
SUBJECT: Risk Management and Audit Committee Meeting Report for January 24, 2024

The committee met remotely in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 30A and An Act Relative to Extending Certain State of Emergency Accommodations, which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023. Specifically, this extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. All votes taken during this meeting were by roll call vote.

Present for the Committee: Trustees Morales (chair), Kezer, and Mattera; Chairperson Russell, President Keenan (ex-officio), Vice President House (committee co-liaison), Vice President Colucci (committee co-liaison), and staff associate Fiore.

Absent for the Committee: Trustee Lampassi

Trustee Morales, committee chair, called the meeting to order at 5:15 pm.

FY23 annual report of president's expenditures (Attachment A).

There were no questions regarding the FY23 annual report of president's expenditures.

Auditors for FY24 motion (Attachment B)

Trustee Mattera **MOVED** the following motion, which was **SECONDED** by Trustee Kezer.

MOTION

The Risk Management and Audit Committee recommends that the Board of Trustees approve the following motion pertaining to the audit firm for FY2024.

Recommended motion:

The Board of Trustees of Salem State University hereby approves the renewal of the contract with Withum (formerly O'Connor & Drew) and appoints them to perform audit services for FY2024 with fees as stated herein. The cost for FY2024 will be \$86,900 for the base audit plus an additional \$5,000 for each major program for the federal audit. This represents an increase of 5% from FY2023. Additionally, the cost for the FY2024 state financial aid audit (aka MOSFA audit) will be \$5,500. The MOSFA audit is conducted once every three years and is due for the FY2024 year.

A roll call vote was taken.

Voting in the affirmative: Trustees Kezer, Mattera, Morales
Voting against: None

The motion passed unanimously.

Annual Clery Report (Attachment C and D)

Interim Chief Riggs presented background about the Clery Report and discussed compliance standards and the university's results for the most recent reportable year.

Executive Session

Chair Morales stated that the committee will go into Executive Session for the last agenda item pursuant to Mass General Law chapter 30A, section 21(a)(4). The RMA committee will adjourn during Executive Session and will not be returning to open meeting.

Trustee Mattera **MOVED**, and Trustee Maldonado **SECONDED** a motion to enter into executive session to discuss the deployment of security personnel or devices, or strategies with respect thereto pursuant to Mass General Law chapter 30A, section 21(a)(4). A roll call vote was taken at 5:46 pm and the motion passed unanimously.

Voting in the affirmative: Trustees Mattera and Morales
Voting against: None

EXECUTIVE SESSION (separate notes)

There being no other business a motion was made to adjourn.

Trustee Mattera **MOVED** that the Risk Management and Audit Committee meeting Executive Session adjourn **SECONDED** by Trustee Maldonado.

Voting in the affirmative: Trustees Mattera and Morales
Voting against: None

The meeting adjourned at 6:18 pm.

Prepared by B. Fiore, staff associate, finance and facilities

Salem State University
President Keenan's Annual Expenses
FY 2023 (July 1, 2022 - June 30, 2023)

Date	Purpose	Desc	Amount	Check #	Check Date	
7/1/2022	Breakfast w/Jim Lampassi	Meal	\$ 20.09	309628	8/18/2022	
7/13/2022	NECHE Annual Registration	Registration	\$ 905.00	Pro Card	7/15/2022	
7/22/2022	Breakfast w/Cherie Butts	Meal	\$ 11.42	309628	8/18/2022	
7/22/2022	Parking Cambridge	Parking	\$ 42.00	309628	8/18/2022	
7/29/2022	Board of Bar Overseers License	Renewal	\$ 207.31	309667	8/25/2022	
8/1/2022	Breakfast w/ President Chenault	Meal	\$ 33.82	309667	8/25/2022	
8/7/2022	Book/ How To Tell A Story	Publication	\$ 29.68	309667	8/25/2022	
9/5/2022	Professional Development Book	Publication	\$ 25.83	Pro Card	9/5/2022	
10/6 - 10/10/2022	Travel HACU Annual Conference	Conference	\$ 2,159.70	310930	10/20/2022	
10/14/2022	Book/Chronicle for Higher Ed	Publication	\$ 138.00	Pro Card	10/14/2022	
12/7/2022	New England Council Parking/Mtg	Meeting	\$ 89.00	313430	2/27/2023	
2/7/2023	Parking / Business Associates Club	Renewal	\$ 14.00	313430	2/27/2023	
2/9/2023	Faculty & Staff Color Reception/Ledger's	Meal	\$ 5,845.08	313430	2/27/2023	
3/24/2023	Breakfast w/ Kurt Steinberg	Meal	\$ 9.50	314831	5/11/2023	
4/11/2023	State House Breakfast	Meal	\$ 36.24	314831	5/11/2023	
4/11/2023	State House Parking	Parking	\$ 41.00	314831	5/11/2023	
4/12/2023	Marriott Waterfront/Campaign regional events	Hotel	\$ 325.65	Pro Card	4/12/2023	Reimbursed by the SSU Foundation
4/14/2023	Webbtrans/Campaign event	Transporation	\$ 127.50	Pro Card	4/14/2023	Reimbursed by the SSU Foundation
4/16/2023	Personal Development/ HBR on point/NY Time Sun	Meal	\$ 27.97	314831	5/11/2023	
4/18/2024	Webbtrans/Campaign event	Transporation	\$ 131.00	Pro Card	4/18/2024	Reimbursed by the SSU Foundation
5/11/2023	Frame for Meet the Moment Celebration	MISC	\$ 261.60	316325	6/22/2023	
5/23/2023	HACU Annual Conference	Conference	\$ 680.00	Pro Card	5/31/2023	
5/30/2023	Hotel for COP mtg Buzzards Bay	Hotel	\$ 360.50	316325	6/22/2023	
6/1/2023	Renewal Board of Bar Overseers	Renewal	\$ 207.31	316010	6/8/2023	
6/14/2023	Breakfast Unicare Scholarship	Meal	\$ 48.13	316783	8/10/2023	
6/15/2023	HACU Oct 2023	Flight	\$ 242.96	316783	8/10/2023	
6/19/2023	Breakfast Mtg - Higher Ed Discussion	Meal	\$ 17.97	316783	8/10/2023	
			\$ 12,038.26			

FY23 annual report of president's expenses

Above is complete list of expenses incurred by President Keenan during FY23 (July 1,2022 - June 30,2023). Expenses were either reimbursed to the president or incurred on a university pro card on his behalf. During the year, the board chair approved the items prior to reimbursements.

REQUEST FOR TRUSTEE ACTION

Date: January 17, 2024
To: Risk Management and Audit Committee
From: Karen P. House, vice president for finance and facilities
Subject: Appointment of audit firm for FY2024
Requested Action: Approval

Background

The Risk Management and Audit Committee charter includes these responsibilities, among others, pertaining to the annual independent audit:

1. Annually consider the appointment of the external auditor.
2. Review and approve the terms of engagement and fees of the external auditor at the start of each audit.

Previously, O'Connor & Drew P.C. (OCD) provided a proposal for audit services for a three-year term plus two one-year extensions. The proposal was accepted. Therefore on April 14, 2021, the Board of Trustees approved a three contract for auditing services for FY2021, FY2022 and FY2023. Annually, the Board of Trustees affirmed the appointment and terms for each of those audit periods. On January 1, 2023, OCD merged with Withum. The university recommends renewing the contract to incorporate the first one-year extension for the FY2024 audits. The cost for FY2024 would increase by 5% over FY2023.

MOTION

The Risk Management and Audit Committee recommends that the Board of Trustees approve the following motion pertaining to the audit firm for FY2024.

Recommended motion

The Board of Trustees of Salem State University hereby approves the renewal of the contract with Withum (formerly O'Connor & Drew) and appoints them to perform audit services for FY2024 with fees as stated herein. The cost for FY2024 will be \$86,900 for the base audit plus an additional \$5,000 for each major program for the federal audit. This represents an increase of 5% from FY2023. Additionally, the cost for the FY2024 state financial aid audit (aka MOSFA audit) will be \$5,500. The MOSFA audit is conducted once every three years and is due for the FY2024 year.

Committee Assigned: Risk Audit and Management
Committee Action: Approved
Date of Action: January 24, 2024

Trustee Action:

Trustee Approval Date:

Effective Date:

Signed: _____

Title: Secretary of Board of Trustees

Date: _____

Salem State University BOT Risk Management and Audit (RMA) Committee 24 January 2024

Prepared by: Interim Chief of Police,
Richard Riggs, Salem State University
Police Department

Clery Act Background

- In 1986, Jeanne Clery was a freshman at Lehigh University.
- She was murdered and sexually assaulted in her room in a campus residence hall.
- The university had not informed students about 38 violent crimes on campus in the three years preceding her murder.



What is the Clery Act?

The “**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**” is a **federal law** that requires institutions of higher education in the United States to disclose campus security information including crime statistics for the campus and surrounding areas.

What is required by the Clery Act?

- Publish and make available a campus Annual Security Report (ASR) by October 1st of each year.
- Inform prospective students and employees about the Annual Security Report.
- Notify the campus in a timely manner of crimes that pose a significant ongoing threat.
- Support and keep an up-to-date daily log of all reported crimes.

Which schools must comply with the Clery Act?

All institutions of postsecondary education, both public and private, that participate in federal student aid programs must publish and disseminate an annual campus security report as well as make timely warnings.

Violations of the act can result in fines up to \$62,689 (per violation) by the US Department of Education. (Effective as of 4/20/22)

Distribution Requirements

- Each campus must publish its campus Annual Security Report by October 1st of each year.
- The report must be published within a single document and may come in electronic and/or print format.



Three Years of Crime Statistics

- The campus annual security report provides information on crime statistics for the three years prior to publication.
- The 2023 report includes crime statistics from 2020, 2021, and 2022.



What is a Campus Security Authority?

The definition of “Campus Security Authority” or CSA is: “Any 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.”

These Officials May Include (but not limited to)

- Dean of Students
- Director of Student Activities
- Athletic Director
- Athletic Coaches
- Faculty Advisors to Student Groups
- Student Affairs Professionals
- Mentors to Student Clubs and Organizations
- Hall Directors and RA's

Campus Security Authorities

- In order to comply with the Clery Act, the university administrators must:
 - Determine who the institution's campus security authorities are
 - Advise them of their role
 - Describe their responsibilities
 - Provide training for them

Campus Security Authority's Major Responsibilities

- Encourage crime victims and witnesses to report any mandatory reportable crime to the University Police.
- To formally notify the University Police Department of any reportable crime they are made aware of.



General Crime Reporting

- CSA's are instructed in an emergency to always dial 911 or 978-542-6111!
- For routine reports contact the University Police at 978-542-6111
- CSA's must report a crime whenever a victim or witness calls it to their attention whether they decide to report it or not.

What Crimes Need to be Reported?

The Clery Act specifies eleven (11) crime categories that must be reported:

Aggravated Assault

Arson

Burglary

Criminal Homicide Murder and Non-Negligent Manslaughter

Hate Crimes

Motor Vehicle Theft

Robbery

Sex Offenses (Forcible and Non-forcible)

Dating Violence

Domestic Violence

Stalking

Campus Property Definitions

For a crime to be reportable, it must occur at one of the following locations:

- On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

Campus Property Definitions

Non-Campus Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

Campus Property Definitions

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Campus Property Definitions

Residential Facility: Dormitories/Residence Halls or other residential facilities for students on campus is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus.

Alcohol, Drug, and Weapons Offenses That Must be Reported

- Campuses must include three years of statistics for arrests in these areas.
- Campuses must also include statistics for persons not arrested but referred for campus disciplinary action in regard to liquor law, drug law violations, and illegal weapons possession.

Clery Reporting Forms:

Anyone identified as a Campus Security Authority must call the University Police or complete and submit the “SALEM STATE UNIVERSITY CAMPUS SECURITY AUTHORITY CLERY REPORTING FORM” when a Clery reportable crime is brought to their attention.

Informing Prospective Students and Employees about the campus Annual Security Report

- To comply with the Clery Act, campuses must let everyone who asks for information about a job or admission to the school know that the report is available.

Timely Warnings/Reporting of Crimes That Threaten Campus Safety

- Notification may be given by several means including the University Police Website, E-Mails and in immediate emergencies via the “SSU ALERT” warning system.
- The campus must be notified in a timely manner regarding any incident that poses a significant and ongoing threat to the community.

Daily Log of all Reported Crimes

Each entry on the daily log should include:

- The date, time, and location of the crime.
- An easy-to-understand crime definition.
- The disposition of the crime.

Fire Log

- The fire log is included as part of the Daily Log which records any fire that occurs in an on-campus student facility. The log must contain the following:
 - The date the fire was reported
 - Date and time the fire
 - Nature of the fire
 - General location of the fire

Title IX, VAWA, and SaVe Act

- Additionally, the ASR contains Policies and Procedures demonstrating compliance Sexual Assault, Domestic Violence, Stalking and Dating Violence, Title IX and the Violence Against Women Act (VAWA), which incorporates the Campus Sexual Violence Elimination Act (SaVe Act)

Clery Act Resources

Salem State University Police webpage:

<http://www.salemstate.edu/police>

Security on Campus Inc.:

<http://clerycenter.org/>

**CONTACT THE SALEM STATE UNIVERSITY
POLICE ADMINISTRATION FOR
QUESTIONS CONCERNING PROPER CLERY
REPORTING 978-542-6542**

DEFINITIONS OF REPORTABLE CRIMES

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics you must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying and Possessing Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all of the other UCR Program Standards.

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that the institution must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Clery Act regulations.

The following list describes crimes reportable under the Clery Act regulations.

Murder/Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safe cracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapons Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Domestic Violence: A felony or misdemeanor crime of violence committed by

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

Dating Violence: means violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

Stalking: means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress

Hate Crimes by Prejudice

Hate Crimes: hate (bias) related crimes are reported by the type of bias as defined above on for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, simple assault, vandalism, and intimidation (see definitions below).

- **Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Vandalism:** (Damage) To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

SALEM STATE UNIVERSITY CRIME STATISTICS ⁷					
		GEOGRAPHIC LOCATION			
Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Rape	2020	1	1	0	0
	2021	3	3	0	0
	2022	3	2	0	0
Fondling	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	1	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

SALEM STATE UNIVERSITY CRIME STATISTICS ⁷					
		GEOGRAPHIC LOCATION			
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Burglary	2020	4	0	0	0
	2021	1	0	0	0
	2022	6	2	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Domestic Violence	2020	1	1	0	0
	2021	0	0	0	2
	2022	1	1	0	0
Dating Violence	2020	1	1	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Stalking	2020	0	0	0	0
	2021	1	0	0	0
	2022	0	0	0	0

⁷ Statistics are accurate as of the date of publication.
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SALEM STATE UNIVERSITY CRIME STATISTICS ⁷					
		GEOGRAPHIC LOCATION			
Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons Carrying, Possession, Etc.	2020	0	0	0	0
	2021	1	0	0	0
	2022	2	1	0	5
Disciplinary Referrals: Weapons Carrying, Possession, Etc.	2020	1	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0	2
	2021	0	0	0	1
	2022	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	53	53	0	0
	2021	59	59	0	0
	2022	5	5	0	0

2020: One on-campus/Student Housing
reported
vandalism (sexual Orientation)

2021: No hate crimes reported

2022: No hate crimes

2020: No Incidents Unfounded
Unfounded

2021: No Incidents Unfounded

2022: No Incidents