



August 4, 2011

Mr. George D. Gearhart, Chancellor
University of Arkansas
425 Administration Building
Fayetteville, AR 72701

**Certified Mail
Return Receipt Requested**

No. 7008 3230 0001 0181 7744

RE: Final Program Review Determination
OPE ID: 00110800
PRCN: 201030627210

Dear Chancellor Gearhart:

The U.S. Department of Education's (Department's) School Participation Team - Dallas issued a program review report on April 19, 2011 covering the University of Arkansas's (UA's, the University's) compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (*Clery Act*). The Clery Act is in § 485(f) of the Higher Education Act of 1965, as amended, 20 U.S.C. §1092(f) and the Department's regulations at 34 C.F.R. §§ 668.41 and 668.46. The University's final response was received on May 2, 2011. A copy of the program review report (and related attachments) and UA's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by UA upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to notify the University of the Department's determination and close the review.

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 applicable retention period under 34 C.F.R. § 668.24(e)(1) and (e)(2).

Federal Student Aid, School Participation Team - Dallas
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817
www.FederalStudentAid.ed.gov

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The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Michael Rhodes at 214-661-9484.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Thornton', with a stylized, cursive script.

Cynthia Thornton
Area Case Director
School Participation Team – Dallas

Enclosures and Attachment as Stated

cc: Mr. Steve Gahagans, Chief of Police, UA
Ms. Katie Wing, Director of Financial Aid, UA

Prepared for

University of Arkansas



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FEDERAL STUDENT AID

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Prepared by

U.S. Department of Education

Federal Student Aid

School Participation Team - Dallas

Final Program Review Determination

August 4, 2011

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Institutional Information

University of Arkansas
425 Administration Building
Fayetteville, AR 72701

Type: Public

Highest Level of Offering: Master's or Doctor's Degrees

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment: 19,194 (2008-2009)

% of Students Receiving Title IV: 37% (2008-2009)

**Title IV Participation, Per U.S. Department of Education Data Base
(Postsecondary Education Participants System):**

2007-2008 Award Year

Federal Pell Grant Program	\$ 9,781,666
Federal Family Education Loan Program	\$ 73,815,287
Federal Perkins Loan Program	\$ 957,191
Federal Work-Study Program	\$ 1,096,473
Federal Supplemental Education Opportunity Grant Program	\$ 1,248,337

Default Rate FFEL: As of:

2007	3.4%
2006	2.3%
2005	2.4%

Default Rate Perkins:

As of:	
6/30/2007	9.4%
6/30/2006	16.0%
6/30/2005	12.6%

The University of Arkansas (UA; the University), located in Fayetteville, Arkansas, is a land-grant coeducational public research university. The campus is protected by the UA Police Department (UAPD), which employs 31 sworn officers, 8 support persons, and a range of 15 to 20 student employees under the Federal College Work Study Program. The UAPD operates 24 hours a day, 365 days a year. Authority of the sworn officers is derived from state statutes, which allow for full police powers on UA property. In addition, the UAPD has an agreement with the City of Fayetteville police.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a focused campus security program review at UA from June 8, 2010 to June 10, 2010. The review was conducted by Michael Rhodes and Linda Shewack.

The focus of the review was to evaluate UA's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act is included in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f). The Department's regulations are at 34 C.F.R. §§668.41-668.46. UA was selected for review from a sample of institutions of higher education with sworn police departments. The review was not the result of a specific complaint or allegation of non-compliance. The review consisted of an examination of UA's catalog and written agreements, police incident reports, arrest records and disciplinary files, as well as the institution's policies, practices, and procedures related to the Clery Act. The review also included a comparison of the campus statistics submitted by UA to the Department and reported to students and employees. The reviewers also interviewed institutional officials with Clery Act responsibilities.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at UA. The U.S. Department of Education is partnering with the CJIS Audit Unit (CAU) to ensure accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices, and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program. The results of the QAR are shared with the Department for a comparative analysis of the annual security report data received from participating postsecondary institutions. The CAU reviewed a total of 53 Group A Offenses and 52 Group B Offenses that were recorded from January 1, 2009 through December 31, 2009. A copy of the CJIS report is attached as Appendix A.

The Department reviewed 25 campus police incident reports for Part I Offenses, 50 disciplinary reports and an additional 82 miscellaneous campus police incident reports from calendar year 2008. The files were selected randomly from a list of all incidents of crime reported to the AUPD or other campus security authority and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances and weapons during the same calendar year. Approximately 50 incident reports were cross-checked against the daily crime log to ensure that crimes occurring within UAPD's patrol jurisdiction were entered properly on the log as required.

Disclaimer:

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

C. Findings and Final Determinations

Finding 1: Failure to Report Crimes

Citation Summary: *An institution must report statistics in its annual security report for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of the following incidents that are reported to local police agencies or to a campus security authority: criminal homicide, murder and nonnegligent manslaughter, negligent manslaughter, forcible and nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, arrests for liquor law violations, drug law violations, and illegal weapons possession, and persons who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. 34 C.F.R. § 668.46(c)*

Non-Compliance Summary: *UA failed to include Incident #080365, Minor in Possession, and Incident #080589, Aggravated Assault, in its 2008 annual security report (ASR). In addition, the CAU identified an instance of inaccurate classification of an incident. Incident #091000 was classified as Forcible Rape; it should have been classified as Sexual Assault with an Object. This incident occurred in campus housing and fell in the Sex Offenses – Forcible category for Clery Act reporting purposes.*

Required Action Summary: *UA may provide any additional documentation on Incidents #s 080365 and 080589 that would demonstrate why the incidents should not be included in the crime statistics for calendar year 2008. Otherwise, UA was required to update the current on line version of its ASR to include the omitted incidents. UA was also required to update the crime statistics reported to the Department's web site. Documentation of the correction to UA's on-line ASR must be submitted to the Department as part of the University's response.*

With regards to the discrepancy noted by the FBI's CAU in its QAR for Incident #091000, UA was required to correct the error prior to reporting campus crimes statistics for Clery Act purposes for calendar year 2009 and show that this incident was included in its 2010 ASR in the On-campus Student Housing Facilities category.

The University's Response: Case 080365 was identified in the program review report as Minor in Possession. This was a high profile case in which the suspect had fourteen criminal offenses but not Minor in Possession. The offenses in Case 080365 are:

Arrest on Warrant
Attempt to Manufacture Methamphetamine
Criminal Acts Involving Explosives
Criminal Use of Prohibited Weapon
Maintaining a Drug Premise
Possession of Controlled Substance with Intent to Deliver - Meth
Possession of Controlled Substance with Intent to Deliver - Marijuana
Possession of Drug Paraphernalia
Possession of Drug Paraphernalia With Intent to Manufacture Methamphetamine
Possession of Firearms by Certain Persons
Simultaneous Possession of Drugs and Firearms
Theft by Receiving (Felony)
Theft by Receiving (Misd)
Violation of Protection Order

UA's response indicates that it reported eighteen arrests for Minor In Possession in 2008. Fifteen arrests were made by UAPD and three arrests were made by officers of the Fayetteville Police Department. (See UA's response at Appendix B for a list of the arrests).

For Case 080589, Aggravated Assault, omitted from the 2008 ASR, UA's response indicated that the incident was included in the six cases that were reported. (See UA's response at Appendix B for a list of the cases)

With regards to Case 091000, identified in the CJIS's audit, UA acknowledges that the records maintained by the UAPD show that the crime was classified as Rape, when it should have been classified as Sexual Assault With An Object. UA states that this mistake has been corrected in its records and is included in its ASR as Sex Offenses – Forcible. In order to address the possibility of inaccurate classifications, UA's response indicated that the UAPD is instituting a structured review of case classifications and will train an additional person to review the classification of cases.

Final Determination: Finding #1

The Department has reviewed UA's response regarding Incident #080365 and concurs that the incident was correctly classified as Possession of Controlled Substance with Intent to Deliver and properly included in UA's statistics for calendar year 2008. As such, no further action is required.

With regards to Incident #080589, the Department concurs this incident was included in UA's ASR, and that the statement of omission was in error. No further action is required.

UA's response regarding Incident # 091000 identified in the CJIS audit is also satisfactory. No further action is required and UA may consider this finding closed.

Finding 2: Daily Crime Log Incomplete

***Citation Summary:** An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. 34 C.F.R. 668.46(f)(1)*

***Non-Compliance Summary:** UA failed to make entries in its crime log for the dates of July 1 through July 7, 2008.*

***Required Action Summary:** UA was required to develop procedures to ensure that the daily crime log is updated within two business days of the report of the information to the campus police or campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. In developing its procedures, the University may want to consider appointing a back-up employee to complete the crime log updates in instances where the person normally responsible for that duty is unavailable. A copy of those procedures must accompany UA's response to this finding.*

The University's Response: UA's response notes that the missing crime log entries were entered during the review. UA's response further notes that in order to ensure that the daily crime log is updated within two business days, a back-up person has been assigned and trained to complete the crime log updates when the primary person is unable to do so. In addition, three other measures are in place. First, a third person is tasked with monitoring the daily crime log and completing a back-up copy on the server. Second, the daily crime log is published on the campus police department's web site where it can be monitored via the Internet. Lastly, the primary person has remote access to the records so the log can be updated via the Internet. These measures should ensure the updates are completed and compliance is maintained.

Final Determination: Finding #2

The Department accepts UA's response. The University has taken the corrective actions necessary to address this finding. By following the policy and procedures outlined in UA's response, this type of finding should not recur. Therefore, this finding may be considered closed.