



September 4, 2020

Dr. Neeli M. Bendapudi  
President  
University of Louisville  
2301 South Third Street  
Metairie, LA 70002 - 4705

*Sent via e-mail*  
[neeli@louisville.edu](mailto:neeli@louisville.edu)

RE: **Final Program Review Determination**  
OPE ID: 00199900  
PRCN: 201940630056

Dear Dr. Bendapudi:

The U.S. Department of Education's (Department's) Office of Federal Student Aid issued a program review report on October 1, 2019 covering the University of Louisville's (UL's) 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 2018-2019 award year. UL's final response was received on March 16, 2020. A copy of the program review report (and related attachments) and UL's response are attached. Certain appendices have been encrypted and are being sent to the institution via e-mail. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by UL 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 close the review and notify UL that 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.

This FPRD contains one or more findings regarding UL'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

**Federal Student Aid**

An OFFICE of the U.S. DEPARTMENT of EDUCATION  
Dallas School Participation Division

1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817  
StudentAid.gov

not result in a financial liability, such a finding may not be appealed. However, as noted above, this FPRD is being referred to AAASG for possible adverse administrative action. If an adverse administrative action is initiated, additional information regarding UL's appeal rights with regard to such an action will be included as part of AAASG's notice.

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

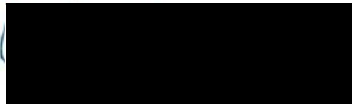
PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity 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 to the institution via e-mail. Please see the enclosure Protection of Personally Identifiable Information for instructions regarding submission to the Department of required data / documents containing PII.

**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 Shereé Porter at 214-661-9576.



Sincerely,



Cynthia Thornton, Division Chief  
Dallas School Participation Division

Enclosures:

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

cc: , Financial Aid Administrator (@louisville.edu)  
Southern Association of Colleges and Schools Commission on Colleges  
Kentucky Department of Education  
Kentucky Council on Postsecondary Education  
Department of Defense  
Department of Veterans Affairs  
Consumer Financial Protection Bureau

Prepared for  
University of Louisville

Federal Student Aid  
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OPE ID: 00199900  
PRCN: 201940630056

Prepared by  
U.S. Department of Education  
Federal Student Aid  
Dallas School Participation Division

# Final Program Review Determination September 4, 2020

Dallas School Participation Division  
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817  
StudentAid.gov

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**A. Institutional Information**

University of Louisville  
2301 South Third Street  
Louisville, KY 40208-1415

Type: Public

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

Accrediting Agency: Southern Association of Colleges and Schools Commission on Colleges

Current Student Enrollment: 22,471 (2018-2019)

Percentage of Students Receiving Title IV: 46.85%

Title IV Participation School Funding Report:

	2017-2018
Federal Pell Grant	\$ 19,826,458
Teacher Education Assistance for College and Higher Education Grant (TEACH)	\$ 107,251
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William D. Ford Loan Program Grad Professional PLUS	\$ 27,752,799
Federal Perkins Loan Program	\$ 177,185
Federal Supplemental Educational Opportunity Grant	\$ 1,056,474
Federal Work Study	\$ 969,624

Default Rate DL:           2016 – 6.4%  
                                  2015 – 6.8%  
                                  2014 – 6.0%

Default Rate Perkins:     6/30/2017 – 14.8%  
                                  6/30/2016 – 8.8%  
                                  6/30/2015 – 10.0%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at the University of Louisville (UofL) from July 30, 2019 to August 1, 2019. The review was conducted by Shereé Porter and Tynisa Adams.

The focus of the review was to determine UL'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 UL's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and consumer information requirements.

A sample of 15 files were identified for review from the 2018-2019 award year. The student files were selected randomly from the list of students who 1) withdrew or ceased attendance for any reason other than graduation; 2) were selected for verification; and 3) received all non-passing grades ("0" GPA) for any term within the award year being reviewed. Appendix A identifies the students whose files were examined during the program review.

The Department issued its Program Review Report (PRR) on October 1, 2019. (Appendix B). UofL submitted its written response to the PRR on November 27, 2019 ("November 27, 2019 Response"), included as Appendix C.<sup>1</sup>

### **Disclaimer:**

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

## **C. Findings and Final Determinations**

### **Campus Safety and Security Findings**

#### **Finding 1. Crime Awareness Requirements Not Met – Reporting Discrepancies in Crime Statistics Published in the Annual Security Report and those Reported to the Department's Campus Crime Statistics Database**

#### **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

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<sup>1</sup> Supplementary information and data to support the response was submitted on March 16, 2020.

employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.46(b).

The ASR must be prepared 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). The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. 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).

Specifically, the *Clery Act* and the Department's regulations require institutions to 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), forcible and non-forcible 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).

Also, institutions with a police or campus security department must maintain a written, easily understood daily crime log (DCL) 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 of which it either becomes aware 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).

The ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources, as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the ASR itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. An institution that provides on-campus

housing must also include a statement of policy regarding missing student notification procedures. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. All required information referenced in 34 C.F.R. § 668.46(b) must be published in a single comprehensive document, known as the ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not enough to meet the publication and distribution requirements of the Act. § 485(f) of the HEA; 34 C.F.R. § 668.46(b).

In addition, as of October 1, 2010, the *Clery Act* and the Department’s regulations require that all institutions that receive Title IV, *HEA* funds and maintain an on-campus student housing facility must, by October 1 of each year, prepare, publish, and distribute to its current students and employees through appropriate publications and mailings, an Annual Fire Safety Report (AFSR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.49(b).

Finally, each institution must also submit its crime statistics to the Secretary for inclusion in the Department’s online campus crime statistics database called the “Campus Safety and Security Data Analysis Cutting Tool (CSSDACT).” 34 C.F.R. § 668.41(e)(5).

UofL violated the *Clery Act*. Specifically, the University failed to compile and publish accurate and complete crime statistics in its 2018 ASR, and to submit accurate and complete data to the Department’s online campus crime statistics database, also known as the “Campus Safety and Security Data Analysis Cutting Tool” (CSSDACT). This finding is based on the fact that the crime statistics that UofL submitted to the Department did not match those that were published in its 2018 ASR (“2018 Annual Security & Fire Safety Report”). An institution must identify and resolve all data discrepancies before the ASR is published and the annual statistical survey is locked. Furthermore, an institution’s campus crime statistics must be fully reconciled and accurately disclosed in the ASR and the CSSDACT.

2018 ASR & CSSDACT Belknap Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2015 Fondling	0	1

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions-Noncampus		
Source	ASR	CSSDACT
2015 Aggravated Assault	1	0



2018 ASR & CSSDACT Belknap Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2015 Liquor Law Violations	0	9

2018 ASR & CSSDACT Belknap Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2015 Liquor Law Violations	0	9

2018 ASR & CSSDACT Belknap Campus Clery Geography – On Campus Student Housing Facilities		
Source	ASR	CSSDACT
2016 Motor Vehicle Theft	3	0

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions-Noncampus		
Source	ASR	CSSDACT
2016 Drug Abuse Violations	0	2

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions-Noncampus		
Source	ASR	CSSDACT
2017 Liquor Law Violations	0	1

2018 ASR & CSSDACT Belknap Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2017 Drug Abuse Violations	2	3
2017 Liquor Abuse Violations	0	15

2018 ASR & CSSDACT Belknap Campus Clery Geography – Unfounded Crimes		
Source	ASR	CSSDACT
2017 Unfounded Crimes	3	0
2016 Unfounded Crimes	4	0

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2016 Domestic Violence	1	0

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2016 Drug Abuse Violations	0	1

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2016 Burglary	4	0
2015 Burglary	5	0

UofL failed to properly report all on-campus and non-campus crime statistics. The Campus Safety and Security Data Analysis Cutting Tool” (CSSDACT) and the 2018 ASR’s non-campus crime statistics do not match.

The extent of the omissions noted above indicates a general failure on the part of the University to publish an accurate and complete ASR, and to otherwise comply with the requirements of the *Clery Act*.

Any failure to disclose accurate and materially complete crime statistics in the ASR and/or AFSR and/or to submit them to the CSSDACT violates the *Clery Act*. Such discrepancies in an institution’s crime statistics can confuse readers of the ASR and/or AFSR, and users of the Department’s online campus crime statistics database, thereby depriving the campus community and the public of important campus crime information.

#### **Directives from Program Review Report:**

As a result of this violation, UofL was required to review and improve its existing internal policies, procedures, internal controls, and training programs to ensure that all crime statistics are disclosed accurately and completely in its ASR, AFSR, and in its data submission to the Department’s CSSDACT. Specifically, the institution was instructed to review the inconsistencies in the 2018 ASR and the data submitted to the Department, as detailed in the tables above, and provide the Department with a list of the accurate crime statistics that should have been reported in the 2018 ASR and the data submitted to the Department. In addition, the University was required to develop and implement any new policies and procedures that are needed to ensure that all the University’s campus security operations will be carried out in accordance with the *Clery Act*.

The University was required to submit a copy of all its new and revised policies and procedures, as well as a list of any additional statistical discrepancies that were identified during the internal review, with its response to the PRR. UofL must provide documentation to the Department evidencing this distribution, as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification must also affirm that UofL understands its *Clery Act* obligations, and that it will take all necessary corrective actions to ensure that this violation does not recur.

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

Finding 1 cited UofL for failure to compile and publish accurate and complete crime statistics in its 2018 ASR, and to submit accurate and complete data to the Department's online CSSDACT. Specifically, the review team identified several discrepancies between the crime statistics that were included in the 2018 ASR and the data that was submitted to the Secretary for inclusion in the CSSDACT. (*See charts referenced above.*)

The Department carefully examined all available information, including UofL's narrative response and supporting documentation. UofL did not state whether or not it concurred with Finding 1. However, based on review of the violations identified and Appendices 1 through 5 submitted by UofL, the initial finding is sustained.

UofL is reminded that the exceptions identified by the Department constitute serious violations of the HEA crime awareness requirements that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. These requirements are fundamental to the law's campus safety goals, especially for those living in campus housing, the parents of these students, and other stakeholders. Access to this information permits campus community members and their families to make well-informed decisions about where to study and work and empowers individuals to play more active roles in their own safety and security.

The University management certified that it understands its HEA obligations and has taken action to remediate the violations cited in the Department's program review report and to bring its operations into full compliance as required by its Program Participation Agreement. Nevertheless, UofL 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.

### **D. Appendices**

Appendix A – Student Sample  
Appendix B – Program Review Report  
Appendix C – Institution's Response to PRR

## **PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION**

Personally Identifiable Information (PII) being submitted to the Department must be protected. 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).

PII must be submitted electronically and encrypted. The data must be submitted in a Win Zip.zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). Files encrypted in Adobe (.pdf), Word and Excel are also acceptable with AES encryption (256-bit preferred).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender). Email attachments should may be up to 10mb. You may need to send multiple files under separate emails as a response.

Appendix A – Student Sample

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(Provided via encrypted e-mail)

Appendix B – Program Review Report

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October 1, 2019

Dr. Neeli M. Bendapudi  
President  
University of Louisville  
2301 South Third Street  
Louisville, KY 40208-1415

Certified Mail  
Return Receipt Requested  
7018 0360 0000 7852 6287

RE: **Program Review Report**  
OPE ID: 00199900  
PRCN: 201940630056

Dear Dr. Bendapudi:

From July 30, 2019 through August 1, 2019 the U.S. Department of Education's Office of Federal Student Aid conducted a review of the University of Louisville's (UL's) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by UL. The response should include a brief, written narrative for each finding that clearly states UL's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, UL must provide supporting documentation as required in each finding.

Please note that pursuant to HEA section 498A(b), the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report<sup>1</sup> and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –
  - a. A written statement addressing the institution's response;
  - b. A written statement of the basis for such report or determination; and
  - c. A copy of the institution's response.

The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the institution's written response will not be attached to the FPRD. However, it will be retained and available for

<sup>1</sup> A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

response will not be attached to the FPRD. However, it will be retained and available for inspection by UL upon request. Copies of the program review report, the institution's response, 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 the FPRD is issued.

The institution's response should be sent directly to Ms. Shereé Porter of this office within 60 calendar days of receipt of this letter.

**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 attached report does not contain any student PII. Instead, students are referenced 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.

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We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Ms. Shereé Porter at 214-661-9576 or [sheree.porter@ed.gov](mailto:sheree.porter@ed.gov).

Sincerely,



Kim Peeler  
Compliance Manager

cc:  Financial Aid Administrator

Enclosure:  
Program Review Report  
Appendix A (sent via e-mail)  
Protection of Personally Identifiable Information



Prepared for  
**University of Louisville**



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**OPE ID** 00199900  
**PRCN** 201940630056

Prepared by  
**U.S. Department of Education**  
**Federal Student Aid**  
**Dallas School Participation Division**

# Program Review Report

October 1, 2019

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## A. Institutional Information

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## **B. Scope of Review**

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The focus of the review was to determine UL'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 UL's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and consumer information requirements.

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### **Disclaimer:**

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

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

## **C. Findings**

During the review, one area of noncompliance was noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by UL to bring operations of the financial aid programs into compliance with the statutes and regulations.

### **Finding 1. Crime Awareness Requirements Not Met – Reporting Discrepancies in Crime Statistics Published in the Annual Security Report and those Reported to the Department's Campus Crime Statistics Database**

#### **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 through appropriate publications and mailing, a comprehensive Annual Security

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The ASR must be prepared 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). The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. 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).

Specifically, the *Clery Act* and the Department's regulations require institutions to 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), forcible and non-forcible 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).

Also, institutions with a police or campus security department must maintain a written, easily understood daily crime log (DCL) 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 of which it either becomes aware 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).

The ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources, as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the ASR itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. An institution that provides on-campus housing must also include a statement of policy regarding missing student notification

procedures. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. All required information referenced in 34 C.F.R. § 668.46(b) must be published in a single comprehensive document, known as the ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not enough to meet the publication and distribution requirements of the Act. § 485(f) of the HEA; 34 C.F.R. § 668.46(b).

In addition, as of October 1, 2010, the *Clery Act* and the Department's regulations require that all institutions that receive Title IV, HEA funds and maintain an on-campus student housing facility must, by October 1 of each year, prepare, publish, and distribute to its current students and employees through appropriate publications and mailings, an Annual Fire Safety Report (AFSR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.49(b).

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

UL violated the *Clery Act*. Specifically, the University failed to compile and publish accurate and complete crime statistics in its 2018 ASR, and to submit accurate and complete data to the Department's online campus crime statistics database, also known as the CSSDACT. This finding is based on the fact that the crime statistics that UL submitted to the Department did not match those that were published in its 2018 ASR ("2018 Annual Security & Fire Safety Report"). An institution must identify and resolve all data discrepancies before the ASR is published and the annual statistical survey is locked. Furthermore, an institution's campus crime statistics must be fully reconciled and accurately disclosed in the ASR and the CSSDACT.

2018 ASR & CSSDACT Belknap Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2015 Fondling	0	1

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions Non-Campus		
Source	ASR	CSSDACT
2015 Aggravated Assault	1	0

2018 ASR & CSSDACT Belknap Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2015 Liquor Law Violations	0	9

2018 ASR & CSSDACT Belknap Campus Clery Geography – On Campus Student Housing Facilities		
Source	ASR	CSSDACT
2016 Motor Vehicle Theft	3	0

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions Non-Campus		
Source	ASR	CSSDACT
2016 Drug Abuse Violations	0	2

2018 ASR & CSSDACT Belknap Campus Clery Geography – Disciplinary Actions Non-Campus		
Source	ASR	CSSDACT
2017 Liquor Law Violations	0	1

2018 ASR & CSSDACT Belknap Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2017 Drug Abuse Violations	2	3
2017 Liquor Abuse Violations	0	15

2018 ASR & CSSDACT Belknap Campus Clery Geography – Unfounded Crimes		
Source	ASR	CSSDACT
2017 Unfounded Crimes	3	0
2016 Unfounded Crimes	4	0

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2016 Domestic Violence	1	0

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – Arrests On Campus		
Source	ASR	CSSDACT
2016 Drug Abuse Violations	0	1

2018 ASR & CSSDACT Shelbyhurst Campus Clery Geography – On Campus		
Source	ASR	CSSDACT
2016 Burglary	4	0
2015 Burglary	5	0

UL failed to properly report all on-campus and non-campus crime statistics. The CSSDACT and the 2018 ASR's non-campus crime statistics do not match.

The extent of the omissions noted above indicates a general failure on the part of the University to publish an accurate and complete ASR, and to otherwise comply with the requirements of the *Clery Act*.

Any failure to disclose accurate and materially complete crime statistics in the ASR and/or AFSR and/or to submit them to the CSSDACT violates the *Clery Act*. Such discrepancies in an institution's crime statistics can confuse readers of the ASR and/or AFSR, and users of the Department's online campus crime statistics database, thereby depriving the campus community and the public of important campus crime information.

#### **Required Action:**

As a result of this violation, UL is required to review and improve its existing internal policies, procedures, internal controls, and training programs to ensure that all crime statistics are disclosed accurately and completely in its ASR, AFSR, and in its data submission to the Department's CSSDACT. Specifically, the institution must review the inconsistencies in the 2018 ASR and the data submitted to the Department, as detailed in the tables above, and provide the Department with a list of the accurate crime statistics that should have been reported in the 2018 ASR and the data submitted to the Department. In addition, the University must develop and implement any new policies and procedures that are needed to ensure that all the University's campus security operations will be carried out in accordance with the *Clery Act*.

The University must submit a copy of all its new and revised policies and procedures, as well as a list of any additional statistical discrepancies that were identified during the internal review, with its response to this PRR. UL must provide documentation to the Department evidencing this distribution, as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification must also affirm that UL understands its *Clery Act* obligations, and that it will take all necessary corrective actions to ensure that this violation does not recur.

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. UL will be given an opportunity to publish and distribute accurate and complete campus crime and fire safety statistics, and, in doing so, will begin to bring its overall campus safety program into compliance with the *Clery Act* as required by its Program



Participation Agreement (PPA). Nevertheless, the University 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 as a result.

Based on an evaluation of all available information, including UL's response, the Department will determine if additional actions will be required and will advise the University accordingly in its Final Program Review Determination (FPRD) report.

University officials may wish to refer to the "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.

Finally, UL's management is also reminded that Section 304 of 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. VAWA also required institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention and response in their ASRs. All institutions are obligated to comply with the statutory requirements of VAWA and include all VAWA amendments as part of its 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 govern 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 2015 ASR must incorporate the changes made to 34 C.F.R. § 668.46.

#### **D. Observation**

##### **NSLDS Reporting Issue**

For one student in the program review sample, the review team identified inconsistencies in the enrollment history reported to the National Student Loan Data System (NSLDS). Based on the Return of Title IV Calculation worksheet in the student's file, Student #11 withdrew on 9/17/2018 which was determined by UL on 1/4/2019; however, the withdrawn status was not reported to NSLDS until 4/30/19 with an effective date of 4/30/19. As such, the reporting is inaccurate and untimely.

Although NSLDS reporting does not appear to be a systemic issue at UL, the institution is reminded that all institutions participating in Title IV programs must have internal procedures for reporting accurate student enrollment data to NSLDS in a timely manner. The enrollment data determines if the student is eligible for an in-school deferment or must enter repayment. For students entering repayment, the out of school status effective date determines when the grace period begins and when the student must begin repaying loan funds and ensures the accuracy of loan interest subsidies.

#### **E. Appendices**

Appendix A (Student Sample) contain personally identifiable information and will be emailed to UL 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**

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## **PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION**

Personally Identifiable Information (PII) being submitted to the Department must be protected. 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).

PII being submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip, however, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using Win Zip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy and electronic files containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

**PII data cannot be sent via fax.**