



September 15, 2020

Ms. Diane Wolfer  
President  
Beckfield College  
16 Spiral Drive  
Florence, KY 41042-1466

Sent Via Email only to [dwolfer@beckfield.edu](mailto:dwolfer@beckfield.edu)

RE: **Final Program Review Determination**  
OPE ID: 02491100  
PRCN: 201621129302

Dear Ms. Wolfer:

The U.S. Department of Education's (Department's) Office of Federal Student Aid issued a program review report on July 13, 2018 covering Beckfield College's (BC) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2014-2015 and 2015-16 award years. BC's final response was received on February 24, 2020. A copy of the program review report (and related attachments) and BC's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by BC upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

**Purpose:**

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, and (3) notify the institution of its right to appeal.

This FPRD contains one or more findings regarding BC's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in a financial liability, such a finding may not be appealed.

This FPRD contains one or more findings regarding BC's failure to comply with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989 as reflected in Section 120 of the HEA, 20 U.S.C. § 1011(I), and the Department's regulations in 34 C.F.R.

**Federal Student Aid**

An OFFICE of the U.S. DEPARTMENT of EDUCATION

Multi-Regional and Foreign Schools Participation Division

830 First Street NE, Union Center Plaza, 7<sup>th</sup> Floor, Washington, DC 20202-5340

StudentAid.gov

Part 86. Since such a finding does not result in a financial liability it may not be appealed at this time.

The total liabilities due from the institution from this program review are **\$48,226.98**.

This final program review determination contains detailed information about the liability determination for all findings.

### **Protection of Personally Identifiable Information (PII):**

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date, and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. In addition, Appendices D and E also contain PII. These appendices were encrypted and sent separately to the institution via e-mail.

### **Appeal Procedures:**

If BC elects to appeal to the Secretary of Education for a review of the financial liabilities established by this FPRD, the institution must file a written request for a hearing. Please note that institutions may appeal financial liabilities only. The Department must receive BC's request no later than 45 calendar days from the date BC receives this FPRD. **The Department requests that BC submit an original and four copies of its complete request for review.** The request must be sent to:

Attn: Susan Crim, Director  
Administrative Actions and Appeals Service Group  
U.S. Department of Education  
Federal Student Aid/Partner Enforcement and Consumer Protection  
830 First Street, NE UCP3, Room 84F2  
Washington, DC 20002-8019

BC's appeal request must:

- (1) indicate the findings, issues, and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position; and
- (3) include a copy of the FPRD received by the school.

When it submits its request for appeal, BC may also include documentation it believes the Department should consider in support of the appeal. **Please note that any additional documentation submitted with the institution's appeal request, other than items 1-3 above, will only be used by the Administrative Actions and Appeals Service Group (AAASG) to**

**determine whether the appealed liabilities can be resolved or reduced prior to the transmittal of the appeal to the Department's Office of Hearings and Appeals (OHA).** As a result, please submit **no more than three copies** of any additional documentation, other than items 1-3 above, that the institution would like to have informally considered. The additional documentation, not part of items 1-3 above, provided with the institution's appeal request will NOT be delivered to OHA as part of the appeal request. Instead, the parties will submit filings to OHA (including any supporting documentation) in accordance with the Hearing Official's orders after the matter has been assigned to the official, as described below.

If any appeal documents include personally identifiable information (PII), the PII must be redacted, except for the student's name and last four digits of his/her social security number (please see the enclosed document, "Protection of Personally Identifiable Information," for instructions on how to mail records containing PII).


If the institution's appeal is timely, **and there remains unresolved liabilities after review by AAASG**, the request for appeal will be transmitted to the Department's Office of Hearings and Appeals (OHA), for an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The Hearing Official assigned to the case will issue an order scheduling the submission of briefs and supporting evidence in accordance with 34 C.F.R. § 668.114(c). The institution may therefore submit additional documentation supporting its appeal request at that time. Further, if the institution is appealing a projected liability amount, it may provide detailed liability information from a complete file review, either at the time it initially submits its appeal request or pursuant to the proceedings at OHA. The procedures followed with respect to BC's appeal are those provided at 34 C.F.R. Part 668, Subpart H. Interest on the appealed liabilities shall continue to accrue at the applicable value of funds rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).

**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).

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 Andy Hagedorn at (303) 844-2006. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

  
Michael J. Frola  
Division Chief

Enclosures:

Protection of Personally Identifiable Information  
Program Review Report (and appendices)  
Final Program Review Determination Report (and appendices)

cc: [REDACTED] Financial Aid Administrator, [REDACTED]  
[REDACTED], KY Board of Nursing  
[REDACTED], KY Council on Postsecondary Education  
licensure@nursing.ohio.gov, OH Board of Nursing  
[REDACTED], OH Ohio State Board of Career Colleges and  
[REDACTED], Accrediting Bureau of Health Education Schools  
Department of Defense  
Department of Veterans Affairs  
Consumer Financial Protection Bureau

Prepared for

Beckfield College

**Federal Student Aid**  
An OFFICE of the U.S. DEPARTMENT of EDUCATION

PROUD SPONSOR of  
the AMERICAN MIND™

**OPE ID** 02491100  
**PRCN** 201621129302

**Prepared by**  
**U.S. Department of Education**  
**Federal Student Aid**  
**Multi-Regional and Foreign Schools Division**

## Final Program Review Determination September 15, 2020

Multi-Regional & Foreign Schools Participation Division  
Union Center Plaza, 830 First Street, NE, 7th Floor  
Washington, DC 20202  
[StudentAid.gov](http://StudentAid.gov)

## Table of Contents

		Page
A.	Institutional Information.....	3
B.	Scope of Review.....	4
C.	Final Determinations.....	4
	Resolved Findings/Findings without Liabilities.....	4
	Findings with Established Liabilities.....	5
	Finding #1: Incorrect Return of Title IV Refunds Calculation.....	5
	Campus Safety and Security Findings:	
	Finding #2: Crime Awareness Requirements Not Met – Failure to Publish the Annual Security Report as a Comprehensive Document and to Distribute the ASR in Accordance with Federal Regulations.....	9
	Finding #3: Drug and Alcohol Abuse Prevention Program Requirements Not Met.....	16
D.	Summary of Liabilities.....	20
E.	Payment Instructions.....	21
F.	Appendices	
	Appendix A: Program Review Student Sample (Student Level Detail)	
	Appendix B: Program Review Report	
	Appendix C: Beckfield’s Written Response	
	Appendix D: Beckfield’s Adjusted R2T4 Calculations Spreadsheet	
	Appendix E: Cost of Funds Worksheet	

**A. Institutional Information**

Beckfield College  
16 Spiral Drive  
Florence, KY 41042-1466

Type: Proprietary

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Accrediting Bureau of Health Education Schools

Current Student Enrollment: 1547 (2018-2019)

% of Students Receiving Title IV, HEA funds: 91.46% (2018-2019)

Title IV, HEA Program Participation (per National Student Loan Data System (NSLDS)):

	<b><u>2018-2019</u></b>
Federal Pell Grant Program	\$2,629,646
William D. Ford Federal Direct Loan Program (Direct Loan)	\$6,581,585

Default Rate FFEL/DL:	2016	17.8%
	2015	19.0%
	2014	22.6%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Beckfield College (BC) from March 7, 2016 to March 11, 2016. The review was conducted by Mr. Rick Moore, Ms. Mary Murray, and Ms. Glenda Despenza.

The focus of the review was to determine BC's compliance with the statutes and regulations as they pertain to the institution's administration of the Federal student aid programs under Title IV of the Higher Education Act of 1965, as amended, U.S.C. §§ 1070 *et seq.* (Title IV programs). The review consisted of, but was not limited to, an examination of BC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

The Department identified a sample of 30 files for review from the 2014-2015 and 2015-2016 award years (through March 11, 2016). The Department randomly selected the files from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and social security numbers of the students whose files were examined during the program review.

The Department issued its Program Review Report (PRR) on July 13, 2018 (Appendix B). BC submitted its written response to the PRR on November 2, 2018 ("Response"), included in Appendix C. For finding #1, BC also submitted a spreadsheet on February 24, 2020 summarizing its complete file review for all Title IV students who withdrew from July 1, 2015 to the present (July 2018) and corrected R2T4 calculations for all students (Appendix D).

### **Disclaimer:**

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

## **C. Final Determinations**

### **Resolved Findings/Findings Without Liabilities**

BC has taken the corrective actions necessary to resolve findings 4, 5 and 6 of the PRR. Therefore, these findings may be considered closed. See Appendix C for BC's written response to the PRR.

- **Finding 4: Consumer Information Requirements Not Met** – BC provided incomplete, missing or incorrectly posted Consumer Information. In its response to the PRR, BC provided updated policies and procedures and submitted updated documentation (Consumer Information Guide) showing all missing elements noted in the PRR. The Department accepts the response provided for Finding 4 and based on the information provided, the identified issues have been adequately addressed.
- **Finding 5: Inaccurate Reporting of Disbursement Dates to the Common Origination and Disbursement (COD) System** – BC submitted documentation from COD showing corrected disbursement dates for students #3 and #6. BC also provided updated policies and procedures to ensure that all staff are trained to accurately report disbursement dates in COD. The Department accepts the response provided for Finding 5 and based on the information provided, the identified issues have been adequately addressed.
- **Finding 6: Improper Authorization to Hold Title IV, HEA Credit Balances** – BC submitted revised “Acknowledgement of Credit to Account/ Acknowledgement of Credit to Account--PLUS” forms which gives students and/or parents the option to accept or decline each aspect of the authorization to hold Title IV, HEA credit balances for active and withdrawn students. Also, BC was required to participate under the Heightened Cash Monitoring One (HCM1) Method of Payment when the PRR response was received by the Department. However, BC was returned to the Advance Method of Payment on 9/12/19 and is no longer participating under the HCM1 restrictions. The Department accepts the response provided for Finding 6 and based on the information provided, the identified issues have been adequately addressed.

### **Findings with Established Liabilities**

The PRR finding with liabilities requiring further action are summarized below. At the conclusion of the finding is a summary of BC’s response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on July 13, 2018 is attached as Appendix B.

#### **Finding #1: Incorrect Return of Title IV Funds Calculation**

##### **Summary of Noncompliance:**

When a recipient of Title IV grant or loan assistance withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, the institution must determine the amount of Title IV grant or loan assistance that the student earned as of the

student's withdrawal date in accordance with paragraph (e) of this section. 34 C.F.R. § 668.22(a)(1).

An institution such as BC that requires the faculty to take attendance must always use the last date of academic attendance as determined by the school from its attendance records as the student's withdrawal date. 34 C.F.R. §668.22 (b)(1) Academically related activities include, but are not limited to, physically attending a class where there is an opportunity for direct interaction between the instructor and students; submitting an academic assignment; taking an exam, an interactive tutorial or computer-assisted instruction; attending a study group that is assigned by the school; participating in an online discussion about academic matters, and initiating contact with a faculty member to ask a question about the academic subject studied in the course. 34 C.F.R. §668.22(l)(7).

The unearned amount of Title IV assistance to be returned is calculated by subtracting the amount of Title IV assistance earned by the student as calculated under paragraph (e)(1) of this section from the amount of Title IV aid that was disbursed to the student as of the date of the institution's determination that the student withdrew. 34 C.F.R. § 668.22(e)(4).

The percentage of unearned Title IV, HEA funds is the complement of the percentage earned. The amount of Title IV, HEA funds to be returned is determined by subtracting the amount of Title IV, HEA funds earned by the student from the amount that was disbursed to the student as of the date of the institution's determination that the student withdrew. 34 C.F.R. § 668.22(e)(3) and (4).

The percentage of the payment period completed is determined at an institution where programs are measured in credit hours, by dividing the total number of calendar days in the payment period into the number of calendar days completed in that period as of the student's withdrawal date. 34 C.F.R. § 668.22(f)(1). The total number of calendar days in a payment period includes all days within the period, except that scheduled breaks of at least five consecutive days are excluded from the total number of calendar days in a payment period and the number of days completed in that period. 34 C.F.R. § 668.22(f)(2)(i).

For students enrolled in term-based credit hour programs a student's enrollment status must be recalculated to reflect only those classes for which the student actually began attendance if a student's projected enrollment status changes prior to beginning attendance in all of his or her classes for that payment period. 34 C.F.R. § 690.80(b)(2)(ii).

An institution must return in the order specified in paragraph of this section, the lesser of –

- (i) The total amount of unearned Title IV assistance to be returned as calculated under paragraph (e)(4) of this section; or
- (ii) An amount equal to the total institutional charges incurred by the student for the payment period or period of enrollment multiplied by the percentage of Title IV grant

or loan assistance that has not been earned by the student, as described in paragraph (e)(3) of this section. See 34 C.F.R. § 668.22(g)(I).

In the instances noted below BC did not use: (1) the correct total number of days in the payment period, and (2) the correct number of days the student had completed in the payment period when it calculated the percentage of Title IV aid the student had earned. On a systemic basis, BC used the wrong last date of attendance for its online courses. BC used the last date of the weekly period instead of the last date of an academically related activity.

**Student #26:** The student was enrolled in online courses at the time of withdrawal. The withdrawal form showed a last date of attendance of 11/5/15 and the R2T4 calculation was based on this date. However, documentation provided was only able to substantiate an academically related activity date of 11/1/15. BC indicated that they were using the last date of the week to enter attendance records for students enrolled in online courses.

The student's online records indicated the student's last academically related activity was on 11/1/15. There was no further interaction recorded after this date. Therefore, the last date of attendance should have been recorded as 11/1/15 and not 11/5/15 as reflected on the transcript and attendance records. As a result, the actual number of days the student completed was 35 and not 39. In addition, the R2T4 calculation shows the last date of the period as 12/18/15 and the transcript shows the last date as 12/22/15 making the actual number of days in the terms was 77 instead of 73 as shown on the R2T4 calculation. Since BC calculated the student had earned 53.40% of Title IV aid, the R2T4 calculation is incorrect. Therefore, the amount of funds BC may have returned to the Department is incorrect.

**Student #28:** The student was enrolled in online courses at the time of withdrawal. The withdrawal form showed a last date of attendance of 10/08/15 and the R2T4 calculation was based on this date. However, documentation provided was only able to substantiate an academically related activity date of 10/2/15. BC indicated that they were using the last date of the week to enter attendance records for students enrolled in online courses.

The student's online records indicated the student's last academically related activity was on 10/2/15. There was no further interaction recorded after this date. Therefore, the last date of attendance should have been recorded as 10/2/15 and not 10/08/15 as reflected on the transcript and attendance records. As a result, the actual number of days the student completed was 5 and not 11. In addition, the R2T4 calculation shows the last date of the period as 12/18/15 and the transcript shows the last date as 12/22/15 making the actual number of days in the terms was 77 instead of 73 as shown on the R2T4 calculation. Since BC calculated the student had earned 15.10% of Title IV aid, the R2T4 calculation is incorrect. Therefore, the amount of funds BC may have returned to the Department is incorrect.

**Directives from PRR:**

Due to the systemic nature of the finding, BC was required to conduct a file review for all students enrolled in online courses who withdrew (official and unofficial withdrawals; expulsions; fail outs, etc.) from the institution from July 1, 2015 to the present (July 2018). For each student, BC was required to review (1) the student's attendance records (2) the correct number of days to be completed in the term, and (3) the correct number of days the student actually completed in the term. BC also had to complete a revised (if required) R2T4 worksheet for all the withdrawn students.

### **Analysis of Liability Determination: Final Determination**

In its response received 2/24/20, BC submitted a full file review of withdrawn students with corrected withdrawal dates and refund amounts from the 2014-15 to 2017-18 academic years as directed in the PRR. The spreadsheet was broken down by academic year and program location (online, main campus, and its Tri-County additional location). The Department has analyzed and accepts BC's file review for Finding #1. Note: Some withdrawn students did not require adjustments based on BC's updated policies following the Department's visit to BC during March 7-11, 2016.

Information requested for student's #26 and #28 from the PRR were included in the file review. Both students had incorrect LDA's and R2T4 calculations. The last date of attendance (LDA) for Student #26 was changed from 11/5/2015 to 1/1/15. BC submitted a revised R2T4 calculation showing Student #26 earned 47.90% of Title IV aid for the term instead of 53.4%. As a result, the amount of Title IV aid BC returned to the Department was incorrect for this student.<sup>1</sup>

The LDA for Student #28 was changed from 10/8/2015 to 10/2/2015. BC submitted a revised R2T4 calculation showing Student #28 earned 6.80% of Title IV aid for the term instead of 15.10%. As a result, the amount of Title IV aid BC returned to the Department was also incorrect.

BC's file review disclosed a total of 57 students who had incorrect Direct Loan R2T4 calculations and 51 incorrect Pell grant R2T4 calculations for the 2014-15 through 2017-18 award years as a result of BC using the wrong last date of attendance for its courses. Since BC used the last date of the weekly period instead of the last date of an academically related activity as required by Federal regulations, the identified refunds were all initially incorrectly calculated.

After analyzing all R2T4 calculation errors and adjustments made from BC's file review (provided as Appendix D), the Department has prepared the liability detail along with the cost of those funds for each award year, which are collectively provided in Appendix E, and summarized below.

---

<sup>1</sup> Student #26 was also listed in BC's file review spreadsheet for the 14-15 award year with an incorrect LDA. The original LDA was 7/30/2015 and the corrected LDA was changed to 7/12/15.

**Finding #1 Liability Calculation**

<u>Award Year</u>	<u>Federal Pell Grant Liability</u>	<u>Federal Pell Grant Interest</u>	<u>Federal Direct Subsidized Loan Liability</u>	<u>Federal Direct Unsubsidized Loan Liability</u>	<u>Federal Direct Loan Interest</u>	<u>Total Liability by Award Year (All Programs)</u>
2014-2015	\$4,748.73	\$134.42	\$890.00	\$2,353.03	\$92.00	<b>\$8,218.18</b>
2015-2016	\$8,624.01	\$209.56	\$4,860.00	\$13,874.00	\$451.00	<b>\$28,018.57</b>
2016-2017	\$5,381.99	\$71.26	\$3,405.00	\$2,845.98	\$153.00	<b>\$11,857.23</b>
2017-2018	\$0.00	\$0.00	\$133.00	\$0.00	\$0.00	<b>\$133.00</b>
<b>Total</b>	<b>\$18,754.73</b>	<b>\$415.24</b>	<b>\$9,288.00</b>	<b>\$19,073.01</b>	<b>\$696.00</b>	<b>\$48,226.98</b>

Appendix E reveals that BC owes a total of **\$48,226.98** to the Department as a result of BC incorrectly calculating Return of Title IV. These amounts include Federal Pell Grant funds of \$18,754.73, Federal Direct Subsidized and Unsubsidized Loans of \$28,361.01 as well as the cost of those funds of \$1,111.24.

All of these liability amounts are included in the Summary of Liabilities table in Section D of this determination.

Instructions for payment of these liabilities can be found in Section E.

**Campus Safety and Security Findings**

The following program review finding(s) has/have been addressed by the institution and may be considered closed for purposes of program review. The Department will provide a separate notice if an administrative action is initiated or additional corrective actions are needed.

**Finding #2: Crime Awareness Requirements Not Met – Failure to Publish the Annual Security Report as a Comprehensive Document and to Distribute the ASR in Accordance with Federal Regulations**

**Summary of Noncompliance:**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Department’s regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and

employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. § 668.46(b). With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. § 485(f) of the HEA; 34 C.F.R. § 668.46(b).

The ASR must be published and actively distributed as a single document. Acceptable means of delivery include U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41(e)(1). These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. § 668.41(e)(4).

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hates crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. § 668.46(c)(1). When applicable, an institution must also compile, and publish separate crime statistic disclosures for each of its campuses. 34 C.F.R. § 668.46(d).

Institutions with a police or campus security department must maintain a written, easily understood daily crime log listing all crimes that occurred in the above geographical areas as well as those that occur within the campus police or security department's patrol area that it either becomes aware of or are reported to it. This reporting requirement applies to all crimes, not merely those crimes listed in 34 C.F.R. § 668.46(c)(1) and (3). The log must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be freely accessible to any requestor. 34 C.F.R. § 668.46(f).

Also, the *Clery Act* and the Department's regulations require a Title IV institution that has more than one campus to comply independently with all of the *Clery Act* regulations under the Higher Education Act (HEA). 34 C.F.R. § 668.46(d).

Finally, each institution must also submit campus crime statistics for inclusion in the Department's Campus Safety and Security (CSS) website. 34 C.F.R. § 668.41(e)(5).

BC violated multiple provisions of the *Clery Act*. Specifically, BC failed to prepare and distribute a 2015 ASR by the required deadline date of October 1st for its campuses in Florence, Kentucky and Cincinnati, Ohio.

As defined in the regulations and further clarified in the Department’s “Handbook for Campus Safety and Security Reporting” (2016), an additional location is considered a separate campus for *Clery Act* purposes if it meets the following criteria:

- The institution owns or controls the site;
- The site is not reasonably geographically contiguous with the main campus;
- The site has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.

BC also failed to develop a separate ASR for the Tri- County, OH campus. BC is required to comply with the requirements for each separate campus of the institution.<sup>2</sup> The review team noted that the 2015 Annual Safety Report specifically referenced the Tri – County Branch Campus located in Springdale, OH.

Furthermore, BC was unable to provide the Department with evidentiary documentation that a notice of availability about the ASR was prepared and actively distributed to all its current students and employees by the required deadline date of October 1, 2015.

BC also failed to publish a complete 2015 ASR for both campuses. BC excluded the following required policies from its 2015 ASR:

- Policies regarding crime reporting must include the following information;
  - Whether the institution allows victims or witness to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and if so a description of those policies and procedures;
  - Statement that encourages accurate and prompt reporting of all crimes to campus authorities and the appropriate police agencies, when the victim elects to or is unable to make such a report;
  - Description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;
  - Description of programs designed to inform students and employees about the prevention of crimes;

---

<sup>2</sup> A separate campus is defined as a campus that an institution owns or controls the site; the site is not reasonably geographically contiguous with the main campus; the site has an organized program of study; and – there is at least one person on site acting in an administrative capacity. *The Handbook for Campus Safety and Security Reporting* pages 13-14.

- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities. 34 C.F.R. § 668.46(b)(6).
- Policies regarding drug and alcohol use must include the following information.
  - Statement regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws must include;
  - Statement regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws;
  - Description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA. 34 C.F.R. § 668.46(b) (8-10).
- Policies regarding campus sexual assault must include the following information:
  - Description of educational programs to promote awareness of rape, acquaintance rape and other or forcible and non-forcible sex offenses;
  - Procedures students should follow if a sex offense occurs that include who to contact and the preserving evidence for the proof of the criminal offense; and
  - Existing on and off campus counseling services;
  - Policies including procedures for campus disciplinary action of an alleged sex offense that state the accuser and the accused have the same rights to have others present during disciplinary proceedings, and both the accuser and the accused should be informed of the outcome of any disciplinary proceeding;
  - Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel; and,
  - Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or no forcible sex offenses. 34 C.F.R. § 668.46(b)(11).
- A description of how to locate the sex offender registry can be obtained. 34 C.F.R. § 668.46(b)(12).
- Policies and procedures regarding its emergency response and evacuation procedures must include the following information:

- Procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;
  - Description of the processes the institution will use to confirm that there is a significant emergency or dangerous situation;
  - Determine the appropriate segment or segments of the campus community to receive a notification; determine the content of the notification; and initiate the notification system;
  - Statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
  - List of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in in the evacuation policy;
  - Procedures to disseminate emergency information to the larger community; and
  - Procedures used to test the emergency response and evacuation procedures on at least an annual basis, including – but not limited to – documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. 34 C.F.R. § 668.46(g) (1-6).
- Policies and procedures for timely warnings must include the following information:<sup>3</sup>
    - Description of what crimes are reported in Timely Warnings and the geography covered by the warning; individuals or offices in the College responsible for issuing a timely warning; and
    - Methods for disseminating timely warnings and if applicable, a statement that institution that follows its emergency notification procedures to issue timely warnings.

Failure to publish an accurate and complete ASR and actively distribute it to current students and employees in accordance with Federal regulations deprives the campus community of important campus crime information.

### **Directives from the PRR:**

As a result of this violation, BC was required to develop and implement policies and procedures to govern the preparation, publication, and distribution of an ASR and ensure that all facets of the process are carried out in a manner that meets Federal regulations. The procedures were to specifically articulate how current and prospective students as well as campus employees will be notified of the report’s availability. Using the policies as a guide,

---

<sup>3</sup> BC stated the required information for timely warnings in the Special Reports of Crime & Enforcement Procedures section of the ASR. However, the term *timely warning* was not used.

BC was to revise its ASR to ensure the inclusion of all statistical disclosures, policy, procedures, and programmatic information required under 34 C.F.R. § 668.41(b).

A copy of BC's new and revised policies and procedures were to accompany BC's response to this program review report with a copy of its 2016 ASRs for all locations. If corrections were required, BC will be required to make the corrections and actively redistribute it to all current students and employees in accordance with 34 C.F.R. § 668.41(e).

BC was required to provide documentation to the Department evidencing the ASR distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification was also to affirm that BC understands all of its *Clery Act* obligations and that it has taken all necessary corrective actions to ensure that these violations do not reoccur.

### **Analysis of Determination:**

Finding #2 cited BC for violating multiple provisions of the *Clery Act*. Specifically:

1. Failure to prepare and distribute the 2015 ASR by the required deadline date of October 1st for its campuses in Florence, Kentucky and Springdale, Ohio
2. Failure to develop a separate ASR for the Tri- County, OH (Springdale) campus
3. Failure to actively distribute the ASRs to all of its current and prospective students and employees at all campuses in accordance with Federal regulations
4. Failure to publish a complete 2015 ASR

In its response, BC summarized the noncompliance section of the PRR and concurred with the finding. The Department carefully reviewed all available information including BC's narrative response and supporting documentation. Based on that review, and BC's admissions, each of the violations identified in the noncompliance section of the initial findings are sustained. The Department noted that BC's Springdale Campus was acquired by ATA College (04038304) as of 11/15/2018. As stated in the PRR, a separate ASR was required for BC's Springdale Campus. Since the Springdale Campus is no longer owned by BC, BC is not required to submit a separate 2018 ASR for the Springdale Campus at this time.

The Department concluded that BC responded in an acceptable manner to the following required actions within the report, which specifically required BC to include:

- Procedures to specifically articulate how current and prospective students as well as campus employees will be notified of the report's availability. Using the policies as a

guide, BC was to revise its ASR to ensure the inclusion of all statistical disclosures, policy, procedures, and programmatic information required under 34 C.F.R. § 668.41(b).

- A copy of BC's new and revised policies and procedures were to accompany BC's response to the program review report with a copy of its 2016 ASR's for all locations.

BC submitted new and updated policies to the Department in its 2018 ASR for the Florence campus. The Department recognizes that the 2018 ASR was the most recent report to be submitted based on issuance of the Program Review Report (PRR) and BC's response to the PRR. Along with the updated policy for annual notification and distribution of the ASR, BC also submitted a copy of an email dated 10/01/2018 showing that the 2018 ASR was sent electronically to all students, faculty, and staff at the Florence campus.

A thorough review of the 2018 ASR provided by BC revealed that the following policy elements were either not sufficient, since they lacked a key component, or were missing entirely:

- Policies regarding campus sexual assault must include the following information:
  - Description of educational programs to promote awareness of rape, acquaintance rape and other or forcible and non-forcible sex offenses
- Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses. 34 C.F.R. § 668.46(b)(11).

The Department carefully reviewed all available information including BC's narrative response and supporting documentation. Based on that review and the institution's admissions, the violations identified by the review team are sustained in their entirety. The Department also determined that the noted violations were, for the most part, satisfactorily addressed by BC's revised ASR and its new and revised internal policies and procedures. As such, the Department has determined that the institution's remedial action plan meets minimum requirements and for this reason, has accepted the response, and considers this finding to be closed for program review purposes.

Notwithstanding this action, the Department notes that additional work is required to bring BC into full compliance with the *Clery Act*. As such, the officials and directors of BC are advised that they must continue to develop the institution's campus safety and *Clery Act* compliance programs and must take action to reasonably ensure that these or similar violations do not recur. In this regard, BC must take immediate steps to ensure that its 2019 ASR is accurate and complete. If errors or omissions are identified, the document must be revised immediately and redistributed to required recipients. The report was to be actively distributed no later than October 1, 2019. The active distribution rule requires the institution to engage in an active

distribution effort, such as by hand delivery, through Regular U.S. Mail, or by sending an email with a direct link to the ASR to all enrolled students and current employees. Simply posting the report to a website or generally making the document available around the campus will not suffice. BC is strongly advised to retain credible evidence of its distribution efforts at the corporate or campus level.

We further advise BC to ensure that it has responded to the Department's 2019 campus crime statistics survey in an accurate and complete manner and that its response is prepared with the utmost care. If any discrepant information is detected in the survey responses, BC must immediately contact the Department's contract partner (Westat) to make all necessary corrections to the crime data that was submitted for inclusion on the Campus Safety and Security website. Finally and most importantly, the Department strongly encourages BC to make sure that any revisions and/or improvements that are made to the 2019 ASR are incorporated into the institution's 2020 ASRs to help ensure that the contents of those reports are accurate, complete, and fully reconciled.

BC is reminded that the exceptions identified by the review team constitute repeat violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The production and distribution of accurate and complete ASRs is the foundational requirement of the *Clery Act* and is fundamental to the law's campus safety goals. BC has asserted that adequate action was taken to bring its operations into compliance with the *Clery Act* as required by its Program Participation Agreement (PPA). Nevertheless, BC management must understand that these violations resulted in a failure to provide important campus safety and crime prevention information to members of the campus community in violation of Federal law. For these reasons, BC is advised that its remedial actions cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require other corrective measures as a result.

Because of the consequences of a serious compliance failure, the Department strongly recommends that BC officials re-examine the College's campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. During these periodic assessments, BC officials are encouraged to review the Department's "Handbook for Campus Safety and Security Reporting" (2016) as a reference guide on *Clery Act* compliance. The Handbook is online at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The Department also provides a number of other *Clery Act* training resources. BC officials can access these materials at <http://www2.ed.gov/admins/lead/safety/campus.html>. The *Clery Act* regulations can be found at 34 C.F.R. §§ 668.14, 668.41, and 668.46.

### **Finding #3: Drug and Alcohol Abuse Prevention Program Requirements Not Met**

#### **Summary of Noncompliance:**

The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations requires each participating institutions of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan must make provisions for providing the material to students who enroll at a date after the initial distribution, and for employees who are hired at different times throughout the year. The information must include:

- a written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- a written description of legal sanctions imposed under Federal, state, and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- a statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The IHE must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department and interested parties upon request. 34 C.F.R. §§ 86.3 and 86.100.

BC violated multiple provisions of the DFSCA. BC failed to distribute a complete drug and alcohol abuse prevention program (DAAPP) materials to current students and employees and to prospective students and prospective employees.

BC's DAAPP disclosures were incomplete and failed to include the required policies:

- BC's policy regarding the standards of conduct that prohibits the unlawful possession, or distribution of use of illegal drugs and alcohol by students, faculty, and employees<sup>4</sup>;
- Description of the legal sanctions imposed under state or federal law for the unlawful possession of drugs and alcohol; and
- Description of the health risks associated with illegal drugs and alcohol.

---

<sup>4</sup> BC's current statement regarding the "purchase, consumption, or distribution of prohibited substances" is directed at students. *Beckfield College 2015-2016 Catalog, p.71.*

In addition, BC failed to conduct a biennial review to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violation of its disciplinary standards and codes of conduct related to illicit drugs and alcohol; and, 3) identify areas requiring improvement or modification. As a consequence of the failure to conduct a biennial review, BC was unable to produce a report of biennial review findings as set forth by 34 C.F.R. § 86.100(b).

Failure to comply with the DFSCA requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drugs use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

**Directives from the PRR:**

BC was required to take all necessary corrective actions to resolve these violations and to ensure they do not recur. At a minimum, BC was to perform the following:

- Develop detailed policies and procedures that will ensure that the DAAPP disclosure contains all federal requirements. A copy of the revised DAAPP must accompany BC's response to the program review report.
- Develop detailed policies and procedures that will ensure that the DAAPP disclosure is distributed annually to every student who enrolls for any academic credit and to all employees. This policy must provide for active delivery to every member of the campus community regardless of when they enrolled or are hired and irrespective of the duration of enrollment/employment. A copy of BC's new distribution policy must accompany its response to this program review report.
- Distribute the new DAAPP disclosure and provide documentation evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the DFSCA. This certification must also affirm that BC understands all of its DFSCA obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur;
- Conduct a biennial review to measure the effectiveness of its DAAPP and prepare a report of findings. BC's report must include a description of the research methods and data analysis tools that were used to determine the effectiveness of the program and the consistency of its enforcement strategy. The report must identify the responsible official(s) and office(s) that conducted the biennial review. The biennial review report must be approved by BC's chief executive or its Board and the findings must be submitted to the Department in response to this program review report. If BC believes

that it has already implemented the required corrective actions as part of its biennial review process conducted since the onsite program review, BC may submit those reviews and reports of findings in response to this program review report and include a statement indicating that BC has already undertaken all required actions; and

- Establish policies and procedures to ensure that all subsequent biennial reviews are conducted in a timely manner and are regularly documented and take all other necessary action to ensure that this violation does not recur. A copy of these new policies and procedures must accompany BC's biennial review report.

### **Analysis of Determination:**

The Department carefully reviewed all available information, including BC's narrative response and supporting documentation. Based on this review, each of the violations noted in the initial finding is sustained. The review team's examination also indicated some progress and for these reasons, the Department has accepted the response and considers this finding to be closed for program review purposes.

BC provided evidence that its DAAP disclosure was distributed to all BC faculty, staff, and students on 10/1/2018 as part of its annual ASR disclosure to every student who enrolls for any academic credit and to all employees.

BC did not develop and implement a DAAPP that included all of the required elements found in the DFSCA and the Department's Part 86 regulations. In its response to the PRR, BC submitted the minutes for its biennial meeting for drug and alcohol abuse polices held on 8/9/2017. However, the meeting minutes did not discuss how BC will evaluate the consistency of sanctions imposed for violation of its disciplinary standards and codes of conduct related to illicit drugs and alcohol.

Notwithstanding this action, the Department notes that additional work is required to bring BC into full compliance with the DFSCA. As such, the officials and directors of BC are advised that they must continue to develop BC's substance abuse prevention programs and must take all necessary action to address any current deficiencies and weaknesses that may be needed to ensure that these violations do not recur. In this regard, BC is advised that it must continue to develop its DAAPP. BC must also ensure that it actively distributes accurate and complete DAAPP materials to all students and employees on an annual basis in accordance with the Department's regulations and BC's procedures. Moreover, going forward, BC must conduct substantive biennial reviews and do so on the required schedule. BC officials must take care to ensure that each review is, in fact, a probative inquiry into the program's effectiveness, and not a mere conclusory ratification of existing policy. Finally, BC must produce detailed reports that clearly state the methods used and outcomes reached during each review. Each report must also be approved by BC's chief executive and/or its Board.

BC is reminded that the exceptions identified above constitute serious and persistent violations of the DFSCA that, by their nature, cannot be cured. There is no way to truly “correct” violations of this type once they occur. BC asserted that it has taken corrective actions and is now fully compliant with the DFSCA as required by its PPA. Nevertheless, BC officials must understand that the Department deems compliance with the DFSCA is essential to maintaining a safe and healthy learning environment. This is true for all institutions regardless of their size, location, or organizational structure. Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus and may contribute to higher rates of absenteeism and poor academic performance.

The compliance failures identified above deprived BC and its officials of important information about the effectiveness of any drug and alcohol programs that were in place during the Department’s review period. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime and constitute violation of Federal law. For these reasons, the BC is reminded that corrective measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

Finally, the Department strongly recommends that BC re-examine its drug and alcohol abuse prevention policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current College policies and are in full compliance with the DFSCA. Please be advised that the Department may request information on a periodic basis to test the effectiveness of BC’s new policies and procedures.

**D. Summary of Liabilities**

The total amount calculated as liabilities from the findings in the program review determination is as follows:

<b>Established Liabilities</b>	<b>Pell (Closed Award Year)</b>	<b>DL / FFEL</b>	
<b>Finding 1</b>	\$18,754.73	\$28,361.01	
<b>Interest/SA</b>	\$415.24	\$696.00	
<b>TOTAL</b>	\$19,169.97	\$29,057.01	
<b>Payable To</b>			<b>Totals:</b>
<b>Department:</b>	\$19,169.97	\$29,057.01	<b>\$48,226.98</b>

## **E. Payment Instructions**

### **Liabilities Owed to the Department**

#### **Liabilities Owed to the Department \$1,000 or More but Less Than \$100,000:**

BC owes to the Department **\$48,226.98**. Payment must be made by forwarding a check made payable to the "U.S. Department of Education" to the following address within 45 days of the date of this letter:

**U.S. Department of Education  
P.O. Box 979026  
St. Louis, MO 63197-9000**

Remit checks only. Do not send correspondence to this address.

If the check is sent special delivery (signature/receipt required), the check must be sent to the following address:

U.S. Bank  
1005 Convention Plaza  
St. Louis, MO 63101  
Attn: Govt. Lockbox Tram MO-SL-C2GL  
Re: For Dept. of Ed. 979026

**Payment must be made via check**

**Payment must be made via check and sent to the above Post Office Box. Payment and/or adjustments made via G5 will not be accepted as payment of this liability. Instead, the school must first make any required adjustments in COD as required by the applicable finding(s) and Section II – Instructions by Title IV, HEA Program (below), remit payment, and upon receipt of payment the Department will apply the funds to the appropriate G5 award (if necessary).**

The following identification data must be provided with the payment:

**Amount:** \$48,226.98  
**DUNS:** 122544745  
**TIN:** 204881637  
**Program Review Control Number:** 201621129302

### **Terms of Payment**

As a result of this final determination, the Department has created a receivable for this liability and payment must be received by the Department within **45 days of the date of this letter**. If payment is not received within the 45 day period, interest will accrue in monthly increments from the date of this determination, on the amounts owed to the Department, at the current value of funds rate in effect as established by the Treasury Department, until the date of receipt of the payment. BC is also responsible for repaying any interest that accrues. If you have any questions regarding interest accruals or payment credits, contact the Department's Accounts Receivables & Bank Management Group at (202) 245-8080 and ask to speak to BC's account representative.

If full payment cannot be made within **45 days** of the date of this letter, contact the Centralized Receivables Service (CRS) at 1-855-549-2683 to apply for a payment plan. Interest charges and other conditions apply.

If within 45 days of the date of this letter, BC has neither made payment in accordance with these instructions nor entered into an arrangement to repay the liability under terms satisfactory to the Department, the Department intends to collect the amount due and payable by administrative offset against payments due BC from the Federal Government.

**BC may object to the collection by offset only by challenging the existence or amount of the debt.** To challenge the debt, BC must **timely appeal** this determination under the procedures described in the "Appeal Procedures" section of the cover letter. The Department will use those procedures to consider any objection to offset. **No separate appeal opportunity will be provided.** If a timely appeal is filed, the Department will defer offset until completion of the appeal, unless the Department determines that offset is necessary as provided at 34 C.F.R. § 30.28. This debt may also be referred to the Department of the Treasury for further action as authorized by the Debt Collection Improvement Act of 1996.

**William D. Ford Federal Direct Loan (Direct Loan) Liabilities:**

**Direct Loan Closed Award Years (Request Extended Processing)**

Finding: #1  
 Appendices: E

BC must repay the following Direct Loan liabilities:

<b>DL Closed Award Years</b>		
<b>Amount (Principal)</b>	<b>Amount (Interest)</b>	<b>Award Year</b>
\$3243.03	\$92.00	2014-2015
\$18,734.00	\$451.00	2015-2016
\$6250.98	\$153.00	2016-2017
\$133.00	\$0	2017-2018
<b>Total Principal</b>	<b>Total Interest</b>	
\$28,361.01	\$696.00	

The disbursement record for each student identified in the appendices listed above must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in the/these appendix/appendices. A copy of the adjustment to each student’s COD record must be sent to Andrew Hagedorn **within 45 days of the date of this letter.**

**Request Extended Processing**

COD adjustments are necessary for the closed award year(s) listed above. Before any student level adjustments can be processed, BC must immediately request extended processing through the COD Website (<http://cod.ed.gov>).

- Click on the Request Post Deadline/Extended Processing link under the School menu.
- On the request screen, the institution should indicate in their explanation that the request is based on a program review, and provide the program review control number.
- The institution will be notified of the status of the request at the time of submission, and will also be notified by email to the FAA and President when extended processing has been authorized. At that time, the school must transmit student/borrower level adjustments to COD for the closed award year(s).

**Liabilities Owed to the Department in the case of Title IV Grants**

Pell Grant– Closed Award Year

Finding(s): #1  
 Appendices: D, E

BC must repay:

<b>Pell Closed Award Year</b>			
<b>Amount (Principal)</b>	<b>Amount (Interest)</b>	<b>Title IV Grant</b>	<b>Award Year</b>
\$4,748.73	\$134.42	Pell Grant	2014-2015
\$8,624.01	\$209.56	Pell Grant	2015-2016
\$5,381.99	\$71.26	Pell Grant	2016-2017
\$0.00	\$0.00	Pell Grant	2017-2018
Total Principal	Total Interest		
<b>\$18,754.73</b>	<b>\$415.24</b>		

The disbursement record for each student identified in the appendices to the applicable finding(s) must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in the appendices.

**Adjustments in COD must be completed prior to remitting payment to the Department. Payment cannot be accepted via G5. Once the Department receives payment via check, the Department will apply the principal payment to the applicable G5 award. The interest will be applied to the general program account.**

A copy of the adjustment to each student’s COD record must be sent to Andrew Hagedorn **within 45 days of the date of this letter.**

**F. Appendices**

The following appendices contain personally identifiable information and will be emailed to BC as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip files will be sent in a separate email.

- Appendix A: Program Review Student Sample
- Appendix B: Program Review Report
- Appendix C: Institution’s Written Response (Finding 1)
- Appendix D: Institution’s File Review Response for Finding 1--Adjusted R2T4 Calculations Spreadsheet

- Appendix E: Cost of Funds Worksheet

**Prepared for**  
**Beckfield College**

**OPE ID: 02491100**  
**PRCN: 201621129302**

**Prepared by:**  
**U.S. Department of Education**  
**Federal Student Aid**  
**Multi-Regional and Foreign Schools Division**

# **Program Review Report**

**July 13, 2018**

## Table of Contents

<b>A.</b>	<b>Institutional Information .....</b>	<b>2</b>
<b>B.</b>	<b>Scope of Review.....</b>	<b>3</b>
<b>C.</b>	<b>Findings.....</b>	<b>4</b>
1:	Incorrect Return of Title IV Funds Calculation .....	4
2:	Crime Awareness Requirements Not Met – Failure to Publish the Annual Security Report as a Comprehensive Document and to Distribute the ASR in Accordance with Federal Regulations .....	7
3:	Drug and Alcohol Abuse Prevention Program Requirements Not Met.....	12
4:	Consumer Information Requirements not Met .....	15
5:	Inaccurate Reporting of Disbursement Dates to the Common Origination and Disbursement (COD) System .....	18
6:	Improper Authorization to Hold Title IV, HEA Credit Balances.....	19
<b>D.</b>	<b>Appendices.....</b>	<b>21</b>
	Appendix A: Student Sample .....	22

**A. Institutional Information**

Beckfield College  
16 Spiral Drive  
Florence, KY 41042-1466

Type: Proprietary

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Accrediting Bureau of Health Education Schools (formerly Accrediting Council for Independent Colleges and Schools)

Current Student Enrollment (per school): 934(February 2016)

% of Students Receiving Title IV (per school): 97.6% (February 2016)

Title IV Participation (per PCNet as of April 3, 2018):

Federal Pell Grant Program (Pell)	<b><u>2016-2017</u></b>
William D. Ford Federal Direct Loan (Direct Loan)	\$3,578,788.00
	\$10,372,729.00

3-Year Default Rate FFEL/DL:	2014	22.6%
	2013	18.4%
	2012	21.8%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Beckfield College (BC) from March 7, 2016 to March 11, 2016. The review was conducted by Mr. Rick Moore, Ms. Mary Murray and Ms. Glenda Despenza.

The focus of the review was to determine BC's compliance with the statutes and federal regulations as they pertain to the institution's administration of the Title IV, HEA programs. The review consisted of, but was not limited to, an examination of BC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2014-2015 and 2015-2016 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and social security numbers of the students whose files were examined during the program review.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning BC'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 BC 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 (FPRD) 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 BC to bring operations of the financial aid programs into compliance with the statutes and regulations.

### **1: Incorrect Return of Title IV Funds Calculation**

**Citation:** When a recipient of Title IV grant or loan assistance withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, the institution must determine the amount of Title IV grant or loan assistance that the student earned as of the student's withdrawal date in accordance with paragraph (e) of this section. *34 C.F.R. § 668.22(a)(1)*.

An institution such as BC that requires the faculty to take attendance must always use the last date of academic attendance as determined by the school from its attendance records as the student's withdrawal date. *34 C.F.R. §668.22 (b)(1)* Academically related activities include, but are not limited to, physically attending a class where there is an opportunity for direct interaction between the instructor and students; submitting an academic assignment; taking an exam, an interactive tutorial or computer-assisted instruction; attending a study group that is assigned by the school; participating in an online discussion about academic matters, and initiating contact with a faculty member to ask a question about the academic subject studied in the course. *34 C.F.R. §668.22(l)(7)*

The unearned amount of Title IV assistance to be returned is calculated by subtracting the amount of Title IV assistance earned by the student as calculated under paragraph (e)(1) of this section from the amount of Title IV aid that was disbursed to the student as of the date of the institution's determination that the student withdrew. *34 C.F.R. § 668.22(e)(4)*.

The percentage of unearned Title IV, HEA funds is the complement of the percentage earned. The amount of Title IV, HEA funds to be returned is determined by subtracting the amount of Title IV, HEA funds earned by the student from the amount that was disbursed to the student as of the date of the institution's determination that the student withdrew. *34 C.F.R. § 668.22(e)(3) and (4)*

The percentage of the payment period completed is determined at an institution where programs are measured in credit hours, by dividing the total number of calendar days in the payment period into the number of calendar days completed in that period as of the student's withdrawal date. *34 C.F.R. § 668.22(f)(1)*. The total number of calendar days in a payment period includes all days within the period, except that scheduled breaks of at least five consecutive days are excluded from the total number of calendar days in a payment period and the number of days completed in that period. *34 C.F.R. § 668.22(f)(2)(i)*

For students enrolled in term-based credit hour programs a student's enrollment status must be recalculated to reflect only those classes for which the student actually began attendance if a student's projected enrollment status changes prior to beginning attendance in all of his or her classes for that payment period. *34 C.F.R. § 690.80(b)(2)(ii)*

An institution must return in the order specified in paragraph of this section, the lesser of –

- (i) The total amount of unearned Title IV assistance to be returned as calculated under paragraph (e)(4) of this section; or
- (ii) An amount equal to the total institutional charges incurred by the student for the payment period or period of enrollment multiplied by the percentage of Title IV grant or loan assistance that has not been earned by the student, as described in paragraph (e)(3) of this section. See *34 C.F.R. § 668.22(g)(I)*.

**Noncompliance:** In the instances noted below BC did not use: (1) the correct total number of days in the payment period, and (2) the correct number of days the student had completed in the payment period when it calculated the percentage of Title IV aid the student had earned. On a systemic basis, BC used the wrong last date of attendance for its online courses. BC used the last date of the weekly period instead of the last date of an academically related activity.

**Student #26:** The student was enrolled in online courses at the time of withdrawal. The withdrawal form showed a last date of attendance of 11/5/15 and the R2T4 calculation was based on this date. However, documentation provided was only able to substantiate an academically related activity date of 11/1/15. BC indicated that they were using the last date of the week to enter attendance records for students enrolled in online courses.

The student's online records indicated the student's last academically related activity was on 11/1/15. There was no further interaction recorded after this date. Therefore, the last date of attendance should have been recorded as 11/1/15 and not 11/5/15 as reflected on the transcript and attendance records. As a result, the actual number of days the student completed was 35 and not 39. In addition, the R2T4 calculation shows the last date of the period as 12/18/15 and the transcript shows the last date as 12/22/15 making the actual number of days in the terms was 77 instead of 73 as shown on the R2T4 calculation. Since BC calculated the student had earned 53.40% of Title IV aid, the R2T4 calculation is incorrect. Therefore, the amount of funds BC may have returned to the Department is incorrect.

**Student #28:** The student was enrolled in online courses at the time of withdrawal. The withdrawal form showed a last date of attendance of 10/08/15 and the R2T4 calculation was based on this date. However, documentation provided was only able to substantiate an academically related activity date of 10/2/15. BC indicated that they were using the last date of the week to enter attendance records for students enrolled in online courses.

The student's online records indicated the student's last academically related activity was on 10/2/15. There was no further interaction recorded after this date. Therefore, the last date of

attendance should have been recorded as 10/2/15 and not 10/08/15 as reflected on the transcript and attendance records. As a result, the actual number of days the student completed was 5 and not 11. In addition, the R2T4 calculation shows the last date of the period as 12/18/15 and the transcript shows the last date as 12/22/15 making the actual number of days in the terms was 77 instead of 73 as shown on the R2T4 calculation. Since BC calculated the student had earned 15.10% of Title IV aid, the R2T4 calculation is incorrect. Therefore, the amount of funds BC may have returned to the Department is incorrect.

**Required Action:** BC must conduct a file review for all students enrolled in online courses who withdrew (official and unofficial withdrawals; expulsions; fail outs, etc.) from the institution from July 1, 2015 to the present. For each student, BC must review (1) the student's attendance records (2) the correct number of days to be completed in the term, and (3) the correct number of days the student actually completed in the term. BC must then complete a revised (if required) R2T4 worksheet for all the withdrawn students.

In addition, in its response to this finding, BC must provide a spreadsheet which identifies all Title IV recipients who withdrew from the institution during a payment period from July 1, 2015 to the present and identify any additional returns due and the respective Title IV program(s), and include the following information:

1. Award Year
2. Student Name
3. Social Security Number
4. Start Date of the Term
5. End Date of the Term
6. Original Last Date of Attendance
7. Corrected Last Date of Attendance
8. Amount of Returns Due (by Title IV Program)
9. Amount of Returns Paid to Date
10. Date Return Paid (if not paid, report N/A)
11. Additional Amount of Return(s) to be Paid by Title IV program
12. Confirmation of the number of days completed

The required format for submission of the results of the file review is included in Appendix B. A separate spreadsheet should be provided for each award year. If BC does not include each of the data elements requested, the response will not be considered complete.

BC must also include copies of the R2T4 worksheets and all supporting documentation (e.g. attendance records, transcripts) for each student. In addition, for each student who is enrolled in an online course, BC must include a copy of the student's online academic activities with its response to the Program Review Report.

Instructions for repayment of liabilities will be provided in the final program review determination letter. BC must not attempt to repay any funds owed to the Department until the

final program review determination letter is issued. Hard copy and electronic files containing PII must be safeguarded as described in the enclosure to the cover letter of this report. Based on an evaluation of all available information, including BC's response, the Department will determine if additional actions will be required. If additional action is required the Department will advise BC accordingly in the FPRD.

**2: Crime Awareness Requirements Not Met – Failure to Publish the Annual Security Report as a Comprehensive Document and to Distribute the ASR in Accordance with Federal Regulations**

**Citation:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in *34 C.F.R. § 668.46(b)*. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. *§ 485(f) of the HEA; 34 C.F.R. § 668.46(b)*.

The ASR must be published and actively distributed as a single document. Acceptable means of delivery include U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. *34 C.F.R. § 668.41(e)(1)*. These regulations also require institutions to provide a notice containing this information to all prospective students and employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. *34 C.F.R. § 668.41(e)(4)*.

An institution's ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. *34 C.F.R. § 668.46(c)(1)*. When applicable, an institution must also compile, and publish separate crime statistic disclosures for each of its campuses. *34 C.F.R. § 668.46(d)*.

Institutions with a police or campus security department must maintain a written, easily understood daily crime log listing all crimes that occurred in the above geographical areas as well as those that occur within the campus police or security department's patrol area that it either becomes aware of or are reported to it. This reporting requirement applies to all crimes, not merely those crimes listed in *34 C.F.R. § 668.46(c)(1) and (3)*. The log must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be freely accessible to any requestor. *34 C.F.R. § 668.46(f)*.

Also, the *Clery Act* and the Department's regulations require a Title IV institution that has more than one campus to comply independently with all of the *Clery Act* regulations under the *Higher Education Act (HEA)*. *34 C.F.R. § 668.46(d)*.

Finally, each institution must also submit campus crime statistics for inclusion in the Department's "Campus Safety and Security Data Analysis Cutting Tool." *34 C.F.R. § 668.41(e)(5)*.

**Noncompliance:** BC violated multiple provisions of the *Clery Act*. Specifically, BC failed to prepare and distribute a 2015 ASR by the required deadline date of October 1st for its campuses in Florence, Kentucky and Cincinnati, Ohio.

As defined in the regulations and further clarified in the Department's "Handbook for Campus Safety and Security Reporting" (2016), an additional location is considered a separate campus for *Clery Act* purposes if it meets the following criteria:

- The institutions owns or controls the site;
- The site is not reasonably geographically contiguous with the main campus;
- The site has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.

BC also failed to develop a separate ASR for the Tri- County, OH campus. BC is required to comply with the requirements for each separate campus of the institution.<sup>1</sup> The review team noted that the 2015 Annual Safety Report specifically referenced the Tri – County Branch Campus located in Springdale, OH.

In addition, BC failed to actively distribute the ASRs to all of its current and prospective students and employees at all campuses in accordance with Federal regulations.

BC also failed to publish a complete 2015 ASR. BC excluded the following required policies from its 2015 ASR:

---

<sup>1</sup> A separate campus is defined as a campus that an institution owns or controls the site; the site is not reasonably geographically contiguous with the main campus; the site has an organized program of study; and – there is at least one person on site acting in an administrative capacity. *The Handbook for Campus Safety and Security Reporting* pages 13-14.

- Policies regarding crime reporting must include the following information;
  - Whether the institution allows victims or witness to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and if so a description of those policies and procedures;
  - Statement that encourages accurate and prompt reporting of all crimes to campus authorities and the appropriate police agencies, when the victim elects to or is unable to make such a report;
  - Description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;
  - Description of programs designed to inform students and employees about the prevention of crimes;
  - A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities. *34 C.F.R. § 668.46(b)(6)*.
  
- Policies regarding drug and alcohol use must include the following information.
  - Statement regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws must include;
  - Statement regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws;
  - Description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA. *34 C.F.R. § 668.46(b) (8-10)*.
  
- Policies regarding campus sexual assault must include the following information:
  - Description of educational programs to promote awareness of rape, acquaintance rape and other or forcible and non-forcible sex offenses;
  - Procedures students should follow if a sex offense occurs that include who to contact and the preserving evidence for the proof of the criminal offense; and
  - Existing on and off campus counseling services;
  - Policies including procedures for campus disciplinary action of an alleged sex offense that state the accuser and the accused have the same rights to have others present during disciplinary proceedings, and both the accuser and the accused should be informed of the outcome of any disciplinary proceeding;

- Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel; and,
  - Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or no forcible sex offenses. *34 C.F.R. § 668.46(b)(11)*
- A description of how to locate the sex offender registry can be obtained. *34 C.F.R. § 668.46(b)(12)*
  - Policies and procedures regarding its emergency response and evacuation procedures must include the following information:
    - Procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;
    - Description of the processes the institution will use to confirm that there is a significant emergency or dangerous situation;
    - Determine the appropriate segment or segments of the campus community to receive a notification; determine the content of the notification; and initiate the notification system;
    - Statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
    - List of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in in the evacuation policy;
    - Procedures to disseminate emergency information to the larger community; and
    - Procedures will use to test the emergency response and evacuation procedures on at least an annual basis, including – but not limited to – documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. *34 C.F.R. § 668.46(g)(1-6)*.
  - Policies and procedures for timely warnings must include the following information:<sup>2</sup>
    - Description of what crimes are reported in Timely Warnings and the geography covered by the warning; individuals or offices in the College responsible for issuing a timely warning; and

---

<sup>2</sup> Beckfield stated the required information for timely warnings in the Special Reports of Crime & Enforcement Procedures section of the ASR. However, the term *timely warning* was not used.

- Methods for disseminating timely warnings and if applicable, a statement that institution that follows its emergency notification procedures to issue a timely warnings.

Furthermore, BC was unable to provide the Department with evidentiary documentation that a notice of availability about the ASR was prepared and actively distributed to all its current students and employees by the required deadline date of October 1, 2015.

Failure to publish an accurate and complete ASR and actively distribute it to current students and employees in accordance with Federal regulations deprives the campus community of important campus crime information.

**Required Action:** As a result of this violation, BC must develop and implement policies and procedures that will govern the preparation, publication, and distribution of an ASR and ensure that it all facets of the process are carried out in a manner that meets Federal regulations. The procedures must also specifically articulate how current and prospective students as well as campus employees will be notified of the report's availability. Using the policies as a guide, BC must revise its ASR to ensure the inclusion of all statistical disclosures, policy, procedures and programmatic information required under *34 C.F.R. § 668.41(b)*.

A copy of the College's new and revised policies and procedures must accompany BC's response to this program review report with a copy of its 2016 ASRs for all locations. The ASRs will be evaluated by the review team for accuracy and completeness. If there are corrections required, the College will be required to make the corrections and actively redistribute it to all current students and employees in accordance with *34 C.F.R. § 668.41(e)*.

BC will be required to provide documentation to the Department evidencing the ASR distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification must also affirm that the College understands all of its *Clery Act* obligations and that it has taken all necessary corrective actions to ensure that these violations do not reoccur.

As noted above, the exceptions identified in this finding constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. BC will be given an opportunity to develop and distribute an accurate and complete ASR for each of its separate campuses, and in so doing, finally begin to bring its overall campus security program into compliance with the *Clery Act* as required by its Program Participation Agreement (PPA). However, the College is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures.

BC officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2016) during the preparation of its response. The handbook is available online at:

<http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The regulations governing the *Clery Act* can be found at *34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49*.

Based on an evaluation of all available information including BC's response, the Department will determine if additional actions will be required and will advise the College accordingly in its FPRD.

In light of the serious consequences associated with compliance failures of this type the Department strongly recommends that BC re-examine its campus safety and drug and alcohol abuse prevention policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current institutional policy and are in full compliance with the *Clery Act*. Please be advised that the Department may request information on a periodic basis to test the effectiveness of BC's new policies and procedures.

Finally, BC is reminded that the *Violence Against Women Reauthorization Act of 2013 (VAWA)* (Pub. Law 113-4), among other provisions, amended the *Clery Act* to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in the school's ASR.

On October 20, 2014, the Department's final regulations were published in the *Federal Register* (Vol. 79, No. 202). The changes to the regulations at *34 C.F.R. § 668.46*, which governs the *Clery Act* requirements went into effect July 1, 2015. The Department amended *34 C.F.R. § 668.46* to implement the VAWA statutory changes and updated this section by incorporating provisions added to the *Clery Act* by the *Higher Education Opportunity Act*. For information about the modifications to *34 C.F.R. § 668.46*, please see the following electronic announcement: <http://ifap.ed.gov/eannouncements/102014ViolenceAgainstWomenAct.html>. The announcement includes a link to the *Federal Register* (Vol. 79, No. 202). An institution's ASR must incorporate the changes made to *34 C.F.R. § 668.46*.

### **3: Drug and Alcohol Abuse Prevention Program Requirements Not Met**

**Citation:** The Drug-Free Schools and Communities Act (*DFSCA*) and Part 86 of the Department's General Administrative Regulations requires each participating institutions of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan must make provisions for providing the material to students who enroll at a date after the initial distribution,

and for employees who are hired at different times throughout the year. The information must include:

- a written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- a written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- a statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The IHE must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department and interested parties upon request. *34 C.F.R. §§ 86.3 and 86.100.*

**Noncompliance:** BC violated multiple provisions of the *DFSCA*. BC failed to distribute a complete drug and alcohol abuse prevention program (DAAPP) materials to current students and employees and to prospective students and prospective employees.

BC's DAAPP disclosures were incomplete and failed to include the required policies:

- The College's policy regarding the standards of conduct that prohibits the unlawful possession, or distribution of use of illegal drugs and alcohol by students, faculty and employees<sup>3</sup>;
- Description of the legal sanctions imposed under state or federal law for the unlawful possession of drugs and alcohol; and
- Description of the health risks associated with illegal drugs and alcohol.

In addition, BC failed to conduct a biennial review to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violation of its disciplinary standards and codes of conduct related to illicit drugs and alcohol; and, 3) identify areas requiring improvement or modification. As a consequence of the failure to conduct a biennial review, CCS was unable to produce a report of biennial review findings as set forth by *34 C.F.R. § 86.100(b)*.

Failure to comply with the *DFSCA* requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drugs use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and

---

<sup>3</sup> Beckfield's current statement regarding the "purchase, consumption, or distribution of prohibited substances" is directed at students. *Beckfield College 2015-2016 Catalog, p.71.*

alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

**Required Action:** BC is required to take all necessary corrective actions to resolve these violations and to ensure they do not recur. At a minimum, BC must perform the following:

- Develop detailed policies and procedures that will ensure that the DAAPP disclosure contains all federal requirements. A copy of the revised DAAPP must accompany BC's response to the program review report.
- Develop detailed policies and procedures that will ensure that the DAAPP disclosure is distributed annually to every student who enrolls for any academic credit and to all employees. This policy must provide for active delivery to every member of the campus community regardless of when they enrolled or are hired and irrespective of the duration of enrollment/employment. A copy of BC's new distribution policy must accompany its response to this program review report.
- Distribute the new DAAPP disclosure and provide documentation evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the *DFSCA*. This certification must also affirm that the College understands all of its *DFSCA* obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur;
- Conduct a biennial review to measure the effectiveness of its DAAPP and prepare a report of findings. BC's report must include a description of the research methods and data analysis tools that were used to determine the effectiveness of the program and the consistency of its enforcement strategy. The report must identify the responsible official(s) and office(s) that conducted the biennial review. The biennial review report must be approved by the College's chief executive or its Board and the findings must be submitted to the Department in response to this program review report. If BC believes that it has already implemented the required corrective actions as part of its biennial review process conducted since the onsite program review, BC may submit those reviews and reports of findings in response to this program review report and include a statement indicating that BC has already undertaken all required actions; and
- Establish policies and procedures to ensure that all subsequent biennial reviews are conducted in a timely manner and are regularly documented and take all other necessary action to ensure that this violation does not recur. A copy of these new policies and procedures must accompany BC's biennial review report.

As noted above, the exceptions identified in this finding constitute serious violations of the *DFSCA* that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. BC will be given an opportunity to develop and distribute an accurate and complete DAAPP disclosure and to finally begin to bring its drug and alcohol programs into

compliance with the *DFSCA* as required by its PPA. However, BC is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures.

Based on an evaluation of all available information including BC's response, the Department will determine if additional actions will be required and will advise BC accordingly in its FPRD.

#### **4: Consumer Information Requirements not Met**

The Higher Education Act of 1965 (HEA), as amended by the Higher Education Opportunity Act of 2008 (HEOA), includes many disclosure and reporting requirements. A disclosure requirement is information that a postsecondary education institution is required to distribute or make available to another party, such as students or employees. Additionally, the Code of Federal Regulations outlines required consumer disclosures in multiple areas, including 34 C.F.R. §668 and others.

**Noncompliance:** The following required disclosure components were incomplete, missing or not posted correctly online:

##### **Notice of Availability of Institutional and Financial Aid Information**

All institutions participating in Title IV, HEA student financial aid programs must annually distribute to all enrolled students a notice of the availability of the information that is required to be made available to students under the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice must list and briefly describe the information and include a statement of the procedures required to obtain the information. For information listed in the notice that is disclosed on an institution's website, the notice must include the exact electronic address and a statement that the institution will provide a paper copy upon request. *HEA Sec. 485(a)(1); 34 C.F.R. §668.41(c); 34 C.F.R. §668.43.*

##### **Student Financial Aid Information**

All institutions participating in Title IV, HEA student financial aid programs must make available to prospective and enrolled students, through appropriate publications, mailings, or electronic media, information about:

1. all the need-based and non-need-based federal, state, local, private, and institutional student financial assistance programs available to students who enroll in the institution;
2. terms and conditions of Title IV, HEA loans;
3. criteria for selecting recipients and for determining amount of award;
4. eligibility requirements and procedures for applying for aid;
5. methods and frequency of disbursements of aid;
6. rights and responsibilities of students receiving Title IV, HEA student; financial aid, including criteria for continued student eligibility and standards for satisfactory academic progress;

7. terms of any loan received as part of financial aid package, sample loan repayment schedule, and the necessity for repaying loans;
8. a statement that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for federal student financial aid;
9. general conditions and terms applicable to employment provided as part of financial aid package;
  - o the exit counseling information the institution provides and collects.

*HEOA Sec. 448(a)(1)(B) amended HEA Sec. 485(a)(1); New HEA Sec. 485(a)(1)(M); 34 C.F.R. §668.41 (a) - (d); 34 C.F.R. §668.42; 34 C.F.R. §668.43.*

### **Facilities and Services Available to Students With Disabilities**

All institutions participating in Title IV, HEA student financial aid programs must make available to prospective and enrolled students, through appropriate publications, mailings, or electronic media, information about facilities and services available to students with disabilities, including students with intellectual disabilities. *HEA Sec. 485(a)(1)-(2); 34 C.F.R. §668.43; 34 C.F.R. §668.231*

### **Copyright Infringement Policies and Sanctions (Including Computer Use and File Sharing)**

All institutions participating in Title IV, HEA student financial aid programs must annually make available to prospective and enrolled students, through appropriate publications, mailings, or electronic media, the institution's policies and sanctions related to copyright infringement, including

- a statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
- a summary of the penalties for violation of federal copyright laws\*; and
- the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

*HEOA Sec. 488(a)(1)(E): amended HEA Sec. 485(a)(1); Added HEA Sec. 485(a)(1)(P); 34 C.F.R. §668.43(a)(10)*

### **Complete/Graduation and Transfer-Out Rates (Including Disaggregated Completion/Graduation Rates) (Student Right-To-Know Act)**

All institutions participating in Title IV, HEA student financial aid programs that enroll first-time, full-time undergraduate students, must annually make available to prospective and enrolled students, through appropriate publications, mailings, or electronic media, the following data:

#### **Completion/Graduation and Transfer-out Rates:**

Institutions must disclose the completion or graduation rate of certificate- or degree-seeking, first-time, full-time, undergraduate students. The data must be made available by July 1 each

year for the most recent cohort that has had 150 percent of normal time for completion by August 31 of the prior year.

An institution that determines that its mission includes providing substantial preparation for students to enroll in another Title IV, HEA-eligible institution must disclose a transfer-out rate for each cohort. A student shall be counted as a completion or graduation if the student earns a degree or certificate or completes a transfer-preparatory program within 150 percent of normal time for the student's program.

**Disaggregated Completion/Graduation Rates:**

The HEOA (Sec. 488(a)(3)) added a provision requiring that the completion or graduation rates must be disaggregated by

- gender;
- major racial and ethnic subgroup (as defined in IPEDS);
- recipients of a Federal Pell Grant;
- recipients of a subsidized Stafford Loan who did not receive a Pell Grant; and
- students who did not receive either a Pell Grant or a subsidized Stafford Loan.

Students are to be considered to have received a grant or loan if they received it for the period used for determining the cohort fall term or full year. *HEOA Sec. 488(a)(2): amended HEA Sec. 485(a); New HEA Sec. 485(a)(4); HEOA Sec. 488(a)(3): amended HEA Sec. 485(a); New HEA Sec. 485(a)(7); 34 C.F.R. §668.41(a)-(d); 34 C.F.R. §668.45; 34 C.F.R. §668.8(b)(1)(ii)*

**National Student Loan Data System**

All institutions participating in Title IV, HEA loan programs are required to inform student or parent borrowers that loans will be submitted to the National Student Loan Data System (NSLDS), and will be accessible by guaranty agencies, lenders, and institutions determined to be authorized users of the data system. *HEOA Sec. 489 amended HEA Sec. 485B(d)(4)*

**Required Action:** BC must immediately make missing information available to students and employees online. Copies of revised consumer information dissemination policies and procedures, plus evidence of all updates in BC's publications, must accompany its response to this report. BC must also, where necessary, submit working links to the required online disclosures with its response.

## **5: Inaccurate Reporting of Disbursement Dates to the Common Origination and Disbursement (COD) System**

**Citation:** An institution makes a disbursement of Title IV, HEA program funds on the date that the institution credits a student's account at the institution or pays a student or parent directly with:

- Funds received from the Secretary; or
- Institutional funds used in advance of receiving Title IV, HEA program funds. *34 C.F.R. § 668.164(a)*

The disbursement date reported by the institution to the Department must be the date of the actual disbursement to the student's account. *COD Technical Reference, 2015-2016, Volume 2*

An institution must establish and maintain, on a current basis, program records that document its disbursement and delivery of Title IV program funds and financial records that reflect each Title IV program transaction. *34 C.F.R. § 668.24(b)(2)*

The records that an institution must maintain include but are not limited to documentation relating to each student's or parent's receipt of Title IV program funds. This documentation includes but is not limited to:

- The date and amount of each disbursement or delivery of grant or loan funds;
- The amount, date and basis of the institution's calculation of any refunds or overpayments due to or on behalf of the student, or the treatment of Title IV funds when a student withdraws;
- The payment of any overpayment or the return of any Title IV program funds to the Title IV program fund, a lender or the Secretary, as appropriate, and;
- Records of student accounts, including each student's institutional charges, cash payments, FSA payments, cash disbursements, refunds, returns and overpayments required for each enrollment period. *34 C.F.R. § 668.24(c)*

A school participating in the Direct Loan Program shall ensure that any information it provides to the Secretary in connection with loan origination is complete and accurate. A school shall originate a Direct Loan while the student meets the borrower eligibility requirements of 34 C.F.R. § 685.200. A school shall provide to the Secretary, borrower information that includes but is not limited to:

- The borrower's eligibility for a loan, as determined in accordance with *34 C.F.R. § 685.200* and *34 C.F.R. § 685.203*;
- The student's loan amount; and
- The anticipated and actual disbursement date or dates and disbursement amounts of the loan proceeds. *34 C.F.R. § 685.301(a)*

34 C.F.R. § 690.83 requires institutions to submit a student's payment data (including disbursement dates) to the Secretary by the reporting deadlines published in the Federal Register. In a Notice published in the *Federal Register* on 2/18/13, the Department specified that for disbursements or adjustments to previously made disbursements made on or after April 1, 2013, an institution must submit the disbursement record to COD no later than 15 days after making the disbursement or becoming aware of the need to adjust a student's previously reported disbursement. The disbursement date is always the date the cash was credited to the student's account or paid to the student directly. The disbursement date is not the transaction date of the adjustment to the disbursement. Schools must submit adjustments to actual disbursements within 15 days of the transaction date. *COD Technical Reference, 2015-2016, Volume 2*

**Noncompliance:** The account ledger for Student #3 showed a Pell Grant disbursement on 01/28/15. However, according to the COD system, BC reported that it had disbursed \$1,910.00 in Pell Grant funds to the student's account on 01/27/15.

The account ledger for Student #6 showed a Pell Grant disbursement on 02/4/15. However, according to the COD system, BC reported that it had disbursed \$1,910.00 in Pell Grant funds to the student's account on 02/3/15.

**Required Action:** BC must correct the COD disbursement dates for the student shown above. BC must also revise its COD reporting procedures to ensure that the institution timely and accurately reports to COD the date that the institution disburses Title IV, HEA funds to each student's account. A copy of these procedures must accompany BC's response to this report.

## **6: Improper Authorization to Hold Title IV, HEA Credit Balances**

**Citation:** Federal regulations state that an institution is permitted to hold credit balances if it obtains a voluntary authorization from the student (or parent, in the case of PLUS loan program funds).

In obtaining the student's or parent's authorization, an institution (1) may not require or coerce the student or parent to provide that authorization; (2) must allow the student or parent to cancel or modify authorization at any time; and (3) must clearly explain how it will carry out that activity. A school may include two or more of the items that require authorization in one statement. However, each component and term in the authorization must be conspicuous to the reader, and a student (or parent borrower) must be informed that he or she may refuse to authorize any individual item on the statement.

If a student or parent cancels an authorization to hold Title IV, HEA funds, the institution must pay those funds directly to the student or parent as soon as possible but no later than 14 days after the institution receives that notice. 34 C.F.R. § 668.165(b)(4)(iii)

Notwithstanding any authorization obtained by the institution under this paragraph, an institution must pay any remaining balance on loan funds by the end of the loan period and any remaining other Title IV, HEA program funds by the end of the last payment period in the award year for which they were awarded. *34 C.F.R. § 668.165(b)(5)(iii)*

**Noncompliance:** Upon entry into BC, students were required to complete a document called the “Acknowledgement of Credit to Account.” This document contained an explanation of Title IV credit balances and provided options for how students could choose to resolve Title IV credit balances while they were enrolled. This document also provided options for how students could choose to resolve Title IV credit balances existing on their accounts after they withdrew or graduated from the institution.

An institution is not permitted to provide students with a blanket authorization for a Title IV credit balance to be returned to the lender after withdrawal prior to the date of the withdrawal. A student can only authorize the return of a Title IV credit balance to the student’s loan servicer at the date of withdrawal. Any authorization signed by a student is no longer effective when a student ceases enrollment, and thus a student’s previous authorization to return a Title IV credit balance to his or her loan account after withdrawal is not effective. An institution must receive specific instructions from a student after withdrawal for any Title IV credit balance arising from the student’s withdrawal.

**Required Action:** BC must devise and implement procedures to ensure that an appropriate written authorization is obtained from students or parents prior to holding Title IV, HEA credit balances, and that a student is given the opportunity to accept or decline each aspect of the authorization.

Additionally, BC must revise its existing Title IV, HEA authorization form to comply with all applicable federal regulations. BC is required to distribute the new form to all students for whom the institution is holding a Title IV, HEA credit balance and obtain the student’s authorization to continue to hold the funds. A copy of the updated procedures and a copy of the new authorization form should accompany BC’s response to the report.

## **D. Appendices**

Appendix A contains personally identifiable information. As a result, the program review report will be emailed to BC as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip file will be sent in a separate email.

**Appendix A: Student Sample (Sent via email)**

<b>Student No.</b>	<b>Award Year</b>	<b>Last Name</b>	<b>First Name</b>	<b>SSN</b>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				

