



April 20, 2015

Dr. Susan J. Hunter.
President
University of Maine
5703 Alumni Hall, Suite 200
Orono, ME 04469

UPS Tracking #
1ZA879640294126556

RE: Final Program Review Determination
OPE ID: 00205300
PRCN: 201110327542

Dear President Hunter:

The U.S. Department of Education's (the Department) Clery Act Compliance Team issued a program review report on August 10, 2011, regarding University of Maine's (UMaine; the University) compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) in *Section 485(f) of the HEA, 20 U.S.C. §1092(f)*, and the Department's regulations at *34 C.F.R. §§668.41, 668.46, and 668.49*. The original text of the program review report is incorporated into this Final Program Review Determination (FPRD). UMaine submitted an acceptable response to the Department's report. UMaine's response and any supporting documentation submitted with the response are being retained by the Department and are available for inspection by UMaine upon request. Please be advised that this FPRD and any supporting documentation may be subject to release under the Freedom of Information Act and may be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning the finding identified during the program review. The purpose of this letter is to advise UMaine of the Department's final determination and to close the review. Please note that this FPRD contains a finding regarding UMaine's failure to comply with the requirements of the *Clery Act*. Because a *Clery Act* finding does not result in a financial liability, such findings may not be appealed.


Due to the serious nature of this finding, this FPRD is being referred to the Administrative Actions and Appeals Service Group (AAASG) for consideration of possible adverse administrative action. Such action may include a fine and/or the limitation, suspension or termination of the eligibility of the institution to participate in the Title IV, HEA programs pursuant to *34 C.F.R. Part 668, Subpart G*. If AAASG initiates any such action, additional information about UMaine's appeal rights and procedures for filing an appeal will be provided under separate cover.

Record Retention:

Records relating to the period covered by this program review must be retained until the later of resolution of the violations identified during the review or the end of the regular retention period applicable to all Title IV-related records including *Clery Act*-related documents under *34 C.F.R. §668.24(e)*.

Thank you for the courtesy, cooperation, and patience shown to us throughout the program review process. If you have any questions about this FPRD or the program review process, please contact Mr. Donald Tantum at 215-656-6467.

Sincerely,



James L. Moore, III
Compliance Manager
Clery Act Compliance Team

cc: Mr. Roland LaCroix, Jr., Chief of Police, UMaine
Ms. Gianna Marrs, Director of Financial Aid, UMaine

Enclosures:

Final Program Review Determination

Prepared for:
University of Maine



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Prepared by
U.S. Department of Education
Clery Act Compliance Team

Final Program Review Determination

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A. Institutional Information

University of Maine
5703 Alumni Hall, Suite 200
Orono, ME 04469

Type: Public

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

Accrediting Agency: New England Association of Schools and Colleges

Current Student Enrollment: 11,501 (2010)

% of Students Receiving Title IV: 64% (2010)

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

2008/2009 Award Year

Federal Pell Grant	\$ 8,143,482
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 1,727,261
Federal Work Study (FWS)	\$ 2,532,343
Federal Perkins Loan Program (Perkins)	\$ 1,554,030
Federal Family Educational Loan Program (FFEL)	\$ 53,506,674
Total	\$ 67,463,790

Default Rate FFEL:	2008	3.2%
	2007	3.8%
	2006	2.2%

Default Rate Perkins:	2009	8.9%
	2008	9.2%
	2007	7.8%

The University of Maine (UMaine) is a land grant/sea grant institution of higher education. UMaine is the largest of the campuses that make up the University of Maine System. At the time of the site visit, the University enrolled more than 12,000 students and employed more than 2,300 faculty and staff members.

The University of Maine Police Department is a full-service police department staffed by state-certified police officers and supports University personnel on a 24/7/365 basis. The training and professional standards met by UMaine's officers are the same as those required in any municipality across the state. The law enforcement officers of the UMaine Police Department receive their enforcement authority via the provisions of

Public Law 1971, Chapter 544, Section 142. As amended, the Board of Trustees grants the University of Maine President, or his representative, the authority to appoint persons to act as police officers with full arrest powers.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at The University of Maine from November 16-19, 2010. The review was conducted by the Clery Act Compliance Team.

The focus of the review was to evaluate UMaine's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*), §485(f) of the Higher Education Act of 1965 as amended (HEA), 20 USC §1092(f). UMaine was selected from a sample of institutions of higher education 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 UMaine's police incident reports, arrest records, and disciplinary files as well as policies and procedures related to the *Clery Act*. Staff interviews were also conducted.

The Department reviewed UMaine PD incident and arrest reports generated in the course of police operations during calendar year 2009. These reports documented incidents of Part I and Part II offenses reported to the UMaine PD including a sample of Part II arrests for violations of certain laws involving illegal drugs, illegal usage of controlled substances, liquor, and weapons. Incident reports selected for review were cross-checked against the daily crime log to ensure that crimes occurring within the patrol jurisdiction were entered properly on the log.

The Department also examined the institutional polices related to campus security that were in use at UMaine at the time of the review, as well as those in effect for the 2008 and 2009 reporting periods.

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 UMaine. 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. A copy of the December 28, 2010 CJIS report was attached to the Department's August 10, 2011 program review report.

Disclaimer:

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

C. Finding and Final Determination

The program review finding identified in the Department's program review report appears in italics below. At the conclusion of the finding is a summary of UMaine's response to the finding and the Department's final determination for the finding.

Finding #1: Failure to Collect Campus Crime Statistics from all Required Sources

Citation:

Federal regulations require institutions collect and publish crime statistics for the three most recent calendar years concerning reported crimes that occurred on campus, in or on noncampus buildings or property and on public property that are reported to local police or to a campus security authority (CSA). 34 C.F.R. §668.46(1)(c). To comply with these requirements, institutions must develop a system that allows for the collection of incidents of crime reported to any CSA.

Noncompliance:

The Campus Police department has the primary responsibility for preparing the Campus Security Report. Additional information is provided through a formal request (emails) to various Campus Security Administrators (CSA). The email request provides the following information:

- *Crime statistic report form*
- *Confidential sexual assault report form*
- *Instructions regarding the confidential form and reporting of crime.*

Though this appears comprehensive, the lack of clear response from all areas, with no visible follow-up could lead to issues of incorrect data reporting to the OPE web site and UMaine's student and staff population.

Relevant CSA offices had no standardized report writing, coding or numbering system; as a result several reportable incidents were duplicated. Incidents could not be easily cross-referenced or otherwise linked. This concern was specifically noted with the Women's Center lack of an information reporting and archiving system. In addition several offices such as the Counseling center did not respond to the emails sent by the Police Department requesting stats.

Required Actions:

UMaine must establish policies and procedures for the gathering and compiling of all incidents reported to all internal and external campus security authorities. These policies must address access, communication, and coordination by institutional officials. A copy of the revised policies must be submitted as part of the University's response to this program review report.

University's Response:

In its official response, UMaine concurred with the finding and stated that remedial action was taken as directed in the program review report. During the preparation of the response, University officials determined that three reported sexual assaults were not included in the campus crime statistics for calendar year 2009. UMaine officials represented that the campus crime statistics were revised in the 2011 ASR and in the data submitted to the Secretary for inclusion in the "Campus Safety and Security Data Analysis Cutting Tool (CSSDACT)" to include the previously-underreported incidents. University officials also represented that the corrective actions that are now in place will prevent recurrence of similar violations. In support of its claims of corrective action, UMaine also provided copies of its new and revised policies and procedures for requesting and tabulating crime statistics from all internal and external campus security authorities.

Final Determination:

Finding #1 of the program review report cited UMaine for its failure to compile accurate campus crime statistics for calendar year 2009 and to disclose accurate and complete crime statistics in the 2010 ASR. Specifically, the University did not include three sexual assaults that were reported in 2009 in its 2010 ASR. As a result of this violation, the University was required to request crimes statistics from all CSAs and to review and enhance its policies and procedures for compiling crime statistics going forward. In its response, UMaine conceded that three sexual assaults were omitted from the 2009 crime statistics that were included in the 2010 ASR as well as those that were submitted to the CSSDACT. The University also detailed its new internal policies and procedures for requesting and compiling crime statistics. UMaine officials represented that they are confident that the new processes will prevent recurrence of the identified violation. The appropriate changes were therefore updated with the Department's CSSDACT web-site and to the University's ASR.

The Department carefully examined UMaine's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by UMaine's revised 2009 crime statistics, its new and revised internal policies and procedures, and its subsequent ASRs.

Based on that review and the University's admission of noncompliance, the finding of violation identified in the program review report is sustained. The Department has also determined that UMaine's remedial action plan meets minimum requirements. For these reasons, the Department has accepted UMaine's response and considers this finding to be closed for program review purposes. Nevertheless, the officials and directors of UMaine are put on notice that they must take any additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the University's response to the Department's report and/or as may otherwise be needed to ensure that these violations do not recur.

Although the finding is now closed, UMaine is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The requirement to compile and disclose accurate and complete campus crime statistics is one of the most basic requirements of the *Clery Act* and is fundamental to the campus safety and crime prevention goals of the law. UMaine asserted that it has taken adequate remedial actions and that by doing so, that it is now in compliance with the *Clery Act* as required by its Program Participation Agreement. Nevertheless, UMaine officials must understand that any failure to publish an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. For these reasons, the College is advised that its remedial actions cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that UMaine re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, UMaine officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. University officials can access these materials at: www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the *Clery Act* can be found at 34 C.F.R. §§668.14, 668.41, 668.46, and 668.49.

UMaine management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs regarding the prevention of sex crimes in their ASRs. All institutions are currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR. Please

be further advised that Final Rules on the VAWA amendments to the *Clery Act* were issued on October 20, 2014 and that as a result, these regulations will go into effect on July 1, 2015, per the Department's Master Calendar. UMaine officials may access the text of the Final Rule at:

<http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>