

Minutes of the
NIU Board of Trustees
CARL Committee
November 17, 2016

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:10 a.m. by Chair Cherilyn Murer in the Board of Trustees Room, 315 Altgeld Hall. Recording Secretary Julie Edwards conducted a roll call. Members present were Trustees John Butler, Wheeler Coleman, Student Trustee Matthew Holmes, Robert Marshall Timothy Struthers and Board Chair Marc Strauss. Members absent were Trustee Robert Boey. Also present: : Greg Long, Executive Secretary, Advisory Council and President, Faculty Senate Cathy Doederlein, President, SPS Council.

VERIFICATION OF QUORUM AND APPROPRIATE NOTICE OF PUBLIC MEETING

Deputy General Counsel Greg Brady indicated the appropriate notification of the meeting has been provided pursuant to the Illinois Open Meetings Act. Mr. Brady also advised that a quorum was present.

MEETING AGENDA APPROVAL

Chair Cherilyn Murer asked for a motion to approve the meeting agenda. Trustee Marc Strauss so moved and Student Trustee Matthew Holmes seconded.

REVIEW AND APPROVAL OF MINUTES

Chair Cherilyn Murer asked for a motion to approve the minutes of August 25, 2016. Trustee Marc Strauss so moved and Trustee John Butler seconded. The motion passed.

CHAIR'S COMMENTS/ANNOUNCEMENTS

Chair Murer: I'd like to recognize Dr. Long and Cathy Doederlein.

Cathy Doederlein: Thank you and thank you as always for the time afforded to the shared governance representatives to share our comments. I actually have a more general comment than necessarily anything specific to this agenda; but as we all know the climate not just of our campus but our entire country has had some definite concern and tension over recent weeks, and I just wanted to take a moment to commend the entire campus community on their efforts in supporting our students and supporting each other. From the counselors and counseling services providing additional support to students feeling great anxiety or depression over what the future might hold for them, to our cultural centers providing the opportunity for open dialog and safe spaces for our students, to our administration providing careful guidance to insure that we're honoring free speech and expression but also to insure that we are not tolerating hate speech or hostility toward any members of our community. The list of supports of our campus community has been providing goes on and on. Spending the lunch hour yesterday with several of my colleagues from faculty, staff, and administration chalking messages of support across our campus gave me hope and comfort in these trying times, and in this season of gratitude I find myself thankful of the NIU community and of the strength we show in times of adversity. Thank you.

Greg Long: I have just a couple of very brief comments with regard to the university report and on the overview to the NCAA compliance, athletic compliance, I'm not exactly certain what's going to be said, but I will not that during yesterday's Faculty Senate meeting Matt Streb who is the chair of the athletics board did give a brief presentation with regard to the academic performance of our teams. If that's not part of the compliance report I would suggest that at some point that they make that available to you because our student athletes do very, very well compared to other Illinois and MAC institutions and in fact their graduation rate exceeds that of the non-student athletes on campus. I just wanted to again note the

impressive work being done to get those students doing well in school and careers. And then the other thing I would just mention I know there's going to be a report from the police and would mention that the police department and Chief Phillips have reached out to Faculty Senate as to give us information, come and talk to us, provide opportunities for safety training and have worked collaboratively with the faculty and staff to share information. So we would like to thank them as well.

Chair Murer: Thank you. I do hope when Athletics makes its presentation if you have those statistics, please make that known to the committee. I would like to address both of your comments just for a moment. NIU has always been, has had a strong history in its commitment to diversity and we need to maintain that. We need to maintain our sense of inclusion, tolerance, and respect. Regardless of what anyone else does anywhere else, that is our commitment here at this university and I thank you for bringing that to our attention this morning. I do hope that we, our students, made their opinions known through the voting process and we as either faculty or trustees or administration need to continue to reinforce that right to vote. That's how we have our voice heard. As it relates to our athletics I'm glad that you mentioned that as well. Again, we've have a long and rich history of our student athletes excelling in grades, excelling in retention, and graduation and it's something that we should never forget. They are student athletes and we really have always had a history of respect in that here as well. Again, thank you both for your comments. They were very perceptive.

Chair Murer: The agenda today continues our effort to keep the committee updated on issues within its jurisdiction which have significant compliance or risk implications while simultaneously providing an opportunity to have substantive discussion of issues which may or may not require committee action.

There are three items which fall with the first category of the agenda. The first item is an overview of NCAA athletic compliance presented by Sean Frazier, Associate Vice President Director of Intercollegiate Athletics; and Jerome Rodgers, Senior Associate Athletic Director. The second item on the agenda is an overview of the 2016-17 annual safety and security report given by Thomas Phillips, Chief of Police Department of Public Safety; and newly appointed Director of Clery Compliance John Ithal. The third and final item on the agenda is our annual internal audit update FY16 given by Danielle Schultz, Director of Internal Audit. We'll begin with Athletics and would you please come to the podium.

PUBLIC COMMENT

Deputy General Counsel Brady indicated that there were no request for public comment.

UNIVERSITY RECOMMENDATIONS/REPORT

Information Item – 7.a. – Overview of NCAA Athletic Compliance (Sean T. Frazier and Jerome Rodgers)

Sean Frazier: Thank you very much Madame Chair for having us. I'm a little bit off kilter but I have one of my best, Jerome Rodgers, Senior Associate Athletic Director for Compliance and Operations. He's going to be taking us through a compliance review. It's really important for us to maintain the balance in academics and athletics but also do it within the guides of our governing body which is the NCAA. We have a comprehensive overview of what we do on a regular basis. I'm not going to steal Jerome's thunder but I'll just say that we take this really seriously and we are on the cutting edge of a lot of things that we do here at NIU. I'm really happy about our team. I will say thanks a lot for the recognition of the diversity and inclusion award that we received from NCAA. That took a lot of partnership across campus and in the community. I'm really proud of that. We really have a great spirit here at NIU. Something that quite frankly I would say is preeminence in our area for recruitment and retention of all students. I think the NCAA recognized that and did not hesitate and Jerome Rodgers actually leads the charge for our diversity and integration group, our DIG group that was recognized there. So we're going to talk a little bit about that, but thanks a lot for the leadership. Obviously President Baker, Provost Freeman and a number of folks that really make that happen. I'm not going to steal his thunder. He has a

comprehensive review I want him to get through it. If there's any questions afterwards, I'd be happy to answer that, but I really appreciate being here. Jerome.

Jerome Rodgers: Good morning trustees. Thank you for the opportunity to be here as well as guests. Our agenda is pretty full here. The purpose was quite frankly to give you an overview of what we've been doing here at NIU to ensure that we have a very compliant institution and athletics program. I want to kind of give you a background on my compliance team, the NCAA violation structure, as well as a head coach's responsibility. Those two points right there, over the past five years in my opinion are the two most transformational pieces of legislation that our membership has adopted to hold institutions accountable. I want to outline some of the things we have in place from an institutional control perspective. Summarize the number of violations that we've reported over the last three years, and then highlight one of the most important things we do as far as getting the word out, our focus on rules education. First and foremost, as you will see, our particular commitment to compliance starts with three full-time staff members not including myself and two GA's. My experience at this particular level of an institution we are supported in a great fashion based on the staff, what we look for when we're hiring someone to fill these positions. A couple of things that are important that Sean and I have talked about, if we have an opportunity to have a former athlete that understands the culture of what we're trying to oversee, if we could have some individuals that have some background either at the conference level or at the NCAA national level, that's important to us. If we have individuals that have ties to the area, that's important based on the dynamics or the diversity of our staff, we've been able to satisfy all of those components. Kiera Miller, our Assistant AD for Compliance deals with all the day-to-day operations. She has NCAA background and did her master's work here at NIU. Scott Foelske, Compliance Coordinator, was an intern here before going off to get a full time job opportunity at another institution has come back to lead an aspect of what we do within our unit. Our third spot is vacant right now and we have GA's that we like many departments across campus you treat your graduate assistants like full time staff members, obviously within our requirements as far as giving them exposure and experience to the profession. As I mentioned a new structure, in 2013 the NCAA and the membership voted to change how we report violations. Historically it's been either a two-prong system which was a major infraction or a major violation or a secondary violation. 2013 the membership voted to adopt a four-prong process so you have levels one, two, three and four. I'm proud to say levels one and two are the most egregious violations that you have. We do not fall in that realm. You'll get an overview of where we are as it relates to the violations on a future slide. Level one, again here what I want to highlight is pay special attention to the words that are being used as it relates to how the membership wanted to articulate the purpose and the intent of these particular violations. You see severe breach of conduct; obviously this is the most severe violation that you can have within our structure. Some of the penalties could very well be loss of wins, loss of revenue, public sanctions, individuals getting fired, terminated, etc. like that which is very common and very consistent when you're dealing with this particular level of violation. When you look at the level one, some of the things that contribute to that when the committee on infractions is looking at it, lack of institutional control. That goes to the fiber of what the NCAA and our association is based on is focused on institution control. Each institution should manage and have direct oversight over his athletics program; academic fraud, just to name two of the items on there as examples of severe breach of conduct. Level two, again pay special attention to the words here, significant breach. These type of things looking at the to provide a minimum but less than substantial or extensive recruiting advantage, substantial extensive benefits, all of those things are focused on what individuals are doing out in the community to try to get some type of advantage whether that is from a recruiting perspective or from a wins and loss perspective as well. Examples of some of the cases that have been filed and the committee looks at; obviously failure to monitor. What you saw before, you also see lack of monitoring, but a failure to monitor your particular program; systematic violations that do not rise to the level of a lack of institutional control; and specifically multiple recruiting financial aid, and eligibility violations. In essence what they're saying is if they come in the committee or an outside group or enforcement staff comes in and does an investigation, you could have a level two violation based on you having three or four violations within a particular bylaw. Again, that's been common or standard practice within our industry. Level three, breach of conduct, these again level three and level four violations have basically replaced

the secondary violations and that is typically where we are. We are an institution that has violations. We are a functional Division 1 FBS program so it's very common to have a number of violations and based on our systems and our policies and procedures we've been able to report those in a timely fashion. Level four, again getting to the least egregious violations which are the ones that are incidental in nature. Again, which we have some of those situations where coaches or student athletes or staff members, administration or what have you have incidental issues that come up. The next point here, head coaches responsibility. Over my years of being in this profession, one of the most challenging scenarios that most administrators have had to deal with is holding head coaches responsible for some of their actions. Not necessarily in places that I've worked at, but nationally you see some of the reports where historically the head coach will hide behind his or her assistant coach, director of operations, any person that is employed under their unit of responsibility and they've been able to in essence avoid the sanctions directly from the NCAA. What happened in 2012 was the NCAA, our membership, redefined or put a premier focus on the responsibility of a head coach. In essence the head coach was responsible for everyone in their department. They must maintain an atmosphere of compliance. They are ultimately responsible. One case that comes to mind was Syracuse I believe two years ago, a very powerful coach, basketball coach, was sanctioned and charged with lack of head coaches responsibility and he was penalized for I believe six or seven games during conference season so that's very substantial in our industry. Again, some of the points that I talk about the head coaches' responsibility, promoting an atmosphere of compliance within a program, monitoring the activities, so in essence you need to know exactly what's going on in your program. You can't assume that or say I don't want to know what's going on just get it done, that is no longer going to be an acceptable practice within our industry. Again, just some points here with a demonstration of a shared responsibility that is something that as a compliance professional we preach that. The shared responsibility is prominent here because we have oversight from Internal Audit, we have oversight from the Office of General Counsel, and we have policies and procedures in place that really support what we're trying to do. Again, several of the other points, when it talks to head coaches responsibility what we've done once this piece of legislation was adopted we incorporated the head coaches responsibility within all of our head coaches contracts and letters of appointment. It makes it very clear what the expectations are. The head coaches have to document, meet with my team on a regular basis. They pretty much have to open up their offices and their time as mandated. Strangely enough, in some places it was like pulling teeth in the past to get face time with some of your power coaches. But based on this legislation we no longer have those issues anymore on a national level. Commitment to institutional control and compliance; this is exactly what we do here. The ultimate responsibility for an athletics program rests with the president and by virtue of that we also have to report our violations in a timely fashion. Our commitment to institutional controls some of the examples that we have in place on the next slide so I'll go over those for you. Ways that we demonstrate institutional control, first and foremost our Associate VP and Director of Athletics Sean Frazier reports directly to the president. Historically, there have been instances where the Director of Athletics will report to a VP or someone other than that. Based on the focus of with the responsibility for the athletic department going straight to the president, this is a very common situation right now and whether that is the MAC, the Mid American Conference comes in and does a compliance review, or an outside entity or the NCAA enforcement staff were to come on campus, they're going to look at all of those types of things to see where we rest as it relates to our commitment to institutional control. Our student athlete academic support area reports to the provost's office. That's very common as far as an industry practice at this point. We have written compliance policies and procedures which we look at on an annual basis. I meet with my staff on a weekly basis and as policies and procedures or rules changes need to be made we make those changes and then we implement them either immediately or at our first opportunity which would be going into the next academic year. Our policies are constantly updated and monitored internally. Direct access to the Office of General Counsel and Internal Audit, there have been a number of times that I've spoken directly with the Office of General Counsel. We have audits that are being done internally on an annual basis from internal audit on the three primary areas as it relates to financial aid recruiting or eligibility so that is a policy and a practice that NIU put in place prior to my arrival which is obviously supported when we do an outside compliance audit with the MAC or something like that. That is an additional enhancement. I've seen that at other places when I did the compliance reviews at one of

my other opportunities, and that is very common. That is a great practice to have in place. Again like I said, the internal audit conducts annual reviews on those three primary areas. We have an active and engaged faculty athletics rep, Dr. Matt Streb, a certification of eligibility, and our certification of financial aid rests with the actual bodies that oversee that for all students. Our records and registration has the final say on eligibility. We're very much in the room. We have a team approach to certifying eligibility for our student athletes, but the final decision rests with our certifying officer and that's the way it should be. Financial aid, the same scenario. Certification of financial aid, NCAA limits, and things of that nature yes we monitor it internally. We have systems in place to do that, but the ultimate oversight, ultimate say, rests with our Director of Financial Aid. Our violations, one would say we have two pages here for 2013 and 14. So I will say this as we go through the next several slides. A functional Division 1 FBS program has violations. My experience at the national office at the NCAA at a Power 5 Conference office, at multiple public and private institutions, we've always had multiple violations. That demonstrates that one, we have policies and procedures that are catching the violations; and or two, we have individuals that are self reporting in essence, coach I made a mistake, I contacted a prospect before via a phone call, or I had an inadvertent bump with a contact with a particular prospect or parent outside of the timeline or the bylaws. So this is very, very common. As you see I believe in 2013/14 we had 11 total violations. Again, very common. What I want to point out is that types of violations were level three and level four. Those are your secondary violations, inadvertent types of violations right there. So again this is very, very common. 2014/15 we had a higher number of violations. We had 16 particular violations. Again, the NCAA enforcement staff looks at programs that do not report violations. If you do not report violations, a red flag typically goes up at the national office. It should go up at your conference office. If you have violations that are self reported, that's very common. Again that is a functional program. In 2015/16 we had a total of nine, so the violations went down a little bit. I want to probably contribute that to probably some enhanced educational efforts that we did and I'll talk about that here on the next slide. Rules education model, who are we educating? We're educating all of our constituent groups; student athletes, coaches, boosters, local vendors, Board of Trustees, any and everyone; people across campus, our deans, people within our department. We meet with them on an annual basis. What types of education? We do it all in person, e-mail, social media, newsletters, websites. How often are we providing education? All the time. Again, NCAA comes in, they're looking, they're asking those question, who are you educating, how often do you educate, and by what means are you educating. And so what we've done is really stepped up some of our educational efforts specifically when the head coaches' responsibility legislation came into place was to identify our primary sports that have the greatest exposure to a violation. And we determined that to be our football program, our men's and women's basketball program, and our track program based on their recruiting habits. By virtue of that that, my office meets with them on a monthly basis individually going over specific things specific to their particular questions, give them one-on-one access as we give all our programs, but we have a greater focus on those four programs because they are our programs that have the greatest risk based on our assessment. All of our coaches get all of their education. We spend a lot of time providing education which is, in my opinion, one way to prevent the violations. Some questions when I presented to the Board of the Trustees in the past as well can you insure that we're not going to have any violations? No I cannot. I cannot insure that. One thing we can mandate is integrity of an individual. We cannot do that, but what we try to do is have documented policies and procedures in place to support what our mission is. Quite frankly my staff is quite focused on providing education to the entire NIU community with regard to the rules and regulations which mandate integrity and fair play in all our affairs. But above all else we exist to promote and protect the health and the well being of our student athletes, the Department of Athletics, and the institution. Whenever we are talking to our student athletes, talking to our coaches, talking to boosters or donors, talking like we did last night with high school counselors trying to provide education to them to help them on their campuses educate young people, we're doing that with that focus in mind.

Trustee Murer: Any questions?

Trustee Marshall: Actually I wanted to find out what happens to those self reported violations after they get to the NCAA?

Jerome Rodgers: Based on the Mid American Conference, all of our violations are submitted to the conference, copied to the conference and/or to the NCAA. What happens is we have I guess protocols, case president based on a particular violation. As long we assess what their prescribed penalty or sanction is, whether that is a two for one penalty. For example if a particular program practices two hours over the NCAA limit for a particular day or a particular week or what have you, we have to double that. If we put that in our report in that fashion it typically goes away. It's monitored, but we've met the threshold as far as penalizing the program, put them back in the position where they were before. So the two for one penalty. The NCAA keeps a log obviously of everyone's violations, but in level three and four the great thing is in most instances they NCAA has a lot of stuff to do from an enforcement perspective. If they trust the leadership at your institution, if they trust your conference leadership and what they're doing, they're not going to come back and pull back the scab and look at what you're doing for a level three or level four violation.

Trustee Marshall: Just as a closing comment on my part, I'd like to congratulate you guys on the fact that you're apparently practicing very well preventative maintenance and it seems to be paying off.

Trustee Holmes: These are all self-reported violations; do we have any record of a violation that wasn't self reported either by the MAC or the NCAA in recent memory?

Jerome Rodgers: The self reported violations would be...

Trustee Holmes: A violation that we didn't report and we got punished by the NCAA or the MAC?

Jerome Rodgers: That wouldn't happen. The self reporting process is the means by which we present a sanction or a violation to the NCAA or the MAC. If there was a situation where a violation occurred that we didn't know about, typically what happens is it's going to show up in the paper or we're going to get a call from the MAC or the NCAA and say hey we got information that X program did X, Y and Z you need to look into that. At that point we immediately go into our investigative procedures, notify - if it comes directly to me, I notify Mr. Frazier depending on the level of concern, I get with Mr. Blakemore and Matt Streb and we devise a plan or course of action and then we go into an immediate investigation.

Trustee Holmes: Okay, so they would let you handle it internally.

Jerome Rodgers: Correct, unless they feel like we're not capable of handling it and then that's when they come on campus and then they take it over themselves.

Trustee Strauss: Do you lack any resources or support in order to continue a fully functioning compliance infrastructure?

Jerome Rodgers: I'm sorry.

Trustee Strauss: Do you lack any resources or support in order to maintain a fully functioning compliance infrastructure?

Chair Murer: In reason though? We'll temper that question.

Sean Frazier: This is a priority. We all could use more resources. But when you talk about compliance, institutional control, transparency is job one. The state of intercollegiate athletics nationally as you know is a hot button issue so for right now our resources are pushed in Jerome's shop and our compliance shop mainly because of the fact that we feel really comfortable with our systems in place but it's on going. So right now, as it states, we feel comfortable with our level of resources and our support.

Chair Murer: And you have a vacancy also, correct, you have a vacancy and do you expect to fill that in a reasonably short time?

Jerome Rodgers: Yes, it has been approved for posting and we're just waiting to get the final word.

Trustee Coleman: First of all Jerome thank you for such a thorough presentation, appreciate it. Sean the same, I believe that leadership sets the tone at the top and so I want to commend you for running a tight shop. I also want to thank you for the work that you're putting forth for our institution. We saw very high profile schools get caught and had sanctions, whether it's North Carolina, Syracuse and some of the other institutions that are out there. But they were really strong; they had really strong coaches and really strong national programs and were able to bounce back from some of their sanctions in a relatively short period of time. We can't afford that. We need to make sure that we stay in compliance and that we don't have any level one's or level two sanctions against our institution and we're relying on the two of you as well as your coaching staff and all of the people that are running the program to insure that that doesn't happen. That we don't have a North Carolina or we don't have a Penn State or a Syracuse at our institution. And we appreciate all of your hard work of setting the tone at the top to insure that we stay right and that we abide by the rules. We have to protect the brand, protect the institution, and the self reporting, the education that you do we want to encourage you to continue to do that in the best fashion possible. Thank you.

Chair Murer: My last comment is to thank you as well. You've given this board great confidence in the seriousness that you've applied to compliance. Even your demeanor this morning really showed that this is not only a priority but the essence of what you do. I think it is important also with your entire staff that they understand that self reporting is expected and the worst commitment would be to hide anything. I mean that would be the most egregious is to hide anything because that hurts the university, it hurts the state, it hurts our students; so that too comes from the top the sense of if something happens speak up, we'll address it, we address it as a team, but this commitment to compliance I think is especially as you look at some of the other issues in athletics that Trustee Coleman has brought up, we need to maintain that level of integrity. But I think it also reflects the words of Miss Doederlein that in the next period of time if we all focus on respect, tolerance, judgment and doing our job, we're going to have a much better society. So thank you very much. Appreciate it.

Information Item – 7.b. – Overview of 2016-17 Annual Safety and Security Report (Thomas Phillips and John Ithal)

Chair Murer: Next is the Chief of Police and Director of Clery Compliance Thomas Phillips and John Ithal with an overview of the 2016-17 Annual Safety and Security Report. Again, I think this area is critical and the appropriate and timely reporting of any Clery issues as we know is essential to the integrity of this university. We look forward to your comments.

Thomas Phillips: Thank you Madame Chair, board members, President Baker. Today we're honored to report our annual security report and provide you with a brief overview of some of the changes with the Department of Education and a brief look at our statistics doing a three year comparison of our campus crimes statistics on campus and also a little bit about VAWA. But I would like to also introduce Mr. Ithal. He's been with us about a year and it culminates three years of work to really bring us up to a national standard of Clery compliance. Looking back three years ago when I arrived at Northern, looking at the internal controls in the police department as it relates the Clery; I realized we had some work to do. And over that time period we've set a standard of five internal controls that make sure that when we report our statistics at the end of the year we're sure and we're confident that they're not only complete but they're accurate and that we're in compliance with all our policies. Without further ado I want to introduce Mr. Ithal. He's going to cover the new compliance requirements with DOE and briefly cover the statistics.

John Ithal: Thank you Chief Phillips, thank you Board of Trustees and welcome visitors. We're here today to look at some of the new policy that took effect. It was a challenging year for the fact that the Department of Education decided to change the rules in July of this year so we had to go back to all of the statisticals, crime analysis, and stats from last year and redo them. So what we have is some new updates and I'm going to share those updates with you, go over those statistics and how they applied to our campus, and then lastly look at an award that we got. What's new? When we look at the Clery there's four general categories that Clery has now or the Department of Ed has now initiated for us to take part in. Those four categories are the criminal, the hate crimes, the Violence Against Women's Act as Chief stated the VAWA act, and then lastly the arrests and referrals for disciplinary actions. This means that when an incident meets any of these definitions when we look at what criminal offenses. Whenever the criminal offenses are met and there's more than one of the categories that are met within that criminal offense, we have to count it twice. A lot of our statistics, it may be one incident, but we're going to count more than one within our statistics. I would just like to keep that in mind and that was a change within Department of Ed. Within the regards to the criminal offenses, when we look at arson, sexual assaults, hate crimes and the VAWA offenses there's no hierarchy rule. Within the arrest and referrals at the bottom for disciplinary action, there's a hierarchy rule. Our hierarchy rule is if it's a drug offense and an alcohol offense within the same case, we only dictate the drug offense. We don't count the alcohol offense. However, with the crimes that I just stated, there's no hierarchy and that's why we have to count them twice. If we have a drug arrest along with a VAWA violation or an arson we're gonna count that twice once in each category. When we look at hate crimes, this has changed prior to June of 2016. Hate crimes was defined as an offense that is bias motivated. That was the definition of the Department of Ed. They redefined this definition and the new handbook has it defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrators bias against the victim. What does this mean? The Department of Ed further explained that it's the perception of the offender, not the perception of the victim that determines whether a crime is a hate crime. Knowing that an offender is prejudice is not enough. There must be evidence that the offender was motivated by that prejudice to commit the crime. The Department of Ed had really taken and expanded on what a hate crime is. Therefore it brought us into investigating more into an initial act if it came up as a hate crime. Also underneath the hate crime they've added a separate category within that and that's the gender identity basis. When we look at the Violence Against Women's Act, the VAWA Act, you'll see in later slides especially with the discrepancy between domestic acts and dating violence acts, there's a big swing in the numbers. The reason for that is because of the definition within itself. The Department of Education stated that domestic violence was defined previously as just two people living together. Well the Department of Ed had redefined that because it's not fair our students get put into a dorm and they don't have a choice and now they're living together, they get into an argument, that's considered dating violence or domestic violence. They've redefined and gave us a clearer picture of what is and what is not and I'll get to that in a little bit here. Clery crime statistics when it came to the other new, as we've seen in previous, we're reported sexual offenses as being enforceable or non-enforceable. The Clery Act has divided this into four categories; rape, fondling, incest, and statutory rape. We no longer have forcible or non-forcible requirements. One of the other major things within the definitions underneath this category of sex offenses is that of rape. Because consent is a big identifier in whether a sexual assault occurred, they further define that where the victim is incapable of giving consent. Where prior it was that they just didn't give consent, but now it's going to the fact of incapable which we're going with the intoxicated or drug induced victims that are out there. When we look at the initial annual security report, the policy statements and processes are now addressing the withholding of information about the survivor or accommodations that are protective measures. The reason why they're withholding this information in the ASR is to lessen the burden to those victims. Where previously rights of the offender they could find out what those sanctions were and what those accommodations are and that's changed. They've expanded the statement outlining the procedures following a report of the VAWA offenses and identifying the rights and options available to those survivors. So we see that expanded process within the ASR. Lastly, with the prevention programs they're promoted health and safety direction for our community. As you read through the ASR you see that we've expanded well beyond what we've been reporting. This is all going to be relative here in the next few slides. One of the other new items within ASR is that of the

unfounded crimes. The 2015 or this year's new definition by Department of Education require that we put this in our web survey. We've been counting the unfounded crimes, but keeping them on a separate page, but now we're putting it within the crime statistics. A case cannot be designated as unfounded if no investigation was conducted or the investigation was not completed. This is per the Department of Education. This is brought us to a point where now crimes are becoming more – that are Clery compliant, we have to be sure that we unfound those and particularly to a crime that's considered unfounded for the purpose investigated by law enforcement or sworn personnel. So just not a security agent or security guard or a teacher saying no I don't think person is is not enough. It has to be unfounded by law enforcement personnel. Moving forward as I continue on this journey, training is an ongoing challenge. That's one of the assessments from our internal audit and that's something that we're tackling as we speak trying to figure out how to comply within the standards of the Department of Education. As mentioned several times, the Department of Education expanded many definitions giving clear guidance on reporting. I've met with Student Council and we've assessed our reporting statistics for the last few years and many of those statistics were confusing or too many hands in the bucket if you will, and so we're going to streamline that process to where we can get more accurate and clearer guidance on our reporting. Quarterly and monthly meetings are starting. I came up with the Clery Compliance Committee and we are meeting monthly and quarterly. The monthly meetings are those stakeholders that report to me statistical data for annual security report and the quarterly meetings are used for the policy process within the annual security report. I'm looking forward to our first meeting. It's going to be next week on the 22nd and it goes through December of 2017. The reason for this is that my goal is by, as it states here, by August of 2017 that the annual security report will be completed and that will give us a month so that we can do our due diligence to get the ASR published and available to our community prior to October 1. At this point I'd like to thank Chief Phillips for his hiring and confidence in me. He has given me a lot of latitude in coming into with a blank canvas and we started from ground zero and we're pushing forward. This will all make sense here in a little bit as we look at the statistical highlights. When we look at our operating highlights, NIU has made great improvements in the Clery reporting by establishing the Director of Clery Compliance position, by completing the review of statistical data on a daily basis, and instituting a Clery compliance team at the university. In the fall of 2016 an internal audit was conducted and as we see there 360 hours were dedicated to the internal audit and we are kind of proud of it. We were able to get organized and we were able to cut that to 175 hours. Even Internal Audit was pleased with it. This was the report by Christine. As you can see there was a substantial savings with the hiring of the director here that came in and was able to support the chief and his goal on organizing and structuring the process. Statistical highlights, as you can see this is a comparison of 2014 to 2015 in ASR. We have a lot more decreases than increases. This is where the Department of Education as you see with the increases on the left side towards the violence against women for dating violence. Again that's based on the fact that they changed the definition and we'll see that in the statistical charts that we follow. Burglaries have increased just a little bit on campus and then also the weapons arrests have increased. I do want to share with you that when we talk about weapons we're not talking about hand guns, rifles, we're brass knuckles, knives that were over the legal limit. We had one gun offense and that was an airsoft gun that was used to shoot another individual. In regards to that aspect not doing too bad. When we look at the decreases, we see the decreases all the way across the board and when we look at crimes against person and the property, significant decrease in crimes against persons, weapons referrals, drug arrests have gone down and we see that the referrals and drug arrests have basically almost in half. A lot of that is due to a couple of things. One, the initiation of the cops unit within the police department last year which had a significant effect on the residents in getting those residents to confide with those officers and report things in a timely manner. The other thing is that the Department of Education has changed the rules to where now certain offenses are unsubstantiated. If we don't have the facts or evidence to prove that something had occurred, then it's unsubstantiated and we don't count them. All of this is important as we move forward. The last one that we see at the bottom, again it's the domestic violence has decreased from 32 to 3 because of again the definition, they define domestic violence as it's not just two people living together but you have to have a significant value whether it's marriage or a child. Let's look into the statistics. From the ASR a quick overview, this is the crimes against persons. As you see it's pretty much even across the board. When we look at the crimes

against persons we're talking about the homicide, sex assaults, and aggravated assaults that occur. There's not much of a decline, three on there, but pretty much the trend is pretty even. Crimes against property, we see the same but a slight decrease again in 2015 and that's because of the programs that the police department has initiated, and it's just not the police department, but Title IX has taken a major step to improving the process for the victims so we're getting more reporting and that's helping us to solve a lot of cases. I think that transparency is important. This is the VAWA, the Violence Against Women Act, when we look at this there is a significant decrease as you can see and as a base again the Department of Education changing the definition of domestic violence and dating violence. When you look at our weapons offenses and the judicial review, the black is the arrests and the red are the judicial referrals. You see the arrests as being pretty much even. We had a slight increase from last year, but when we look at the referrals there's not much of a significant difference. Drug arrests, again black is the arrests and red being the referrals. We're maintaining our integrity within NIU and the students of NIU have a future and we all have made a mistake and we want to continue on teaching them and hopefully they learn from those mistakes. I feel that this portion especially when it comes to referrals is important that we do give some of our students that extra break that they need so they become prominent citizens in our country. Alcohol arrests and referrals, as you can see many of those are referrals and not arrests. Why is this all important? Because of this. I think being transparent, brining the silos together, and we're talking about this but we've become ranked number 45 in the country of bigger schools, four year universities. Beating out even Harvard because and you'll see in a statement by the collegechoice.net because of the significant programs that we have here at NIU. These are just some of the statements from President Baker, Chief Phillips, Media Public Relations Joe King and Dr. Baker, but as evidenced from that review, I think this is something that we ought to be proud of at NIU. We're going to break that mold of the perception of NIU being bad from the past. We're moving forward and we're becoming a positive influence, not just in Illinois, but in the country. This is going to help our athletics, it's going to help our recruiting of academics, and it's going to help the overall success of NIU. Thank you.

Chair Murer: Thank you. President Baker did you want to make a comment?

Doug Baker: My thanks to the police and also your partnership with our Student Affairs area and Academic Affairs area for working on these issues as well as the broader community and I'll just note that of the large university campuses in Illinois we were the only one recognized on that list so I'm very proud of all your work that's led to that.

Chair Murer: Thank you. We echo that as well. Any questions or comments?

Chair Marshall: I noted the number of referral opportunities for the offenders; do we have anything going that would have crime victims getting counseling accessibility?

Thomas Phillips: Absolutely. On campus for example if we have a survivor of sexual assault, the officers that respond to that provide resources on scene. Written resources also, the officers have a directive that if they wanted to speak to an advocate and we had one available at that time on campus, the officers will call, we'll put them in touch. We don't want to push too hard, we leave that to the survivor to make that decision. If it's after hours we rely on Safe Passage. If they want advocacy immediately we try to get it to them immediately. We also have 24 hour response for those types of incidents aside from just the general patrol. We have detectives that respond and begin investigating immediately. As far as crime victims compensation wise, I know the county and the state has services available or processes available to compensate victims of crime, property crime and things of that nature.

Chair Murer: Anyone else?

Trustee Strauss: Thank you for your report. I have a more technical question for you. I know that in the compilation of this data you require input from police departments that have jurisdiction outside of our campus. I'm wondering because that data isn't always provided in exactly the same format, you're

receiving not just in DeKalb, but in the other communities where we have campuses at the requisite level of support to be able to do your work?

Thomas Phillips: Absolutely. As we compile the data we solicit data from various jurisdictions where NIU has an interest and while those jurisdictions are not required to respond we've been pretty lucky in that they have. If there's questions about the statistics that they do provide, we reach out, we follow up with them and ask them for specific case reports so we can analyze the data and make sure that it's classified correctly for our report.

Chair Murer: Any other comments?

Trustee Struthers: I thank you for the diligence in the work on the report as well as the results, thank you. The question with respect to geography or jurisdiction in which this data covers. Could you be specific on that?

Thomas Phillips: Sure. If you've had an opportunity to review the annual security report, there's different categories. Primarily our statistics are for crimes that occur on campus, but we are required to report crimes for example at satellite campuses and where the university has an interest for example the Greek houses, we have to report crimes that occur there also.

Trustee Struthers: So specifically for DeKalb it would include wherever we have a physical interest?

Thomas Phillips: Yes.

Trustee Struthers: Okay so if you went a block outside of the Greek – so where does that stop? Is it a block, is it a mile?

John Ithal: When it comes to geography, the geography is on-campus, public property, and then other vested interests. So for example we have to look at geography as study abroad. So when we go abroad we have to look at the host's house. That host's house becomes a priority to us in which I have to find out what the police department is that's responsible for that jurisdiction and extract those stats from them if there's any criminal activity. It does go beyond just our campus. When it comes to the campus whatever our campus is, those are the on-campus crimes. The public property or those that are in the street or the sidewalk and then when we look at the non-campus which is what you addressed, the non-campus would be your fraternities; President Baker's house would be a non-campus property.

Trustee Struthers: How does the city of DeKalb measure? So if I'm a perspective student trying to evaluate the safety of the community, the university, the town, however you might define that. This is very tightly defined to where we have assets; I think the student would look at the greater town. How does DeKalb look?

John Ithal: When we look at the expanding outward, the Department of Education is coming up with a one mile continuous and that hasn't been defined what that is yet and they're looking at from wherever our building is one mile out we're going to need to report out those statistics. Within DeKalb we also have an agreement with the City of DeKalb or patrolling their jurisdiction so overlapping jurisdictional patrol even though it's not NIU property, but it's in the patrol district of the NIU police department and crimes that are reported within there are given to us and the determining factor would be what is the vested interest do we have within that area. For example, Greek Row is a great example and Hillcrest we have apartments there that are not recognized organizations, we don't count those crimes, but DeKalb does statistically. If it's a recognized organization like a fraternity or sorority and a crime happens there, then we count those statistics. It's a pretty in-depth geography and Chief will discuss here a little bit, he had a conversation with Chief Lowery about the crime in and around out campus. I think that will help address your question.

Thomas Phillips: Specifically John articulated so we have our campus and then we have the area around the campus where we do our co-policing and depending on the geography within that area, we will report crime or not, but what does that mean on the ground to the students that are coming to our university and are going to live in our community. And if I hear you correct sir you want to understand how does DeKalb look, how do they report versus how we report. Outside of that area we do not report those crime statistics at all because we don't patrol that area and we don't have an interest. I will share with that nationally we know that crime is on the rise. A conversation that I had last week with Chief Lowery is that crime is on the rise in DeKalb. I do not have the definitive data how that's impacted our extended jurisdiction, but I do know that based on the information that he gave me, in this year in 2016, we have about a 24% rise in property crimes and that is mostly attributed to, this is off campus now, mostly attributed to from what I could see and what he shared with me, a series of car burglaries with one or two individuals that are responsible for that series of burglaries, so about a 24% increase. But we also are recognizing about a 6% increase in crimes against people or violent crime and I think that, while I can only speculate, I think that is a nationwide trend that we're seeing with a rise in crime across our country.

Information Item – 7.c. – Internal Audit Update FY16 (Danielle Schultz)

Trustee Murer: Our internal audit, Danielle Schultz, Director.

Danielle Schultz: Good morning Madame Chair, trustees. Thank you for the opportunity to speak to you. This is my annual update and report to you so it will be brief. The first thing that I just wanted to put up here, and you do have a revised version of my presentation, is just a reminder of what our mission is and that's to provide independent and objective assurance and consulting services to both administration at the university and to the board of trustees in your efforts to discharge your oversight management and operating responsibilities. One of the requirements that I have is that on an annual basis that I confirm the independence of our department from operations. This is required of the standards for the international standards for the profession practice of internal auditing. It's also required by the US Government Accountability Office. I can assure you that we remain independent of university operational duties. The next slide that I have is showing our current staff. This is effective as of today. I've been fortunate enough, and I wanted to publically thank Kathleen Clark for coming back out of retirement to give our department a little assistance on a few projects and to bridge a gap for vacancies. Going into fiscal year '16 I was very optimistic. I had a full staff going into the planning that President Baker and I discussed on what audits we were going to address during FY16. We started out with 23 audits on our agenda. Within a couple of months of beginning the fiscal year 16, as I mentioned Kathleen Clark decided it was time to retire after 19 years of service to the university, and then in April of 2016 I lost another staff member who decided to leave our department. That required that we then move four audits off of our schedule for '16 because of vacancies and just lack of staff. We have a finite number of hours in the year for each staff member and when you have a vacancy that cuts down on the hours you can attribute to different audits. As always, President Baker and I consult on what audits that we can move off of our audit plan, and he does approve the adjusted audit plan after that consultation. In addition to – we ended up with 19 audits that we worked on during FY16. Another additional item that I wanted to note and I had reported on this previously and you all received the results of our peer review that occurred during FY16. That concluded that we were in compliance with all standards both of the IIA and also of the fiscal control and internal auditing act of the state of Illinois. So just a brief overview of the audits that we did complete. As I mentioned 19 of them were completed during FY16. We had one that was considered financial, one would fall under information systems, one was an operational audit, nine were fraud prevention and detection, and seven were compliance. That concludes my update of our activities for FY16.

Trustee Murer: Thank you very much Danielle. One of the things that I mentioned to you this morning and I mentioned to Dr. Phillips, is that I think that there's a great opportunity to assure that we have integrated and collaborated with the internal audit and the risk assessment so that as you're defining areas for internal audits, you should also take into consideration all the work that's been done under the risk assessment. I think that we're in good stead to have you both coordinate and cooperate in that endeavor. Any questions? Wheeler?

Trustee Coleman: I have a couple questions actually. Danielle in terms of your open positions, what's the game plan to get those positions filled?

Danielle Schultz: We have, just during this meeting I received an e-mail notification of the referral of candidates that are on the register. Our positions are civil service positions and so we have went through a recent posting of our position and it just actually was taken down last week, had reached its term, and they've been evaluating candidates that had applied and like I said just previous to me coming up here I received a list of candidates that I can contact and start interviewing.

Trustee Coleman: When we look at April 2016 I know one position became vacant at that point in time; the other one became vacant what was the time frame of the other one?

Danielle Schultz: I can speak generally, I'll give you the information I can that's general and not specific to personnel, but Kathleen had retired. Her position was refilled in November. The position that was vacated in April we went through a search and had to do the posting twice and we chose a candidate who after a delay in coming to our department chose to not come to our department which is why it's still vacant so we had to go through the search – begin the search all over again.

Trustee Coleman: So you had a failed search and you had to do a re-search. When we adjusted the audit plan how many audits did we take off of the plan?

Danielle Schultz: Four, we started with 23, we took four off which left us with 19.

Trustee Coleman: Was that made available to the board?

Danielle Schultz: Yes, I believe, I can look back to see when I sent a revised...

Chair Murer: Yes, we did.

Danielle Schultz: President Baker approved it and at that the point at which that revised plan was approved I forwarded that.

Trustee Coleman: It was recommendations that came from you that you recommended to President Baker, is that right?

Danielle Schultz: There's certain audits that we are required to do every year; there's certain ones that have a timing requirement associated with that meaning it has to be done during a certain time frame, so we looked at what was left on the schedule at the time that those that we could – what changes could we make. Obviously we couldn't change anything that had already started or had already concluded, so what we had left and we decided what could be pushed to the following year.

Trustee Coleman: So the four that we didn't do this year we intend to push to the new year?

Danielle Schultz: I can tell you that at least one of them has already been completed during this current fiscal year '17. I'm trying to remember the other one that we pushed, I think there might have been one that we decided no longer had a high enough risk to warrant it being pushed too. At the end of every

fiscal year, toward the end, I do a risk assessment. I meet with all the cabinet, with the president, with the chair of this committee; we talk about what the risk are. And sometimes the risks can change. If there was something else that was a higher risk, we address that in FY17 and I think there's one that we just took off because it wasn't a high enough risk to meet the requirement of being put into this year.

Trustee Coleman: I just want to emphasize the importance of filling the vacancies, I know I'm preaching to the choir at this point in time, but we rely on you to keep us honest and to make sure that we're in compliance and that we have no violations and with the lack of filling open positions it forces us to take things off and defer evaluations. If there's anything that we can do or anything that or any special needs that you have to insure that we get these positions filled, what I'm saying is that by all means let's find a way to make it happen. If there's any support that we can provide you to insure that these positions are a priority and that they get filled and that you have the appropriate resources to do so, by all means, raise your hand.

Danielle Schultz: I can assure you – I appreciate your comments and your concern, I can assure you that no one other than myself is more anxious to get the vacancies filled, but I will confirm that I've had absolute support from both the President, the provost's office, Al Phillips office, to get these refilled as soon as possible and we've moved in that direction as best that we can within the confines of the Civil Service system and the process that that entails.

Trustee Struthers: I would just echo that thought, it's nearly 30% of the staff is vacant at this time and when I look at six months and we reload again, is it compensation, is it hours, is it something, but I think we've got to be honest with ourselves and make sure that we're evaluating that properly and remove the obstacles and the constraints that are not allowing us to get there. I think it's easy to say we're trying, but 30% vacancy is huge. The other thing I would say is and I've been on the record many times on this is this report is quantitative, it talks about what we've done, there's no qualitative view at all. So we may have, I'm exaggerating, we may have done 20 audits and maybe the results weren't good. I would surely, and again I recognize my novice kind of position with respect to a public institution and the confidentiality and such of audits, but somewhere at a high level a qualitative view of the results of the audits I think is important.

Chair Murer: I think that that's an excellent point and I think that if we can coordinate more with the risk assessment that has been done, where we are focused on our prioritizations, working with Internal Audit, and perhaps at our next committee meeting we can do something novel Danielle, we'll start with you because I've asked Dr. Phillips at our next committee meeting to also address the risk assessment and I think we can then move from quantitative measurement to qualitative measurement. But I also want to say that you've always shown yourself to be a seasoned professional and you've been in this job for quite some time and I have had the pleasure on two occasions now and in the past working with you on internal audit. You are a dedicated individual to this university and I thank you very much for that.

Chair Murer: I think this morning what we've seen, we've gone over, but I think it was important to spend the time that was necessary. Compliance is at the cornerstone of our responsibility as a board of trustees. We heard from athletics and NCAA compliance which is critical to a university. We heard from our police chief in particular the Clery Act which is again it's at the epicenter of appropriate reporting; and we've heard from our internal auditor. So I think that today what we've communicated to you, the public, to us as a board is that we are committed and responsible in the area of compliance and we'll continue to set that as the highest of priority.

OTHER MATTERS

No other matters were discussed.

NEXT MEETING DATE

The next meeting of the CARL Committee will be February 16, 2017.

ADJOURNMENT

Chair Cheryl Murer asked for a motion to adjourn. Trustee Marc Strauss so moved and Trustee Wheeler Coleman seconded. The motion was approved. Meeting adjourned at 11:28 a.m.

Respectfully submitted,

Julie A. Edwards

Recording Secretary

In compliance with Illinois Open Meetings Act 5 ILCS 120/1, et seq, a verbatim record of all Northern Illinois University Board of Trustees meetings is maintained by the Board Recording Secretary and is available for review upon request. The minutes contained herein represent a true and accurate summary of the Board proceedings.