



December 23, 2010

Robert M. Smith, Ph.D.
President
Slippery Rock University
300 Old Main
1 Morrow Way
Slippery Rock, PA 16057-1383

Certified Mail
Return Receipt Requested
70051160000115185694

RE: Final Program Review Determination (FPRD)
OPE ID: 00332700
PRCN: 200910326869

Dear President Smith:

The Philadelphia School Participation Team issued a program review report on July 30, 2009 regarding Slippery Rock University's (SRU; the University) administration of programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). This program review focused on the University's compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. SRU's primary response was received on September 23, 2009 and thereafter was supplemented at the U.S. Department of Education's (the Department's) request.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report and are detailed in the attached Final Program Review Determination. The purpose of this letter is to advise the University of the Department's final determinations.

Record Retention:

Program records relating to the period covered by this program review must be retained until the later of: resolution of the violations, weakness, and other issues identified during the program review or the end of the retention period applicable to all Title IV-related records including campus crime and security documents under 34 C.F.R. § 668.24 (e).

Federal Student Aid - School Participation Team - NE
The Wanamaker Building
100 Penn Square East, Suite 511
Philadelphia, PA 19107-3323
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We would like to express our appreciation for the courtesy and cooperation shown to us throughout the program review process. If you have any questions about this FPRD or the program review process, please contact Mr. James Moore on (215) 656-6495.

Sincerely,



Nancy Paula Gifford
Area Case Director

Enclosures:

Final Program Review Determination
Program Review Report
Institution's Response to the Program Review Report

cc: Ms. Windy Stafford, Assistant Chief of Police, SRU
Ms. Patty Hladio, Director of Financial Aid, SRU
Dr. Elizabeth Sibolski, Exec. Dir, Middle States Assoc. of Colleges and Schools CHE
Ms. Cindy Davis, Director, Guaranty Compliance Services, AES/PHEAA

Prepared for:

Slippery Rock University



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Prepared by

U.S. Department of Education

Federal Student Aid

School Participation Team - Philadelphia

Final Program Review Determination Letter

December 23, 2010

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Perkins Default Rate:	As of:
	6/30/2009: 22.4%
	6/30/2008: 13.8%
	6/30/2007: 13.0%

B. Scope of Review

The U.S. Department of Education (the Department; ED) conducted a program review at Slippery Rock University (the University; SRU) from November 5-7, 2008. The review was conducted by Ms. Geneva Leon, Ms. Jane Eldred, and Mr. James Moore, III.

The focus of the review was to evaluate SRU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). SRU was selected from a sample of institutions of higher education in the Commonwealth of Pennsylvania with sworn police departments, and was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of SRU's police incident reports, arrest records, and disciplinary files as well as an analysis of policies and procedures required by the Clery Act. The review team also conducted interviews with university officials responsible for Clery Act compliance matters.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Service (CJIS) Audit Unit conducted at SRU. The U.S. Department of Education has partnered with the CJIS Audit Unit to help ensure accurate crime reporting on America's college campuses.

The program review report was issued on July 30, 2009 and is included an Appendix A.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning SRU's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve SRU of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs including the Clery Act.

C. Findings and Final Determinations

During the review, the following areas of noncompliance were noted. The program review findings identified in the Department's July 30, 2009 program review report appear as written and are in italics below. At the conclusion of each finding is a summary of SRU's response and the Department's final determination.

Finding # 1: *Failure to Properly Classify and Disclose Crime Statistics*

Citation:

Federal regulations require that participating institutions compile and publish statistics concerning the occurrence on campus of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose arrests and disciplinary actions related to violations of Federal or State drug, liquor and weapons laws. 34 C.F.R. § 668.46(c)(1)

Noncompliance:

Slippery Rock University failed to properly code two reported incidents (#07-000817 and #07-023724) in accordance with the Clery Act's crime classifications out of a sample of 30 SRUPD incident reports. In each case, a burglary¹ was coded as the larceny/theft offense, Theft from a Building. A larceny/theft offense is not reportable under the Clery Act, therefore, the exclusion of these two burglaries resulted in an underreporting of required statistical disclosures. Each incident involved theft of money from a dormitory room and there is no record that a roommate or guest that had permission to be in the room was suspected of the theft. Given these facts, incidents of this sort must be reported as burglaries under the Clery Act. During the exit interview, SRUPD officials reviewed these reports and concurred that the incidents should have been reported as a burglary.

The Department does acknowledge that no coding exceptions were identified in the remaining samples of 59 arrest records and 40 disciplinary reports.

As noted in Section B above, this program review was planned and conducted as part of our partnership with the FBI's CJIS Audit Unit. The CAU identified three discrepancies in the 24 Part I Offenses reviewed (two instances of over-reporting and one reporting inaccuracy) and one discrepancy in the 25 Part II Offenses (one instance of under-reporting). The two over-reported incidents were in the Aggravated Assault and Larceny/Theft; the inaccurate categorization was a Larceny/Theft - Theft from Motor Vehicle category; and the under-reported incident was a Simple Assault. (See Appendix A for the full report prepared by the CAU.)

Failure to classify and disclose incidents of crime reported in an accurate and complete manner deprives the campus community of important security information.

Required Action:

As a result of this finding, the University must correct the errors in its crime statistics. Additionally it must re-examine and continue to improve its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to the

¹ Burglary. The unlawful entry of a structure to commit a felony or a theft (with or without force). For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. From: *Uniform Crime Reporting Handbook (2004 Edition)*.

police or a non-law enforcement campus security authority are properly coded and included in the ASR's statistical disclosures as required. A copy of all such changes and improvements must be provided with SRU's response to this program review report.

At the time of the site visit, the new Chief of Police was in the process of conducting an assessment of the SRUPD. The Department requests that the Chief prepare and submit in response to this report a brief summary of any findings and proposals for change and/or improvement as they may relate to SRU's compliance with the Clery Act.

Because SRU was able to correct the discrepancies noted by the FBI's CJIS Audit Unit in the QAR report prior to reporting the crimes for Clery Act requirements, the Department does not consider these discrepancies as Clery Act reporting violations. SRU must ensure accurate reporting of its 2008 campus crime reporting and include in your response to this report actions taken to correct this data.

Based on an evaluation of all available information including SRU's response, the Department will determine appropriate additional actions and advise the University accordingly in the Final Program Review Determination letter.

University's Response

SRU reiterated its concurrence with this finding and corrected its crime statistics. As proof of these corrections, SRU's response includes a photostatic copy of the Department's security statistics that are included in the annual security report and a photostatic copy of each crime report enumerated in the Department's findings. SRU's response also details other corrective actions including a training program for all SRUPD personnel that emphasized the importance of accurate crime classifications and of institution-wide compliance with the Clery Act requirements. Moreover, the response claims that all incident reports are now reviewed by the shift supervisor and then by a Lieutenant who serves as the SRUPD's Clery compliance specialist. (See SRU's response at Appendix B, pages 1-2)

Final Determination

SRU was cited for improperly classifying two burglaries. In both cases, the incident was coded originally as a "Theft from a Building." SRU police officials agreed that these two larceny/theft offense classifications were incorrect. Subsequently, SRU has corrected its crime statistics and enhanced its policies, procedures, internal controls, and training programs to ensure that this violation does not recur. If fully implemented and sustained, SRU's corrective actions should be adequate to address this violation and should improve overall compliance with the Clery Act. As such, the Department accepts SRU's response and considers this finding closed.

Nevertheless, the University is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

Finding # 2: Failure to Report Separately for Non-Contiguous Locations

Citation:

Federal regulations require institutions to compile and publish a geographic breakdown of crime statistics in the following categories. [See 34 C.F.R. § 668.46 (c)(4).] The Clery Act established geographic definitions of campus and non campus as provided in 34 C.F.R. § 668.46 (a):

- 1) On Campus I: any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;*
- 2) On Campus II: a subset of On Campus I that includes any building or property that is within or reasonably contiguous to the area defined in #1 above that is controlled by another person or entity, is frequently used by students, and supports institutional purposes (such as a food or other retail vender);*
- 3) Non-Campus Building or Property: any building or property owned or controlled by a recognized student organization; or any building or property owned and controlled by the institution as described in 1) above and is frequently used by students, but is not within the same reasonably contiguous area; and,*
- 4) Public Property: all public property that is within the boundaries of the campus or that is immediately adjacent to or accessible from the campus.*

Noncompliance:

Slippery Rock University did not report crime statistics separately for all its non-contiguous locations. Specifically, the review team identified three properties that appeared to be improperly defined as on campus (the Miller Tract, the Old Stone House Museum, and the McKeever Environmental Center.) These properties are located off campus, are owned and controlled by SRU, and are used in a manner related to or in direct support of the University's educational purpose. Therefore, these properties should have been included in the Non-Campus Building or Property category.

Required Action:

As a result of this finding, SRU must review and revise its policies and procedures for preparing its campus security report with special attention to the proper application of the definition of campus and ensuring that properties located off campus are correctly categorized as such. To ensure full and accurate disclosure to students and employees, the statistical grids prepared by location should be made part of one consolidated ASR.

In response to this review and to reduce the likelihood of recurrence, SRU must identify and submit a list all buildings and property that meet any of the geographic definitions provided above and revise its Campus Security Report to reflect the breakdown of these categories with the crimes reported. Examples of these categories and non reported categories are provided in the Handbook for Campus Reporting located at the following website: www.ed.gov/admins/lead/safety/handbook.pdf

Based on an evaluation of all available information including SRU's response, the Department will determine appropriate additional actions and advise the University accordingly in the Final Program Review Determination letter.

University's Response

Prior to the review, the SRUPD had not done a separate geographic breakdown of crimes statistics for non-contiguous properties that are under University ownership, and the Department specifically cited the Miller Tract, the Old Stone House Museum, and the McKeever Environment Center. The SRUPD has diligently gathered crime statistics for all properties associated with the university and has included those statistics in the annual Crime Reporting Statistics; but they have not been listed in separate categories. SRU's response includes a listing of properties that are utilized for educational purposes by the University, and describes how the properties will now appear in the annual security report. (See SRU's response at Appendix B, pages 2-3)

Final Determination

SRU was cited for failing to define its campus in accordance with 34 C.F.R. § 668.46 (c) to include all buildings and property that it owned or controlled and used for educational purposes. Furthermore, SRU failed to report crime statistics separately for one location, which caused Clery-reportable crimes to not be included in the University's crime statistics. As a result of this violation, SRU was required to: 1) identify and classify all buildings and property that it owns or controls and uses for educational purposes and ensure that each parcel is classified in accordance with the four-part definition referenced in the "Citation" section of this finding; 2) prepare an accurate listing of all owned or controlled buildings and property and submit it to the Department; 3) explain how statistics of incidents of crimes reported will be collected for all such buildings and property; and, 4) review and revise its policies, procedures, and internal control structures to ensure that this violation do not recur.

SRU concurred with the finding and submitted a list of all buildings and properties not located on the main campus. The University's response also lists the law enforcement agencies that are responsible for patrolling these buildings and properties and the procedures that will be followed for requesting crime statistics from these agencies. The response also sets forth new procedures for compiling required crime statistics and ensuring that they are included in the ASR. Based on our ongoing dialog with SRU police officials, it was determined that crimes occurring at the Old Stone House, the Miller Tract, and other similarly-situated properties should be classified as "Non-Campus Property" and that crimes reported as occurring at these locations should be included in the crime statistics for the main location. Moreover, we have determined that separate crime statistics are required for the McKeever Environmental Learning Center (MELC). Although the MELC is not designated as an additional location for Title IV purposes, the description of the facility on SRU's website indicates that it contains classrooms, administrative offices, operates with a degree of autonomy from the main campus, and is used for educational purposes. Given these facts, SRU must compile and publish separate Clery Act statistics for MELC.

SRU's new definition of campus and procedures for data collection should be adequate to address this violation and should improve overall compliance with the Clery Act. As such, the Department accepts SRU's response and considers this finding closed.

Nevertheless, the University is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

Finding # 3: Failure to Distribute the Annual Security Report as Required

Citation:

Federal regulations require institutions to provide the ASR to all current students and employees through appropriate publications and mailing. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's Internet site. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. [See 34 C.F.R. § 668.41 (e).]

Noncompliance:

Slippery Rock University did not distribute its Campus Security Report to all current students and employees by October 1, 2008 as required by the Clery Act. During the site visit, SRU police officials produced documentation that a campus-wide e-mail was sent on October 30, 2008, 30 days late.

Additionally, the October 30 e-mail solicited information regarding any incidents of crime that were reported to campus security authorities (CSA) other than the police. Requests for information of this type must be disseminated well in advance of October 1st of each year to ensure that required incidents are included in the statistics for the year in which they were reported and that the ASR is distributed timely. If on the other hand, the purpose of this part of the message was to remind CSA's of their obligation to disclose any incidents reported to them in the current year for inclusion in later ASR's, we would recommend and request that SRU do so in a separate message. As written, the message could be confusing to a non-CSA.

Failure to actively distribute an accurate and complete ASR to current students and employees within the timeframes established by Federal regulations deprives the campus community of timely access to important campus crime information.

Required Action:

As a result of this finding, SRU must review and revise its policies and procedures for distributing its ASR and take all necessary steps to ensure that the Campus Security Report is distributed by October 1 of each year. SRU must also refine its announcement of the ASR to ensure that the collection of crime statistics from non-law enforcement campus security authorities is made prior to the dissemination of the ASR. A copy of all policy changes and improvements must be provided with SRU's response to this program review report.

Based on an evaluation of all available information including SRU's response, the Department will determine appropriate additional actions and advise the University accordingly in the Final Program Review Determination letter.

University's Response

The University admits that it failed to adequately notify the campus community of the available crime statistics in a timely manner. The University concurs with the finding while maintaining that the ASR was completed and posted to the SRU website prior to October 1, 2008. To comply with the provision of the Clery Act, the SRUPD has adopted new procedures to ensure the university is in full compliance with the tenets of the Clery Act and to avoid any future confusion. The new procedures are included in the attached revised Campus Security Report Directive # 74. (See SRU's response at Appendix B, page 3)

Final Determination

SRU was cited for failing to distribute the annual security report within the regulatory timeframe. The University did not distribute the ASR until October 30, 2008, 30 days late. Furthermore, SRU used the same October 30, 2008 notification to solicit information from its CSAs about incidents of crimes reported to them. As such, statistics of crimes reported to CSAs were not and could not be included in the ASR due no later

than October 1, 2008. As a result, SRU was required to review and revise its policies and procedures for distributing the ASR and for soliciting crime statistics from CSAs.

During the site visit and after, the review team explained to SRUPD officials that the Clery Act requires an active distribution to all current students and employees through appropriate mailings to include electronic mail. Therefore, the mere posting to a website is not adequate.

Based on the Department's guidance, SRU developed and implemented a five-step corrective action to address this violation: 1) Separate communications will be sent to meet the distribution requirement and to solicit crime statistics from CSAs. 2) Communications will be sent to all CSAs at least three times per year to remind them of their obligation to report and to solicit crime statistics. 3) During the first week of September, a notification will be sent to all members of the campus community including students, faculty, administrators, and other staff advising them of the Clery Act requirements and to remind them to report all incidents of crime to the SRUPD. 4) A similar notification will be sent each January to ensure that new students or employees are aware of their rights and obligations under the Clery Act. 5) By September 15th of each year, the ASR will be completed and posted to the University's website and a comprehensive announcement will be sent to all current students and employees to meet the distribution requirement.

The new distribution procedures and improved methods for collecting crime statistics from CSA's should be adequate to address this violation and should improve overall compliance with the Clery Act. As such, the Department accepts SRU's response and considers this finding to be closed.

Nevertheless, the University is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

Finding #4: Failure to Maintain an Accurate and Complete Daily Crime Log

Citation:

Institutions with a police or campus security department must maintain "a written, easily understood daily crime log" listing all crimes that occurred 1) on campus including residence halls; 2) in a non-campus buildings or on non-campus property; 3) on public property within the campus or immediately adjacent to and accessible from the campus; or 4) reports of crimes within the campus police or security department's patrol. This reporting requirement applies to all crimes, not merely those crimes listed in 34 C.F.R. §668.46 (c)(1) and (3) for the Clery Act. The crime log must record crimes by date the crime was reported and must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be freely accessible to any requestor. 34 C.F.R. § 668.46 (f)

Noncompliance:

Slippery Rock University did not maintain an accurate and complete crime log in accordance with Federal regulations. Specifically, two incidents of crime reported as occurring within the patrol jurisdiction were not entered onto the crime log. The omitted case numbers are 07-002775 (Disorderly Conduct) and 07-016675 (Harassment).

The Clery Act is a consumer information law intended to provide students, employees, and other stakeholders with important crime-related information. All institutions participating in the Title IV programs must keep up-to-date information on campus crime and the crime log is especially important because it provides a timely information source for the campus community.

Required Action:

Slippery Rock University must review and revise its policies, procedures, and internal controls to ensure that all incidents of crime reported as occurring within the patrol jurisdiction are entered on the crime log. These revisions must provide for the designation of a capable official to ensure that the crime log is accurately and completely updated in a timely manner and that it is readily available to the campus community and general public for review upon request. A copy of all revisions must be submitted with SRU's response to the program review report.

Based on an evaluation of all available information including the University's response, the Department will determine appropriate additional actions and advise SRU accordingly in the Final Program Review Determination letter.

University's Response

The SRUPD is committed to full compliance with all of the provisions and canons of the Clery Act and the proper disclosure of all incidents that occur within the University and associated properties. Our policies have been updated to give the Assistant Chief of Police the responsibility and duties of publishing the crime blotter on a daily basis. Directive # 4, "Crime Log (Blotter)" is included with this response for the Department's review. (See SRU's response at Appendix B, page 4)

Final Determination

SRU was cited for not maintaining a daily crime log that included all incidents of crime reported as occurring within the University's patrol jurisdiction. Two criminal incidents that were reported to the SRUPD and occurred within the patrol jurisdiction did not appear on the crime log. As a result of this finding, SRU was required to: 1) designate a capable official to be in charge of crime log compliance; 2) develop a plan that will ensure that the daily crime log is accurate, complete, properly maintained, and readily

available to all persons who wish to review it; and, 3) review and revise its crime log policies and procedures and submit a copy of all changes with its response.

SRU's response claims that the Assistant Chief of Police was designated to oversee all aspects of compliance with the crime log requirements. The SRUPD Directive # 4 was submitted with the response and details the precise actions that will be taken to ensure that the log is accurate, up-to-date, and accessible to the public. All police reports will be entered into the CODY Record Management System and the crime log will be generated based on these entries.

The new crime log procedures detailed in Directive # 4 and the active oversight provided by the Assistant Chief of Police should be adequate to address this finding and should improve overall compliance with the Clery Act. As such, the Department accepts SRU's response and considers this finding closed.

Nevertheless, the University is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.