

Howard K. Clery, Jr.
Co-Founder

Constance B. Clery
Co-Founder

Benjamin F. Clery
President

S. Daniel Carter
Senior Vice President

Catherine C. Bath
Executive Director

Alison Kiss, M.S.
Program Director

Katherine Andriole
Assistant Program Director

Donald Baldwin
Director - Washington, D.C.

Frank Carrington, Esq.
(In Memory)

BOARD OF DIRECTORS

Phyllis Recca, Chairman

Lea S. Bramnick

Andrew R. Cagnetta, Jr.

Wendy Demchick-Alloy, Esq.

George W. Dowdall, Ph.D.

Eric Eichler

Ellen Farber Kurtzman

Joanne Lyons Leasure, Esq.

Thomas B. MacCabe, Jr.

Jennifer B. Mercurio, Esq.

Clover Nicholas

Anne P. Simpson

Robert Simpson

Mary Bracken Swanson

Frederick B. Whitmore

Jeanne Wood, J.D.

George P. Wood, Esq.

ADVISORY BOARD

Sandra Bennett

Al Erskine

Barbara Erskine

F. Andrew Grooms

Steven J. Healy

William Laimbeer, Sr.

Jeffrey Levy

Gail Minger

Wendy Murphy, J.D.

Hank Nuwer

Gene & Jack Reiley

Howard Robboy, Ph.D.

Anne Seymour



Security On Campus, Inc.

133 Ivy Lane, Suite 200
King of Prussia, PA 19406-2101

tele: (610) 768-9330

1-888-251-7959

fax: (610) 768-0646

e-mail: soc@securityoncampus.org

www.securityoncampus.org

RECEIVED APR 17 2007

April 13, 2007

Mr. Patrick Kennedy
U.S. Dept. of Education
1999 Bryan St., Suite 1410
Dallas, TX 75201-6817

Dear Mr. Kennedy,

The Tarleton State University campus newspaper, The J-Tac, reported this week that the University has been underreporting forcible sex offense and burglary statistics under the federal Jeanne Clery Act (20 USC § 1092(f), 34 CFR § 668.46). I have enclosed clippings of the two articles for your review.

We would appreciate it if you could review this matter and if needed take whatever steps are appropriate to bring the University into full compliance with the Clery Act's campus crime reporting requirements.

Thank you in advance for your prompt attention to these issues. If you have any questions please don't hesitate to let us know.

Sincerely,

S. Daniel Carter
Senior Vice President

Enclosures

Don't forget to vote
in SGA Elections!
Results in next
week's edition!

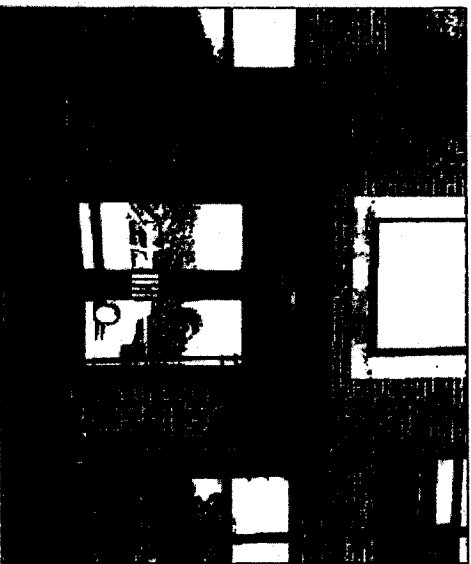
THE J-TAC

APRIL 12, 2007

SINCE 1919

VOLUME 176, No. 10

Police records show unreported burglaries



Ben Wang/The J-TAC

Reports show that Ferguson Hall had more burglaries than any other residence hall on the Tarleton campus.

This story was written and reported by Tarleton journalism students: Angela Cooreman, Hannah Scott, Clay Doyle, Kelly Blaine, Joshua Daniels, William English and Dameron Myers, and was based on additional reporting by Joseph Berk, Morgan Christensen, Daniel Connell, Erin Cooper, Kendrick Spencer, Nicholas Swack and Erik Walsh. Tarleton police records on which this article is based were obtained under the Texas Public Information Act as part of the Freedom of Information Foundation of Texas Light of Day Project.

Tarleton State University police reports document more than twice the number of burglaries that the university has disclosed to the federal government under a campus crime disclosure law; records show:

Tarleton officials disclosed 29 burglaries on campus between 2003 and 2005 to the U.S. Department of Education. Police records, however, show more than 60 burglaries during that same period.

Student journalists obtained 1,900 pages of police records under the Texas Public Information Act. The records covered crimes ranging on-campus from petty theft to sexual assault. Under a federal law known as the Clery Act, colleges and universities are required to disclose seven categories of serious crimes, including burglaries, to the federal education department.

Tarleton officials said that the campus police report all crimes required under the federal disclosure law. The Clery Act "is something we take extremely

seriously," Tarleton Vice President Koy Floyd said.

"We follow the rules," Tarleton Police Chief Robert Hooper added. "Everything that is reportable is reported." Floyd also said the university goes "beyond compliance" with the Clery Act. "We take it very seriously."

University officials said more than 60 burglaries documented in police reports differ from the 29 publicly disclosed under Clery because of the ways burglaries are counted and the definition of burglary.

For example, if a burglar broke into several rooms in one dormitory over a holiday, Hooper said he believes the law requires his department to count those

See BURGLARIES, Page 9

BURGLARIES: Men's residences more likely to get robbed than women's rooms

Continued from page 1

crimes as a single offense.

"There was a time when there was a break-in and someone went from room to room over in Ferguson and Bender and they're not all accountable as separate burglaries," Hooper said.

However, according to the U.S. Department of Education's Handbook for Campus Crime Reporting, "each room is considered to be a separate dwelling." If a burglar enters five on-campus dorm rooms without permission on the same night and only steals items from one room and takes nothing from the other four, the handbook says the crime spree must be classified as five burglaries because five individual dwellings were entered with the intent of theft.

Hooper said another reason the numbers don't match depends on whether force was used in the burglary. If someone enters a building without using force, and steals something, Hooper said that is not considered a burglary that must be disclosed.

"We constantly review because it's very complicated," he said. The Clery handbook defines burglary as the "unlawful entry of a structure to commit a felony or a theft," whether force was used or not.

"If a person... enters an unlocked structure (room), or one where the door was left open, the proper classification would be burglary," the handbook states. Thirty six of the burglary re-

ports contain notations that "further investigation needed."

Hooper says his department sometimes finds itself with too few officers and too many crimes.

"Well, sometimes we get behind," the chief said. "I'm not the Los Angeles Police Department."

"I can't put a squad of people on it. I've got one man, and he does all the investigation. If he feels like

"...sometimes we get behind," the chief said. "I'm not the Los Angeles Police Department..."

— Police Chief Robert Hooper

there's still something out there to do then he'll leave it that way, and sometimes he doesn't have a change or doesn't remember to go back to that specific case and change the status."

Despite the discrepancy in numbers, Floyd said the university strives to keep students and the campus safe. "Our job is to provide an ultimately safe campus," he said.

Tarleton is described as a safe campus on various pages on its website. One says Stephenville and Tarleton "have been designated one of the safest college towns in Texas and in the nation." In a virtual tour,

produced by an English class, the university is described as "the safest campus in Texas."

In an interview, however, officials shied away from such claims. While Floyd believes that Tarleton is "one of the safest campuses," he does not think it is "the safest."

"Who knows what's going to happen tomorrow?" he asked. "I get nervous when somebody says that we're the safest campus," Hooper added. "That's an awful burden to bear."

Shelly Conboy-Brown, assistant director of housing and residence life, said the dorms are "as safe as the students want to make them."

The university last year began to beef up dorm security, she said. Conboy-Brown said the university informs and educates students about campus crime and how to guard against becoming a victim.

"Housing wants to increase the awareness... that's what is so important," she said.

Residents receive emails about concerns within or around the residence hall and attend "all-hall meetings" at the beginning of the semester. Tarleton police attend the meetings and discuss issues with the students. In addition, signs are posted around the halls to increase communication among residents.

Housing wants to "get the point across that this is a responsibility that everybody in the community has," she said.

The university also is installing a key-lock system on dorms that will require students to swipe an ID card to enter the building. Housing

is "heightening security more and more," Conboy-Brown said.

Further, the university has an around-the-clock monitor in the women's dorms and in Centennial to handle emergencies, and the women's monitor is available for both the women's and men's dorms, she said.

Numbers show that burglaries are higher in men's dorms than

"...(Tarleton is) one of the safest campuses...(not) the safest..."

— Dr. Roy Floyd, Vice President for Institutional Advancement

women's. Police records show that Ferguson Hall reported 29 burglaries over the three-year period. Bender followed with 19 burglaries. The four women's dorms reported one burglary. The remaining burglaries were scattered throughout other buildings across campus.

Conboy-Brown said men's dorms are more attractive targets than women's dorms because men are more likely to have possessions, thieves find desirable, such as PlayStation 3s and other electronics. Further, the men's dormitories are in close proximity to one another making them easier to target, she said. Some students say they believe the

university cares about student safety, but other students don't heed warnings.

"The resident advisors and the office staff were pretty strict when it came to safety precautions," said Kallen Hayes, a recent graduate of Tarleton and former resident of the Huenewell dormitory. "People got in trouble if they left doors open or had people in their rooms after hours or without permission. You could tell they [the staff] weren't doing it to be annoying but because they really cared about our safety."

Elle Heard, a freshman at Tarleton, said students should take more responsibility for protecting themselves. "A lot of girls don't lock their doors," she said. "I count on my suitcases leaving their door unlocked when I'm locked out of my dorm room."

Freshman Chad Plumlee said, "Most people lock their doors. There's an RA but he's not guarding the door or anything; he's usually in his room, but he'll check stuff out."

However, Teresa Brevin, sophomore and former resident of Moody, worries about the lack of monitoring. "The bad thing is there's no one watching the door so if the RA's asleep, you can sneak people in," she said.

Conboy-Brown said that the dorms offer a friendly, courteous environment where students will "hold the door for anybody." Ultimately, however, Conboy-Brown encourages students to help make the dorms safe. "This is your home," she said, "make it safe for yourself."

Records: Sexual assault numbers underreported



Courtesy: lightofdayproject.org

To see what the university has disclosed to the federal government, go to <http://www.ope.ed.gov/security/InstIdCrime.asp?CRITERIA=C>

This story was written and reported by Tarleton journalism students Joseph Berck, Morgan Christensen, Daniel Connell, Erin Cooper, Kendrick Spencer, Nicholas Swack and Erik Walsh and was based on additional reporting by Angela Cooremans, Hannah Scott, Clay Doyle, Kelly Blaine, Joshua Daniels, William English and Dameron Myers, Tarleton police records on which this article is based were obtained under the Texas Public Information Act as part of the Freedom of Information Foundation of Texas' Light of Day Project.

The 19-year old Tarleton student entered her dorm room on a cold, wet day just before Thanksgiving with little concern for her safety. Tarleton State University, after all, enjoyed a reputation as the safest college in Texas. She was expecting her roommate any minute and pulled her Centennial Hall dorm door shut, leaving it unlocked.

She woke up just before sunrise the next morning to a strange voice. Another Tarleton student had opened the door and walked into her room.

The intruder asked the woman her name and where her roommate was. Her discomfort grew as the 6-foot-3, 230-pound man closed the

door and crawled into her bed.

She squirmed as he pulled her closer to him. He ran his hands up her shirt and down her shorts. She told him to stop and that she had a boyfriend. But each time she pushed the man's big hands away, he pushed them back. Eventually, he fell asleep beside her.

As he slept, the woman set her alarm clock. When it went off, she leapt from her bed pretending it was time to get up. She escaped her room scared and molested, then called a friend to pick her up. Together they called the Tarleton police. When officers arrived at her room, the man was still in her bed. "I'm in bad trouble now, aren't I?" he said as he awoke and saw the police.

This incident, reported three years ago, is one of 10 sex offenses reported to the Tarleton Police Department during the last five years, according to records obtained under the Texas Public Information Act.

The reports document allegations ranging from unwelcome fondling to rape. Allegations reported took place in dormitories across campus. Nine of the complaining parties were

Tarleton students have reported 10 sex offenses to Tarleton police since 2002. Information about these incidents came from Erath County records or from Tarleton police department reports obtained under the Texas Public Information Act.

Date: Nov. 25, 2001

Location: Ferguson Hall

A student with questions about a rape defense class taught by police told an officer that she was sexually assaulted by a male acquaintance four months earlier. The woman received counseling from the TSU Counseling Center but did not press charges, citing her attacker's "propensity for violence."

Disposition: Unfounded

Date: Sept. 7, 2002

Location: Bender Hall

A woman said she was assaulted after kissing a man in his dorm room. Both were drinking. She believed the assault was planned because the man had a condom on his bed when she arrived. The student declined to press charges.

Disposition: Unfounded

Date: Dec. 8, 2002

Location: Texan Village

A man woke up in his dorm when another man fondled him. Later, the fondler telephoned repeatedly to apologize. The fondler was charged, arrested and pleaded guilty to a Class C Assault.

Disposition: Cleared by arrest.

Date: Aug. 24, 2004

Location: Centennial Hall

A female student said she was pressed into masturbation, oral sex and vaginal sex in a man's dorm room after a party. The man told police the sex was consensual.

Disposition: Unfounded Case referred to dean of students.

Date: Nov. 13, 2004

Location: Centennial Hall

A man entered a woman's dorm room, got in her bed and began fondling her. After repeatedly telling him to stop, the man fell asleep. Police were notified and the man was arrested when officers found him still sleeping in her bed.

Disposition: Cleared by arrest.

Date: Jan. 22, 2005

Location: Centennial Hall

A woman says she was assaulted by a student in his apartment fol-

lowing a fraternity party. The woman said she told the man to stop. The man told police the sex was consensual.

Disposition: Unfounded

Date: Jan. 29, 2005

Location: Texan Village Apartment

A woman told police she thinks she was raped in her room by an acquaintance after going to a party and a bar. The acquaintance says the woman masturbated him and that he performed oral sex on her. He said they did not have intercourse.

Disposition: Unfounded.

Date: Oct. 15, 2005

Location: Blue Bonnet Apartments

A man and woman are in the man's apartment watching a ballgame when he begins to make unwanted advances. She told him to stop but he pushed her bra strap down and rubbed her vagina through her work-out pants. When the woman said she was scared, the man stopped.

Disposition: Referred to the Stephenville Police Department and to dean of students.

Date: Sept. 8, 2006

Location: Moody Hall

A woman told police she thinks she was raped by a non-student she met online. The couple dined, and then returned to her dorm room, where he poured her a vodka drink from a Gatorade bottle. Police found the woman nude in her bed and the man still in her room. The woman was arrested for Minor in Consumption. The man gave a statement saying that they engaged in oral sex. The man was released with trespass warning.

Disposition: Further Investigation needed

Date: Sept 24, 2006

Location: Centennial Hall

A woman told police she thinks she may have been assaulted after drinking too much at a fraternity party. After the party, her friends took her to her dorm room and put her in bed. When she woke the next morning, she had a fuzzy recollection of one of her male friends being in her bed and she found evidence of sexual activity on her sheets. The woman dropped the case because she did not want her friend to go to jail.

Disposition: Cleared by exception because of non-prosecution.

ASSAULT: No sex offenses reported to Department of Education since 2000

Continued from page 1

women; one was a man. Police categorized five of the 10 cases as unfounded. But in one of those unfounded cases the records left little doubt that the woman was raped. According to police reports, she chose not to prosecute "because her attacker was a very physical individual who had a propensity for violence."

A federal law, known as the Clery Act, requires colleges and universities to document reported criminal offenses on a daily crime log that students and the public can review at the police station. Tarleton police are also required each year to disclose the number of serious crimes on campus in a report to the Department of Education. The Clery Act was named in honor of a 19-year-old Lehigh University student, Jeanne Clery, who was raped and murdered in her dorm room in 1986.

Of the 10 sex offenses, six were disclosed in daily crime logs as sexual assaults. In three out of four remaining cases, the offenses were categorized as assaults with no mention of their sexual nature. Records on the fourth case were not available.

Tarleton Police Chief Robert Hooper said he believes his department has disclosed all crimes as required on the daily logs and to the education department.

"As I understand it, if there's a report given to a university official and if it's on one of our covered areas,

then it has to be at least mentioned ... and if we've missed any of those, I don't know about them," Hooper stated.

None of the 10 sex offenses detailed in police reports, however, has been reported to the Department of Education. Between 2003 and 2005, the most recent period in which Clery Act statistics are made available, Tarleton says no reportable sexual offense took place on-campus. The last time the university reported a sexual offense was in 2000, records show. Tarleton officials say two sex offenses police investigated in 2006 will be disclosed to the education department this fall.

Dr. Koy Floyd, Tarleton's vice president for institutional advancement, said none of the reports of sexual offenses "were reported to the Department of Education under the Clery Act since they didn't meet the minimum elements of a possible sexual offense."

In some cases, he said, students who accuse others of sexual offenses decide against pressing charges. In other cases, what was reported to police as a sexual assault turned out to be a simple assault.

"Even though they initially wrote it down as sexual assault, when they started giving details ... it was unfounded," he said. Groping, for example, would not be reportable under the Clery Act, Floyd said.

S. Daniel Carter, vice president of Security on Campus, a non-profit group that works to prevent violent crimes on campus, said the Clery Act requires colleges to disclose an array of sex offenses, not just rapes.

"The Clery Act requires institutions to collectively report several types of crimes as 'forcible sex offenses' in their annual crime statistics," Carter said. "These include forcible rape, forcible sodomy, sexual assault with an object and forcible fondling."

The sex offenses reported to Tarleton police likely represent only a fraction of incidents that occur on or around the Tarleton campus.

Nearly five percent of college women are sexually victim-

ized each year, according to a 2000 survey provided by Dr. Gilbert Hinga, assistant vice president for wellness and career development.

Hinga, who oversees the student counseling service on campus, said that his office does not report sexual offenses to police. "The information we hear is all confidential," Hinga said.

The survey shows that fewer than five percent of rapes and attempted rapes are reported to law enforcement, which means information disclosed under the Clery Act may not reflect the true nature of offenses on a college campus. Rape statistics should be examined very carefully, according to the Handbook for Campus Crime Reporting provided by the Department of Education.

Once a crime is reported on-campus, it is investigated by university police. Hooper said a detective "decides whether the cases meet the elements of the crime or not, whether it's unfounded or not. If it's unfounded, then we don't report it."

The Department of Education's Handbook for Campus Crime Reporting requires that college campuses report "crimes brought to the attention of a campus security authority or local law enforcement. Universities are required to report all offenses, not the findings of a prosecutor, jury or court."

In addition to five of the 10 sex offenses labeled as unfounded, records show two cases were cleared by arrest, one required "further investigation," one was referred to Stephenville police, and the final case was labeled "cleared by exception." Cleared by exception is the designation for a case in which police cannot file charges because of circumstances beyond their control. In this case, the woman who made the accusation ultimately decided she did not want the man she accused to be jailed, records show.

Rusty Jergins, the associate vice president and dean of students, said that in most cases involving sexual offenses the victim and perpetrators are in some way acquainted.



Britt Walsh/The J-TAC

This is the stack of 1900 police records Tarleton journalism students looked through to uncover sexual assaults and burglaries not reported to the Department of Education.

"We don't have people in ski-masks jumping out of bushes with knives and putting it to [people's] throats," Jergins said. Although the crimes didn't involve weapons, some were violent.

In one of the sex offenses reported in 2002 the victim "pleaded with the suspect to stop, saying that she had made a promise to God that she would remain a virgin." The woman quoted her attacker as saying, "I just want to tie you down and f--- you."

Institutions found to violate the Clery Act could be fined up to \$27,500 for each violation and the federal financial aid could be suspended, according to the Handbook for Campus Crime Reporting.

The discrepancies in Tarleton's crime statistics come as no surprise to some, but police and administrators say the campus remains safe.

"The fact that there are crimes that are not reported does not surprise me," said Rachel O'Neal, mother of a graduating senior at Stephenville High School. "It makes me not want to trust them [Tarleton Police officers] and question what might happen if a crime is committed against my daughter."

Her daughter Jessica said, "It seems crime is going to happen no matter if the school would report the correct crime numbers or not. People just need to be smart and not put themselves in a situation that could get them into trouble."

Although Tarleton has been described as the safest campus in Texas, officials are reluctant to say it is the safest.

"We're usually sixth or eighth," Hooper said. "I don't remember us being the safest."



**purchased
look yet!!!**

to order your copy
7 Grassburri! But
u need to hurry, a
er will be ordered!!!

PARK PLACE

APARTMENTS

- 2 blocks East of TSU
- All kitchen appliances furnished
- No pets or smoking
- Local owners and managers
- WFO furnished in ALL apartments

(254) 968-2443

1003 West Sloan
Stephenville, TX 76401

Kennedy, Patrick

From: S. Daniel Carter [sdccarter@securityoncampus.org]
To: KOY@tarleton.edu
Cc: HOOPLER@tarleton.edu; Kennedy, Patrick
Subject: Tarleton State University Clery Act Compliance
Attachments:

Sent: Sun 4/15/2007 8:40 PM

Dr. Floyd,

As you know, Tarleton State University's campus newspaper The J-TAC published several articles last week detailing alleged violations of the federal Jeanne Clery Act's campus crime reporting requirements. We've read these articles, including your comments, and would like to see if we can help address these compliance issues.

Eight sexual assaults were reported to campus police between 2001 and 2005 yet none were reported in your Clery statistics either to your own community or to the U.S. Department of Education. The J-TAC article says that five were determined to be unfounded and the other three didn't meet the reporting definition.

Nationally, the FBI has stated that no more than 8% of rape reports are truly unfounded, which means they are false or baseless, and other experts believe it to be even lower. For five out of eight, or 62.5%, to truly be false is extremely unlikely so this raises major concerns about how these cases have been handled.

Also note that according to both UCR and Clery guidance "the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not 'unfound' a legitimate offense." The article, however, suggests that you said if a victim refused to cooperate that makes an incident unreportable.

You are also quoted as saying that some violations, such as groping, aren't reportable under Clery. The definitions of sex offenses used by Clery, however, are much more inclusive than that used by the traditional UCR program. Gender is irrelevant to reporting and forcible fondlings must be reported even if they are treated as a simple assault under state law.

Also, as noted in a companion article Tarleton is apparently reporting burglaries of multiple residence hall rooms in the same hall as a single burglary when the guidelines require the burglary of each room to be reported separately. And the definition of burglary used by Clery does not require the use of force. Institutions must use the federal definitions not state or other definitions so that reporting is consistent across the country.

These and other issues are addressed in great detail in the U.S. Department of Education's Clery Act handbook, which we assisted in the creation of. I would encourage you and your colleagues to review it. It is available for download at <http://www.ed.gov/admins/lead/safety/handbook.pdf> as a PDF document.

Please also feel free to let us know if you have any questions about any aspect of Clery Act reporting. It is very important to use that your students and other community members are getting all of the safety information they are due so we'll be glad to help however we can.

We look forward to hearing back from you and to working with you to address these issues. We've copied Patrick Kennedy of the Education Department on this message and would also appreciate it if you could copy him any any response, thanks.

S. Daniel Carter
Senior Vice President
Security On Campus, Inc.

7505 Granda Drive
Knoxville, TN 37909-1730
phone: (865) 693-4316
fax: (865) 691-6979
<http://www.securityoncampus.org>



Office of the President

Box T-0001, Stephenville, Texas 76402
254/968-9100 FAX 254/968-9920
mccabe@tarleton.edu
<http://www.tarleton.edu>

July 5, 2007

RECEIVED JUL - 6 2007

Ms. Stephanie Akon
U.S. Department of Education
Federal Student Aid
School Participation Team, SC-Dallas
1999 Bryan Street, Suite 1410
Dallas, Texas 75201-6817

Dear Ms. Akon:

On June 20, 2007, the University received a letter dated June 15, 2007 from Patrick Kennedy, Area Case Director, Federal Student Aid, School Participation Team-Dallas, Department of Education. The letter requested that we respond to you as to whether Tarleton State University "is meeting all of the requirements of the Clery Act."

After reviewing the Department of Education's *Handbook for Campus Crime Reporting*, we have determined that the University is meeting all of the requirements of the Clery Act.

Please contact us if we can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis P. McCabe".

Dennis P. McCabe
President

cc: Mr. Jerry Graham



COPY

April 7, 2008

Dr. Dennis P. McCabe
President
Tarleton State University
1333 West Washington
Stephenville, TX 76401

Certified Mail
Return Receipt Requested
No. 7007 0710 0003 7842 6442

Re: Announced On-Site Review
OPE ID Number: 00363100

Dear Dr. McCabe:

This letter constitutes our written request to the officials of Tarleton State University (Tarleton) for access, beginning April 21, 2008, to the HEA records, staff and students of Tarleton so that Mr. Jesus Moya and Mr. Michael Rhodes, Institutional Review Specialists, School Participation Team – Dallas, can conduct a program review to evaluate your institution's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Mr. James Moore, an Institutional Review Specialists from the School Participation Team – Philadelphia, will be accompanying them. Mr. Jesus Moya notified Mr. Jerry Graham via telephone of this review on April 7, 2008.

The regulatory authorities for this visit are cited below.

34 C.F.R. §668.24(d)(2) "An institution shall make its records readily available for review by the Secretary or the Secretary's authorized representative at an institutional location designated by the Secretary or the Secretary's authorized representatives."

34 C.F.R. §668.24(f)(1) "An institution that participates in any Title IV, HEA program and the institution's third party servicer, if any, shall cooperate with an independent auditor, the Secretary, the Department of Education's Inspector General, the Comptroller General of the United States, or their authorized representatives, a guaranty agency in whose program the institution participates, and the institution's accrediting agency, in the conduct of audits, investigations, program reviews, or other reviews authorized by law."

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

FEDERAL STUDENT AID  START HERE. GO FURTHER.

34 C.F.R. §668.24 (f)(2) "The institution and servicer must cooperate by -
(ii) Providing reasonable access to personnel associated with the institution's or servicer's administration of the Title IV, HEA programs for the purpose of obtaining relevant information."

Failure to provide this access to the program review team will result in the U.S. Department of Education initiating an administrative action against the institution. An administrative action may include, but is not limited to: the imposition of a formal fine and/or the limitation, suspension or termination of the institution's Title IV program participation, pursuant to 34 CFR Part 668, Subpart G.

The initial examination period will cover Tarleton's administration of the Clery Act's provisions during calendar years 2005 and 2006. Our initial record requests will pertain to these years. However, production of records and information pertaining to other calendar years may be required throughout the program review process. Tarleton must make every effort to provide the review team with immediate access to all requested records and information sources.

The review team will require unrestricted access to unredacted originals of Tarleton's Campus Security Incident Reports and all other incident reports generated and/or maintained by any Tarleton office or contractor. Please be advised that we will endeavor to protect the confidentiality and privacy rights of all individuals identified in Tarleton records that are provided to U.S. Department of Education officials.

Please inform all personnel with responsibilities involving campus security, judicial affairs, resident life, and student affairs, as well as any other office with responsibilities relevant to Tarleton's compliance with the Clery Act of this program review so that they or their designees are available during the site visit. Interviews will be conducted throughout the program review. All relevant offices should be advised to provide accurate, complete and timely responses to requests from the review team. Our access to employees and students for the purposes of conducting interviews is an essential part of the campus security program review process. As such, we request your assistance to help ensure that employees and students make themselves available in a timely manner upon our request. Furthermore, we ask that you take appropriate steps to ensure that no Tarleton official or agent encumbers or obstructs the program review process in any way.

Upon their arrival, the team will meet with you or your designee(s) and other institutional officials to explain the program review process.

At the conclusion of the review, the reviewers may meet with institutional officials to discuss any violations, recommendations, and next steps. You will receive an official written report at a later date.

To facilitate our examination, we request that you provide the following items to the program review team upon their arrival at the institution:

A copy of the two most recent catalogs and student handbooks for Tarleton;

A copy of the organizational chart for Tarleton and for all Tarleton colleges, schools, divisions, and locations operated by Tarleton;

Tarleton's data showing the percentage of current students enrolled receiving Title IV, Federal Student Aid Program funds;

A complete set of all applications, brochures, disclosures, forms, and other publications normally distributed to 1) prospective students; 2) prospective employees; 3) first-time students; and, 4) new hires of Tarleton, and all colleges, schools, etc. operated by Tarleton;

Copies of all agreements and/or contracts with any agencies or organizations that provide any protective service, security, counseling, or other service related to Tarleton's security and safety program;

A detailed description of all dispatch/response and recordkeeping systems (hardcopy; software; etc.) utilized by any Tarleton office or contractor with security-related responsibilities (e.g., Housing; Student Life; etc.);

Copies of all campus, patrol, and/or sector maps utilized by Tarleton's Security Department or contract security agency;

A comprehensive listing of all buildings and land owned or controlled by Tarleton, including leased property;

A listing of all buildings and land owned by any Tarleton-recognized student organizations, including leased property; and,

Copies of the two most recent Campus Security Reports prepared by Tarleton for purposes of complying with the Clery Act.

Access to additional records and information will be requested at the onset and throughout the review process, as needed. Once again, subsequent requests may cover time periods other than those specified above. We will do our best to ensure that this visit is conducted as expeditiously as possible. We appreciate any steps that you can take to facilitate our review.

We also request that the institution provide a secure working space for the review team to ensure the confidentiality of the institutional records being reviewed. We will also need access to a photocopy machine.

If you have any questions, please feel free to discuss any program review matters with Mr. Jesus Moya at (214) 661-9472. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick B. Kennedy", with a long horizontal flourish extending to the right.

Patrick B. Kennedy
Area Case Director



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

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.

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



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

Table of Contents

| | |
|---|----------|
| A. Institutional Information..... | 2 |
| B. Scope of Review | 3 |
| C. Findings..... | 3 |
| Finding 1. Failure to Accurately Report Crime Statistics..... | 3 |
| Sex Offenses – Under-reporting..... | 6 |
| Burglary – Under-reporting..... | 6 |
| Drug Law Violation Arrests – Under-reporting..... | 6 |
| Drug Law Violation Referrals – Under-reporting | 7 |
| Liquor Law Violation Arrests - Possible Over-reporting..... | 7 |
| Liquor Law Violation Referrals - Possible Over-reporting | 8 |
| Drug Law Violation Arrests and Referrals - Possible Over-reporting | 8 |
| Illegal Weapons Possession – Over-reporting..... | 9 |

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:

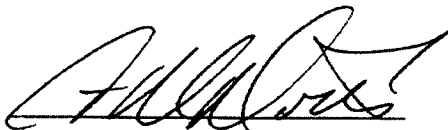
<http://www.tarleton.edu/site/documents/cleryact.pdf>

Sincerely,



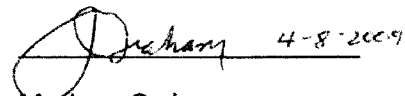
Chief Justin Williams

Tarleton State University Police Department



F. Dominic Dottavio, PhD

President, Tarleton State University

 4-8-2009

Mr. Jerry Graham

Vice President,

Finance and Administration

Get data for one institution/campus

I want to...

Search by Institution Name

Search by OPE ID

Search by State

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

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. 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 | 11 | 15 | 21 |
| h. Motor vehicle theft | 4 | 2 | 1 |
| i. Arson | 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:

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

Get data for one institution/campus

I want to...

INSTITUTION NAME

CAMPUS NAME

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**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. Illegal weapons possession | 0 | 0 | 0 |
| b. Drug law violations | 2 | 8 | 3 |
| c. Liquor law violations | 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. Illegal weapons possession | 0 | 0 | 0 |
| b. Drug law violations | 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. <u>Illegal weapons possession</u> | 0 | 0 | 0 |
| b. <u>Drug law violations</u> | 0 | 0 | 0 |
| c. <u>Liquor law violations</u> | 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 |
| STOLEN VEHICLE | 15 | 15 | 21 | 12 | 12 | 16 | 1 | 3 | 0 | 0 | 0 | 0 | 16 | 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 |
| DRUG LAW ARRESTS | 8 | 8 | 3 | 3 | 5 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 8 | 9 | 4 |
| DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION | 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 | 92 | 49 | 88 | 72 | 39 | 72 | 1 | 5 | 12 | 10 | 3 | 8 | 103 | 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 Thruher, and Weatherford College



2005 Clery 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).

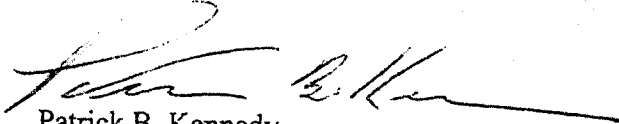
Federal Student Aid, School Participation Team - Dallas
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817
www.FederalStudentAid.ed.gov

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



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

Table of Contents

| | |
|---|----|
| A. Institutional Information..... | 3 |
| B. Scope of Review | 4 |
| C. Findings and Final Determinations..... | 4 |
| Finding 1. Failure to Accurately Report Crime Statistics..... | 4 |
| Sex Offenses – Under-reporting | 7 |
| Burglary – Under-reporting..... | 7 |
| Drug Law Violation Arrests – Under-reporting | 7 |
| Drug Law Violation Referrals – Under-reporting..... | 8 |
| Liquor Law Violation Arrests - Possible Over-reporting | 8 |
| Liquor Law Violation Referrals - Possible Over-reporting..... | 9 |
| Drug Law Violation Arrests and Referrals - Possible Over-reporting..... | 9 |
| Illegal Weapons Possession – Over-reporting..... | 10 |

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]¹ 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.

¹ 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.