



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

Making government work better

Official Audit Report – Issued October 28, 2021

Roxbury Community College

For the period July 1, 2017 through June 30, 2019





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October 28, 2021

Valerie R. Roberson, PhD, President
Roxbury Community College
1234 Columbus Avenue
Roxbury Crossing, MA 02120

Dear Dr. Roberson:

I am pleased to provide this performance audit of Roxbury Community College. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2017 through June 30, 2019. My audit staff discussed the contents of this report with management of the college, whose comments are reflected in this report.

I would also like to express my appreciation to Roxbury Community College 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 horizontal line.

Suzanne M. Bump
Auditor of the Commonwealth

cc: Steven Tompkins, Chair of the Board of Trustees, Roxbury Community College

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LIST OF ABBREVIATIONS

CTR	Office of the Comptroller of the Commonwealth
ESF	Employment Status Form
HR	Human Resources
ICP	internal control plan
MMARS	Massachusetts Management Accounting and Reporting System
OSA	Office of the State Auditor
RCC	Roxbury Community College
RLTAC	Reggie Lewis Track and Athletic Center
SORB	Sex Offender Registry Board
SORI	Sex Offender Registry Information

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor (OSA) has conducted a performance audit of Roxbury Community College (RCC) for the period July 1, 2017 through June 30, 2019. In this performance audit, we examined whether RCC had taken corrective measures to address the issues identified in OSA's prior audit (No. 2012-0204-3S) regarding the rental process and related fees for events at the Reggie Lewis Track and Athletic Center (RLTAC), the administration of RLTAC employee contracts, the performance of Sex Offender Registry Information (SORI) checks, and the purchasing and receipt of goods.

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

Finding 1 Page 10	RCC did not completely document event processes for all events at RLTAC and did not always retain supporting documentation for external events.
Recommendations Page 12	<ol style="list-style-type: none">1. RCC should ensure that all event documentation is completed and retained.2. RCC should completely document its rental agreement process for all RLTAC events and integrate this process into its internal control plan.
Finding 2 Page 13	RCC improperly charged public high school track leagues a total of \$96,450 for the use of RLTAC.
Recommendations Page 15	<ol style="list-style-type: none">1. RCC should ensure that RLTAC stops charging public high school track leagues for the use of the facility and related fees for running events.2. RCC should retain documentation for all RLTAC rental charges and payments.3. RCC should ensure that board-approved fees are properly charged.
Finding 3 Page 17	RCC did not maintain RLTAC employee contracts and Employment Status Forms (ESFs) on file and made RLTAC employee contract overpayments totaling \$28,967.
Recommendations Page 20	<ol style="list-style-type: none">1. RCC should retain completed and signed contracts for all RLTAC contract employees.2. RCC should establish and follow policies and procedures that are specific to contract monitoring biweekly to ensure that employees do not exceed their contract terms in regard to hours and compensation.3. RCC should complete and retain ESFs for all contract employees.
Finding 4 Page 21	RCC did not always have SORI checks conducted for its RLTAC employees.
Recommendation Page 21	RCC should ensure that SORI checks are conducted for all RLTAC employees and for all newly hired RLTAC employees from now on.

OVERVIEW OF AUDITED ENTITY

Roxbury Community College (RCC) is authorized by Section 5 of Chapter 15A of the Massachusetts General Laws and operates under the direction of a board of trustees, which has 11 members. Eight members are appointed from the general public by the Governor to serve five-year terms; 1 is an RCC graduate appointed by the Governor to serve a five-year term; 1 is an RCC graduate elected by the alumni association to serve a five-year term; and 1 is a student who is elected to serve a one-year term. RCC's board operates under regulations promulgated by the Commonwealth's Board of Higher Education; this includes setting policies, approving budgets, monitoring quarterly performance, and participating in the approval of internal audits. The president of RCC reports to the board of trustees and is the administrative head of the college. The president is supported by the director of public safety; the director of enterprise systems; the executive director of development; the associate vice president of facilities and operations; the library director; the chief information officer; the director of financial aid; the executive director of workforce development; the vice president of institutional effectiveness; the dean of science, technology, engineering, and math; the executive director of communications, marketing, and external affairs; the assistant dean of athletics, health, and wellness; the assistant dean of enrollment; and the dean of arts, humanities, and social sciences.

RCC is a member of the Massachusetts public higher education system, which consists of 15 community colleges, nine state universities, and five University of Massachusetts campuses. RCC is an accredited public institution offering associate's degrees and certificate programs, serving residents of the greater Boston area.

According to the RCC website,

The campus, located at 1234 Columbus Avenue, is adjacent to Malcolm X Boulevard and Cedar Streets. This 16-acre campus consists of five buildings: Administration, Academic, Media Arts, Student Center, and the Reggie Lewis Track and Athletic Center.

For fiscal years 2018 and 2019, RCC had a total of 2,860 and 2,964 students enrolled, respectively.

According to its 2015–2020 strategic plan, RCC's mission is as follows.

Roxbury Community College (RCC) provides a nurturing environment, where all community members are welcome, regardless of past education. We transform lives through excellence and innovation, preparing our learners for active citizenry and success in a changing world.

RCC received appropriations of \$10,623,766 and \$10,960,216 from the Commonwealth for fiscal years 2018 and 2019, respectively.

Reggie Lewis Track and Athletic Center

RLTAC is an indoor track facility at 1350 Tremont Street, Roxbury Crossing, owned by the Commonwealth and governed by RCC. In accordance with Section 22A of Chapter 15A of the General Laws, RCC's board of trustees is responsible for the management and operation of RLTAC. Those responsibilities include, but are not limited to, establishing user fees for RLTAC; entering into agreements with the Massachusetts State Track Coaches Association and other groups for its use; establishing rules and regulations for its use by public high school track programs, members of the public, nonpublic groups, and people affiliated with RCC; deciding on the priority of uses and the schedule for RLTAC; and entering into agreements with vendors for providing standard services and maintenance for RLTAC.

According to its March 2017 "Facilities Reservation Policy," RCC prioritizes the use of RLTAC as follows:

- 1. Massachusetts Indoor High School Track*
- 2. Roxbury Community College (RCC) Athletics*
- 3. Internal (RCC) requests for space*
- 4. Requests from the Greater Roxbury Community*
- 5. All other external requests for space*

External events are events held at RLTAC by organizations and groups that are not controlled by RCC; internal events are held by departments within RCC. External events can be either public or nonpublic. Public events are events held at RLTAC by public organizations and groups; nonpublic events are held by nonpublic organizations and groups, also known as private organizations and groups.

To operate RLTAC, RCC received appropriations from the Commonwealth of \$900,000 in fiscal year 2018 and \$925,000 in fiscal year 2019. According to the fiscal year 2018 and 2019 budget summaries, RCC also has a retained revenue account for RLTAC from which it may spend money—no more than \$529,843 per fiscal year—that it has received from fees, rentals, and facility expenses associated with running and operating track meets, athletic events, conferences, and meetings.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor (OSA) has conducted a performance audit of certain activities of Roxbury Community College (RCC) for the period July 1, 2017 through June 30, 2019.

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, although we encountered some limitations (see [Finding 1](#) and [Finding 3](#)) regarding Objectives 1a and 1b. For those two objectives, RCC's staff did not provide all the documentation needed to complete our substantive procedures. If this documentation had been available, it is possible that our audit procedures would have identified further issues.

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, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did RCC take corrective measures to address the issues identified in our prior audit (No. 2012-0204-3S) regarding the following?	
a. the Reggie Lewis Track and Athletic Center (RLTAC) rental process and related fees according to Section 22A of Chapter 15A of the General Laws; RCC's "Facilities Reservation Policy"; and the <i>Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18</i> , revised December 2018	No; see Findings 1 and 2
b. administration of RLTAC employee contracts in accordance with the contract terms and the <i>Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18</i> , revised December 2018	No; see Finding 3
c. performing Sex Offender Registry Information (SORI) checks in accordance with its internal policy	No; see Finding 4
d. purchasing and receiving goods in accordance with its internal policies	Yes

To achieve our objectives, we gained an understanding of RCC's internal control environment related to the objectives by reviewing RCC's policies and procedures, as well as inspecting documents, conducting observations, and performing inquiries with RCC's staff and management.

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

Rental Process and Track-Related Payments

In our prior audit, we found deficiencies in RCC's rental process for RLTAAC: RCC lacked adequate internal controls over the establishment and collection of rental fees for nonpublic events, did not enter into a rental agreement or collect rental fees from a local nonpublic university, and lacked policies and procedures for the collection of admission fees at public events. Further, RCC inappropriately charged and collected \$24,280 in fees from public high school track leagues. We also found that RLTAAC had traditionally operated as a separate entity from RCC and that RLTAAC activities were not incorporated into RCC's internal control plan (ICP) or set forth in policies and procedures specific to RLTAAC.

In response to our prior audit, RCC changed its rental process for RLTAAC for external events:

- RCC no longer collects admission fees.
- The RCC board of trustees approves rental fee schedules that RCC uses to charge and collect fees for the use of RLTAAC.
- RCC has documented the rental process for RLTAAC external events in its "Facilities Reservation Policy."
- RLTAAC no longer operates as a separate entity from RCC and, similarly to other RCC departments, follows the policies and procedures in RCC's ICP.

During our current audit, we selected a statistical, random sample of 60 external events from a population of 1,208 external events that took place at RLTAAC during the audit period (using an expected error rate¹ of 0%, a tolerable error rate² of 5%, and a confidence level³ of 95%) to determine whether RCC had followed its rental process for RLTAAC external events. However, RCC's staff did not provide documentation for 26 of the 60 external events selected. We inspected documentation for the other 34

1. The expected error rate is the anticipated rate of occurrence of the error of RCC not following its rental process.

2. Tolerable error rate is the maximum error in the population that auditors would be willing to accept and still conclude that the result from the sample has achieved the audit objective.

3. Confidence level is the numerical measure of how confident one can be that the sample results reflect the results that would have been obtained if the entire population had been tested.

events to verify that RCC had followed its “Facilities Reservation Policy” for RLTA external events. The documentation included executed written agreements between RCC and nonpublic entities, approved applications, fee addenda, invoices, and proofs of payment (i.e., copies of checks, credit card payment receipts, or money orders). We also determined whether the amounts RCC charged on the invoices and fee addenda for the use of RLTA were charged in accordance with the fee schedules approved by the RCC board of trustees and whether the amounts were collected in accordance with RCC’s rental process for external events.

Additionally, RCC could not generate a list of the amounts it had charged for all RLTA external events held during the audit period. However, RCC gave us a list of event payments it received from public and nonpublic entities for the use of RLTA during the audit period, using its Jenzabar general ledger system. From this list, we identified a total population of 22 payments made to RCC by public high school track leagues for the use of RLTA during the audit period. To determine whether RCC improperly charged public high school track leagues for the use of RLTA during the audit period, we inspected the invoices, proofs of payment, and related bank statements for all 22 payments, except two invoices that RCC could not provide.

Employee Contracts

In our prior audit, we found that some contract employees worked without current contracts. One contract employee was paid more than the contract allowed. Additionally, RCC did not have Employment Status Forms (ESFs) on file for some employees to establish that they were contract employees, not independent contractors.

During our current audit, 74 individuals had RLTA employee contracts. Some of them had multiple contracts during the audit period. For these 74 individuals, a total of 98 RLTA employee contracts should have been signed and maintained on file. We requested all 98, but RCC did not provide 39 of them (9 for fiscal year 2018 and 30 for fiscal year 2019). Although we could not inspect all 98, we were able to inspect 59 contracts, totaling \$363,162 (43 for fiscal year 2018, totaling \$236,626, and 16 for fiscal year 2019, totaling \$126,537)⁴ to verify that RCC renewed contracts in a timely manner and that it signed and retained contracts. Additionally, to determine whether RCC had ESFs for its contract employees, we requested ESFs from RCC personnel; however, RCC did not provide any.

4. The \$1 variance in the sum of the fiscal year 2018 and 2019 contract amounts is due to rounding.

We used the contracts' stated hours and pay rates to calculate the total annual pay amount for each of the 59 RLAC employee contracts we inspected. Next, we used the calculated annual pay amounts and compared them to payroll reports provided by RCC's staff to determine whether RCC had adhered to the contract terms regarding hours and pay amounts.

SORI Checks

In our prior audit, we found that RCC's Human Resources (HR) Office, contrary to RCC's HR policies and procedures, did not submit requests to the Sex Offender Registry Board (SORB) to conduct SORI checks of RCC employees.

In our current audit, we performed the following procedures to determine whether the HR Office submitted requests to SORB to conduct SORI checks for RLAC employees during the audit period. From a population of 81 RLAC employees, we judgmentally selected 16 employees who were hired during the audit period and 3 who were hired in 2016, 2014, and 2010. We requested from HR Office personnel the supporting documentation (e.g., original emails with attachments detailing the results of the SORI checks sent by SORB to the HR Office) showing that SORI checks had been conducted for these 19 employees. However, RCC's staff only provided the requested supporting documentation for 6 employees. We inspected the original emails and attachments for these 6 employees.

Purchase of Goods

In our prior audit, we found that RLAC did not adhere to RCC's established policies and procedures for the purchase of, receipt of, and payment for goods and services. We found that RLAC lacked evidence of required verification from receiving departments that the goods purchased were received in good condition before they were paid for.

In our current audit, from the total population of 52 RLAC purchases of goods during the audit period, we selected a nonstatistical, random sample of 20 purchases. We obtained from RCC personnel, and inspected, the purchase orders, receiving documents, and proof of payment (check copies, credit card payment receipts, and/or receipts from electronic transfer of funds) to determine whether goods purchased were received in good condition before they were paid for.

When using a nonstatistical sampling approach, we did not project our results to the entire population.

Data Reliability

In 2018, OSA performed a data reliability assessment of the Massachusetts Management Accounting and Reporting System (MMARS) that focused on testing selected system controls (access controls, application controls, configuration management, contingency planning, and segregation of duties) for the period April 1, 2017 through March 31, 2018. As part of the current audit, we tested security management controls, such as personnel screening and security awareness training, at RCC during the audit period. Additionally, we randomly selected 10 purchases from the MMARS list of goods purchased by RCC during the audit period and traced each one's fiscal year, unit name (RLTAC), cash expense amount, vendor invoice number, vendor invoice date, appropriation number, appropriation name, object code (a code indicating type of goods or services), vendor customer code, and vendor's legal name to source documents such as invoices, Authorization to Pay Invoice Forms, and MMARS authorization forms.

To test the reliability, and determine the completeness and accuracy, of the list of events (from RCC's FASTbook⁵ system) held at RLTAC during the audit period, we conducted interviews with college officials who were knowledgeable about FASTbook. We also traced the organization names, event dates, event purposes, and organization event types to and from source documents such as approved applications, invoices, and executed written agreements between RCC and nonpublic entities.

To test the reliability, and determine the completeness and accuracy, of the list of event payments (from Jenzabar) that RCC received from public and nonpublic entities for the use of RLTAC during the audit period, we conducted interviews with college officials who were knowledgeable about Jenzabar. We also traced the transaction dates, transaction amounts, transaction descriptions, and payer names to and from source documents such as check copies and credit card payment receipts. Finally, we reconciled the total amount RCC received during the audit period from the list of event payments to RCC's independently audited financial statements.

To test the reliability, and determine the accuracy, of the HR Office's list of RLTAC employees who were active during the audit period, we conducted interviews with college officials who were knowledgeable about the HR Office data. In addition, we selected a random sample of 10 employees and traced the employee identification numbers, names, job titles, and service dates from the list to hardcopy HR

5. This is the event software RLTAC used to book events, invoice, and record payment receipts during the audit period.

Office personnel files. To test completeness, we compared employee names from the payroll reports provided by RCC's comptroller for the fiscal years in our audit period (2018 and 2019) to the HR Office's list of RLTA employees who were active during the audit period. We calculated the number of RLTA employee contracts from the HR Office's list of RLTA employees who were active during the audit period.

To test the reliability, and determine the completeness and accuracy, of the payroll reports provided by RCC's comptroller for the fiscal years in our audit period (2018 and 2019), we conducted interviews with college officials who were knowledgeable about the payroll data. We also reconciled RLTA's total payroll from these reports to RCC's independently audited financial statements. When we found discrepancies (such as variances in the reconciliation), we brought them to RCC management's attention and worked with the independent external auditors to obtain reasonable explanations for the discrepancies before conducting our analyses. We also analyzed the payroll reports to ensure that pay dates did not fall outside our audit period.

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. Roxbury Community College did not completely document event processes for all events at the Reggie Lewis Track and Athletic Center and did not always retain supporting documentation for external events.

Roxbury Community College (RCC) did not address issues in prior audit findings regarding the rental process and related fees for the Reggie Lewis Track and Athletic Center (RLTAC). Specifically, our prior audit contained recommendations about establishing fees, instituting policies for facility use (i.e., who can use the facility for public, nonpublic, and charitable purposes), and executing written agreements with nonpublic entities.

In our current audit, neither RCC's "Facilities Reservation Policy" nor its internal control plan (ICP) addressed event processes for all of the events during the audit period. RCC did not always retain documentation in compliance with its rental process for RLTAC external events.

In addition, RCC's staff did not provide documentation for 21 of the 60 external events for which we requested documentation. RCC's staff explained that these 21 events followed a different process from the RCC "Facilities Reservation Policy" and that documentation (such as executed written agreements between RCC and nonpublic entities, approved applications, fee addenda, and invoices) would not be available to inspect. RCC did not provide us with a documented policy or procedure for this different process. These 21 events did not have common characteristics we could use to identify them or exclude them from the population. For example, they included, but were not limited to, state-agency-sponsored events for children and families, events for senior citizens, and track-related events for high schools. Therefore, we could not perform further audit procedures for these 21 external events and considered them noncompliant.

RCC also could not provide any documentation for 5 of the remaining 39 events. Of the 34 external events for which we received documentation, 19 had all the documentation to support that the rental process had been followed; 15 were missing some of the documentation, such as approved applications, executed agreements between RCC and the nonpublic entities, fee addenda, invoices, and proofs of payment (e.g., check copies, money orders, and credit card payment receipts). We are 95% confident that 35% to 67% of the external event files were missing documentation to show that RCC's rental process for RLTAC external events was followed.

Without retaining this supporting documentation and completely documenting its rental process for all RLTA events, RCC increases the risk that RLTA could miss a step in the rental process, which may result in a loss of funds. Also, RCC is not in compliance with the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018.

Authoritative Guidance

Regarding the rental agreement process, according to RCC's "Facilities Reservation Policy," external events require an approved application, an executed written agreement between RCC and the nonpublic entity, and a fee addendum. In addition, payment (by money order, bank or corporate check, or credit card) must be made five business days before the event date.

Regarding documentation of the rental process being followed, according to the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018, payment documentation must be retained for three years and all other records related to events, including schedules and calendars, must be retained until administrative use ceases.

Regarding the rental process for RLTA external events not being included in RCC's ICP, the Office of the Comptroller of the Commonwealth's (CTR's) *Internal Control Guide* states,

Departments are obligated to revise their ICPs whenever significant changes occur in objectives, risks, management structure, program scope, etc. At the very least, the ICP must be reviewed and updated annually.

Reasons for Missing Documentation

In a memo to the Office of the State Auditor (OSA), RCC officials explained,

In the current audit there has been documentation that could not be found. These outstanding items include contracts for event staff, paper files for a few events and payment documentation. . . .

Within the audit period of [fiscal year 2018 through fiscal year 2019], several events took place that impacted record-keeping:

The event software that was used to book, invoice and record payment receipts—FastBook—was determined to not meet the full needs of the College. The migration to the new application, Tripleseat, was completed in [fiscal year] 2020. At that time, a decision was made to migrate events from that current fiscal year. The data in Fastbook relating to the audit period could not be retrieved until March 5, 2021 after multiple attempts by a technical consultant. Those invoices were sent via email on that date. . . .

Since [fiscal year 2018 through fiscal year 2019], there have been staffing changes which has impacted locating all pertinent documentation. These changes include the former Auxiliary Services Manager (responsible for invoicing clients and recording payments received).

According to RCC officials, in response to our prior audit, RCC updated its ICP to include RLTA operations, and RLTA now follows all RCC policies and procedures. RCC officials considered this ICP update to be sufficient. However, RCC's ICP does not explicitly mention the RLTA rental process.

Recommendations

1. RCC should ensure that all event documentation is completed and retained.
2. RCC should completely document its rental agreement process for all RLTA events and integrate this process into its ICP.

Auditee's Response

After the last audit, it was found that College did not have a systematic, electronic means to keep all documents for all events held at the RLTA. The Events Office and the Business Office needed to design a system to share and maintain records. The College hired additional staff to work in the Business Office to complete this work.

The first attempt (in 2018) was to purchase an expanded license for FastBook, which was a software package that the College had been using for scheduling the RLTA events. However, the College staff soon learned that this system was inadequate for the work needed and started researching a comprehensive solution. Staff researched and found another electronic system to ensure that all records were maintained and processed. In FY2020, Tripleseat was purchased and the system was programmed. The system was fully implemented in February 2020, slightly before the College canceled on-campus events as a result of the COVID-19 pandemic.

While this system change and staff turnover are not acceptable explanations for the missing documents, there are several actions the College has taken to mitigate future issues.

The new event-booking platform in use by the College, Tripleseat, provides an electronic repository for all event-related documents, including the initial request, the signed agreement/license, invoices, method of payment, and all other event-related documentation. The College believes that this software will ensure that all events are completely documented and that the documentation is retained according to the Statewide Records Retention Schedule.

The RCC Internal Control Plan is being updated to include the process for external events held at the RLTA. This update – explicitly highlighting the RLTA rental process – includes a detail of the process for booking and documenting external events, as well as a clear separation of duties for approving events and the collection and recording of fees received.

All staff involved in the collection of documentation for events related to the RLTA have been trained and understand the Statewide Records Retention Schedule.

Auditor's Reply

Based on its response, RCC is taking measures to address our concerns on this matter.

2. RCC improperly charged public high school track leagues a total of \$96,450 for the use of RLAC.

From the population of 22 rental payments by public high school track leagues, RCC improperly charged a total of \$96,450 for 19 payments. Additionally, RCC could not provide invoices for 2 of the 22 rental payments. Charging public high school track leagues for the use of RLAC (for track meets and other charges, such as cleanup after the events, athletic trainer fees, and/or police detail) is not compliant with RLAC's enabling legislation, Section 22A(d) of Chapter 15A of the Massachusetts General Laws. In addition, not retaining invoices to support fees charged for the use of RLAC may increase the risk of RCC missing a step in its fee collecting process, which could lead to a loss of funds. Finally, not retaining invoices results in RCC not complying with the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018.

Further, during our inspection of the supporting documents for these 22 rental payments, we found that RLAC charged the incorrect athletic trainer rate (\$40 per hour rather than the correct rate of \$35 per hour) for 9 payments. This resulted in a \$510 overcharge during fiscal year 2018 for athletic trainer fees, which was part of the improperly charged \$96,450. Charging public high school track leagues, as well as charging amounts not approved by RCC's board of trustees, resulted in RCC not being in compliance with RLAC's enabling legislation (Section 22A[d] of Chapter 15A of the General Laws) and the fee schedule approved by RCC's board of trustees for fiscal year 2018.

Authoritative Guidance

Regarding RLAC charging public high school track leagues, Section 22A(d) of Chapter 15A of the General Laws states,

[RLAC] shall be made available without charge for use by public high school track programs and Roxbury Community College. The center shall be made available on a user fee basis for members of the public. The center shall be made available at market rate, as determined by the board, for use for nonpublic purposes so long as the center is not being used for public purposes.

In addition, the athletic trainer fee, according to the approved fee schedule, is \$35 per hour.

Regarding the missing invoices, the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018, states that payment documentation must be retained for three years after final payment, settlement, or writeoff.

Reasons for Issue

In a memo to OSA, RCC officials explained,

In the current audit there has been documentation that could not be found. These outstanding items include contracts for event staff, paper files for a few events and payment documentation. . . .

Within the audit period of [fiscal year 2018 through fiscal year 2019], several events took place that impacted record-keeping:

The event software that was used to book, invoice and record payment receipts—FastBook—was determined to not meet the full needs of the College. The migration to the new application, Tripleseat, was completed in [fiscal year] 2020. At that time, a decision was made to migrate events from that current fiscal year. The data in Fastbook relating to the audit period could not be retrieved until March 5, 2021 after multiple attempts by a technical consultant. Those invoices were sent via email on that date. . . .

Since [fiscal year 2018 through fiscal year 2019], there have been staffing changes which has impacted locating all pertinent documentation. These changes include the former Auxiliary Services Manager (responsible for invoicing clients and recording payments received).

According to the meeting minutes of the RCC board of trustees, the board approved fees to be charged for events (including track-related events) for fiscal years 2018 and 2019; the board discussed implementing admission fees for spectators during track events, but did not decide to do so during the audit period. Therefore, RCC kept the rental fees in place, which caused it to charge and collect fees from public high school track leagues. RCC officials further explained that although RLTA's enabling legislation states that public high school track programs can use RLTA free, RLTA's state appropriation (according to the fiscal year 2018 and fiscal year 2019 budget summary language for the RLTA retained revenue account) allows it to collect money for facility expenses associated with meets. They stated that they considered things like cleanup, trainers, security, and staffing to be expenses associated with meets and that they therefore believed RCC was not responsible for paying them.

We asked RCC's staff why RCC charged the incorrect athletic trainer fee for fiscal year 2018, but because of management turnover, we did not receive an explanation.

Recommendations

1. RCC should ensure that RLTAAC stops charging public high school track leagues for the use of the facility and related fees for running events.
2. RCC should retain documentation for all RLTAAC rental charges and payments.
3. RCC should ensure that board-approved fees are properly charged.

Auditee's Response

The College acknowledges the enabling legislation for the RLTAAC. However, this legislation is not clear, nor widely understood. In the audit team's analysis, they acknowledge the conflict in the enabling legislation and the budget language. As the only entity in the State that this legislation covers, it has been difficult to obtain guidance and support.

The College has operated with the understanding that expenses associated with the meets could be charged back to the high school leagues. The College has never charged high schools or leagues for the use of the facilities. The charges were generally for trainers, security, and extra staff who are working with the event. These are costs that the College could require that the high schools pay directly. Yet, the College bears the ultimate responsibility and cannot trust that the appropriate amount of security (for example) would be used if we allowed the high schools to make these arrangements. . . .

In the years since the FY12 audit, the College made several attempts to resolve this conflict in the legislation. College staff first tried to gain legislative support to clarify the language and spoke to individuals, caucuses, and the Speaker of the House. No legislator was willing to sponsor a bill to clarify the conflict. Even if the College had been able to secure a bill sponsor, we would have needed a majority of legislators from all over the State to vote for this change. Consider that the RLTAAC falls within the legislative districts of one State representative and one senator. Yet, the high schools all have legislators across the Commonwealth who will listen to their constituents. With this imbalance of legislative power, it would be difficult, if not impossible, to gain statewide support for a change that would shift costs to the high schools. . . .

Further, the College has attempted to secure additional funds for the RLTAAC. The RLTAAC appropriation was \$954,480 in FY 2006 and \$945,125 in FY 2007. In FY07, Governor Patrick combined the appropriations for the College and RLTAAC. Since many state and federal allocations use the amount spent per student (or the budget divided by the number of students) as a determination of need, it appeared that the College was spending more for its degree-seeking students than was the case. This caused the College to lose eligibility for several federal funds and to receive less in several State allocations. The College successfully lobbied to revert to a separate allocation in FY2017; however, the amount of the allocation has consistently stood at \$925,000. Within the years since the last audit, the College has secured only a small increase to the appropriation. Since the RLTAAC is viewed as covering high school operations, there is no automatic mechanism to account for necessary increases and the College must work with the Department of Education as a separate process. Each year the College must cover the costs of union staff annual negotiated increases, rising costs of utilities and building maintenance, and the

implementation of any process changes and improvements. The College [loses] money each year and must absorb the administrative costs of the RLTAAC from funds intended to serve College students and our community. The legislation creates a situation that is not fiscally sound, taking funding from the most economically disadvantaged students to support high school athletics in the suburbs and beyond. This does not support the College's mission and is ethically dubious.

However, understanding the possible finding and the audit team's opinion, the president discussed the matter with the RCC Board of Trustees during their June 2021 meeting. Consequently, the trustees voted to discontinue charging high school track leagues for any costs for track meets. They acknowledged that the College would need to live within its appropriation and that this action might decrease the number of events or cause political action from the high schools.

The hourly rate of \$40 instead of \$35 for athletic trainer services was a mistake that should have been corrected by staff. The hourly rate for the athletic trainer was increased to \$40 per hour, effective FY20, during the February 2019 Board of Trustees meeting. The \$40 increase was added to Fastbook after the meeting, as a separate line item, so business office staff could begin charging the new fee on July 1, 2019. The staff member responsible for completing the spring 2019 track invoices inadvertently selected the new fee from the drop-down list, and the error was not identified by Business Office staff.

Moving forward, fiscal year increases approved by the Board of Trustees will not be entered into Tripleseat (RCC's new event scheduling software) until the start of the corresponding fiscal year.

All Board-approved fees will continue to be documented and shared with all staff who book events throughout the College, including the RLTAAC.

In a follow-up response, RCC added,

As RCC is unable to host private external events during the high school track season, there is no opportunity for RCC to generate revenue for the retained revenue account from late November through early March. The current appropriation does not provide sufficient funding for all legislated purposes of RLTAAC, creating a scenario where RCC is forced to use College funds to cover the operational needs of RLTAAC. . . .

Additionally . . . the high school leagues using RLTAAC for meets are comprised of both public and private high schools. Based on the 2018–2019 league listing, 26 private schools are benefiting from using RLTAAC for meets, at the same rate as public schools.

Auditor's Reply

RCC asserts that our analysis acknowledges a conflict between the language in Section 22A(d) of Chapter 15A of the General Laws and RCC's annual budget language. However, this is not accurate. As noted above, Section 22A(d) of Chapter 15A of the General Laws states that RCC is not allowed to charge

public high school track programs for the use of RLTAAC. This is the criterion we used to perform our testing in this area in both this and our prior audit of RLTAAC.

OSA acknowledges the fiscal and operational challenges RCC may face in operating RLTAAC. Specifically, a potential inequity exists under Section 22A(d) of Chapter 15A of the General Laws when public high school track programs benefit from using RLTAAC without charge while deriving revenue, such as admission fees, that RLTAAC cannot use to defray expenses associated with that free use. OSA recommends that RCC work with the Legislature to address this potential imbalance under the law.

Moreover, in its response, RCC asserts that RLTAAC cannot generate revenue from November through March because it cannot host any private events during track season. Based on this, and on the rental limitations posed by the exclusive use of RLTAAC by high school track leagues, OSA recommends that RCC work with the Legislature to assess whether appropriations for RLTAAC are sufficient to meet all the operating costs associated with the center's extensive use.

RLTAAC's response also indicates that 26 private high schools participated in league meets during the audit period and may have incurred the same benefits as public high schools. Often, track rentals are secured by high school track leagues, which can include both public and private high schools. Use of RLTAAC by private high schools without charge was almost certainly not the intent of the RLTAAC enabling legislation and is contrary to Section 2 of Article XVIII of the state constitution. RLTAAC should make certain that only public high schools use the facility without charge and that private schools pay all appropriate rental fees.

Based on its response, RCC is taking measures to address our other recommendations.

3. RCC did not maintain RLTAAC employee contracts and Employment Status Forms on file and made RLTAAC employee contract overpayments totaling \$28,967.

Of the 98 RLTAAC employee contracts into which RCC entered during the audit period, we only received 59, totaling \$363,162 (43 for fiscal year 2018, totaling \$236,626, and 16 for fiscal year 2019, totaling \$126,537).⁶ Although these 59 contracts were renewed on time, RCC could not locate the other 39 (9 for fiscal year 2018 and 30 for fiscal year 2019).

6. The \$1 variance in the sum of the fiscal year 2018 and 2019 contract amounts is due to rounding.

We used the pay rates and hours per week from the RLAC employee contracts to calculate the annual pay amount for each contract. These contracts had different pay rates and hours per week. The pay rates ranged from \$11 to \$37 per hour, and the hours per week ranged from 10 to 37.5. Regardless of any limit stated on the contracts, we considered all the amounts that exceeded our calculated annual contract pay amounts as overpayments, because contractors should be paid in accordance with the specific terms and conditions of their contracts. Of the 59 employee contracts received, there were 9 (5 for fiscal year 2018 and 4 for fiscal year 2019) in which the annual amounts RCC paid exceeded those that we calculated. The overpayments totaled \$28,967 (\$16,945 for fiscal year 2018 and \$12,022 for fiscal year 2019) and applied to six RLAC contract employees.

In addition, RCC's Human Resources (HR) Office did not always complete and retain the required Employment Status Forms (ESFs) for RLAC contract employees during the audit period.

A policy titled "Individual Contractors: Contract Employees vs. Independent Contractor" was jointly issued by the Commonwealth's Operational Services Division, CTR, and the state HR Division in November 2005 and last revised in September 2013. The policy provides guidance to departments to determine whether to hire a contract employee or contract with an independent contractor,⁷ as well as how to recruit, and execute contracts for, contract employees. The guidance includes the Commonwealth's three-part test, which is a checklist that departments must use to determine a person's employment status under state and federal law before procuring contract services. The department must also complete an ESF, which certifies a contractor's employment status.

The above-mentioned policy states that the burden is on the department to support its employee status classification. Despite this requirement, we determined that none of the 74 RLAC contract employees in our test had a completed ESF on file that definitively established his/her employment status as a contract employee, not an independent contractor.

Not retaining RLAC employee contracts may increase the risk of contract employees working without updated contracts or working more hours than their contracts allow, as well as the risk of RCC not complying with the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018. Furthermore, not monitoring contract payments to ensure that they do

7. A contract employee is an individual who has a continuing relationship established with an employer. The employer has oversight of the individual's performance, and generally various taxes are withheld from the individual's pay, which is a regular hourly or weekly wage. An independent contractor is usually self-employed and is engaged to perform a specific project or provide services for a specific period of time. The individual is paid a flat fee for the project or service.

not exceed the annual contract payment amounts may result in employees being paid the wrong salary and RCC's budget being exceeded. Finally, not completing and retaining ESFs may result in the misclassification of contract employees. Because different employment obligations and associated tax obligations apply to each type of contractor, strict rules apply and misclassifications could result in either state or federal penalties.

Authoritative Guidance

Regarding the missing RLTA employee contracts, the *Massachusetts Statewide Records Retention Schedule Quick Guide Schedule Number 06-18*, revised December 2018, states that recruitment and hiring records must be retained for three years after the hiring process closes.

Regarding contract overpayments, we inspected the pay rates and hours per week in each contract that we received from RCC.

Finally, the ESF states,

Departments are required to determine the type of work to be performed and whether it qualifies for contract employee or independent contractor status PRIOR TO PROCURING THE SERVICES. Once an individual contractor is hired, this form must be completed and filed with the contract. Pursuant to M.G.L. c. 149, s. 148B, an individual contractor is presumed to be a contract employee unless they meet all factors of the three-factor test. . . . The department must attach any relevant documentation in order to support independent contractor status.

Reasons for Issue

In a memo to OSA, RCC officials explained,

In the current audit there has been documentation that could not be found. These outstanding items include contracts for event staff. . . .

*We have been unable to locate contracts for many of the event staff selected for testing for this audit. Many individuals listed are long-term contract staff, with contracts on file for fiscal years **prior and after the audit period**, but not during the audit period.*

Going into [fiscal year] 2019, the College moved to using SharePoint as the application of record for all employee contracts; again, there are contracts that exist in SharePoint for some but not all of the staff selected for testing during [fiscal year] 2019.

RCC officials explained that managers are ultimately responsible for tracking how many hours their employees work; if the hours worked exceed the maximum hours allowed, the manager has to approve

the timesheet and provide an explanation for the extra hours worked. RCC officials also explained that because all the RLTAAC contract employees were classified as such, rather than as independent contractors, RCC personnel believed they did not have to complete or retain ESFs during the audit period. It was management's understanding that because the ESF is used to determine whether an individual is an independent contractor, it only needs to be retained for that purpose.

Recommendations

1. RCC should retain completed and signed contracts for all RLTAAC contract employees.
2. RCC should establish and follow policies and procedures that are specific to contract monitoring biweekly to ensure that employees do not exceed their contract terms in regard to hours and compensation.
3. RCC should complete and retain ESFs for all contract employees.

Auditee's Response

The College believes that the missing contracts are in hard copy form somewhere on the campus. Since there was a flood caused by a burst water pipe that affected both the HR office and the Office of Auxiliary Services, it is presumed that there are missing boxes of files for both areas. The audit period overlapped the time when paper contracts were being converted to electronic contracts in SharePoint.

New staff in RCC's Human Resources Office have been apprised of the need to complete Employment Status Forms for all RLTAAC event staff and to retain that form in the individuals' personnel files. Contracts for all future RLTAAC event staff will continue to be maintained in electronic and paper form, according to the Statewide Records Retention Schedule.

Supervisors for RLTAAC event staff will be alerted to monitor event staff timesheets to ensure no staff are exceeding their contracted hours.

In a follow-up response, RCC added,

Although the flood . . . and remote work environment (caused by the COVID-19 pandemic) provided us with an opportunity to move many of our paper-based systems online, there were many more negative impacts. The vast majority of college administrators and support staff were working without full access to historical records for the past 3 years. The lack of access to historical records coupled with the challenges presented by the COVID-19 transition to remote work severely affected RCC's ability to locate the files needed for the RLTAAC audit.

Auditor's Reply

Based on its response, RCC is taking measures to address our concerns on this matter.

4. RCC did not always have Sex Offender Registry Information checks conducted for its RLTA employees.

RCC did not have the Sex Offender Registry Board (SORB) conduct Sex Offender Registry Information (SORI) checks for 13 of the 19 RLTA employees we selected for inspection who should have had such checks. Two of these employees were hired before the audit period. (The issue of not conducting SORI checks was also discussed in our prior report.) The other 11 were hired during the audit period.

This issue may increase the risk that RLTA employees with sex offender records could have unsupervised contact with children, elderly people, or people with disabilities at RLTA. Additionally, RCC is not compliant with its internal policy regarding SORI checks.

Authoritative Guidance

The HR "CORI/SORI Policy" from RCC's website states,

Students and employees participating in an academic, community or clinical program that involves the potential for unsupervised contact with children, the disabled, or the elderly, are required to undergo a Criminal Offender Record Information (CORI) check and/or a Sex Offender Registry Information (SORI) check. Students found to have certain criminal convictions or pending criminal actions will be presumed ineligible to participate in such activities. Applicants with CORI and/or SORI records may be denied college employment under certain circumstances. The College's access to CORI and SORI records is authorized by the Commonwealth's Criminal History Systems Board pursuant to Massachusetts General Laws, and regulations issued by the Executive Office of Health and Human Services.

Reasons for Issue

RCC officials told us the former RCC HR staff member who was in charge of this task could not explain why these 13 SORI checks had not been conducted. However, a possible cause for this issue is the staff turnover that occurred during fiscal years 2018 and 2019, which included the HR assistant director who was in charge of submitting SORI checks.

Recommendation

RCC should ensure that SORI checks are conducted for all RLTA employees and for all newly hired RLTA employees from now on.

Auditee's Response

It is College policy that all new RCC employees have both CORI and SORI checks completed as part of the conditions of hire. While the College acknowledges that the previous HR staff were not consistent in processing SORI checks on an annual basis for returning RLTAAC event staff, once alerted to the issue, the College asked SORB to run SORI checks on all the event staff who were missing those checks at hire. Although this was after the fact, all staff came back with clean SORI checks.

The current RCC HR staff is aware of the requirement to run SORI checks on all new hires, regardless of if individuals are long-term temporary staff returning for each event season or new to the College.

Auditor's Reply

Based on its response, RCC is taking measures to address our concerns on this matter.

Auditee's Response—General Comments

RCC provided general responses along with its comments on the audit findings. Specifically, it indicated that it had worked to address the issues identified in OSA's prior audit of RLTAAC (No. 2012-0204-3S). It indicated that it had uncovered additional problems with RLTAAC's operation and turned these problems over to the state Attorney General and Inspector General.

Additionally, RCC stated,

RCC's president, directed and assisted by the Board of Trustees, has addressed these matters as knowledge of the issues, time, and resources have allowed. The timing of this audit occurred when the College was taking corrective actions, making necessary staff changes, and working within systems to negotiate changes. In addition, the College experienced a flood due to a weather-related burst pipe in its administrative building in January of 2018. As a result, college documents were packed and stored to preserve them from water damage, sometimes in an unsystematic manner, by staff members no longer employed by the College. The repairs to the building were only completed this spring and staff began to move back into these spaces in May 2021. The College continues to return stored documents to the correct offices.

Last, RCC has been severely impacted by staff turnover in the areas key to this audit. Senior administrators including the Vice President of Finance, the Comptroller, the Payroll Manager, the Executive Director of HR, the Vice President of Instruction, and the Dean of Students have left the College, often without notice or proper transition. Additionally, several support staff in all of these areas have resigned, retired, or have become ill and are on extended sick leaves. While the College has hired new staff and has made every effort to identify documents needed by the audit team, the flood and staff turnover caused challenges in accessing the documents needed by the auditing team.