

# Index Sheet

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School Name: NOTRE DAME COLLEGE OF OHIO

Subfolder: Program Review/Program Review Documents

Doc Type: Program Review Report

Rec Date:

Org Date: 05/01/2008

School Year: 2007

ACN:

PRCN: 200720525814

Box Id: 766

Unique ID: SC1000000520651





May 1, 2008

Dr. Andrew P. Roth  
President  
Notre Dame College of Ohio  
4545 College Road  
South Euclid, OH 44121-4293

Certified Mail  
Return Receipt Requested  
7005 0390 0006 0176 2929

RE: Program Review Report  
OPEID: 00308500  
PRCN: 200720525814

Dear Dr. Roth:

From February 27 – March 2, 2007, the Chicago School Participation Team of the U.S. Department Of Education (the Department) conducted a program review of Notre Dame College of Ohio's (the College's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) included in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f) and the Department's implementing regulations in 34 C. F. R. §668.46. This Program Review Report sets forth the findings of that review.

Findings of non-compliance are referenced to the applicable statutes and regulations and specify the actions required to comply with the statute and regulations. Although the Program Review Report does not require any specific response from the College, the institution is invited to provide any additional information or clarifications which it feels should be considered by the Department before we issue our Final Determination. Should Notre Dame College of Ohio wish to respond to the issues presented in this Program Review Report, please do so within 30 days of your receipt of this report.

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report.

Federal Student Aid, School Participation Team NW - Chicago  
500 W. Madison St. Room 1576  
Chicago, IL 60661  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

FEDERAL STUDENT AID  START HERE. GO FURTHER.

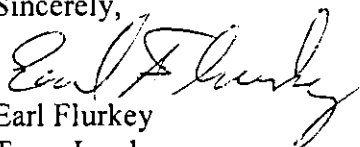
OPEID: 00308500

PRCN Number: 200720525814

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If you have any questions concerning this report, please contact Mr. Herschel D. Wallace III at (312) 730-1537.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Flurkey".

Earl Flurkey

Team Leader

Chicago School Participation Team

Cc: David A. Armstrong, Esq., Dean of Admissions

Prepared for

**Notre Dame College of Ohio**

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START HERE  
GO FURTHER  
FEDERAL STUDENT AID

OPE ID 00308500

PRCN 200720525814

Prepared by

**U.S. Department of Education**

**Federal Student Aid**

**School Participation Team - Chicago**

## Program Review Report

May 1, 2008

Federal Student Aid, School Participation Team NW - Chicago  
500 W. Madison St. Room 1576  
Chicago, IL 60661  
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**A. Institutional Information**

Notre Dame College of Ohio  
4545 College Road  
South Euclid, OH 44121-4293

Type: Private Nonprofit

Highest Level of Offering: Graduate

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment: 1250 (2006-2007)

% of Students Receiving Title IV: 85 % (2006-2007)

Title IV Participation PEPS:

	<u>2005-2006</u>
Federal Pell Grant Program	\$ 764,727.00
FFEL Program	6,261,092.00
Federal SEOG Program	54,766.00
Federal Work-Study Program	69,597.00
Federal Perkins Loan Program	93,001.00

Default Rate FFEL/DL:	(2002):3.2%
	(2003):4.0%
	(2004):3.1%

Default Rate Perkins:	(2004): 8.7%
	(2005): 11.8%
	(2006): 15.3%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Notre Dame College of Ohio (the College) from February 26, 2007 to March 2, 2007. The review was conducted by Herschel D. Wallace III and David Heath.

The focus of the review was the College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) included in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f) and the Department's implementing regulations in 34 C.F.R. § 668.46. The review consisted of an examination of Notre Dame College of Ohio's catalog and other written agreements, policies, practices and procedures. In addition certain institutional staff members and members of the local police were interviewed.

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the College'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 the College of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

## **C. Findings**

During the review, two areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by the College to bring the College into compliance with the statutes and regulations.

### **FINDING NO. 1: FAILURE TO PROPERLY ISSUE TIMELY WARNINGS**

**Citation:** The Department's regulations require that an institution must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on specified categories of crimes, including forcible and non-forcible sex offenses, which are reported to campus security authorities and which are considered by the institution to represent a threat to students and employees (hereinafter referred to as a "timely" warning). 34 C.F.R. § 668.46(e).

The term campus security authority includes a campus police or security department, any individuals who have responsibility for campus security who do not constitute a campus police or security department, an individual or organization specified in a institution's

campus security statement as an individual or organization to which student and employees should report criminal offenses, and an official of the institution who has significant responsibility for student and campus activities including, but not limited to student housing, student discipline and campus judicial proceedings. 34 C.F.R. § 668.46(a). The regulation excludes pastoral and professional counselors from the definition of campus security authority.

**Background:** A review of the records of the College and its Police/Security Department, and interviews with the College's personnel disclosed the following events and actions.

On or about October 10, 2005 a female student (hereinafter referred to as Student No. 1) sent a letter to the College's Dean of Student Development (hereinafter referred to as the Dean) alleging that an unnamed male student had sexually assaulted her four (4) weeks earlier in her dormitory room. Student No. 1 also expressed in the letter to the Dean her reluctance to have the incident reported to her parents, the police, or other school officials.

The Dean sent an electronic message to Student No. 1 on October 10, 2005, acknowledging receipt of the letter. The Dean acknowledged in a letter to Student No. 1, dated October 13, 2005, meeting with her to discuss the incident reported on October 10.

On or about October 31, 2005 another female student (hereinafter referred as Student No. 2) reported to a College official that a named male student had sexually assaulted her on October 29, 2005 in her dormitory room.

The Dean responded in writing to Student No. 2, via a letter dated November 1, 2005, in which the Dean acknowledged that Student No. 2 had informed the Dean that the incident occurred on October 28, 2005, rather than October 29, 2005. In the same correspondence, the Dean indicated that she would honor the student's request that no legal or judicial action be taken and that the student's parent not be informed.

On or about November 23, 2005 the Dean verbally advised the Notre Dame College Police/Security Department that two students had informed her that they had been sexually assaulted. The Dean did not identify the victims or the assailant.

On or about November 28, 2005 the Dean provided written notification to the Notre Dame College Police/Security Department that two students had informed her that they had been sexually assaulted. The Dean did not identify the victims or the assailant.

On December 12, 2005 Student No. 1 contacted the Notre Dame College Police/Security Department and identified her assailant.



On December 14, 2005 Student No. 2 contacted the College's Police/Security Department and identified her assailant.

**Noncompliance: Two students reported sexual assaults to the Dean.** The Dean, who has significant authority for student affairs, meets the definition of a campus security authority under 34 C.F.R. § 668.41(e) and, as such, was required to timely notify Notre Dame College Police/Security Department of the reported sexual assaults. The Dean did not report the two sexual assaults to the Notre Dame College Police/Security Department until six weeks (in the case of Student No. 1) and three weeks (in the case of Student No. 2) after the students reported the sexual assaults.

The Dean's delay in reporting the sexual assaults to the Notre Dame College Police/Security Department and the College's resulting failure to determine whether the reported sexual assaults represented a threat to the campus community violate the timely warning provisions of 34 C.F.R. § 668.46(e).

In addition, the reviewers observed that the College's statement of policies on campus safety in effect during the Fall of 2005 generally did not address the reporting of crimes occurring on campus. The statement did not explain the College's policies regarding timely warning to the campus community, the title of each person or organization to whom criminal offenses should be reported for purposes of early warning to the campus community, the designation of a person or organization responsible for determining whether an early warning should be issued, and the obligation of each campus security authority to refer reported criminal offenses to the campus police or security department as required by 34 C.F.R. §§ 668.41(e) and 668.46(b)(2).

**Required Action:** Notre Dame College has since revised its policies and procedures to timely determine whether reported criminal offenses represent a threat to the campus community which would require an early warning. The reviewers also observed that Notre Dame has revised its statement regarding campus safety to address the policies previously omitted. Accordingly no additional action is required.

## **FINDING NO. 2: INACCURATE STATISTICAL INFORMATION IN ANNUAL CRIME REPORT**

**Citation:** 34 C.F.R. § 668.46(c)(1) states that an institution must report statistics for the three most recent calendar years concerning the occurrence of crimes on campus, in or on noncampus buildings or property, and on public property that are reported to local police agencies or to a campus security authority.

**Noncompliance:** For the 2005 calendar year, crime statistics for the Sex Offenses-Forcible category reported by the College in its annual campus crime report differed from the number of incidents reflected in the supporting documentation. The number of

incidents for the Sex Offenses-Forcible category reported in the annual campus crime report was one. The number of incidents for the Sex Offenses-Forcible category actually supported by the back-up documentation in the College's records was five. The College documented that it had provided the correct information for the 2005 calendar year pertaining to the Sex Offenses-Forcible category to the students and staff of the College. This information is provided on the College's web site.

**Required Action:** The College was directed to amend the annual campus crime report to the U.S. Department of Education. The College amended the information in the annual campus crime report for the 2005 calendar year to reflect five Sex Offenses-Forcible crimes and, therefore, the annual crime report is now correct.

Program Review Report/Expedited Determination Letter Checklist	
Responsible Reviewer: Herschel D. Wallace III	Return #:
Institution Name: Notre Dame College of Ohio	
OPE ID: 00308500	PRCN: 200720525814
Date: 05/01/2008	
Cover Letter	
<input checked="" type="checkbox"/>	Letter is addressed to the correct person.
<input checked="" type="checkbox"/>	Letter includes certified mail information.
N/A <input checked="" type="checkbox"/>	For Program Review Report: Letter includes appropriate due date for institution's response.
Program Review Report/EDL	
<input checked="" type="checkbox"/>	Report/EDL was prepared in accordance with standard procedures. <i>clearly</i>
<input checked="" type="checkbox"/>	Citations are appropriate to the findings and cited correctly.
<input checked="" type="checkbox"/>	Description of each instance of noncompliance is sufficiently detailed to clearly identify the institution's regulatory violations.
<input checked="" type="checkbox"/>	Required actions are appropriate to the violation.
<input checked="" type="checkbox"/>	Actions required of the institution are sufficiently detailed and clear. <i>clear</i>
N/A	Student Sample Appendix is properly prepared.
N/A	Other appendices, if any, are properly prepared.
PEPS Data Entry Worksheet	
<input checked="" type="checkbox"/>	Deficiency codes are appropriate to the findings.
Work Papers	
<input checked="" type="checkbox"/>	Work plan was followed.
<input checked="" type="checkbox"/>	Changes to the work plan were properly documented.
<input checked="" type="checkbox"/>	Any modifications/additions to the original student sampling were properly documented.
<input checked="" type="checkbox"/>	Documents in the work papers support the findings.
TL Signature: <i>[Signature]</i>	
Date: <i>5/1/08</i>	
For EDLs: ACD Signature: <i>[Signature]</i>	
Date:	

