



7/20/2017

Jeffrey Myhre
President
Broadview University
1902 West 7800 South
West Jordan, UT 84088-4021

Certified Mail Return Receipt Requested
Domestic Return Receipt
70160910000071939153

RE: **Final Program Review Determination**
OPE ID: 01116600
PRCN: 2015 4 08 29060

Dear Mr. Myhre:

The U.S. Department of Education's (Department's)- Chicago/Denver School Participation Division issued a program review report on December 9, 2015 covering Broadview University's (Broadview) 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 2013-2014 and 2014-2015 award years. Broadview's final response was received on January 25, 2016. A copy of the program review report (and related attachments) and Broadview's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Broadview 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) notify you that the Department is continuing to review the placement rate data that you provided in response to the Department's letter dated April 27, 2016, and (3) notify Broadview of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
School Participation Division – Chicago/Denver
1244 Speer Blvd., Suite 201, Denver, CO 80204
StudentAid.gov

This FPRD contains one or more findings regarding Broadview'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.

Liabilities totaling \$1,000.00 have been repaid by Broadview. No further action is required.

Protection of Personally Identifiable Information (PII):

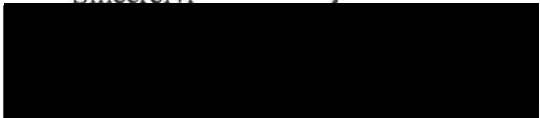
PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity 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. The appendix was encrypted and sent separately to the institution via e-mail.

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 Derita Hall at (303) 844-0518.

Sincerely,



Douglas Parrott
Division Director

Enclosures:

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

cc: Kelly Running, Financial Aid Administrator
State of Utah Department of Commerce/Division of Consumer Protection
Accrediting Council for Independent Colleges and Schools

Department of Defense
Department of Veterans Affairs
Consumer Financial Protection Bureau

Prepared for

Broadview University

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OPE ID: 01116600
PRCN : 2015 4 08 29060

Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division – Chicago/Denver

Final Program Review Determination 7/20/2017

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A. Institutional Information

Broadview University
1902 West 7800 South
West Jordan, UT 84088-4021

Type: Proprietary

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

Accrediting Agency: Accrediting Council for Independent Colleges and Schools

Current Student Enrollment: 1,242 (2013-2014)

% of Students Receiving Title IV, HEA funds: 79.7% (2013-2014)

Title IV, HEA Program Participation (PEPS):

2013-2014 Award Year

William D. Ford Federal Direct Loan Program (Direct Loan)	\$6,861,514
Federal Pell Grant Program (Pell)	\$2,580,051
Federal Supplemental Educational Opportunity Grant Program	\$ 128,339

Default Rate FFEL/DL (PEPS):	2011: 9.5%
	2010: 8.5%
	2009: 12.2%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Broadview University (Broadview) from July 20, 2015 to July 24, 2015. The review was conducted by Derita Hall, Herschel Wallace, and Santwinna Nunez.

The focus of the review was to determine Broadview's compliance with the statutes and 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 Broadview'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 files¹ was identified for review from the 2013-2014 and 2014-2015 (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 A² lists the names and social security numbers of the students whose files were examined during the program review. A program review report was issued on December 8, 2015.

Disclaimer:

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

¹ See Appendix A

² The student sample will be sent to the institution via email in an encrypted document.

C. Findings and Final Determinations

Resolved Findings

Findings 1-3: Broadview has taken the corrective actions necessary to resolve findings 1-3 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by Broadview are discussed below.

Resolved Finding with Comments

The following program review finding has been resolved by the institution, and may be considered closed. This is included solely for the purpose of discussing resolution of the finding.

Finding 4. Improper Origination of Direct Loan (DL)

Citation Summary: *34 C.F.R. § 685.301* determines that a school participating in the Direct Loan program must ensure that any information it provides to the Secretary in connection with loan origination is complete and accurate. A school must originate a Direct Loan while the student meets the borrower eligibility requirements of § 685.200.

Noncompliance Summary: Broadview inadvertently awarded a student over her/his annual subsidized loan limit per her/his classification for the 2013-2014 award year. Student #4 was classified as a freshman at the beginning of the award year for 2012-2013; however, during the year the student's classification level changed to a sophomore allowing the student to borrow an additional \$1,000 in subsidized loan for the 2012-2013 award year. But, instead of originating a subsidized loan for the student for \$1,000 in the 2012-2013 award year, Broadview inadvertently awarded the student the additional \$1,000 in subsidized loan for the 2013-2014 award year causing the student to be awarded over the classification level of a sophomore for 2013-2014.

Required Action Summary: Broadview was required to immediately return the additional \$1,000 in subsidized loan funds to the Department and remedy the student's account with institutional funds as to not cause harm to the student.

³ See Appendix B for Broadview's full narrative response.

Final Determination: Finding #4 of the program review report cited Broadview for an improper origination of a DL; specifically for inadvertently awarding a student over her/his annual subsidized loan limit per her/his classification for the 2013-2014 award year. As a result, Broadview was required to immediately return the over award of funds back to the Department, remedy the student's account without causing harm to the student, and submit a copy of its updated policies and procedures in its response to the Department.

The Department carefully examined Broadview's response and supporting documentation. The review team's examination revealed that the identified violation was, for the most part, satisfactorily addressed. The Department also determined that Broadview's corrective action plan meets minimum requirements. For these reasons, the Department accepted Broadview's response and considers this finding to be closed.

Finding with Final Determination

The program review report finding requiring further action is summarized below. At the conclusion of this finding is a summary of Broadview's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on December 8, 2015 is attached as Appendix C.

Finding 5. Crime Awareness Requirement Not Met

Citation Summary: 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 through appropriate publications and mailing, 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)*.

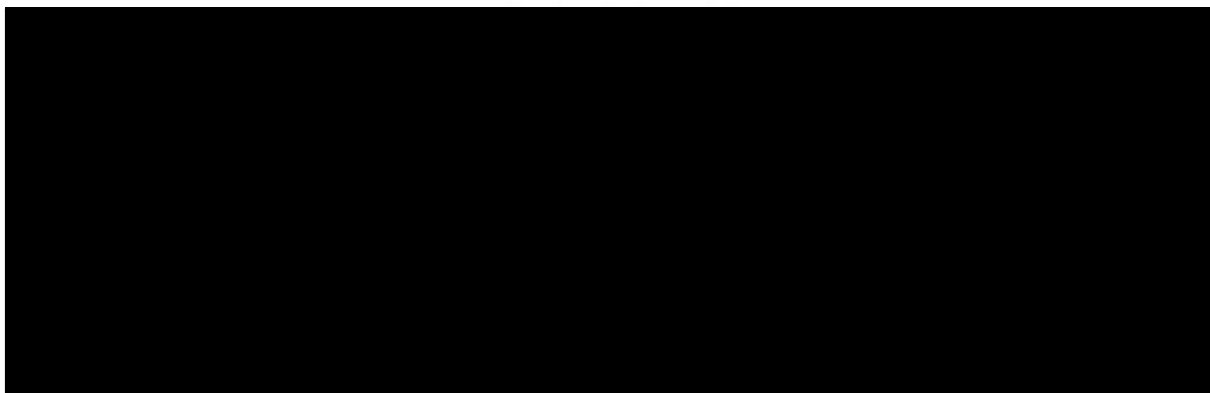
The ASR crime statistics must be reported for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property and reported to local police agencies or to a campus security authority *34 C.F.R. §668.46(c)(1)*.

Noncompliance Summary: Broadview failed to accurately distribute a complete 2013 ASR to all of its current students and employees. More specifically, Broadview reported the incorrect calendar year for its West Jordan location in its statistical reporting of crimes for the three most recent calendar years. For the 2013 ASR, Broadview reported 2009, 2010, and 2011 but should have reported 2010, 2011, and 2012 crime statistics.

Required Action Summary: As a result of this violation, Broadview was mandated to ensure that statistical information contained in the upcoming and most recent ASR (2015) contains the appropriate statistical information for all locations. The 2015 ASR was required to contain statistics for the 2012, 2013 and 2014 calendar years. The ASR was required to be distributed to all current students and employees and documentation evidencing the distribution was

required to be sent to the Department as well as a certification statement attesting to the fact that the materials were properly distributed in accordance with the Clery Act.

As noted in the program review report⁴, Broadview corrected its 2013 ASR to include 2010, 2011, and 2012 calendar year crime statistics while the review team was on-site. Broadview was also reminded of its responsibilities concerning Section 304 of the Violence Against Women Authorization Act of 2013 (VAWA) that requires institutions to report domestic violence, dating violence, sexual assault, and stalking.



Final Determination: Finding 5 of the program review report cited Broadview for violations of the *Clery Act* and the Department's regulations, as outlined in the noncompliance section above. Specifically, the University failed to produce an accurate and complete 2013 ASR. Broadview's 2013 ASR did not include campus crime statistics for the three most-recent calendar years (2010, 2011, and 2012) for the West Jordan campus. Instead, the University's report included statistics for calendar years 2009, 2010, and 2011. The review team determined that Broadview's 2013 ASR that was due on October 1, 2013, was incomplete and inaccurate because it omitted crime statistics for calendar year 2012.

As a result of this violation, Broadview was directed to prepare and publish an accurate and materially-complete, revised 2013 ASR that included all the statistical disclosures and policy, procedure and programmatic required under *34 C.F.R. §668.46(b)*. The University was also required to actively distribute a 2015 ASR to all current students and employees in accordance with *34 C.F.R. §668.41(e)*. Finally, the University was required to submit a certification statement wherein Broadview officials were to attest that they understand their Clery Act obligations and that the University has taken adequate remedial actions that are intended to ensure that these and similar violations will not recur. In its response, Broadview concurred with the finding, described its remedial actions, and submitted documentation in support of its claims.

⁴ Appendix C contains the full narrative of the program review report.

The Department carefully examined all available information including Broadview's narrative response and supporting documentation. Based on that review and the University's admissions, the violations identified in the noncompliance summary section of the initial finding are sustained. This examination also indicated that the identified violations were, for the most part, satisfactorily addressed by the University's subsequent ASRs, evidence of distribution, and its new and revised internal policies and procedures. As such, the Department also determined that the University's remedial action plan meets minimum requirements. For these reasons, the Department has accepted Broadview's response and considers this finding to be satisfied for program review purposes. Nevertheless, the officers and directors of Broadview are on notice that they must take all additional actions that may be necessary to address the violations identified above as well as any other deficiencies and weaknesses that were detected during the preparation of the University's response and/or as may otherwise be needed to ensure that these violations do not recur.

Broadview is once again reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The production and distribution of an accurate and complete ASR are the most basic requirements of the *Clery Act* and are fundamental to its campus safety goals. Broadview asserted that it has taken adequate remedial actions and is now in compliance with the *Clery Act* as required by its Program Participation Agreement. Nevertheless, Broadview's management must understand that the violations documented by the program review deprived students and employees of important campus safety and crime prevention information to which they are entitled. For these reasons, the University is advised that its remedial actions cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that Broadview re-examine its campus security 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. Broadview's officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2016) as a reference guide. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. University officials can access these materials at: www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the *Clery Act* can be found at 34 C.F.R. §§668.14, 668.41, 668.46, and 668.49.

Broadview's management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of sexual assault, dating violence, domestic violence, and stalking. VAWA also requires institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention, response, and adjudication in their ASRs. All institutions were already obligated to make a documented good-faith effort to

comply with the statutory requirements of VAWA and to include all new required content in the 2014 ASR. Because the Department issued Final Rules on the VAWA amendments before November 1, 2014, the new regulations went into effect on July 1, 2015, per the Department's Master Calendar. University officials may view the Final Rule at:
<http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

Finally, Broadview is strongly advised to review the accuracy and completeness of its Drug and Alcohol Abuse Prevention Program (DAAPP) as required by the Drug-Free Schools and Communities Act (*DFSCA*) and Part 86 of the Department's General Administrative Regulations. FSA is now responsible for monitoring compliance with the *DFSCA*. Therefore, it is essential that the University makes sure that it has developed and implemented a comprehensive DAAPP, has produced and distributed accurate and complete program materials to the campus community, and has and continues to conduct substantive biennial reviews to assess the effectiveness of its program and produces detailed biennial review reports on the required schedule. For more information about the *Clery Act* and/or the *DFSCA*, please contact your review team or another member of the Chicago/Denver School Participation Division.

D. Appendices

Appendix A

Student Sample from Program Review

The student sample from the program review report will be sent to Broadview via password protected email since it contains personally identifiable information (PII).

Appendix B



Appendix C

Broadview's Program Review Report

Prepared for
Broadview University
OPE ID: 01116600
PRCN: 2015 4 08 29060

Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division-Chicago/Denver

Program Review Report

December 9, 2015

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A. Institutional Information

Broadview University
1902 West 7800 South
West Jordan, UT 84088-4021

Type: Proprietary

Highest Level of Offering: Doctorate Degree

Accrediting Agency: Accrediting Council for Independent Colleges and Schools

Current Student Enrollment: 1242 (2013-2014)

% of Students Receiving Title IV: 79.7% (2013-2014)

Title IV Participation (PEPS):

2013-2014 Award Year

William D. Ford Federal Direct Loan Program (Direct Loan) \$6,861,514

Federal Pell Grant Program (Pell) \$2,580,051

Federal Supplemental Educational Opportunity Grant \$ 128,339

Default Rate FFEL/DL: 2011: 9.5%
2010: 8.5%
2009: 12.2%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Broadview University (Broadview) from July 20, 2015 to July 24, 2015. The review was conducted by Derita Hall, Herschel Wallace, and Santwinaa Nunez.

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

A sample of 30 files⁵ was identified for review from the 2013-2014 and 2014-2015 (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. In addition, 20 files were selected based on placement rates. Appendix A (Student Sample)⁶ lists the names and partial 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 Broadview'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 Broadview of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

⁵ See Appendix A

⁶ The student sample will be sent to the institution via email in an encrypted document

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 Broadview to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1. Inaccurate Record Keeping

Citation: 34 CFR § 668.164(a)(1) details that an institution shall establish and maintain, on a current basis, any application for title IV, HEA program funds and program records that document its disbursement and delivery of title IV, HEA program funds. The records that an institution must maintain include but are not limited to documenting each student and/or parent borrower's receipt of title IV, HEA program funds, including but not limited to documentation of the amount of the grant, loan, or FWS award; its payment period; its loan period, if appropriate; and the calculations used to determine the amount of the grant, loan, or FWS award, the date and amount of each disbursement or delivery of grant or loan funds, and the date and amount of each payment of FWS wages, 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, HEA program funds when a student withdraws; and the payment of any overpayment or the return of any title IV, HEA program funds to the title IV, HEA program fund, a lender, or the Secretary, as appropriate.

Noncompliance: The disbursement dates reported by the financial aid office to the Department were not always the actual date of disbursement to the student ledger. The financial aid office reported Federal Pell Grant (Pell) and Direct Loan (DL) disbursements as the date that the disbursement information was electronically submitted to the Department; however, the disbursement was actually recorded on the student's account ledger on a different date.

Pell Grant and Direct Loan disbursement dates reported by Broadview were not always the dates listed on the student account ledgers. The following table lists the Pell and DL disbursement dates reported to COD and the disbursement date listed on the student's account ledger (actual disbursement date)

Student	Pell COD Disb. Date	Actual Disb. Date	DL COD Disb. Date		Actual Disb. Date		DL COD Disb. Date	Actual Disb. Date	Plus Loan COD Disb. Date	Actual Disb. Date
16	N/A	N/A	7/21/2014		7/23/2014		10/13/2014	10/15/2014		
23	10/14/2014	10/22/2014	7/21/2014	10/13/2014	7/23/2014	10/22/2014	1/14/2015	02/12/2015	1/14/2015	3/13/2015

Required Action: Broadview must develop and implement written procedures to ensure that there is one accurate and complete record of each student's account at the institution and that the disbursement dates for all Federal funds reported to the Department are the actual dates of disbursements to student accounts. A copy of these procedures must be provided in response to this report. There are no liabilities associated with this finding.

Finding 2. Student Status Inaccurate/Untimely

Citation: 34 CFR 685.309 (b) require institutions to monitor and update the enrollment status of students who receive federal student loans to the Secretary within 30 days or unless it expects to submit its next student status confirmation report to the Secretary within the next 60 days. Statuses must be reported if the student:

- Enrolled at the school but has ceased to be enrolled at least a half-time basis;
- Reductions or increases in attendance levels
- Withdrawals
- Graduations
- Approved leave of absence
- Has been accepted for enrollment at that school but failed to enroll at least a half-time basis for the period for which the loan was intended; or
- Has changed his or her permanent address.

The school has the responsibility as a participant in the Title IV aid programs to monitor and report enrollment changes to NSLDS to satisfy the regulatory requirements. By correctly providing the enrollment status to NSLDS this provides students information such as when repayment must begin, grace periods and deferment privileges, and is critical for effective administration of Title IV loans and prevention of defaults.

Noncompliance: Broadview failed to report within the 60 day period the new enrollment status of students who had either withdrawn from the institution or graduated within the timeframe outlined by the Department to remain in compliance.

The table below lists the students and the date of graduation or withdrawal from the institution and the date that the student's enrollment status was reported to NSLDS.

Student	Grad/Withdrawal	Reported to NSLDS
17	Institution reported student status as withdrawn as of 12/18/2014	Transcript reveals that student graduated 12/19/2014
26	Institution reported student status as graduated	Transcript reveals that student withdrew
29	Institution reported student status as withdrawn as of 12/18/2014	Transcript reveals that student graduated 12/19/2014

Required Action: Broadview must immediately establish and implement new policies and procedures for reporting enrollment status updates within the timeframe outlined by the Department's regulations. The procedures should include the method by which the institution will determine which students had a change in enrolment status and how long

after the change in enrollment status will it be before the new enrollment status will be sent to NSLDS Enrollment Reporting for updating. A copy of these policies and procedures must be submitted in response to this report. There are no liabilities associated with this finding.

Finding 3. Third Party Servicer Contract Missing/Inadequate/Not Signed

Citation: 34 C.F.R. 668.2 defines when an institution must consider an entity a third-party servicer. A third party servicer is any individual or entity that contracts with or performs work on behalf of an institution to administer, through manual or automated processing, any aspect of an institution's responsibilities under the Title IV, HEA programs. As provided in the regulations, an institution's Title IV responsibilities include, but are not restricted to, performing one or more of the following:

- Processing of student financial aid applications, including Free Application for Federal Student Aid (FAFSA) or pre-FAFSA completion services performed on behalf of an eligible institution;
- Collecting, reviewing, and/or maintaining supporting documentation required to process Title IV funds;
- Awarding, certifying, originating, and/or disbursing Title IV funds;
- Delivering Title IV credit balance refunds to students or parents (via cash, check, Automated Clearing House (ACH), debit card, or other means);
- Providing financial aid counseling, including assistance to students or parents in person, over the phone, or by any electronic means, including operation of call centers;
- Performing default prevention/management functions for Direct Loan, Federal Family Education Loan, and/or Perkins Loan programs, including cohort default analysis, enhanced loan counseling, delinquency assistance, development/implementation of a default management plan, and/or other default prevention outreach activities;
- Providing entrance and exit loan counseling, including in person, by mail, or electronically;
- Performing Federal Perkins Loan servicing or collections;
- Financial aid consulting, including financial aid staffing, interim management, processing support, and/or development and maintenance of written policies and procedures;
- Preparing and/or submitting required reports including enrollment reporting to the National Student Loan Data System, the Integrated Postsecondary Education Data System, Campus Crime and Security, and the Fiscal Operations Report and Application to Participate reporting; and
- Preparing or disseminating required consumer information disclosures, including general, campus crime, drug and alcohol prevention, graduation rates, placement rates, and gainful employment disclosures.

Institutions must report, using the Department's E-App process, the names of any individual or entity that performs for, or on behalf of, the institution any of the Title IV

functions listed above. The information must be reported within 10 calendar days of the institution entering into a contract (or any other written or oral agreement) with the third party. This reporting requirement also applies whenever there is any substantial modification to an existing contract or agreement or the termination of a contract or agreement. 34 CFR 668.25(e).

Noncompliance: Broadview failed to report Wells Fargo Bank (WFB) as a third party servicer to the Department since the institution relies on WFB to send all Title IV Credit Balances to students.

Required Action: Broadview must not only report WFB as a third party servicer to the Department but also enter into a contractual agreement with WFB and ensure that the contract contains the required elements outlined in the regulations at 34 CFR 668.25(c)(1).

The contract must also indicate that a servicer agrees to:

- Refer to the Office of Inspector General (OIG) of the Department any information indicating there is reasonable cause to believe that the institution or an applicant for Title IV, HEA funds might have engaged in fraud or other criminal misconduct 34 CFR 68.25(c)(2);
- Be jointly and severally liable with the institution for any violation of Title IV, HEA requirements resulting from the functions performed by the servicer 34 CFR 668.25(c)(3);
- Confirm the eligibility of a student before disbursing Title IV, HEA funds to a student and to calculate and return any unearned Title IV, HEA funds in accordance with the provisions of 34 CFR 668.21, 668.22 in the case of a third-party servicer that is involved in the process of disbursing Title IV, HEA funds (34 C.F.R. § 668.25(c)(4)); and
- Return to the institution all records and Title IV funds in the servicer's possession pertaining to the institution's participation in the program or programs if the servicer or institution terminates the contract, if the servicer stops providing services for the administration of a Title IV program, or the servicer files a petition under the Bankruptcy code 34 CFR 668.25(c)(5).

In addition, the contract must identify the third-party servicer by its legal name and by any other name the servicer does business as (d/b/a). The contract must provide the physical address and primary phone number of the servicer's primary location, as well as the name, title, phone number, and e-mail address of the president or chief executive officer of the entity. The contract must clearly describe the specific Title IV functions that the third-party servicer will perform for the institution. If a third-party servicer subcontracts any of its contractual responsibilities, the contract must identify the subcontractor and clearly describe the functions performed on behalf of the servicer and school by the subcontractor.

A copy of the contract, the updated eligibility application, procedures indicating how the institution will determine if an entity should be considered a third party servicer, and who will then report the new servicer to the Department within 10 days of retaining its services. There are no liabilities associated with this finding.

Finding 4. Improper Origination of DL

Citation: 34 CFR 685.301 determines that a school participating in the Direct Loan program must ensure that any information it provides to the Secretary in connection with loan origination is complete and accurate. A school must originate a Direct Loan while the student meets the borrower eligibility requirements of § 685.200.

A school must 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 § 685.200 and § 685.203
- The student’s loan amount; and
- The anticipated and actual disbursement date or dates and disbursement amounts of loan proceeds, as determined in accordance with § 685.303d.

The school may not originate a Direct Subsidized, Direct Unsubsidized, or Direct PLUS Loan, or a combination of loans for an amount that:

- The school has reason to know would result in the borrower exceeding the annual or maximum loan amounts in § 685.203; or
- Exceeds the student’s estimated cost of attendance less-
 - The student’s estimated financial assistance for that period; and
 - In the case of a Direct Subsidized Loan, the borrower’s expected family contribution for that period.

Annual Subsidized and Unsubsidized Loan Limits Per Classification

Year	Dependent Students (except students whose parents are unable to obtain PLUS Loans)	Independent Students (and dependent undergraduate students whose parents are unable to obtain PLUS Loans)
First-Year Undergraduate Annual Loan Limit	\$5,500—No more than \$3,500 of this amount may be in subsidized loans.	\$9,500—No more than \$3,500 of this amount may be in subsidized loans.
Second-Year Undergraduate Annual Loan Limit	\$6,500—No more than \$4,500 of this amount may be in subsidized loans.	\$10,500—No more than \$4,500 of this amount may be in subsidized loans.
Third-Year and Beyond Undergraduate Annual Loan Limit	\$7,500—No more than \$5,500 of this amount may be in subsidized loans.	\$12,500—No more than \$5,500 of this amount may be in subsidized loans.
Graduate or Professional Students Annual Loan Limit	Not Applicable (all graduate and professional students are considered independent)	\$20,500 (unsubsidized only)
Subsidized and Unsubsidized Aggregate Loan Limit	\$31,000—No more than \$23,000 of this amount may be in subsidized loans.	\$57,500 for undergraduates—No more than \$23,000 of this amount may be in subsidized loans. \$138,500 for graduate or professional.

		students—No more than \$65,500 of this amount may be in subsidized loans. The graduate aggregate limit includes all federal loans received for undergraduate study.
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Noncompliance: Broadview inadvertently awarded a student over her/his annual subsidized loan limit per her/his classification for the 2013-2014 aid year. Student #4 was classified a freshman at the beginning of the award year for 2012-2013; however, during the year the student's classification level changed to a sophomore allowing the student to borrow an additional \$1000 in subsidized loan for the 2012-2013 award year. However, instead of originating a subsidized loan for the student for \$1000 in the 2012-2013 award year, Broadview inadvertently awarded the student the additional \$1000 in subsidized loan for the 2013-2014 award year causing the student to be awarded over the classification level of a sophomore for 2013-2014.

Required Action: Broadview must immediately return the additional \$1000 in subsidized loan funds to the Department and remedy the student's account with institutional funds as to not cause harm to the student.

Broadview must also review the Code of Federal Regulations noted above governing loan limits and originating student loans and update the institution's policies and procedures as to not allow this oversight to occur again. A copy of the policies and procedures must be submitted in response to this report.

Finding #5: Crime Awareness Requirements Not Met

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 through appropriate publications and mailing, 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).

The ASR must be prepared and actively distributed as a single document. Acceptable means of distribution include U.S. Mail, campus mail, hand delivery, or by posting the ASR 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 a link to 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 inform interested parties about how to obtain a paper copy of the ASR. 34 C.F.R. §668.41(e)(4).

The ASR crime statistics must be reported for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on

public property of the following that are reported to local police agencies or to a campus security authority:

- Criminal Homicide
 - Murder and non-negligent manslaughter
 - Negligent manslaughter
- Sex Offenses
 - Forcible sex offenses
 - Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor Vehicle Theft
- Arson
- Arrests for Liquor law violations, drug law violations, and illegal weapons possession
- Persons not included in paragraph (c)(1)(viii)(A) of this section who is referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. 34 CFR (c)(1)

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

Failure to publish an accurate and complete 2013 ASR and actively distribute it in accordance with Federal regulations deprives the campus community of important security information that can empower its members to be informed and play an active role in their own safety and security.

Noncompliance: Broadview University (Broadview) failed to actively distribute an accurate and complete 2013 ASR to all of its current students and employees.

Federal regulations require Title IV institutions with more than one campus to comply independently with all of the Clery Act requirements. In view of that, in its statistical reporting of crimes for the three most recent calendar years, Broadview reported the wrong calendar year for its West Jordan location in West Jordan, UT. While the data reported is correct for the occurrences, the years reported were incorrect. Broadview reported occurrences for 2009, 2010, and 2011 in the 2013 ASR. However, the institution should have reported statistics for 2010, 2011 and 2012 in its 2013 ASR.

Failure to publish an accurate and complete ASR and actively distribute these reports in accordance with federal regulations deprives the campus community of important security information that can empower its members to be informed and to play a more active role in their own safety and security.

Required Action: As a result of this violation, Broadview must ensure that statistical information contained in the upcoming and most recent ASR (2015) contains the appropriate statistical information for all locations. The 2015 ASR must contain statistics

for 2012, 2013 and 2014. The ASR must be distributed to all current students and employees.

The review team noted that during the site visit, Broadview corrected the calendar years to indicate that the required data was for 2010, 2011 and 2012 years. The institution transmitted an email to notify current students and employees of the updated information contained in the corrected 2013 ASR. However, to adequately address this finding, the University must provide documentation to the Department evidencing the distribution of the 2015 ASR, 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 Broadview understands all of its *Clery Act* obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur. In its response to this report Broadview must provide a copy of its 2015 ASR.

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. Broadview has used the information provided in the site visit as an opportunity to correct and redistribute an accurate and complete ASR, and in so doing, has begun to bring its overall campus security program into compliance with the Clery Act as required by its Program Participation Agreement (PPA). However, the institution 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.

Broadview officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2011) 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 Broadview's response, the Department will determine if additional actions will be required and will advise the Institution accordingly in its FPRD.

Finally, Broadview management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention and response in their ASRs. All institutions are already obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR. Because the Department issued Final Rules on the VAWA amendments on October 20, 2014, these regulations went into effect on July 1, 2015, per the Department's Master Calendar. College officials may access the text of the Final Rule at:

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

D. Recommendations

The following are recommendations based upon observations made by the review team during the program review. Broadview is not required to provide a response to, nor is Broadview required to act upon, these recommendations. However, the review team believes that adoption of this/these recommendation(s) will assist the institution in its administration of Title IV, HEA program funds.

1. The Department recommends that Broadview track the IP addresses, single and/or multiple uses of email addresses, mailing addresses and phone numbers of its online students to determine if any fraud related activities may be occurring as relating to Title IV Funds.
2. Broadview should begin to develop a process of authentication of identity of its students, especially the online students.
3. Broadview should invest in completing a Business Impact Analysis Report to determine vulnerabilities, threats and opportunities as it relates to the online campus.
4. The Drug and Alcohol Abuse Prevention Program should be developed more by providing more information to students on a consistent basis of at least three to four times a year which is consistent with each quarter.
5. The list of preferred lenders that Broadview shares with its students should include a statement to let the students know that the list is not all inclusive and that students are not limited to that list of lenders but can choose a lender of their choice.

E. Appendices

Appendix A (Student Sample) contain personally identifiable information and will be emailed to Broadview as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip file(s) will be sent in a separate email.