



COPY

February 18, 2009

Dr. F. Dominic Dottavio  
President  
Tarleton State University  
1333 West Washington  
Stephenville, TX 76401

**Certified Mail**  
**Return Receipt Requested**

No. 7002 2030 0001 3619 9786

RE: **Program Review Report**  
OPE ID: 00363100  
PRCN: 200830626734

Dear Dr. Dottavio:

From April 21, 2008, through April 25, 2008, Mr. Jesus Moya, Mr. Michael Rhodes, and Mr. James Moore conducted a review of Tarleton State University's (TSU) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by TSU. The institution's response should be sent directly to Mr. Jesus Moya of this office within 60 calendar days of receipt of this letter.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e).

Federal Student Aid, School Participation Team - Dallas  
1999 Bryan Street, Suite 1410  
Dallas, TX 75201-6817  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

FEDERAL STUDENT AID  START HERE. GO FURTHER.

Tarleton State University

OPE ID 00363100

PRCN 200830626734

Page 2 of 2

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. If you have any questions concerning this report, please contact Mr. Jesus Moya at (214) 661-9472 or [jesus.moya@ed.gov](mailto:jesus.moya@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "Janet Dragoo".

Janet Dragoo  
Team Leader

Enclosure: Program Review Report

cc: Mr. Justin Williams, Chief of Police, Tarleton State University Police Department

Prepared for

**Tarleton State University**

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START HERE  
GO FURTHER  
FEDERAL STUDENT AID

OPE ID 00363100

PRCN 200830626734

Prepared by

U.S. Department of Education

Federal Student Aid

School Participation Team - Dallas

# Program Review Report

February 18, 2009

1999 Bryan Street, Suite 1410

Dallas, TX 75201-6817

[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

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**A. Institutional Information**

Tarleton State University  
1333 West Washington  
Stephenville, TX 76401

Type: Public

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

Accrediting Agency: Southern Association of Colleges and Schools Commission on Colleges

Current Student Enrollment: 8,922 (2007-08)

% of Students Receiving Title IV: 49.7% (2007-08)

**Title IV Participation**

	2007-08
Federal Pell Grant Program	\$ 7,360,551
Federal Supplemental Educational Opportunity Grant Program (FSEOG)	\$ 339,496
Federal Work-Study Programs (FWS)	\$ 124,891
Federal Family Education Loan Program (FFEL)	\$38,568,635

Default Rate FFEL/DL:	2006	5.2%
	2005	4.1%
	2004	5.4%

Default Rate Perkins:	2007	12.5%
	2006	5.0%
	2005	24.1%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Tarleton State University (TSU) from April 21-25, 2008. The review was conducted by Mr. Jesus Moya and Mr. Michael Rhodes of the Dallas School Participation Team, and Mr. James Moore of the Philadelphia School Participation Team.

The focus of the review was TSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The review consisted of an examination of TSU's crime statistics for calendar years 2005 and 2006.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning TSU'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 TSU 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, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by TSU to bring its crime statistics reporting into compliance with the statutes and regulations.

### **Finding 1. Failure to Accurately Report Crime Statistics**

**Citation:** Institutions are required to publish and distribute, by October 1 of each year, an annual security report that contains required crime statistics, as well as required statements and policies, to its current students and employees. Institutions must also inform prospective students and employees of the report's availability and provide a copy upon request.

The annual security report must report crime statistics 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 offenses:

- Murder and nonnegligent manslaughter;
- Negligent manslaughter
- Sex offenses (forcible sex offenses 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 not included in the above category who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

*34 C.F.R. § 668.46 (the implementing regulations of the The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act)*

**Noncompliance:** TSU failed to report several crime incidents in the crime statistics it published in its 2006 annual security report.

TSU published its 2006 annual security report on September 1, 2006. That report contained the following statistics for the 2003, 2004, and 2005 calendar years:

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
Murder/Non-negligent manslaughter	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Negligent manslaughter	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Sex offenses - Forcible	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Sex offenses – Non-forcible	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Aggravated assault	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Robbery	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Burglary	10 / 13 / 6	7 / 6 / 4	0 / 0 / 0	0 / 0 / 0
Motor vehicle theft	0 / 0 / 4	0 / 0 / 4	0 / 0 / 0	0 / 0 / 0
Arson	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Any other crime	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Arrests for liquor law violations	0 / 0 / 0	27 / 12 / 26	0 / 0 / 0	10 / 3 / 8
Arrests for drug law violations	7 / 11 / 2	5 / 6 / 1	0 / 0 / 0	0 / 0 / 0
Arrests for illegal weapons possession	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	3 / 1 / 8
Referrals for liquor law violations	20 / 9 / 30	19 / 6 / 26	0 / 0 / 0	0 / 0 / 0
Referrals for drug law violations	2 / 2 / 2	2 / 2 / 2	0 / 0 / 0	0 / 0 / 0
Referrals for illegal weapons possession	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0

On April 12, 2007, two articles were published by the J-TAC, TSU's university paper. These articles stated that TSU had underreported forcible sex offense and burglary crime statistics for several years.

On May 22, 2007, TSU published a revised version of its 2006 annual security report. The revised report contained the following revised crime statistics for the 2003, 2004, and 2005 calendar years:

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
Murder/Non-negligent manslaughter	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Negligent manslaughter	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Sex offenses - Forcible	0 / 1 / 2	0 / 1 / 2	0 / 0 / 0	0 / 0 / 0
Sex offenses – Non-forcible	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Aggravated assault	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Robbery	1 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Burglary	21 / 32 / 11	19 / 30 / 8	0 / 0 / 1	0 / 0 / 0
Motor vehicle theft	0 / 0 / 4	0 / 0 / 4	0 / 0 / 0	0 / 0 / 0
Arson	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Any other crime	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Arrests for liquor law violations	33 / 15 / 39	27 / 12 / 21	0 / 0 / 0	10 / 3 / 8
Arrests for drug law violations	7 / 11 / 2	5 / 6 / 1	0 / 0 / 0	5 / 1 / 0
Arrests for illegal weapons possession	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	3 / 1 / 2
Referrals for liquor law violations	20 / 9 / 30	19 / 6 / 26	0 / 0 / 0	2 / 0 / 0
Referrals for drug law violations	2 / 3 / 2	2 / 2 / 2	0 / 0 / 0	0 / 0 / 0
Referrals for illegal weapons possession	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0

During the program review, TSU officials and police department personnel stated that their understanding of Clery Act requirements was incomplete when the crime statistics for the 2006 annual security report were compiled, but that the crime statistics were revised after learning more about the Clery Act reporting requirements.

TSU's revised 2006 annual security report contained three (3) forcible sex offenses (discussed below), one (1) robbery and 35 burglaries that had not been previously reported. In addition, the number of arrests for liquor and drug law violations increased from 86 to 108.

Although TSU's revised 2006 annual security report had more accurate and complete crime statistics than the original report, the Department's review identified additional reportable incidents.



### **Sex Offenses – Under-reporting**

TSU's original 2006 annual security report did not contain any forcible sex offenses for calendar years 2003, 2004, or 2005. When TSU revised its statistics for the 2006 annual security report, one (1) forcible sex offense was included for the 2004 calendar year, and two (2) forcible sex offenses were included for the 2005 calendar year. These three (3) offenses correspond to the following incident reports.

20041113-01332  
20050122-01446  
20050129-01464

### **Burglary – Under-reporting**

The revised 2005 calendar year statistics contained 12 burglaries (11 on campus and one (1) on non campus). However, the Department identified 16 burglaries in the following crime incident reports:

20050106-01415  
20050118-01439  
20050218-01506  
20050404-01561  
20050416-01581  
20050428-01598  
20050429-01600  
20050429-01603  
20050505-01607  
20050517-01613  
20050531-01619  
20050721-01659  
20050713-01751  
20051006-01754  
20051119-01845  
20051121-01848

### **Drug Law Violation Arrests – Under-reporting**

The revised 2005 calendar year statistics contained two (2) drug law violation arrests. However, the Department identified eight (8) drug law violation arrests in the following crime incident reports:

20050221-01509	2 arrests
20050517-01614	1 arrests
20050915-01716	1 arrests

20051204-01860	3 arrests
20051212-01877	1 arrests

### **Drug Law Violation Referrals – Under-reporting**

The revised 2005 calendar year statistics contained two (2) referrals for drug law violation. However, the Department identified four (4) referrals for drug law violation in the following crime incident report:

20050907-01703	4 referrals
----------------	-------------

It appears that TSU used incident report 20050221-01509 for its count of two (2) referrals for drug law violations. However, both offenders mentioned in that report were arrested for drug law violations and, therefore, would not count toward referrals also.

### **Liquor Law Violation Arrests - Possible Over-reporting**

TSU may have over-reported arrest crime statistics for liquor law violations.

TSU listed 37 arrests for its 2005 liquor law violations. However, the Department identified only 34 arrests:

Incident Report	Arrests
20050113-01430	1
20050123-01448	1
20050123-01449	1
20050123-01450	1
20050205-01476	1
20050206-01479	1
20050225-01522	1
20050330-01553	4
20050616-01636	1
20050729-01666	5
20050713-01651	1
20050828-01683	1
20050902-01694	1
20050902-01695	1
20050912-01711	1
20050917-01721	1
20050919-01722	2
20050924-01732	1
20051007-01756	2
20051102-01810	2
20051114-01833	1

20051201-01857	1
20051209-01874	1
20051229-01889	1
Total	34

It appears that TSU's over-reporting is due to the following:

20051012-01767

Three minors were arrested for minors in possession. However, this incident did not occur in any location for which TSU must report.

#### **Liquor Law Violation Referrals - Possible Over-reporting**

TSU may have over-reported referral crime statistics for liquor law violations.

TSU listed eight (8) referrals for disciplinary action for its 2006 liquor law violations. However it appears that TSU may have over-reported two (2) referrals:

20060303-01972

Two minors were arrested. One was cited for driving under the influence and the other for public intoxication. Both were also referred for disciplinary action. Neither driving under the influence or public intoxication are Clery-reportable violations, for arrests or for disciplinary action referrals.

#### **Drug Law Violation Arrests and Referrals - Possible Over-reporting**

TSU listed nine (9) arrests and seven (7) disciplinary action referrals for its 2006 drug law violations. However, it appears that TSU may have over-reported one (1) arrest and (1) referral. The Department identified the following arrests and referrals:

Incident Report	Arrests	Referrals
20060119-01911	0	4
20060220-01955	1	0
20060222-01960	0	1
20060227-01965	2	0
20060306-01977	1	0
20060525-02057	0	1
20061003-02159	3	0
20061212-02225	1	0
Total	8	6

It appears that TSU's over-reporting is due to the following:

20060516-02052

A stalk of marijuana was found in a vacated apartment. It appears this incident was included as a referral. However, no individual was arrested or referred for disciplinary action.

20061212-02225

The narrative for this report indicates that only one person was arrested for a drug law violation. However, two suspects are listed. TSU's count of 9 drug law violations arrests is one too many unless both suspects in this incident report are counted as arrests.

### **Illegal Weapons Possession – Over-reporting**

TSU may have over-reported crime statistics for illegal weapons possession.

TSU listed two (2) arrests for illegal weapons possession in its 2005 crime statistics but only one (1) was required to be reported.

20051027-01795

The narrative for this report indicates that the incident did not occur in any location for which TSU must report.

**Required Action:** TSU must review its crime incident reports to determine whether it under-reported its 2005 calendar year statistics for:

Burglary  
Drug Law Violation Arrests  
Drug Law Violation Referrals

If TSU incorrectly omitted an incident, it must revise the crime statistics in its current annual security report. In addition, TSU must contact the Department's Campus Crime Help Desk at (800) 435-598 and request that the crime statistics for TSU be amended and reflected on the Department's public website. However, 2005 statistics cannot be changed by institution so a caveat for each category for which statistics were under-reported for calendar year 2005 must be added. For example, under Criminal Offenses - On campus, the caveat would read:

Line G (Burglary) should read 15 for 2005.

Please notify this office when all necessary caveats have been submitted to the Department.

If TSU believes any incident identified by the Department should not be counted for Clery Act purposes, please provide an explanation of how that determination was made.

TSU is not required to take any action or to respond to the information on possible over-reporting of crime statistics. That information is provided only for information purposes to assist TSU in accurately compiling crime statistics.



RECEIVED APR 14 2009

*University Police*

*Box T-0560, Stephenville, Texas 76402  
(254) 968-9002 FAX (254) 968-9494*

April 7, 2009

Mr. Jesus Moya, U.S. Department of Education  
1999 Bryan Street, Suite 1410  
Dallas, Texas 75201-6817

Dear Jesus,

Regarding Program Review Report OPE ID: 00363100; PRCN: 200830626734, a copy of the report was received on February 20, 2009. The report states that the Tarleton State University Police Department under-reported burglaries, Drug Law Violation Arrests, and Drug Law Violation Referrals in Calendar Year 2005.

**Burglaries**

Program Review Report OPE ID: 00363100; PRCN: 200830626734 identifies a total of sixteen (16) burglaries, as opposed to the twelve (12) that were reported by the T.S.U.P.D. The report listed the following case numbers as burglaries:

20050106-01415

20050118-01439

20050218-01506

20050404-01561

20050416-01581

20050428-01598

20050429-01600

20050429-01603

20050505-01607

20050517-01613

20050531-01619

20050721-01659

20051004-01751

20051006-01754

20051119-01845

20051121-01848

The above-numbered reports were printed and reviewed carefully. The result of this review is that a total of sixteen (16) did in fact occur, and that the Department of Education is correct in their assertion that the T.S.U.P.D. under-reported burglaries in Calendar year 2005.

#### **Drug Law Violation Arrests**

Program Review Report OPE ID: 00363100; PRCN: 200830626734 identifies a total of eight (8) arrests for drug law violation in Calendar Year 2005, as opposed to two (2) arrests reported by the T.S.U. Police Department. The report listed the following case numbers as arrests for drug law violations:

20050221-01509	2 arrests
20050517-01614	1 arrest
20050915-01716	1-arrest
20051204-01860	3-arrests
20051212-01877	1 arrest

The above-numbered reports were printed and reviewed carefully. The result of this review is that a total of eight (8) arrests for drug law violations did in fact occur, and that the Department of Education is correct in their assertion that the T.S.U.P.D. under-reported the number of arrests for drug law violations in Calendar Year 2005.

#### **Drug Law Violation Referrals**

Program Review Report OPE ID: 00363100; PRCN: 200830626734 identifies a total of four (4) referrals for drug law violations in Calendar Year 2005, as opposed to two (2) a referrals reported by the T.S.U. Police Department. The report listed the following case numbers as arrests for drug law violations:

20050907-01703

4 referrals

The above-numbered report was printed and reviewed carefully. The result of this review is that a total of four (4) referrals for drug law violations did in fact occur, and that the Department of Education is correct in their assertion that the T.S.U.P.D. under-reported the number of drug law violation referrals in Calendar Year 2005.

### **Corrective Measures**

The following corrective measures have been completed:

1. A report containing the correct number of burglaries, arrests for drug law violations, and referrals for drug law violations has been faxed to the Department of Education (see attachment).
2. The Clery Report for Calendar year 2005 on the Tarleton State University web site has been corrected (see attachment).
3. The link to the Clery Report (on the Tarleton P.D. website) now links directly to the Clery Report on the Tarleton State University website:

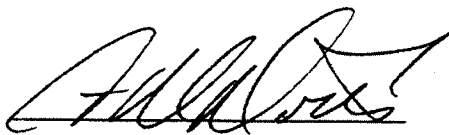
<http://www.tarleton.edu/site/documents/cleryact.pdf>

Sincerely,



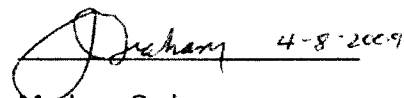
Chief Justin Williams

Tarleton State University Police Department



F. Dominic Dottavio, PhD

President, Tarleton State University



Mr. Jerry Graham

Vice President,

Finance and Administration



Get data for one institution/campus

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Step 1. Institution/Campus Search (Redefine Search Criteria)

Step 2. Select Campus (Search Result)

Step 3. View Data

### Tarleton State University

OPE ID: 00363100

1333 W. Washington

Stephenville, TX 76401-0000

For more information about this institution,  
visit [www.tarleton.edu](http://www.tarleton.edu)

### Campus: Main Campus

#### General Information

1333 W. Washington

STEPHENVILLE, TX 76402-0000

#### Security Officer Information

**Security Office:** Justin Williams

**Title:** Director Police Department

Box T- 0560

STEPHENVILLE, TX 76402

**Phone:** 254-968-9002

#### Residence Halls

This campus provides On-Campus housing.

Residence halls statistics are a subset of On-Campus statistics.

#### Local Police Crime Statistics

Local statistics are included with the campus's statistics.

Criminal Offenses

Hate Crimes

Arrests and Disciplinary Actions

**The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.**

#### Criminal Offenses - On campus

Criminal offense	Total criminal offenses on campus		
	2005	2006	2007
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	2	2	1
d. <u>Sex offenses - Non-forcible (Include only incest and statutory rape)</u>	0	0	0
e. <u>Robbery</u>	0	0	0
f. <u>Aggravated assault</u>	0	0	0
g. <u>Burglary</u>	11	15	21
h. <u>Motor vehicle theft</u>	4	2	1
i. <u>Arson</u>	0	0	0

**Caveat:**

2/09 - 2005 - Line g. should read 15 to reflect correction of miscount..

#### Criminal Offenses - On campus - Residence Halls

Criminal offense	Total criminal offenses on campus in residence halls		
	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Forcible	2	2	1
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	8	12	16
h. Motor vehicle theft	4	0	0
i. Arson	0	0	0

#### Caveat:

2/09 - 2005 - Line g. should read 12 to reflect correction of miscount.

#### Criminal Offenses - Noncampus

Criminal offense	Total criminal offenses on noncampus		
	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Forcible	0	0	0
d. Sex offenses - Non-Forcible (Include only incest and statutory rape)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	1	3	0
h. Motor vehicle theft	0	0	1
i. Arson	0	0	0

#### Caveat:

#### Criminal Offenses - Public Property

Criminal offense	Total criminal offenses on public property		
	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Forcible	0	0	0
d. Sex offenses - Non-forcible (Include	0	0	0

only incest and statutory rape)

e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

**Caveat:**

Get data for one institution/campus

I want to

New Search

Step 1. Institution/Campus Search (Redefine Search Criteria)

Step 2. Select Campus (Search Result)

Step 3. View Data

**Tarleton State University**

OPE ID: 00363100

1333 W. Washington

Stephenville, TX 76401-0000

For more information about this institution,  
visit [www.tarleton.edu](http://www.tarleton.edu)**Campus: Main Campus****General Information**

1333 W. Washington

STEPHENVILLE, TX 76402-0000

**Security Officer Information****Security Office:** Justin Williams**Title:** Director Police Department

Box T- 0560

STEPHENVILLE, TX 76402

**Phone:** 254-968-9002**Residence Halls**

This campus provides On-Campus housing.

Residence halls statistics are a subset of On-Campus statistics.

**Local Police Crime Statistics**

Local statistics are included with the campus's statistics.

Criminal Offenses

Hate Crimes

Arrests and Disciplinary Actions

The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.

**Arrests - On campus**

Law Violation	Total arrests on campus		
	2005	2006	2007
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	2	8	3
c. <u>Liquor law violations</u>	29	9	11

**Caveat:**

2/09 - 2005 - Line b. should read 8 to reflect correction of miscount.

**Arrests - On campus - Residence Halls**

Law Violation	Total arrests on campus in residence halls		
	2005	2006	2007
a. <u>Illegal weapons possession</u>	0	0	0
b. <u>Drug law violations</u>	1	5	2

c. Liquor law violations	21	7	7
--------------------------	----	---	---

**Caveat:**

3/09 - 2005 - Line b. should read 3 to reflect correction of miscount.

**Disciplinary Actions - On campus**

Law Violation	Number of persons referred for Disciplinary Action on campus		
	2005	2006	2007
a. Illegal weapons possession	0	0	1
b. Drug law violations	2	7	10
c. Liquor law violations	30	6	39

**Caveat:**

2/09 - 2005 - Line b. should read 4 to reflect correction of miscount.

**Arrests - Noncampus**

Law Violation	Total arrests on noncampus		
	2005	2006	2007
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	1	0
c. Liquor law violations	0	1	8

**Caveat:****Disciplinary Actions - Noncampus**

Law Violation	Number of persons referred for Disciplinary Action on noncampus		
	2005	2006	2007
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	3

**Caveat:****Arrests - Public Property**

Do NOT include drunkenness or driving under the influence in Liquor law violations.

Crime	Total arrests on public property		
	2005	2006	2007
a. Illegal weapons possession	2	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	8	1	7

**Caveat:****Disciplinary Actions - Public Property**

Law Violation	Number of persons referred for Disciplinary Action on public property		
	2005	2006	2007
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	2	1

**Caveat:**

[OPE Home](#) | [Information for Students](#) | [Planning for College](#) | [Policy](#) | [Student Aid Professionals](#) | [Campus Security](#) | [OPE Program Data](#)

# Tarleton State University 2007 Annual Security Report

## Tarleton State University - Stephenville

OFFENSE	ON CAMPUS			** RESIDENTIAL FACILITIES			# NON-CAMPUS			PUBLIC PROPERTY			TOTAL		
	2005	2006	2007	2005	2006	2007	2005	2006	2007	2005	2006	2007	2005	2006	2007
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
SEX OFFENSES, FORCIBLE	2	2	1	2	2	1	0	0	0	0	0	0	2	2	1
SEX OFFENSES, NON-FORCIBLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<del>DISCIPLINARY ACTION</del>	15	15	21	12	12	16	1	3	0	0	0	0	18	18	21
MOTOR VEHICLE THEFT	4	2	1	4	0	0	0	0	1	0	0	0	4	2	2
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW ARRESTS	29	9	11	21	7	7	0	1	8	8	1	7	37	11	19
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	30	6	39	26	6	38	0	0	3	0	2	1	30	8	49
<del>DISCIPLINARY ACTION</del>	8	8	3	3	5	2	0	1	0	0	0	0	8	9	4
<del>DISCIPLINARY ACTION</del>	4	7	10	4	7	8	0	0	0	0	0	0	4	7	10
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	82	49	88	72	39	72	1	5	12	10	3	8	108	57	108

\*\*CRIMES REPORTED IN THE RESIDENTIAL FACILITIES COLUMN ARE INCLUDED IN THE ON-CAMPUS CATEGORY.

# Non-campus locations include the Dora Lee Langdon Cultural and Education Center in Granbury, Fort Worth ISD, Grapevine ISD, Hill College in Cleburne, Howard Payne University in Brownwood, Tarleton State University Hunewell Ranch, McLennan County Community College University Center in Waco, Tarleton State University Farm, W.K. Gordon Center for Industrial History Museum and Gallery in Thurber, and Weatherford College



2005 Ctery Report (Corrections)

OFFENSE	ON-CAMPUS	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
MURDER/NON-NEGLIGENT MANSLAUGHTER				
NEGLIGENT MANSLAUGHTER	2			2
SEX OFFENSES (FORCIBLE)				
SEX OFFENSES (NON-FORCIBLE)				
ROBBERY				
AGGRAVATED ASSAULT				
BURGLARY	15	1		16
MOTOR VEHICLE THEFT	4			4
ARSON				
LIQUOR LAW ARRESTS	29		8	37
LIQUOR LAW VIOLATION REFERRALS	30			30
DRUG LAW ARRESTS	8			8
DRUG LAW REFERRALS	4			4
ILLEGAL WEAPONS POSSESSION ARRESTS			2	2
ILLEGAL WEAPONS REFERRALS				
TOTAL	92	1	10	103

Reviewed by:

on





COPY

June 10, 2009

Dr. F. Dominic Dottavio  
President  
Tarleton State University  
1333 West Washington  
Stephenville, TX 76401

**Certified Mail**  
**Return Receipt Requested**

No. 7007 3020 0000 2587 9039

RE: **Final Program Review Determination**  
OPE ID: 00363100  
PRCN: 200830626734

Dear Dr. Dottavio:

The U.S. Department of Education's (Department's) School Participation Team - Dallas issued a program review report on February 18, 2009, covering Tarleton State University's (TSU's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The findings of that review are presented in the enclosed final program review determination (FPRD).

**Purpose:**

Final determinations have been made concerning the outstanding finding of the program review report. The purpose of this letter is to: (1) close the review, and (2) notify TSU of a possible adverse administrative action. This FPRD is being referred to the Administrative Actions and Appeals Division (AAAD) for consideration of possible adverse administrative action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution pursuant to 34 C.F.R. Part 668, Subpart G. If AAAD initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

**Record Retention:**

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

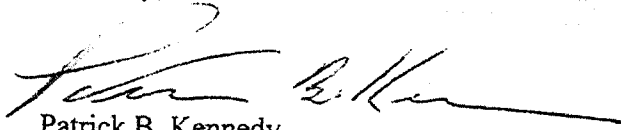
Federal Student Aid, School Participation Team - Dallas  
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

FEDERAL STUDENT AID  START HERE. GO FURTHER.

Tarleton State University  
OPE ID 00363100  
PRCN 200830626734  
Page 2 of 2

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 Mr. Jesus Moya at (214) 661-9472.

Sincerely,



Patrick B. Kennedy  
Area Case Director

Enclosure

cc: Mr. Justin Williams, Chief of Police, Tarleton State University Police Department  
Mr. David Linkletter, Texas Higher Education Coordinating Board  
Dr. Belle S. Wheelan, President, Southern Association of Colleges and Schools  
Commission on Colleges  
Ms. Carol Lindsey, Vice President of Policy and Compliance, Texas Guaranteed Student  
Loan Corporation

Prepared for

**Tarleton State University**

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START HERE  
GO FURTHER  
FEDERAL STUDENT AID

OPE ID 00363100

PRCN 200830626734

Prepared by:

U.S. Department of Education

Federal Student Aid

School Participation Team - Dallas

## Final Program Review Determination

June 10, 2009

1999 Bryan Street, Suite 1410  
Dallas, TX 75201-6817  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

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**A. Institutional Information**

Tarleton State University  
1333 West Washington  
Stephenville, TX 76401

Type: Public

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

Accrediting Agency: Southern Association of Colleges and Schools Commission on Colleges

Current Student Enrollment: 8,922 (2007-08)

% of Students Receiving Title IV: 49.7% (2007-08)

**Title IV Participation**

	2007-08
Federal Pell Grant Program	\$ 7,360,551
Federal Supplemental Educational Opportunity Grant Program (FSEOG)	\$ 339,496
Federal Work-Study Programs (FWS)	\$ 124,891
Federal Family Education Loan Program (FFEL)	\$38,568,635

Default Rate FFEL/DL:	2006	5.2%
	2005	4.1%
	2004	5.4%

Default Rate Perkins:	2007	12.5%
	2006	5.0%
	2005	24.1%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Tarleton State University (TSU) from April 21-25, 2008. The review was conducted by Mr. Jesus Moya and Mr. Michael Rhodes of the Dallas School Participation Team, and Mr. James Moore of the Philadelphia School Participation Team.

The focus of the review was TSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The review consisted of an examination of TSU's crime statistics for calendar years 2005 and 2006.

### **Disclaimer:**

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

## **C. Findings and Final Determinations**

### **Resolved Finding with Comments**

The following program review finding has been resolved by the institution, and may be considered closed. This finding is included solely for the purpose of discussing resolution of the finding. The program review report finding, as it was written in the Department's February 18, 2009 Program Review Report, is quoted verbatim below in italics.

#### ***Finding 1. Failure to Accurately Report Crime Statistics***

***Citation:*** *Institutions are required to publish and distribute, by October 1 of each year, an annual security report that contains required crime statistics, as well as required statements and policies, to its current students and employees. Institutions must also inform prospective students and employees of the report's availability and provide a copy upon request.*

*The annual security report must report crime statistics 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 offenses:*

- *Murder and nonnegligent manslaughter;*
- *Negligent manslaughter*
- *Sex offenses (forcible sex offenses 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 not included in the above category who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.*

34 C.F.R. § 668.46 (the implementing regulations of the The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act)

**Noncompliance:** TSU failed to report several crime incidents in the crime statistics it published in its 2006 annual security report.

TSU published its 2006 annual security report on September 1, 2006. That report contained the following statistics for the 2003, 2004, and 2005 calendar years:

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
<i>Murder/Non-negligent manslaughter</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Negligent manslaughter</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Sex offenses - Forcible</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Sex offenses - Non-forcible</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Aggravated assault</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Robbery</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Burglary</i>	10/13/6	7/6/4	0/0/0	0/0/0
<i>Motor vehicle theft</i>	0/0/4	0/0/4	0/0/0	0/0/0
<i>Arson</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Any other crime</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Arrests for liquor law violations</i>	0/0/0	27/12/26	0/0/0	10/3/8
<i>Arrests for drug law violations</i>	7/11/2	5/6/1	0/0/0	0/0/0
<i>Arrests for illegal weapons possession</i>	0/0/0	0/0/0	0/0/0	3/1/8
<i>Referrals for liquor law violations</i>	20/9/30	19/6/26	0/0/0	0/0/0
<i>Referrals for drug law violations</i>	2/2/2	2/2/2	0/0/0	0/0/0
<i>Referrals for illegal weapons possession</i>	0/0/0	0/0/0	0/0/0	0/0/0

*On April 12, 2007, two articles were published by the J-TAC, TSU's university paper. These articles stated that TSU had underreported forcible sex offense and burglary crime statistics for several years.*

*On May 22, 2007, TSU published a revised version of its 2006 annual security report. The revised report contained the following revised crime statistics for the 2003, 2004, and 2005 calendar years:*

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
<i>Murder/Non-negligent manslaughter</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Negligent manslaughter</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Sex offenses - Forcible</i>	0 / 1 / 2	0 / 1 / 2	0 / 0 / 0	0 / 0 / 0
<i>Sex offenses - Non-forcible</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Aggravated assault</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Robbery</i>	1 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Burglary</i>	21 / 32 / 11	19 / 30 / 8	0 / 0 / 1	0 / 0 / 0
<i>Motor vehicle theft</i>	0 / 0 / 4	0 / 0 / 4	0 / 0 / 0	0 / 0 / 0
<i>Arson</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Any other crime</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Arrests for liquor law violations</i>	33 / 15 / 39	27 / 12 / 21	0 / 0 / 0	10 / 3 / 8
<i>Arrests for drug law violations</i>	7 / 11 / 2	5 / 6 / 1	0 / 0 / 0	5 / 1 / 0
<i>Arrests for illegal weapons possession</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	3 / 1 / 2
<i>Referrals for liquor law violations</i>	20 / 9 / 30	19 / 6 / 26	0 / 0 / 0	2 / 0 / 0
<i>Referrals for drug law violations</i>	2 / 3 / 2	2 / 2 / 2	0 / 0 / 0	0 / 0 / 0
<i>Referrals for illegal weapons possession</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0

*During the program review, TSU officials and police department personnel stated that their understanding of Clery Act requirements was incomplete when the crime statistics for the 2006 annual security report were compiled, but that the crime statistics were revised after learning more about the Clery Act reporting requirements.*

*TSU's revised 2006 annual security report contained three (3) forcible sex offenses (discussed below), one (1) robbery and 35 burglaries that had not been previously reported. In addition, the number of arrests for liquor and drug law violations increased from 86 to 108.*

*Although TSU's revised 2006 annual security report had more accurate and complete crime statistics than the original report, the Department's review identified additional reportable incidents.*



***Sex Offenses – Under-reporting***

*TSU's original 2006 annual security report did not contain any forcible sex offenses for calendar years 2003, 2004, or 2005. When TSU revised its statistics for the 2006 annual security report, one (1) forcible sex offense was included for the 2004 calendar year, and two (2) forcible sex offenses were included for the 2005 calendar year. These three (3) offenses correspond to the following incident reports.*

20041113-01332  
20050122-01446  
20050129-01464

***Burglary – Under-reporting***

*The revised 2005 calendar year statistics contained 12 burglaries (11 on campus and one (1) on non campus). However, the Department identified 16 burglaries in the following crime incident reports:*

20050106-01415  
20050118-01439  
20050218-01506  
20050404-01561  
20050416-01581  
20050428-01598  
20050429-01600  
20050429-01603  
20050505-01607  
20050517-01613  
20050531-01619  
20050721-01659  
20050713-01751  
20051006-01754  
20051119-01845  
20051121-01848

***Drug Law Violation Arrests – Under-reporting***

*The revised 2005 calendar year statistics contained two (2) drug law violation arrests. However, the Department identified eight (8) drug law violation arrests in the following crime incident reports:*

20050221-01509	2 arrests
20050517-01614	1 arrests
20050915-01716	1 arrests

20051204-01860	3 arrests
20051212-01877	1 arrests

#### ***Drug Law Violation Referrals – Under-reporting***

*The revised 2005 calendar year statistics contained two (2) referrals for drug law violation. However, the Department identified four (4) referrals for drug law violation in the following crime incident report:*

20050907-01703	4 referrals
----------------	-------------

*It appears that TSU used incident report 20050221-01509 for its count of two (2) referrals for drug law violations. However, both offenders mentioned in that report were arrested for drug law violations and, therefore, would not count toward referrals also.*

#### ***Liquor Law Violation Arrests - Possible Over-reporting***

*TSU may have over-reported arrest crime statistics for liquor law violations.*

*TSU listed 37 arrests for its 2005 liquor law violations. However, the Department identified only 34 arrests:*

<i>Incident Report</i>	<i>Arrests</i>
20050113-01430	1
20050123-01448	1
20050123-01449	1
20050123-01450	1
20050205-01476	1
20050206-01479	1
20050225-01522	1
20050330-01553	4
20050616-01636	1
20050729-01666	5
20050713-01651	1
20050828-01683	1
20050902-01694	1
20050902-01695	1
20050912-01711	1
20050917-01721	1
20050919-01722	2
20050924-01732	1
20051007-01756	2
20051102-01810	2
20051114-01833	1

20051201-01857	1
20051209-01874	1
20051229-01889	1
Total	34

*It appears that TSU's over-reporting is due to the following:*

20051012-01767  
*Three minors were arrested for minors in possession. However, this incident did not occur in any location for which TSU must report.*

***Liquor Law Violation Referrals - Possible Over-reporting***

*TSU may have over-reported referral crime statistics for liquor law violations.*

*TSU listed eight (8) referrals for disciplinary action for its 2006 liquor law violations. However it appears that TSU may have over-reported two (2) referrals:*

20060303-01972  
*Two minors were arrested. One was cited for driving under the influence and the other for public intoxication. Both were also referred for disciplinary action. Neither driving under the influence or public intoxication are Clery-reportable violations, for arrests or for disciplinary action referrals.*

***Drug Law Violation Arrests and Referrals - Possible Over-reporting***

*TSU listed nine (9) arrests and seven (7) disciplinary action referrals for its 2006 drug law violations. However, it appears that TSU may have over-reported one (1) arrest and (1) referral. The Department identified the following arrests and referrals:*

<i>Incident Report</i>	<i>Arrests</i>	<i>Referrals</i>
20060119-01911	0	4
20060220-01955	1	0
20060222-01960	0	1
20060227-01965	2	0
20060306-01977	1	0
20060525-02057	0	1
20061003-02159	3	0
20061212-02225	1	0
Total	8	6

*It appears that TSU's over-reporting is due to the following:*

20060516-02052

*A stalk of marijuana was found in a vacated apartment. It appears this incident was included as a referral. However, no individual was arrested or referred for disciplinary action.*

20061212-02225

*The narrative for this report indicates that only one person was arrested for a drug law violation. However, two suspects are listed. TSU's count of 9 drug law violations arrests is one too many unless both suspects in this incident report are counted as arrests.*

### ***Illegal Weapons Possession – Over-reporting***

*TSU may have over-reported crime statistics for illegal weapons possession.*

*TSU listed two (2) arrests for illegal weapons possession in its 2005 crime statistics but only one (1) was required to be reported.*

20051027-01795

*The narrative for this report indicates that the incident did not occur in any location for which TSU must report.*

***Required Action:*** *TSU must review its crime incident reports to determine whether it under-reported its 2005 calendar year statistics for:*

*Burglary*

*Drug Law Violation Arrests*

*Drug Law Violation Referrals*

*If TSU incorrectly omitted an incident, it must revise the crime statistics in its current annual security report. In addition, TSU must contact the Department's Campus Crime Help Desk at (800) 435-598 [sic]<sup>1</sup> and request that the crime statistics for TSU be amended and reflected on the Department's public website. However, 2005 statistics cannot be changed by institution so a caveat for each category for which statistics were under-reported for calendar year 2005 must be added. For example, under Criminal Offenses - On campus, the caveat would read:*

*Line G (Burglary) should read 15 for 2005.*

*Please notify this office when all necessary caveats have been submitted to the Department.*

---

<sup>1</sup> Should read (800) 435-5985

*If TSU believes any incident identified by the Department should not be counted for Clery Act purposes, please provide an explanation of how that determination was made.*

*TSU is not required to take any action or to respond to the information on possible over-reporting of crime statistics. That information is provided only for information purposes to assist TSU in accurately compiling crime statistics.*

**TSU's Response:** TSU concurred with the Department that it under-reported the number of burglaries, drug law violation arrests, and drug law referrals that occurred in the 2005 calendar year. TSU agreed that 16 burglaries, 8 drug law violation arrests, and 4 drug law referrals occurred in the 2005 calendar year.

TSU corrected the crime statistics in its annual security report to reflect the correct number of incidents (<http://www.tarleton.edu/site/documents/clervact.pdf>). In addition, TSU updated the crime statistics information submitted to the Department (<http://ope.ed.gov/security/>).

**Final Determination:** TSU complied with the requirements of the program review report and corrected its crime statistics to include the following under-reported incidents in its crime statistics for the 2005 calendar year:

- Four (4) burglaries,
- Six (6) drug law violation arrests, and
- Two (2) drug law violation referrals.

The Department notes that TSU revised its 2006 annual security report, which included 2003, 2004, and 2005 calendar year crime statistics, in May 2007, prior to the program review. This May 2007 revision increased the number of burglaries by 35 incidents, and the number of arrests for alcohol and liquor law violations by 22 incidents. The May 2007 revision also included one (1) robbery and three (3) forcible sex offenses that had been improperly excluded.

TSU has improved its Clery Act compliance. However, because of the non-compliance with Clery Act requirements, this FPRD is being referred to the Department's Administrative Actions and Appeals Division (AAAD) for consideration of possible adverse administrative action. If AAAD initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.