



May 23, 2011

Dr. Michael K. Young
President
University of Utah
201 South President's Circle, Rm. 203
Salt Lake City, Utah 84112-9008

Certified Mail
Return Receipt Requested
No: 7002 2410 0001 3900 2375

RE: **Final Program Review Determination**
OPE ID: 00367500
PRCN: 200940827000

Dear Dr. Young:

The U.S. Department of Education's (the Department's) School Participation Team – Chicago/Denver issued a program review report on June 29, 2010, covering the University of Utah's (the U of U; the University) compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)* which is included in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f). The U of U's final response was received on July 30, 2010. Copies of the program review report (and related attachments) and the U of U's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by the U of U 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 violations and weaknesses identified during the program review and are detailed in the attached FPRD. The purpose of this letter is to notify the U of U of the final determinations.

Record Retention:

Program records relating to the period covered by this program review must be retained until the later of: resolution of the violations, weakness, and other issues identified during the program review or the end of the retention period applicable to Title IV-related records under 34 C.F.R. § 668.24 (e)(1) and (e)(2).

Federal Student Aid, School Participation Team – Chicago/Denver
1244 Speer Boulevard, Suite 201, Denver, CO. 80204
www.FederalStudentAid.ed.gov

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the U of U officials have any questions regarding this letter, please contact Ms. Fran Susman on (303) 844-3682.

Sincerely,

for 
Douglas A. Parrott
Area Case Director

cc: Mr. Scott Folsom, Chief of Police
Ms. Lori McDonald, Associate Dean of Students
Utah State Board of Regents
Northwest Commission on Colleges and Universities
Utah Higher Education Assistance Authority

Prepared for:

University of Utah



START HERE
GO FURTHER
FEDERAL STUDENT AID

OPE ID: 00367500

PRCN: 200940827000

Prepared by:

U.S. Department of Education

Federal Student Aid

School Participation Team – Chicago/Denver

Final Program Review Determination

May 23, 2011

Table of Contents

	Page
A. Institutional Information.....	2
B. Scope of Review.....	3
C. Findings and Final Determinations.....	4
Finding 1: Lack of Adequate Policy Statements.....	4
Finding 2: Failure to Properly Classify Crimes.....	6
Finding 3: Failure to Properly Disclose Crime Statistics.....	8
Finding 4: Failure to Report All Required Statistics Occurring in Non-Campus Buildings or Property.....	10
D. Finding 5: Lack of Proper Notification of Availability of Annual Security Report.....	12
Appendix A – Program Review Report	
Appendix B – University of Utah’s Response to the Program Review Report	

A. Institutional Information

University of Utah
201 South President's Circle, Room 203
Salt Lake City, Utah 84112-9008

Type: Public

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

Accrediting Agency: Northwest Commission on Colleges and Universities

Current Student Enrollment: 28,211 (2008-2009)

% of Students Receiving Title IV: 45% (2008-2009)

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

2007-2008 Award Year

Federal Family Education Loan Program	\$81,269,154
Federal Pell Grant Program	\$12,228,618
Federal Perkins Loan Program	\$ 2,789,180
Federal Work-Study Program	\$ 1,508,949
Federal Supplemental Education Opportunity Grant Program	\$ 889,880

Default Rate FFEL: 2006 – 0.9%
2005 – 1.9%
2004 – 1.4%

Default Rate Perkins: As of:
6/30/2007 – 1.9%
6/30/2006 – 1.7%
6/30/2005 – 0.9%

The University of Utah (the U of U; the University) is a coeducational research university that offers more than 100 undergraduate and more than 90 graduate degree programs. The U of U Police Department consists of 30 sworn officers that patrol the campus 24 hours a day, 7 days a week, and is backed by a security staff of over 50 people. The U of U Police Department maintains a mutual aid agreement with Salt Lake City to assist off campus, and to be assisted on campus, when necessary to render law enforcement and operational assistance to each other in dealing with emergencies and law enforcement matters.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a focused campus security program review at the U of U from August 25, 2009 to August 27, 2009. The review was conducted by Ms. Fran Susman, Ms. Linda Shewack, and Mr. Michael Rhodes.

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

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 the U of U. The Department is partnering with the CJIS Audit Unit (CAU) to ensure more 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 crime statistics reported by participating institutions. The CAU reviewed a sample of 86 incident reports for Group A Offenses and 80 incident reports for Group B Arrests reported to the U of U Police Department during calendar year 2008. The CAU identified seven instances of inaccurate classifications among the 86 Part I Offenses reviewed. One incident was classified as Burglary – Forcible Entry when it should have been classified as Theft From Coin-operated Device or Machine. The other instances were all classified as Purse-snatching when they should have been classified as Theft from Building.

The Department reviewed 61 campus police incident reports for Part I Offenses, 52 disciplinary reports and an additional 50 miscellaneous campus police incident reports from calendar year 2007. The file sample was selected randomly from a list of all incidents of crime reported to the U of U Police Department and/or other campus security authorities 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 2007. A program review report was issued on June 29, 2010.

Disclaimer:

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

C. Findings and Final Determinations

Findings with Final Determinations

The program review report findings with final determinations are summarized below. At the conclusion of each finding is a summary of the U of U's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on June 29, 2010, is attached as Appendix A.

Finding 1: Lack of Adequate Policy Statements

Citation: Under the Clery Act, an institution must include within its annual security report (ASR) a statement of current campus policies. The policy statements must include, but are not limited to, information about how students and others should report criminal actions or other emergencies occurring on campus, security of and access to campus facilities, and campus law enforcement/security. 34 C.F.R. § 668.46(b)(2) – (b)(12)

Noncompliance: After the U of U was notified of the program review and prior to the on-site visit by the Department, the University reviewed its campus security policies and procedures. The U of U provided the Department's review team with a chart outlining deficiencies the institution had identified in those policies and procedures. A review of the 2007 policies and procedures and the chart provided revealed that the U of U's ASR lacked the following required information:

- *A statement of current policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus including its policy governing its response to such reports, including policies for making timely warning reports to the campus community, policies for preparing the annual crime report, and a list of the titles of each person or organization to whom students and employees report crimes. 34 C.F.R. § 668.46(b)(2)*
- *A statement of current policies regarding security of and access to campus facilities. 34 C.F.R. § 668.46(b)(3)*
- *A statement of current policies regarding campus law enforcement that addresses the authority of campus law enforcement, the campus law enforcement's relationship*

with other State and local law enforcement agencies, and whether campus law enforcement officers have the authority to arrest individuals. Additionally, the U of U does not appear to have procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(4)

- A statement that clearly describes all the programs available to inform students and employees about campus security procedures and practices 34 C.F.R. § 668.46(b)(5)
- A statement that describes the programs available to inform students and employees about the prevention of crime. 34 C.F.R. § 668.46(b)(6)
- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at properties off campus owned by recognized student organizations. 34 C.F.R. § 668.46(b)(7)
- A statement of policy regarding the enforcement of underage drinking laws or enforcement of federal or state drug laws. 34 C.F.R. § 668.46(b)(8) and 668.46(b)(9)
- A description of the drug and alcohol education programs offered. 34 C.F.R. § 668.46(b)(10)
- A statement of the institution's policies regarding its campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. Specifically, the annual security report failed to include (1) possible sanctions the U of U may impose following a final determination of an on-institutional disciplinary proceeding regarding a sex offense; (2) procedures for on-campus disciplinary action in cases of an alleged sex offense; (3) a statement that institutional personnel will assist the student in notifying authorities, if the student requests the assistance; and (4) notification to students that the institution will change a victim's academic and living situation after an alleged sex offense. 34 C.F.R. § 668.46(b)(11)
- A correct link to the State Web site containing the list of registered sex offenders; the link listed is no longer operational. 34 C.F.R. § 668.46(b)(12)

Required Action: The U of U provided the review team with a plan to address the deficiencies noted in the policies and procedures. In response to this finding, the University must provide a status report on the steps that have been taken to comply with these regulatory requirements.

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are necessary and advise the University in the Final Program Review Determination letter of our determination.

The U of U's Response: In its response, the U of U committed to take certain actions, including drafting and implementing policies regarding sexual assault prevention, reporting criminal actions and other emergencies on campus, security of and access to campus facilities, campus law enforcement, monitoring and recording of criminal activities at off-campus properties, enforcement of underage drinking laws and drug laws, and emergency response and evacuation procedures.

Specific actions taken by the U of U included: (1) adopting University Interim Rule R5-210: Sexual Assault Prevention and Response and publishing the policy in its 2009 Campus Security Report; (2) drafting official policies to comply with the various regulatory requirements outlined in the finding; and (3) describing various university programs available to the campus community about campus security procedures and practices, prevention of crime, and drug and alcohol education. Information about these programs was published in the U of U's 2009 ASR.

In addition, the U of U updated its on-line 2009 ASR with the correct link to the Utah Department of Corrections Sex Offender Registry.

Final Determination: The U of U's ASR for the years 2007 and 2008 did not contain all the required policies and procedures. The U of U provided a copy of University Interim Rule R5-210, its revised policies and procedures, and a copy of the 2009 ASR. The U of U is in the process of obtaining approval for and implementing the revised policies and procedures. In the meantime, the 2009 ASR addresses interim measures taken to comply with the regulatory requirements. The 2009 ASR addresses all the deficiencies outlined in this finding. Therefore, no further action is required and this finding may be considered closed.

Finding 2: Failure to Properly Classify Crimes

Citation: *Institutions are required to classify crimes properly so that the statistical disclosures are in compliance with the Clery Act. The definitions of crimes are in 34 CFR Part 668, Subpart D, Appendix A. An institution must compile the crime statistics required under 34 CFR §668.46(c) using the definitions of crimes provided in Appendix A and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for the Hate Crime Data Collection. 34 C.F.R. §668.64(c)(7).*

One of the types of offenses required to be reported by the Clery Act is burglary. Burglary is defined as "the unlawful entry of a structure to commit a felony or a theft". 34 C.F.R. Part 668, Subpart D, Appendix A

Noncompliance: *In its campus crime statistics for 2007, the U of U incorrectly classified two incidents as thefts that should have been classified as burglaries.*

- (1) *Incident #2007-265: A camera was taken from a desk drawer in one of the offices of the U of U. The complainant was unable to determine whether her office was locked at the time of the burglary. However, it is clear that the entry of the office was illegal since the location of the crime was a private office and there was no evidence that the person who took the item was lawfully in the office. Therefore, this incident should have been classified as a burglary instead of a theft.*
- (2) *Incident #2007-472: Three LCD projectors were taken from Room 545 at the Rice Eccles Stadium. This room is a locked area and there were no signs of forced entry. The incident report indicated that possibly an unknown individual with access to keys to the room entered the room and took the projectors. If personnel who have keys and are authorized to gain access only for specific tasks, enter a room not for that specific task (i.e., maintenance, housekeeping) and steal an item, the offense should be classified as burglary.*

Further as noted in the CJIS report, the CAU identified seven instances of inaccurate classifications among the 86 Part 1 Offenses reviewed (Appendix A). One of the inaccurately classified incidents was incident #2008-974. This incident was classified as Burglary – Forcible Entry when it should have been classified as Theft From Coin-operated Device or Machine. The other instances were all classified as Purse-snatching when they should have been classified as Theft from Building.

Required Action: *In response to this finding, the U of U may provide any additional documentation on Incidents #2007-265 and/or #2007-472 that would support its claim that the incidents were, in fact, properly classified as thefts. Otherwise, the U of U must reclassify the above two crimes as burglaries instead of thefts and modify its 2007 Campus Crime Statistics, on the Department's Web site database and on the ASR provided to students and staff.*

With regard to the discrepancies noted by the FBI's CAU in the QAR report, the U of U should have taken corrective action prior to reporting crimes for calendar year 2008. The Department notes that if these offenses were correctly classified, none of these crimes were reportable for Clery Act purposes.

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are necessary and advise the University of its determination in the Final Program Review Determination letter.

The U of U's Response: *The U of U, in its response, agreed with the assessment of the review team regarding the misclassification of the two thefts that should have been classified as burglaries. The U of U submitted corrections to the Department's Web site database and indicated it would revise the statistics to the University's on-line 2009 ASR.*

Final Determination: *The U of U modified its campus crime statistics to reflect a total of 27 burglaries instead of 25 for the calendar year 2007. This change is now reflected on the Department's Web site database and on the U of U's October 2009 ASR. With*

regard to the discrepancies noted by the FBI's CAU in the QAR, none of the incorrectly classified incidents were *Clery Act* reportable offenses for calendar year 2008. Therefore, no further action is required and this finding may be considered closed.

Finding 3: Failure to Properly Disclose Crime Statistics

Citation: All eligible institutions participating in the Title IV programs are required to make available to students, employees, future students and employees and the Department statistical information relating to certain reported crimes, as well as statistics relating to arrests and/or campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (including a breakdown of those which occurred in dormitories/residential facilities), in or on noncampus buildings or property, and on public property – and must be provided for the three most recent calendar years. 34 C.F.R. § 668.46(a), 668.46(c)(1)-(c)(4).

Noncompliance: The U of U failed to disclose accurate crime statistics for the 2007 calendar year as follows:

- (1) *Aggravated Assault:* The U of U reported 5 aggravated assaults on public property for calendar year 2007. The Department's review of all incident reports for reported aggravated assaults indicated that one of the listed aggravated assaults was actually a warrant issued for the arrest of someone who had previously committed an assault in a prior reporting period. (See Appendix B for incident report number.) Therefore, this aggravated assault should be omitted. Below are the reported and actual numbers for Aggravated Assaults for calendar year 2007.

	<i>On Campus Property</i>	<i>Residential Facilities*</i>	<i>Noncampus Properties</i>	<i>Public Property</i>
<i>Reported</i>	1	1	0	5
<i>Actual</i>	1	1	0	4

*Residential Facilities are a subset of On Campus Property

- (2) *Liquor Law Arrests:* The U of U reported a total of 37 liquor law arrests for calendar year 2007. The Department reviewed a sample of incident reports from the campus police records and the Salt Lake City police records (obtained from the Department of Student Affairs) and reviewed the audit trail provided by the campus police department. That review identified 43 liquor law arrests during calendar year 2007. Based on the Department's review, the reported and actual numbers for Liquor Law Arrests for calendar year 2007 are below. (See Appendix B for incident report numbers.)

	<i>On Campus Property</i>	<i>Residential Facilities</i>	<i>Noncampus Properties</i>	<i>Public Property</i>
<i>Reported</i>	13	10	2	22
<i>Actual</i>	19	10	10	14

- (3) *Drug Law Arrests: The U of U reported a total of 11 drug law arrests for calendar year 2007. The Department's review of a sample of incident reports from the campus police records and the Salt Lake City police records and the audit trail provided by the campus police department indicated there were a total of 13 drug law arrests. Below are the reported and actual numbers for Drug Law Arrests for calendar year 2007. (See Appendix B for incident report numbers.)*

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
<i>Reported</i>	6	4	0	5
<i>Actual</i>	8	5	0	5

- (4) *Liquor Law Violations Referred for Disciplinary Action: The U of U reported 196 campus liquor law violations referred for disciplinary action for calendar year 2007. During the review, an officer with the campus police department indicated the number "196" was a typographical error and should have been "169". A review of the audit trail revealed 168 entries. The Department reviewed a sample of referrals from the records of the Department of Housing and compared referrals for disciplinary action with arrest records from the campus police. This review indicated that of the 168 disciplinary referrals, five individuals were also arrested for "minor in possession of alcohol" and were reported in the Liquor Law Arrests category on the ASR. (See Appendix B for incident number.) If an individual is both arrested and referred for disciplinary action for an offense, institutions should count the arrest only. Below are the reported and actual numbers for Liquor Law Violations Referred for Disciplinary Action for calendar year 2007.*

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
<i>Reported</i>	196	196	0	0
<i>Actual</i>	163	163	0	0

- (5) *Drug Law Violations Referred for Disciplinary Action: The U of U reported 23 campus drug law violations referred for disciplinary action for calendar year 2007. The Department reviewed a sample of referrals from the records of the Department of Housing and compared referrals for disciplinary action with arrest records from the campus police. This review indicated that of the 23 disciplinary referrals, one individual was also arrested for a drug law violation. This was reported in the Drug Law Arrests category on the ASR. (See Appendix B for incident report numbers.) If an individual is both arrested and referred for disciplinary action for an offense, institutions should count the arrest only. Below are the reported and actual numbers for Drug Law Violations Referred for Disciplinary Action for calendar year 2007.*

	<i>On Campus Property</i>	<i>Residential Facilities</i>	<i>Noncampus Properties</i>	<i>Public Property</i>
<i>Reported</i>	23	22	0	0
<i>Actual</i>	22	22	0	0

(6) *Hate Crimes: Because institutions typically do not have many hate crimes to report, or have none at all, institutions may present hate crime data in a narrative or descriptive format. However, institutions must report statistics for the three most recent calendar years. Although the U of U correctly reported hate crimes for the last three years to the Department's Web-based survey, and, in fact, reported zero hate crimes for all three years, the U of U only reported statistics for one calendar year on its ASR provided to students and staff.*

Required Action: *In response to this finding, the U of U may provide any additional documentation that would support the statistics it originally reported. Otherwise, the U of U must correct its 2007 Campus Crime Statistics, both on the Department's Web site database and on the ASR provided to students and staff.*

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.

The U of U's Response: In its response, the U of U agreed with the assessment of the review team and acknowledged that it failed to accurately report certain crime statistics for the 2007 calendar year. The U of U submitted corrections to the Department's Web site database and indicated it would revise the statistics to the University's on-line 2009 ASR.

Final Determination: The U of U modified its campus crime statistics to reflect the changes outlined in this finding. The changes are now reflected on the Department's Web site database and on the U of U's October 2009 ASR. The U of U is encouraged to closely monitor its audit trail when preparing statistics for each year's ASR. No further action is required and this finding may be considered closed.

Finding 4: Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Buildings or Property

Citation: *An institution must include within its annual security report statistics reflecting all reportable crimes that occur in certain geographical locations including "noncampus buildings or property". 34 C.F.R. § 668.46(c)(4)*

A noncampus building or property is defined as "any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students,

and is not within the same reasonably contiguous geographic area of the institution.” 34 C.F.R. § 668.46(a)(“Noncampus building or property”)

Noncompliance: The U of U’s ASR for calendar years 2006, 2007, and 2008 did not include crime statistics from certain noncampus sites where classes are held. The U of U identified the failure to obtain and report statistics for those locations prior to the program review. The locations are Bountiful, Downtown Salt Lake City, Murray, Park City, Sandy, and St. George, Utah.

Required Action: The U of U must obtain statistics of reportable crimes at any locations that meet the definition of a noncampus building or property in 34 C.F.R. § 668.46(a) for calendar years 2006, 2007, and/or 2008 and correct the reported statistics on the Department’s Web site database, and in the most recent ASR provided to students and staff. If the U of U cannot obtain statistics for those locations for prior calendar years, the U of U must provide information detailing the attempts made to obtain the statistics.

Based on an evaluation of all available information, including the U of U’s response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.

The U of U’s Response: The U of U, in its response, concedes that the University failed to include statistics for certain non-campus sites in the 2006, 2007 and 2008 Campus Crime Statistics. The U of U, at the time of its response, had obtained statistics of reportable crimes for its Downtown Salt Lake City location for the calendar years 2006, 2007 and 2008. Subsequent to the response, and prior to the issuance of this FPRD, the U of U obtained statistics of reportable crimes for the remaining non-campus sites.

The additional reportable crimes included in the University’s 2009 Campus Security Report are as follows:

Bountiful, Utah, 75 East 200 South – There were no Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

Murray, Utah, 5282 South 320 West – There were no Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

Park City, Utah, 1255 Park Avenue – There was one burglary in 2006, one forcible sex offense in 2007, and one motor vehicle theft in 2007. There were no other Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

Salt Lake City, Utah, 175 East 400 South – There was one weapons offense at this location in 2006. There were three burglaries reported at this location in 2007. There was one robbery reported at this location in 2007 and five liquor law violations. There were three burglaries reported at this location in 2008 and one

liquor law violation. There were no other Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

Sandy City, Utah, 9875 South Monroe Street – There were no Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

St. George, Utah, 1071 East 100 South – There was one vehicle theft at this location in 2006. There were no other Campus Security Act qualifying offenses reported at this location for 2006, 2007, or 2008.

Final Determination: The U of U provided documentation verifying the additional crime statistics for the non-campus locations. The additional crime statistics for 2006, 2007, and 2008 were included on the U of U's Web site, as well as the Department's Web site database. The U of U is reminded to monitor any additional non-campus locations that may be added at a later date to ensure accurate reporting. No further action is required and this finding may be considered closed.

Finding 5: Lack of Proper Notice of Availability of Annual Security Report

Citation: The ASR must be distributed to all currently enrolled students and all employees by October 1st of each year. The report must be distributed directly by publications and mailings through the U.S. Postal Service, by campus mail or electronic mail, or by posting on an Internet or intranet Web site that is reasonably accessible to currently enrolled students and to employees. 34 C.F.R. § 668.41(b), (c), and (e)

The ASR must also be provided to any prospective student or prospective employee upon request. Prospective students and prospective employees must be provided with a notice containing a statement of the report's availability, a description of its contents and the opportunity to request a copy. This notice may be provided to prospective students and prospective employees along with other information the institution provides to them. 34 C.F.R. § 668.41(b) and (e)(4)

Noncompliance: The U of U elected to distribute the 2007 ASR by posting to the U of U's Internet Web site. Notification of the availability of the ASR was sent to enrolled students and to employees by an e-mail dated September 26, 2008. However, the e-mail notification did not include the required brief description of the report and did not inform students and employees that the U of U would make the report available in paper copy on request. The U of U identified the deficiencies in the e-mail notification prior to the program review.

The U of U did not provide notice of the availability of the ASR to prospective students and employees. The U of U identified the deficiencies in the notification process prior to the program review.

Required Action: The U of U must update its e-mail notification language to include all elements required by the Department's regulations. In response to this finding, the U of

U must provide a copy of the revised e-mail notification that will be sent to current students and to employees notifying them of the availability of the ASR for 2010.

Prior to the program review, the U of U informed the review team that it would work with Human Resources (for prospective employees) and the Student Recruitment and Admissions Departments (for prospective students) to include a statement about the availability of the report on its Web sites and in its brochure materials. In response to this finding, the U of U must provide a status report on the steps that have been taken to comply with this regulatory requirement.

The U of U's Response: In its response, the U of U acknowledged that its e-mail notification of its 2007 ASR did not include a brief description of the report and did not inform students and employees that the University would make the report available in paper copy on request. The U of U provided a copy of the revised language for the e-mail notification for the ASR for 2010 that contained all the elements required by the Department's regulations. The U of U also indicated that it had worked with the Human Resources Department and with Student Affairs to provide notice to prospective employees and prospective students about the availability of the ASR. Specific actions taken by the U of U included a revision to the career opportunities web page to include information about the ASR for prospective employees, revision to the Student Affairs web site for student recruitment and high school services, inclusion of campus security information in the undergraduate studies bulletin, and revision to the graduate school web site to include a link to the ASR.

Final Determination: The U of U provided a copy of the revised e-mail notification of the ASR for 2010 that specifically included a brief description of the report and informed students and employees on how to obtain a paper copy of the report. The U of U has implemented the necessary actions to provide notification of the availability of the ASR to prospective students and employees.

In addition, the U of U provided a copy of the relevant page of the Undergraduate Studies Bulletin containing a statement on campus safety and a link to the ASR. The U of U also provided various Web site links for human resources, student affairs, and the graduate school for access to the campus security information. Since the U of U provides its campus security information electronically, the University is reminded to update all web pages if the general link for the campus security information changes. No further action is required and this finding may be considered closed.