Department of Education (US ED) annually, if applicable.

Effective July 1, 2015, the Clery Act was amended to implement changes made by the Violence against Women Reauthorization Act of 2013. These changes required institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs related to these incidents in their ASRs.

US ED monitors institutions of higher education's compliance with the Clery Act by conducting compliance reviews and audits, which may result in fines for violations.

Daily Crime Log

The Clery Act requires each institution of higher education that has a campus police department or security office, such as MMA, to maintain a daily crime log. This log must be available for public inspection and include the types, dates, times, and general locations of all incidents that occur within an institution's geography. Such incidents include Clery Act crimes, i.e., specific types of crime required by the Clery Act to be included in an institution's daily crime log. These fall into four categories: (1) criminal offenses, such as murder, rape, statutory rape, robbery, and arson; (2) arrests and disciplinary action referrals for liquor law violations, drug law violations, and illegal weapon possession; (3) hate crimes, such as intimidation and simple assault motivated by bias; and (4) Violence Against Women Act offenses, which include domestic violence, dating violence, and stalking.

The daily crime log must also document where in the institution's geography these incidents took place using the following categories:

1. on campus²—in or on contiguous buildings or property that are owned or controlled by the institution
2. non-campus—buildings or properties that are not contiguous to on-campus property and are owned or controlled by either the institution or a student organization recognized by the institution

2. The United States Training Ship *Kennedy*, MMA's ship used for Sea Term (a six-week hands-on voyage for students enrolled in marine engineering and marine transportation), is considered an on-campus location while docked at MMA and a non-campus location while at sea.

3. public property—property that is contiguous or adjacent to buildings or property within the institution’s geography (e.g., sidewalks, streets, thoroughfares, parking facilities).

Incidents within an institution’s geography are reported to the institution’s campus police department or security office, a state or local law enforcement agency, or another campus security authority (CSA). No. 202 of Volume 79 of the *Federal Register* defines a CSA as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings” to whom students and employees should report criminal offenses. According to Chapter 4 of US ED’s 2016 edition of the *Handbook for Campus Safety and Security Reporting*,

Examples of individuals (outside of a police or security department) who generally meet the criteria for being campus security authorities include

- *a dean of students who oversees student housing, a student center or student extracurricular activities;*
- *a director of athletics, all athletic coaches (including part-time employees and graduate assistants);*
- *a faculty advisor to a student group;*
- *a student resident advisor or assistant;*
- *a student who monitors access to dormitories or buildings that are owned by recognized student organizations;*
- *a coordinator of Greek affairs;*
- *a . . . coordinator [of activities subject to Title IX of the federal Education Amendments of 1972];*
- *an ombudsperson (including student ombudspersons);*
- *the director of a campus health or counseling center;*
- *victim advocates or others who are responsible for providing victims with advocacy services.*

According to the Clery Act, institutions are responsible for ensuring that all incidents reported to CSAs are recorded in the daily crime log within two business days after they are reported.

ASRs

The Clery Act requires all institutions of higher education that participate in federal student financial aid programs under Title IV of the HEA to prepare, publish, and distribute ASRs. ASRs must disclose statistics about Clery Act crimes that have taken place within an institution's geography, as well as the specific policies and procedures the institution has implemented for campus safety and crime prevention. Institutions must make the ASR public and disseminate it to all students and employees by October 1 each year. Examples of the information that must be disclosed in an ASR include the following:

- Clery Act crime statistics, as documented in the institution's daily crime log, for the most recent and two preceding calendar years
- policies regarding state laws related to alcoholic beverages and underage drinking
- policies regarding illegal drugs and applicable federal and state drug laws
- descriptions of programs related to substance abuse
- descriptions of programs to prevent dating violence, domestic violence, sexual assault, and stalking, as well as the procedures institutions will follow when such incidents are reported
- information regarding sex offenders
- descriptions of emergency response and evacuation procedures
- policies regarding issuing notifications about missing students
- policies regarding procedures for reporting criminal actions or other emergencies on campus
- policies for security of, and access to, campus facilities
- policies related to the enforcement authority of security personnel, the working relationship of campus security personnel with state and local police agencies, and accurate and prompt reporting of incidents
- descriptions of related to campus security procedures and practices
- descriptions of programs related to crime prevention.

Crime Reporting

Public safety concerns (e.g., allegations of criminal activity) that occur within MMA's geography, depending on their nature, are reported to either MMA's Public Safety Office (PSO) or its Student Services Office (SSO).³

Any MMA student, employee, or visitor can report an alleged incident, suspicious activity, or emergency by contacting PSO in person or by phone. Upon notification, a PSO staff member creates a record of the report in TriTech, the software application that PSO uses to record and track public safety concerns. The record includes a reference number, the date, the time, the reason for the report, and the general location of the alleged incident. PSO then assigns a public safety officer to investigate the alleged incident. Throughout the investigation, the public safety officer records details of the investigation in TriTech. According to MMA officials, the TriTech daily crime log is the official record of all incidents that take place within MMA's geography.

When an MMA student or employee alleges an offense by another MMA student or employee, the alleged offense must be reported "as soon as possible" to MMA's vice president of student services, according to MMA's *Regimental Manual*. The vice president of student services is responsible for determining the lead department (PSO, SSO, or the Human Resources Department) to investigate the alleged offense based on its severity, in accordance with MMA's investigative process. The vice president of student services is also responsible for informing the three potential lead departments of allegations within 24 hours, regardless of whether the vice president of student services has identified a lead department yet.

SSO staff members use established guidelines to review, investigate, and classify alleged offenses reported to SSO. Based on the results of the investigation, if an alleged offense is found to be valid, SSO classifies it as a Class I, Class II, or Class III offense:

1. Class I, the most serious class, includes sexual assaults, hate crimes, unauthorized possession and/or use of drugs, and unauthorized use and/or maintenance of weapons.
2. Class II includes unauthorized alcohol possession, alcohol use, and alcohol intoxication.
3. Class III includes violations of MMA policies regarding things like student appearance, dormitory condition, and not following oral or written orders or instructions from supervisors.

3. Incidents that occur on the United States Training Ship *Kennedy*, whether at sea or in port, are reported to SSO.

As part of the disciplinary process, MMA's disciplinary boards⁴ hold hearings to discuss each offense. Each board may recommend sanctions to MMA's president for an individual who committed an offense, based on the disciplinary standards established by MMA's *Regimental Manual*. The president is responsible for imposing the sanctions. SSO records Class I offenses manually in paper files, which SSO maintains. It maintains Class II and III offenses electronically as disciplinary action records in Colleague, MMA's administrative software system.

Once a year, PSO requests from SSO information on any offenses that are within the definition of Clery Act crimes and uses this information and the information in TriTech to compile MMA's ASR.

4. There are disciplinary boards for each class of offense. For example, for Class I offenses, the board is composed of the academic dean, the vice president of enrollment services (or a designee thereof), the registrar (or a designee thereof), the department chair for the accused cadet's major (or a designee thereof), a regimental commander or any other regimental officer (or a designee thereof), and the student government association president or any other regimental officer (or a designee thereof).

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Maritime Academy (MMA) for the period July 1, 2017 through December 31, 2019. Because crime statistics related to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) are reported by calendar year, we expanded our audit period to January 1, 2017 through December 31, 2019 for Objectives 1 and 2 below.

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer, the conclusion we reached regarding each objective, and where each objective is discussed in the audit findings.

Objective	Conclusion
1. Does MMA record all crimes committed within its geography in a daily crime log in accordance with the Clery Act (Section 1092[f] of Title 20 of the United States Code [USC]) and related requirements (Section 668.46 of Title 34 of the Code of Federal Regulations [CFR] and the 2016 edition of the United States Department of Education's [US ED's] <i>Handbook for Campus Safety and Security Reporting</i>)?	No; see Finding <u>1</u>
2. Does MMA report Clery Act crime statistics and certain required statements about policies in its annual security reports (ASRs) in accordance with the Clery Act (20 USC 1092[f]) and related requirements (34 CFR 668.46 and the 2016 edition of US ED's <i>Handbook for Campus Safety and Security Reporting</i>)?	No; see Findings <u>2</u> and <u>4</u>
3. Does MMA provide education programs to newly enrolled students and newly hired employees in accordance with the Clery Act (20 USC 1092[f]) and related requirements (20 USC 1011i, 34 CFR 668.46[j][1], and No. 202 of Volume 79 of the <i>Federal Register</i>)?	No; see Finding <u>3</u>

To achieve our objectives, we gained an understanding of MMA's internal control environment related to the objectives by conducting interviews and observing processes practiced by MMA officials who

were responsible for administering Clery Act–related activities. We also reviewed MMA’s policies and procedures, *Regimental Manual*, internal control plan, strategic plan, and voyage plan.

We performed the following procedures to obtain sufficient, appropriate audit evidence to address the audit objectives.

Campus Crime Tracking

MMA maintains three separate sources for tracking crime activity within its geography: TriTech, Colleague disciplinary action records, and Class I student offense files.⁵ Because Clery Act crimes are required to be reported by calendar year, we expanded our audit period as previously mentioned to include all of calendar year 2017 for this objective. During our audit, we noted that the three sources that MMA used to record crime information did not specifically identify the Clery Act crime categories for crimes, incidents resulting in disciplinary actions, and student offenses. To determine whether a reported crime, disciplinary action, or student offense that occurred during our audit period fell within a Clery Act crime category, we reviewed all of the information in each of these three sources and compared it to the definitions of incidents that are subject to Clery Act reporting as detailed in the following authoritative sources: the *Summary Reporting System (SRS) User Manual*,⁶ the *National Incident-Based Reporting System (NIBRS) User Manual*,⁷ the *Hate Crime Data Collection Guidelines and Training Manual*,⁸ and the hierarchy rule.⁹ For each Clery Act crime we identified, we documented the location within MMA’s geography and the calendar year of occurrence. To determine whether MMA recorded all Clery Act crimes in a daily crime log that was available for public inspection, we performed procedures in the following three sources:

1. TriTech—We generated a TriTech report of all 2,901 incidents recorded by Public Safety Office staff members in MMA’s daily crime log during calendar years 2017, 2018, and 2019. We noted that each incident recorded in the daily crime log was classified into 1 of 58 categories. We compared each of the 58 categories to Clery Act crime categories to identify which categories might include Clery Act crimes. We identified five categories—(1) larceny/forgery/fraud,

5. These are hardcopy files that contain documentation of disciplinary actions related to Class I student offenses.

6. This manual is from the Federal Bureau of Investigation’s Uniform Crime Reporting Program and defines Clery Act crimes listed in 34 CFR 668.46.

7. This manual is from the Federal Bureau of Investigation’s Uniform Crime Reporting Program and defines Clery Act crimes listed in 34 CFR 668.46.

8. This manual is from the Federal Bureau of Investigation’s Uniform Crime Reporting Program and defines Clery Act crimes listed in 34 CFR 668.46.

9. This rule is defined in 34 CFR 668.46(a) as “a requirement in the [Federal Bureau of Investigation’s Uniform Crime Reporting Program] that, for purposes of reporting crimes . . . when more than one criminal offense was committed during a single incident, only the most serious offense be counted.”

(2) burglary / breaking and entering, (3) disturbance, (4) alcohol violations on school property, and (5) sex offenses—that might fall within Clery Act crime categories. We then compared all 20 incident records that were in those categories to Clery Act crime definitions to identify which incidents were in Clery Act crime categories. We found 6 such incidents.

2. Colleague disciplinary action records—We generated a report of all 292 disciplinary action records from Colleague for calendar years 2017, 2018, and 2019. We compared each of the 292 records to Clery Act crime definitions to identify which incidents were in Clery Act crime categories. We found 112 such incidents.
3. Class I student offense files—We identified a total population of 26 Class I student offense files maintained in MMA’s Student Services Office for calendar years 2017, 2018, and 2019. We compared the contents of all 26 files to Clery Act crime definitions to identify which offenses were in Clery Act crime categories. We found 15 such offenses.

After identifying this total population of 133 incidents in these three sources that fell within Clery Act crime categories and occurred within MMA’s geography during calendar years 2017, 2018, and 2019, we classified and totaled incidents by Clery Act crime category, location within MMA geography, and calendar year. We then compared our results with the information MMA maintained in its daily crime log and reported in its ASRs, described below.

Clery Act ASRs

To determine whether MMA’s ASRs contained accurate and complete Clery Act crime statistics and required statements about policies, we compared the information regarding the 133 Clery Act crimes we identified that occurred during calendar years 2017, 2018, and 2019 to the Clery Act crime statistics MMA reported in its 2020 ASR for the same three-year period. As previously mentioned, we expanded our audit period for this objective to include all of calendar year 2017. We also compared certain disclosures MMA made in its 2018 and 2019 ASRs (e.g., statements regarding its Clery Act–related education/training programs, campus security policies and procedures, and collaboration with state and local police agencies related to campus security) to the ASR disclosures required by the Clery Act for each year to determine whether MMA made the required disclosures.

Student and Employee Clery Act Education

To determine whether MMA provided the primary crime prevention and awareness training required by the Clery Act, and alcohol abuse awareness training required by its practices, to newly enrolled students and newly hired employees, we reviewed a list of 5,198 student training records and 502 employee training records from EVERFI, MMA’s online training software. We compared the list from EVERFI with

an MMA-provided, Colleague-generated list of the 1,508 students who enrolled in MMA during our audit period and a list of the 45 employees MMA hired during the audit period according to the Human Resources Compensation Management System (HR/CMS), the Commonwealth's payroll system, to verify that MMA had assigned the training to these students and employees. We also compared the student enrollment dates and employee hire dates to the EVERFI course assignment dates to determine whether MMA assigned the courses within 30 days of enrollment or hire. Finally, we compared the EVERFI course completion dates to the course assignment dates to determine whether students and employees completed the courses within 30 days of the assignment dates.

Data Reliability Assessment

We reviewed certain general information system controls, including security management, access controls, configuration management, segregation of duties, and contingency planning, over EVERFI to determine the reliability of the data therein. We conducted interviews with MMA officials who were knowledgeable about the data. We extracted 9,460 rows of data from EVERFI and identified 5,198 student training records and 502 employee training records for our audit period. We looked for blank records and duplicate records. We also looked for assignment dates and completion dates that were outside the audit period.

We reviewed certain general information system controls, including security management, access controls, configuration management, segregation of duties, and contingency planning, over TriTech to determine the reliability of the data therein. We conducted interviews with MMA officials who were knowledgeable about the data. We extracted rows of daily crime log data from TriTech, totaling 10,707, 8,501, and 9,199 rows for calendar years 2017, 2018, and 2019, respectively. We combined these rows of daily crime log data and identified 2,901 reported incidents in the TriTech daily crime log that occurred during calendar years 2017 through 2019. We also looked for blank records and record dates that fell outside these calendar years.

We extracted 21,363 rows of data related to disciplinary action records from Colleague and identified 292 student disciplinary action records for calendar years 2017, 2018, and 2019. For these 292 records, we verified that the date of offense was during these calendar years and that the following data fields were populated: student identification number (ID), student name, demerit code (an MMA code indicating the type of offense), demerit code description, and demerit narrative (MMA's description of the offense).

We extracted 1,551 rows of student enrollment data from Colleague and identified 1,508 new students enrolled during the audit period. We selected a random sample of 20 of the 1,508 new students and traced each student's ID; name; birthdate; start of term; and, if applicable, withdrawal code (an MMA code indicating the type of withdrawal), withdrawal reason, and withdrawal date to student documents retained by MMA's registrar in Image Silo, a document retention system.

We observed the MMA human resources director accessing HR/CMS and generating a list of the 45 employees hired during the audit period. We verified that all data fields for employee ID, name, title, and hire date were populated; hire dates were within the audit period; and no duplicate records existed. In addition, we selected a random sample of 20 employees and traced each employee ID, name, title, and hire date to hardcopy employee personnel files retained in MMA's Human Resources Department.

Based on the results of our data reliability assessments, we determined that the information obtained for our audit period was sufficiently reliable for the purpose of our audit objectives.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Massachusetts Maritime Academy did not maintain a current and complete daily crime log.

During our audit period, the Massachusetts Maritime Academy (MMA) did not maintain a single daily crime log that listed all reported incidents (including Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [Clery Act] crimes) that took place within MMA's geography. The lack of a current and complete daily crime log could prevent stakeholders (students, employees, and the general public) from obtaining information about incidents within MMA's geography. This could prevent them from accurately assessing risks to their personal safety and the security of their property and dealing properly with those risks. Further, noncompliance with the requirements of the Clery Act related to the maintenance of a daily crime log could result in MMA losing the opportunity to participate in federal Title IV programs.

As previously noted, MMA records information about incidents that take place within its geography in three different sources (TriTech, Colleague disciplinary action records, and Class I student offense files). According to MMA officials, the information in TriTech is MMA's official daily crime log. However, Public Safety Office (PSO) staff members did not record in TriTech any of the 15 Clery Act crimes that we identified from MMA's Class I student offense files. They also did not enter in TriTech the 112 Clery Act crimes that were recorded by the Student Services Office (SSO). These 127 Clery Act crimes, which occurred during calendar years 2017, 2018, and 2019, included criminal offenses, hate crimes, and Violence against Women Act (VAWA) violations.

Authoritative Guidance

Section 1092(f)(4)(A) of Title 20 of the United States Code (USC) states,

Each institution . . . that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to [its] police or security department.

Section 668.46(f)(2) of Title 34 of the Code of Federal Regulations (CFR) states,

The institution must make an entry or an addition to an entry to the log within two business days . . . of the report . . . to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

Reasons for Issues

MMA does not have policies and procedures that require SSO staff members to identify and report all Clery Act crimes to PSO within two business days after they are reported to SSO. In addition, SSO staff members have not been trained on how to identify which reported incidents are Clery Act crimes and need to be reported to PSO. Finally, PSO only requested disciplinary action information from SSO once a year, when it compiled the crime statistics for MMA's annual security reports (ASRs).

Recommendations

1. MMA should develop policies and procedures that require its SSO staff to identify all Clery Act crimes and report them to PSO within two business days after they are reported to SSO.
2. MMA should establish monitoring controls to ensure that these policies and procedures are followed.
3. MMA should ensure that SSO staff members are properly trained on how to identify Clery Act crimes and report them to PSO staff members for inclusion in the daily crime log.

2. MMA did not accurately report Clery Act crime statistics in its 2020 ASR, did not retain adequate documentation to support its reported crime statistics, and did not always make reasonable efforts to obtain Clery Act crime statistics from local or state police.

MMA did not accurately report crime statistics in its 2020 ASR for all Clery Act crimes that occurred within its geography during calendar years 2017 through 2019. In addition, MMA did not maintain adequate documentation (e.g., copies of crime reports or records related to crimes or disciplinary actions) to support the accuracy of the crime statistics that it reported in its 2020 ASR. Further, during calendar years 2018 and 2019, MMA did not reach out to local or state police agencies to obtain statistics related to Clery Act crimes that occurred within its geography.

When an educational institution, such as MMA, inaccurately reports crime statistics and does not reach out to local or state police agencies to ensure that it has complete information on Clery Act crimes that have occurred within its geography, current and prospective students, employees, and members of the public may draw incorrect conclusions about campus safety. Further, because MMA did not maintain adequate documentation to substantiate the crime statistics it reported, there is no way to confirm the accuracy of this information. Finally, noncompliance with Clery Act requirements in ASR reporting could result in MMA losing the opportunity to participate in federal Title IV programs.

MMA reported a total of 138 Clery Act crimes for calendar years 2017 through 2019 in its 2020 ASR. MMA classified these Clery Act crimes into three categories: 1 was a sex offense, 134 were disciplinary referrals for alcohol violations, and 3 were disciplinary referrals for drug violations. As previously noted, after reviewing all of MMA's crime records, we identified a total of 133 Clery Act crimes that took place within MMA's geography during this three-calendar-year period. We also determined that these incidents were in 11 specific Clery Act crime categories.

The table below shows the number of Clery Act crimes, reported by Clery Act crime category, that MMA reported in its 2020 ASR, compared to the number of Clery Act crimes that the Office of the State Auditor (OSA) determined should have been reported in each Clery Act crime category.

Comparison of OSA-Identified and MMA-Reported Clery Act Crime Statistics (Crime Categories)

Clery Act Crime Category	MMA-Reported Clery Act Crimes	OSA-Identified Clery Act Crimes	Variance
Sex Offenses, Incest, and Statutory Rape	1	0	(1)
Burglary	0	5	5
Dating Violence	0	2	2
Disciplinary Referrals—Liquor-Related Crimes	134	107	(27)
Disciplinary Referrals—Drug-Related Crimes	3	6	3
Hate Crimes: Intimidation—Bias (National Origin)	0	1	1
Hate Crimes: Intimidation—Bias (Undetermined)*	0	1	1
Hate Crimes: Larceny Theft—Bias (Gender)	0	1	1
Hate Crimes: Simple Assault—Bias (Actual or Perceived Race)	0	2	2
Hate Crimes: Simple Assault—Bias (Gender)	0	3	3
Hate Crimes: Simple Assault—Bias (Sexual Orientation)	0	2	2
Hate Crimes: Simple Assault—Bias (Undetermined)*	0	3	3
Total	<u>138</u>	<u>133</u>	<u>(5)</u>

* We could not determine the type of bias that motivated these crimes because MMA did not identify it.

We also analyzed other statistics MMA reported in its 2020 ASR regarding where Clery Act crimes took place within its geography and noted a number of discrepancies. For instance, MMA identified more incidents as having occurred on campus than OSA did. The discrepancies are shown in the tables below.

Comparison of OSA-Identified and MMA-Reported Clery Act Crime Locations

Clery Act Crime Location Category	MMA-Reported Locations	OSA-Identified Locations	Variance
On Campus	97	90	(7)
Non-Campus	27	6	(21)
Public Property	14	0	(14)
Undetermined*	0	37	37
Total	<u>138</u>	<u>133</u>	<u>(5)</u>

* We could not determine these locations within MMA's geography because MMA did not record them.

In addition, we found discrepancies in the number of incidents reported as occurring in or out of residential facilities. MMA reported that 87 incidents occurred in residential facilities, but we could only confirm that for 66 incidents.

Comparison of OSA-Identified and MMA-Reported Clery Act Crime Locations

Clery Act Crime Location	MMA-Reported	OSA-Identified	Variance
In Residential Facilities	87	66	(21)
Not in Residential Facilities	0	24	24
Undetermined*	0	43	43
Total	<u>87</u>	<u>133</u>	<u>46</u>

* We could not determine whether these incidents occurred in residential facilities because MMA did not record that information.

Authoritative Guidance

According to 34 CFR 668.46(c), institutions must report and disclose in their ASRs statistics, for the three most recent calendar years, the number of incidents of each type that have occurred within their geography in the following categories:

(1) Crimes that must be reported and disclosed . . .

(i) Primary crimes, including—

(A) Criminal homicide:

(1) Murder and nonnegligent manslaughter; and

(2) Negligent manslaughter.

(B) Sex offenses:

(1) Rape;

(2) Fondling;

(3) Incest; and

(4) Statutory rape.

(C) Robbery.

(D) Aggravated assault.

(E) Burglary.

(F) Motor vehicle theft.

(G) Arson.

(ii) Arrests and referrals for disciplinary actions, including—

(A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B) Persons not included in paragraph (c)(1)(ii)(A) of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(iii) Hate crimes, including—

(A) The number of each type of crime in paragraph (c)(1)(i) of this section that are determined to be hate crimes; and

(B) The number of the following crimes that are determined to be hate crimes:

(1) Larceny-theft.

(2) Simple assault.

(3) Intimidation.

(4) Destruction/damage/vandalism of property.

(iv) Dating violence, domestic violence, and stalking . . .

(4) Hate crimes must be recorded by category of bias. *For each hate crime recorded under paragraph (c)(1)(iii) of this section, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim's actual or perceived—*

- (i) Race;*
- (ii) Gender;*
- (iii) Gender identity;*
- (iv) Religion;*
- (v) Sexual orientation;*
- (vi) Ethnicity;*
- (vii) National origin; and*
- (viii) Disability.*

(5) Crimes must be recorded by location.

- (i) An institution must specify whether each of the crimes recorded under paragraph (c)(1) of this section occurred*
 - (A) On campus;*
 - (B) In or on a noncampus building or property; or*
 - (C) On public property.*
- (ii) An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus.*

Chapter 3 of the 2016 edition of the United States Department of Education's (US ED's) *Handbook for Campus Safety and Security Reporting* states,

*It is possible that institutions may be asked to code incidents using different definitions for purposes other than Clery Act reporting. However, for Clery Act purposes, **it is essential that institutions classify and count reported incidents based on the definitions specified by the Clery Act.***

According to Chapter 9 of the handbook, institutions must retain documentation used to support the information in their ASRs:

Be sure to retain the annual security report and all supporting records used in compiling the report for three years from the latest publication of the report to which they apply. . . .

*Records to be kept include, but are not limited to, the following: copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with **Clery Act** compliance; letters to and from campus security authorities. . . . Make sure to date all documentation, and ensure it is easily retrievable.*

In addition, 34 CFR 668(c)(1) states that institutions must report and disclose all incidents that occur on or within their Clery Act geography that are reported to local police agencies in their ASRs.

Further, according to 34 CFR 668.46(c)(11)(i), institutions must contact local or state police agencies within their geography for crime statistics annually and include these statistics in their ASRs:

In complying with the statistical reporting requirements . . . an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

The 2016 edition of US ED's *Handbook for Campus Safety and Security Reporting* states,

The law states that an institution "may rely on the information supplied" by a local or state police agency. The phrase "may rely on" means that an institution is not required to verify the accuracy of the statistics that are provided.

However, the handbook does emphasize that institutions must make a good-faith effort to obtain these statistics.

Reasons for Issues

MMA did not identify reported incidents as Clery Act crimes or assign them to Clery Act crime categories in the three sources (TriTech, Colleague disciplinary action records, and Class I student offense files) used to record incidents. Although TriTech has a data field to identify incidents as Clery Act crimes, MMA's staff did not use it. Rather, PSO staff members identified reported Clery Act crimes from all three sources before preparing MMA's ASR. This practice may make the categorization of Clery Act crimes more susceptible to error. MMA does not have any policies or procedures that require its staff to record and report incidents using the Clery Act crime categories, to retain all the required documentation regarding these incidents, or to make reasonable efforts to obtain statistics on Clery Act crimes that have occurred within its geography from local and/or state police. Further, MMA has not provided any training to its staff members who are involved in the recording and reporting of crime statistics on the requirements of the Clery Act in these areas.

Recommendations

1. MMA should develop policies and procedures that require its staff to record and report incidents using the Clery Act crime categories (as well as their locations, including whether they occurred in residential facilities), to retain the documentation, and to make a reasonable effort to obtain statistics on Clery Act crimes that occur within its geography from local or state police. The policies and procedures should also require the staff to use TriTech's data field to classify Clery Act crimes, as appropriate.
2. MMA should provide periodic training to its staff regarding how to properly review campus crime records and how to categorize and report the information from these records in ASRs using the Clery Act crime categories.

3. MMA did not provide required Clery Act training to all newly enrolled students and newly hired employees.

During our audit period, MMA did not ensure that all of its newly enrolled students and newly hired employees were assigned, and had completed, the primary crime prevention and awareness training for topics such as dating violence, domestic violence, sexual assault, stalking, and alcohol abuse within established timeframes.

If MMA does not ensure that its newly enrolled students and newly hired employees receive this training on time, they may not be fully informed about the types of crime and alcohol abuse that may occur within MMA's geography. Further, the students and employees may not be fully prepared to prevent, or protect themselves from, any harm that might come from these situations. Finally, noncompliance with Clery Act requirements regarding appropriate student and staff training could result in MMA losing the opportunity to participate in federal Title IV programs.

Newly enrolled MMA students and newly hired employees were assigned primary crime prevention and awareness training in MMA's online training software, EVERFI. We determined the following regarding MMA students who were newly enrolled and employees who were newly hired during the audit period.

- Only 1,220 (80.9%) of MMA's 1,508 newly enrolled students were assigned primary crime prevention and awareness training in EVERFI, and only 1,160 (95.1%) of those 1,220 students completed it. Only 611 (52.7%) of those 1,160 students completed the training within MMA's established 30-day timeframe.
- Only 39 (86.7%) of the 45 newly hired employees were assigned the training; 38 (97.4%) of the 39 employees completed it. Only 31 (81.6%) of those 38 employees completed the training within MMA's established 30-day timeframe.

According to MMA officials, in addition to primary crime prevention and awareness training, MMA assigned alcohol abuse awareness training to its newly enrolled students and newly hired employees. We determined the following regarding the 1,508 new students enrolled in MMA during our audit period:

- Only 1,217 (80.7%) were assigned alcohol abuse awareness training; only 445 (36.6%) of the 1,217 were assigned the training within MMA's 30-day prescribed timeframe.
- Of these 1,217 students, 1,138 (93.5%) completed the training; only 543 (47.7%) of the 1,138 did so within MMA's prescribed 30-day timeframe.

None of the 45 newly hired employees hired during the audit period was assigned alcohol abuse awareness training.

Authoritative Guidance

According to 34 CFR 668.46(j)(1)(i), institutions of higher education, such as MMA, must provide "primary [crime] prevention and awareness [training] programs for all incoming students and new employees."

MMA does not have written policies and procedures regarding Clery Act training for newly enrolled students and newly hired employees. However, MMA's dean of human resources and Title IX co-coordinator told us that MMA requires all newly enrolled students and newly hired employees to participate in Clery Act training for primary crime prevention and awareness and alcohol abuse awareness. The dean added that this training was supposed to be assigned to these students and employees in EVERFI within 30 days of enrollment or hire and must be completed by the students or employees within 30 days of assignment.

Reasons for Issue

MMA does not have any policies and procedures that ensure that its officials assign required Clery Act training to all newly enrolled students and newly hired employees or that assignees complete the training in the manner prescribed by the act and MMA's practice.

Recommendations

1. MMA should establish policies and procedures that ensure that Clery Act–required training is assigned to, and completed by, all newly enrolled students and newly hired employees.

2. MMA should establish monitoring controls to ensure that staff members adhere to these policies and procedures.

4. Some of the information in MMA's 2018 and 2019 ASRs was incomplete and inaccurate.

MMA's 2018 and 2019 ASRs were incomplete (they omitted required information) and contained inaccurate information.

In addition to these two ASRs not containing complete and accurate crime statistics (see [Finding 2](#)), four examples of required information that was omitted from both of these ASRs are as follows:

- a complete list of the titles of campus security authorities (CSAs) to whom MMA students and employees can report criminal offenses
- a description and target audience for crime prevention programs offered by MMA
- a description of remedial actions (explanation of employees' rights and options) that are available to employees who are victims of VAWA violations
- a description of sanctions for employees who violate MMA's alcohol policy.

In addition, five statements in MMA's 2018 and 2019 ASRs did not appear to be accurate. The first was about an annual safety program:

The Massachusetts Maritime Academy Public Safety Department provides a comprehensive program annually of safety, security, crime prevention and public safety services to help ensure that the Academy community remains a safe and secure place to study, work and reside.

PSO officials could not provide us with any details about this program or any documentation (e.g., program agenda, curriculum, attendance records, or instructional materials) that it was being conducted.

The second inaccurate statement was about victims of VAWA violations:

Students will be informed of and promptly provided access to the following interim remedies:

- *options for on- and/or off-campus medical, counseling and other related services;*
- *if any party resides in Academy housing, options for alternate housing arrangements, including immediate relocation to different Academy housing;*
- *options for altering academic class schedules/obligations;*
- *options for altering student organization schedules/obligations;*

- *options for alternative transportation;*
- *options for seeking assistance from local law enforcement;*
- *options for receiving [an] Academy no-contact order; and*
- *options for seeking a judicial no-contact, restraining and/or protective order.*

The statement above says that only student victims of VAWA violations are provided with written rights and options. It should also state that MMA employees are provided with this information.

The third inaccurate statement was about MMA's alcohol policy:

Violations of this alcoholic policy will result in disciplinary actions in accordance with the Regulations and Standards for the Regiment of Cadets of the Massachusetts Maritime Academy or other student applicable student regulations.

The statement above says that only students who violate MMA's alcohol policy are subject to disciplinary actions. It should also state that MMA employees are subject to such actions.

The fourth inaccurate statement was about requesting Clery Act crime statistics:

The Massachusetts Maritime Academy Police Department annually requests from the Bourne Police Department their crime statistics in compliance of the Clery Act.

Contrary to the above statement, and as discussed in [Finding 2](#), MMA officials did not request annual crime statistics from state and local law enforcement agencies in its geography during calendar years 2018 and 2019.

The fifth inaccurate statement was about crime reporting:

Massachusetts Maritime Academy Public Safety Department reports are public records under state law; therefore, the Public Safety [Department] cannot hold reports of crime in confidence, so Massachusetts Maritime Academy Public Safety Department does not allow voluntary confidential reporting.

Contrary to the above statement, MMA allows voluntary confidential reporting of crimes, as required by the Clery Act.

When an educational institution such as MMA does not ensure that it has complete information in its ASRs, current and prospective students and employees, as well as members of the public, may draw

incorrect conclusions about campus safety. Further, noncompliance with the Clery Act in ASR reporting could result in MMA losing the opportunity to participate in federal Title IV programs.

Authoritative Guidance

The Clery Act requires institutions that are subject to the act to prepare, publish, and distribute an ASR by October 1 of each calendar year. In order for the information in this report to meet the act's intended purposes, institutions must report complete and accurate information.

Regarding a complete list of CSAs, 34 CFR 668.46(b)(2)(iii) states that an ASR must contain "a list of the titles of each person or organization to whom students and employees should report . . . criminal offenses."

Regarding crime prevention programs, 20 USC 1092(f)(1)(E) states that an ASR must contain "a description of programs designed to inform students and employees about the prevention of crimes." Further, Chapter 7 of the 2016 edition of US ED's *Handbook for Campus Safety and Security Reporting* states that an ASR must include a statement that addresses all crime prevention programs:

This statement specifically addresses all programs designed to inform students and employees about crime prevention. You must describe the programs, not just list the titles. If there are programs specifically targeted to students and others targeted to employees, state this. If you do not have any programs of this nature, provide a statement disclosing this fact.

Regarding protective measures for victims of VAWA violations who are students or employees, 34 CFR 668.46(b)(11)(vii) states that an ASR should contain the following:

*A statement that, when a student **or employee** reports to the institution that the student **or employee** has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student **or employee** a written explanation of the student's or employee's rights and options. [Emphasis added.]*

Regarding alcohol sanctions, according to 20 USC 1011i(a)(1), institutions are required to state in their ASRs that they will impose sanctions for alcohol violations:

A clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Regarding annual crime statistics from state and local law enforcement agencies, 34 CFR 668.46(c)(11)(i) states,

In complying with the statistical reporting requirements . . . of this section, an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

Regarding confidential reporting of crimes, 34 CFR 668.46(b)(2)(iv) states that ASRs should contain the following:

Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Reasons for Issues

MMA staff members who were responsible for preparing ASRs were not properly trained on the requirements of the Clery Act in relation to what information must be included in ASRs. In addition, MMA does not have any monitoring controls in place (e.g., formal supervisory review or a quality assurance process) to ensure that all the required information is accurately reported in its ASRs.

Recommendations

1. MMA should ensure that the staff members who are responsible for preparing its ASRs are properly trained on what information must be disclosed therein.
2. MMA should establish monitoring controls (e.g., a formal supervisory review or a quality assurance process) to ensure that the information in its ASRs is accurate and complete.

Auditee's Response

MMA provided the following general responses to the four audit findings:

- *The MMA Department of Public Safety has revised how the daily crime log is maintained and has begun using new templates provided via D. Stafford [and Associates].*
- *The Office of the Commandant of Cadets/Dean of Students, which oversees housing and student conduct among other areas, has instituted notification of all Clery reportable incidents to Public Safety within two business days of the incident. The Academy has entered into a contract with Maxient (a conduct and case management software system) which will afford real-time notification to Public Safety as incidents are entered. Clery reportable crime categories and campus geography entered into this system will be created in concert with the team from D. Stafford and Associates. This system will be fully functional by June 2022.*

- *Members of the Clery Compliance Committee will engage in annual training, via the Clery Center [a nonprofit organization that helps institutions of higher education meet the requirements of the Clery Act] or another entity, to ensure continued compliance with requirements.*
- *Clery notice to all newly enrolled students and newly hired employees is required (not training). The Academy is revising online and print materials to ensure that all prospective students and employees have ready access to information about the Annual Security Report.*
- *Crime prevention and awareness training is now delivered to all incoming students in person over two sessions during the 13 day orientation program each summer. Additionally, students are required to complete an online compliance course within 30 days of the start of the semester. Efforts are underway to ensure 100% compliance with this requirement including but not limited to impacting spring course registration for failure to comply. These requirements will be codified in policy following the D. Stafford and Associates engagement.*
- *Beginning back in 2020 (as a result of the audit team's earlier on-site visit), the Chief of Police/Director of Public Safety completed Foundations of the Clery Act formal training and began outreach to request statistics from local and state police agencies for inclusion in the ASR.*
- *In October 2021, Campus Security Authorities were identified for the Academy and notified of their responsibilities. Further, they were required to complete an online training purchased from the Clery Center and to sign an attestation of understanding their responsibilities as CSAs.*

Auditor's Reply

The Clery Act's goal is to ensure that members of a campus community (students, prospective students, and employees) have accurate, complete information about incidents, including crimes, that occur on campus. With this information, students and employees are better able to make decisions about their personal safety and protection.

MMA's response to our audit findings indicates that it is fully committed to taking the necessary steps to ensure compliance with its Clery Act obligations. MMA has already taken several corrective actions and is in the process of implementing others to remediate the deficiencies noted in this report. We would like to commend MMA for its efforts and encourage it to continue strengthening its internal controls to provide a safe and secure environment.