



April 3, 2012

Sister Mary Eileen O'Brien, O.P.  
President  
Dominican College of Blauvelt  
470 Western Highway  
Orangeburg, NY 10962-1210

**Certified Mail**  
**Return Receipt Requested**  
7006 2760 0002 1734 3848

**RE: Final Program Review Determination**  
**OPE ID: 002713**  
**PRCN: 200930226954**

Dear Sister O'Brien:

The U.S. Department of Education's (Department's) School Participation Team – New York/Boston issued a program review report on January 5, 2011 covering Dominican College of Blauvelt's (Dominican College; the College) administration of 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). This program review focused on the College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (Clery Act). Dominican College's primary response was received on February 22, 2011 and thereafter was supplemented at the Department's request. A copy of the program review report (and related attachments) and Dominican College's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Dominican College 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 findings identified during the review. The purpose of this letter is to advise the College of the Department's final determinations and to close the review. Due to the serious nature of the findings, this FPRD is being referred to the Administrative Actions and Appeals Service Group (AAASG) for consideration of possible adverse administrative action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution to participate in the Title IV, HEA programs

Federal Student Aid, School Participation Team – New York/Boston  
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pursuant to 34 C.F.R. Part 668, Subpart G. If AAASG initiates an action, notification to that effect will be provided under separate cover. The notice will include information on institutional appeal rights and procedures to file an appeal.

**Record Retention:**

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

The Department expresses its appreciation for the courtesy and cooperation extended throughout the program review process. If the College has any questions regarding this letter, please contact Jane Eldred at (646) 428-3753.

Sincerely,



Betty Coughlin  
Area Case Director

Enclosures as stated

cc: Daniel N. Shields, Ph.D., Director of Financial Aid  
Brian G. Fernandes, M.B.A., Vice President of Enrollment Management  
Middle States – Council on Higher Education  
New York State Board of Regents

Prepared for:

**Dominican College of Blauvelt**

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Prepared by:

U.S. Department of Education

Federal Student Aid

School Participation Team – New York/Boston

**Final Program Review Determination**  
April 3, 2012

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**A. Institutional Information**

Dominican College of Blauvelt  
470 Western Highway  
Orangeburg, NY 10962-1210

**Type:** Private, Non-Profit

**Highest Level of Offering:** Master's Degree

**Accrediting Agency:** Middle States - Higher Education

**Current Student Enrollment:** 2,070 (2007-08)

**% of Students Receiving Title IV:** 78% (2007-08)

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

<u>2008-09 Award Year</u>	<u>Amount</u>
Federal Family Education Loan Program (FFELP)	\$14,697,026
Federal Pell Grant Program	\$1,694,103
Federal Academic Competiveness Grant Program	\$1,300
Federal Work-Study Program	\$375,414
Federal Supplemental Educational Opportunity Grant Program	\$306,350
Federal Perkins Loans Program (Perkins)	\$9,650

**FFELP Default Rate:**

2008	5.8%
2007	8.0%
2006	2.9%

**Perkins Default Rate:**

As Of:	
06/30/2009	19.4%
06/30/2008	23.6%
06/30/2007	26.1%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a campus crime program review at Dominican College of Blauvelt (Dominican College; the College) from June 17, 2009 to June 19, 2009. The review was conducted by Mr. Christopher Curry and Ms. Jane Eldred.

The focus of the review was to evaluate Dominican College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The review consisted of an examination of Dominican College's security incident reports and disciplinary files as well as policies and procedures related to the Clery Act. The reviewers also interviewed College officials with Clery Act responsibilities.

The Department became aware of possible Clery Act violations at Dominican College when it learned that the estate of a former student had filed a lawsuit against the College. A decision by the United States District Court in that case indicates that the College did not effectively comply with various requirements of the Clery Act including a failure to provide campus crime information to students and employees as well as a failure to provide information to victims of sex offenses regarding the appropriate procedures to follow and their right to a reasonable accommodation regarding their academic and/or living situations. *McGrath V. Dominican College of Blauvelt*, 672 F.Supp.2d477 (SDNY, 2009). The College also was fined by the New York State Attorney General for failing to comply with the Clery Act's crime statistics and policy disclosure requirements.

Upon learning of these allegations, the Department conducted preliminary research to evaluate the College's Clery Act compliance. The Department requested the copies of the College's timely warning policy, its calendar year 2006 crime log, and its most recent Annual Campus Security Report (ACSR). A review of these records indicated that Dominican College had not complied with the requirements of the Clery Act. Therefore, the Department decided to conduct a focused campus crime program review to do a more thorough evaluation of the College's compliance with the Clery Act. The Department's review focused on overall Clery Act compliance and was not limited to further analysis of the events covered by the media or the lawsuit described above.

The Department reviewed all incidents of crime reported on the Dominican College crime logs for the 2006 and 2007 calendar years. The Department used both random and judgmental sampling methods to select a sample of approximately 50 incidents from the universe of incident reports and student disciplinary records from each year.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Dominican College's specific practices and

procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Moreover, it does not relieve Dominican College of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs including the Clery Act. Furthermore, the College is reminded that its compliance with the new Clery Act provisions contained in the Higher Education Opportunity Act (HEOA) was not examined during this program review. The College's compliance with the new HEOA requirements was not evaluated because the new requirements were not in force during the calendar years covered by the review. Nevertheless, Dominican is strongly advised to review its existing operations, policies and procedures and make all necessary modifications to ensure that it is in full compliance with all Clery Act requirements.

### C. Findings and Final Determinations

#### **Findings and Final Determinations**

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of Dominican College's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on January 5, 2011 is attached as Appendix A.

#### **Finding #1: Failure to Properly Classify and Disclose Crime Statistics**

##### ***Citation:***

*Federal regulations require that institutions participating in the federal student financial aid program under Title IV of the Higher Education Act of 1965 compile and publish statistics concerning the occurrence on campus of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose disciplinary actions related to violations of Federal or State drug, liquor and weapons laws. 34 C.F.R. § 668.46(c)(1)*

##### ***Non-compliance Summary:***

*The College failed to report all required incidents in its Annual Campus Security Reports for the 2006 and 2007 years as follows:<sup>1</sup>*

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<sup>1</sup>The 2006 crime statistics originally published in the College's 2007/2008 Student Handbook were not accurate. The totals in the On-Campus category under-reported the number of Forcible Sexual Assaults. The statistics did include the correct totals for On-Campus Residence Halls, however, the category On-Campus Residence Halls is intended to be a subset of the On-Campus total. Institutional officials stated that this error was discovered soon after the printing and that a revised Handbook was distributed to the campus community after returning from the Christmas break. The statistics reported here are those that were published and disseminated in the revised 2007/2008 Handbook. In addition, the Attorney General of the State of New York levied a fine against the institution for violations of the Clery Act that was, in part, due to the inaccurate statistics published in the original Handbook.

<b>Crime Classification</b>	<b>College Reported 2006</b>	<b>Department Determination 2006</b>	<b>College Reported 2007</b>	<b>Department Determination 2007</b>
<i>Homicide</i>	0	0	0	0
<i>Forcible Sex Offenses</i>	2	2	1	1
<i>Aggravated Assault</i>	2	2	1	1
<i>Burglary</i>	4	6	2	5
<i>Arson</i>	0	0	0	0
<b>Totals</b>	<b>8</b>	<b>10</b>	<b>4</b>	<b>7</b>
<b>Disciplinary Actions</b>	<b>College Reported 2006</b>	<b>Department of Education 2006</b>	<b>College Reported 2007</b>	<b>Department of Education 2007</b>
<i>Weapons Violations</i>	0	1	0	0
<i>Drug Law Violations</i>	0	3	1	1
<b>Totals</b>	<b>8</b>	<b>14</b>	<b>5</b>	<b>8</b>

**Required Action:**

*Dominican College must correct the errors in the crime statistics that it reported to the Department and to the campus community. Additionally, it must re-examine and improve its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to the Campus Safety office or other campus security authorities are properly coded and included in the Annual Security Report's (ACSR) statistical disclosures as required. All such changes and improvements must be detailed and provided with the College's response to this program review report.*

*Based on an evaluation of all available information including Dominican College's response, the Department will determine appropriate additional actions and advise the College accordingly in the Final Program Review Determination letter.*

**Dominican College's Response:**

Dominican College reiterated its concurrence with the Department's finding and corrected its crime statistics. As proof of these corrections, Dominican College's response includes a photocopy of the College's ACSR which accurately reflects the crime statistic determinations noted in the finding. Dominican College also asserts that it submitted accurate crime statistics to the Department's online campus crime statistics database and included a photocopy of its submission. In addition, the College claims that

the Department of Public Safety and Security (DPSS) has reviewed the data for 2008 and verified that the burglary, weapons, and drug law violations had been reported accurately. Dominican College's response also details other corrective actions including a claim that it will review its procedures to ensure that adequate internal controls are in place and that all policies and procedures comply with the Clery Act. The College also states that three administrators, the Director of Institutional Research, the Director of Security, and the Vice President for Student Development are now involved in the review of Clery Act data prior to the finalization of the ACSR, and that these administrators now require that all incident reports from Residence Life be sent to the DPSS to ensure that they are properly captured in the statistics in accordance with the Clery Act. The College also stated that it has continued its training of staff members, and that key individuals have received Clery Act training via face-to-face sessions as well as webinars. The College stated that in August of 2009 and 2010, personnel in Residence Life, DPSS, and other areas of the College received training provided by an external security consultant, and that further training with the consultant was scheduled to take place in August, 2011. Additionally, the College stated that it has also enrolled in an annual online Clery Act program that was developed and conducted by the same consultant. In addition, the College stated that its DPSS provides training to the Residence Life staff on an annual basis and that the College would continue to look for appropriate training opportunities to ensure compliance with the Clery Act going forward.

**Final Determination:**

Dominican College was cited for not reporting two burglaries, three drug law violations, and one weapons law violation during calendar year 2006 and three burglaries during calendar year 2007. The reports for burglaries had all been improperly classified as larcenies and as such, had not been included in the statistics since larcenies are not Clery-reportable. The College agreed with the 2006 burglary determinations during the June 2009 site visit and subsequently has made the necessary revisions to its 2007 crime statistics. In addition, the College has claimed that it has enhanced its policies, procedures, internal controls, and training programs to ensure that these violations do not recur. If fully implemented and sustained, Dominican College's corrective actions should be adequate to address this violation and should improve overall compliance with the Clery Act. As such, the Department accepts Dominican College's response and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

**Finding #2: Failure to Properly Define the Campus and Report Crime Statistics for Non-Campus Property**

**Citation:**

*Federal regulations require institutions to compile and publish separate crime statistics for each location or facility. See 34 C.F.R. § 668.46(c)(4). The Clery Act established geographic definitions of campus and non-campus as provided in 34 C.F.R. § 668.46(a):*

- 1) *On Campus I: any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;*
- 2) *On Campus II: a subset of On Campus I that includes any building or property that is within or reasonably contiguous to the area defined in #1 above that is controlled by another person or entity, is frequented by students, and supports institutional purposes (such as food or other retail vendor);*
- 3) *Non-Campus Building or Property: any building or property owned or controlled by a recognized student organization; or any building or property owned and controlled by the institution as described in 1) above and is frequently used by students but is not within the same reasonably contiguous area; and,*
- 4) *Public Property: all public property that is within the boundaries of the campus or that is immediately adjacent to or accessible from the campus.*

**Non-compliance Summary:**

*Dominican College failed to report crime statistics separately for non-contiguous locations. For example, the College housed students in a Candlewood Suites hotel approximately six (6) miles from campus. The reported crimes and violations of liquor, drug and weapons laws at that location should have been reported separately in a separate Non-Campus Property category since this property was controlled by the College and was used in a manner to support the College's educational purpose. In addition, the College was obligated to obtain statistics from the Clarkstown Police Department, for any incidents of crime that may have been reported to the police of the township where the Candlewood Suites is located. Institutional officials confirmed that no crime statistics were requested from the Clarkstown Police. In addition, Dominican College only reported cumulative statistics to the Department for all On Campus locations and failed to report total statistics for the sub-category of On -Campus Residence Halls.*

**Required Action:**

*Dominican College must review and revise its policies and procedures for preparing its 2009 campus security report with special attention to the proper application of the*

*definition of campus and ensuring that properties located off campus are correctly categorized as such. To ensure full and accurate disclosure to students and employees, the statistical grids prepared by location should be made part of one consolidated Annual Campus Security Report.*

*In response to this review and to reduce the likelihood of recurrence, Dominican College must identify and submit a list of all buildings and property that met any of the geographic definitions provided above and review its ACSR to reflect the breakdown of these categories with the crimes reported. Examples of these categories and non-reported categories are provided in the Handbook for Campus Reporting located at the following website: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>*

*Based on an evaluation of all available information including Dominican College's response, the Department will determine appropriate additional actions and advise the College accordingly in the Final Program Review Determination letter.*

#### **Dominican College's Response:**

Dominican College agreed with the Department's finding while still noting that the statistics for the Candlewood Suites property were originally included in the College's crime statistics. The College stated that subsequent to the site visit, the crime statistics for the Candlewood Suites have been reported as a sub-set under Non-Campus Property. As proof of these corrections, Dominican College's response includes a photocopy of the 2009 ACSR which accurately reflects the inclusion of a Non-Campus Property category.

Dominican College also provided a listing of all buildings and properties used by the College and stated that after the termination of the use of the Candlewood Suites, all locations and facilities used by the College fall under the On-Campus category. The College stated that going forward, its list of buildings and properties would be updated as necessary and that crime statistics would be requested from the appropriate police departments.

Dominican College's response also included a copy of a letter that was sent to both law enforcement agencies of jurisdiction requesting crime statistics. The July 1, 2009 letter sent to Clarkstown Police Department requested crime statistics for 2006 and 2007. A similar letter also dated July 1, 2009 was sent to the Orangetown Police Department to obtain statistics for the 2009 calendar year.

#### **Final Determination:**

Dominican College was cited for not properly applying the Clery Act's geographical definitions to a nearby Candlewood Suites where it housed students and for failing to request crime statistics from the local police authorities for both its On-Campus properties as well as its Non-Campus property. The College housed students in the

Candlewood Suites during the 2006-07 school year, so this omission affected the data for both the 2006 and 2007 calendar years. Nevertheless, it does not appear that this failure resulted in any known under-statement of crime statistics.

In its response, the College provided a listing of its current building and properties and stated that it no longer uses the hotel to house students. As a result, the buildings would all be considered On-Campus property. Additionally, the College provided a copy of a letter dated February 2, 2010 which requested crime statistics from the Orangetown Police Department. The letter sought to obtain calendar year 2009 crime statistics and was timely dated so that any responsive statistics could be included in the ACSR due no later than October 1, 2010. It appears that the College has taken appropriate corrective action that is responsive to the finding. Therefore, the Department accepts the College's response and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

**Finding #3: Failure to Establish an Adequate System for Collecting Crime Statistics From All Required Sources and Misclassification of Crimes**

***Citation:***

*Federal regulations require institutions to compile and publish accurate and complete statistics concerning the occurrence of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistical disclosure of arrests and disciplinary actions related to violations of Federal, State or local drug, liquor and weapons laws are also required. To comply with these requirements, institutions must develop a system that allows for the collection of incidents of crime reported to any campus security authority. 34 C.F.R. § 668.46(c)(1)(B). Federal regulations define a campus security authority to be a campus police department or campus security department of an institution as well as any individuals who have campus security authority. The definition includes individuals who have significant responsibility for student and campus activities including but not limited to student housing, student discipline and campus judicial proceedings. 34 C.F.R. § 668.46(a).*

***Non-compliance Summary:***

*Dominican College did not gather statistics for incidents of reportable crimes from certain institutional sources in a manner sufficient to produce an accurate and complete Annual Campus Security Report in accordance with the Act. This failure resulted in additional instances of under reporting and miscoding. Specifically, there was insufficient coordination and communication between the Campus Safety office and*

*Student Affairs/Residence Life, which resulted in deficient incident reports and disciplinary referral data. Some of the weaknesses identified include the following:*

- 1) Resident Advisors were trained not to inquire about where alcohol was obtained when students were found to be drinking in residence halls. This questioning was customarily the responsibility of the Residence Directors and was usually asked as part of the judicial process. If any information was obtained as to who provided the alcohol, an instance that would be an additional law violation, there was no process for ensuring that this information was included in the Annual Campus Security Reports.*
- 2) Clery reportable incidents were reported to Resident Assistants. However the College did not have adequate procedures in place to ensure that these incidents were included in the crime statistics. This part of the finding is supported by incident reports dated February 9, 2007, April 12, 2007 and September 21, 2007, all of which should have been counted as burglaries<sup>2</sup>. All of these reports were initially reported on an Office of Residence Life form, but none of these incidents appear on the crime log or appear to be included in the statistics for 2007 even though one incident carried a notation that it was reported to the Director of Security.*
- 3) Some reports written by Residents Advisors are written with insufficient detail to allow determination of whether a Clery reportable crime occurred. This part of the finding is supported by an incident dated September 18, 2006 which details an argument between roommates. The report mentions that a boyfriend of one of the individuals took out a knife, but there is no other description of the weapon and there is insufficient detail to determine whether this should be a weapons law violation.*

*Failure to coordinate information from all relevant sources and to compile, publish and distribute accurate and complete crime data deprives the campus community of important security information.*

***Required Action:***

*Dominican College must establish policies and procedures for gathering and compiling all incidents of crime reported to all campus security authorities. These policies and procedures must address access, communication, and coordination by institutional officials. A copy of the revised policies must be submitted with the College's response.*

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<sup>2</sup> These three (3) incidents are included in the burglary total as determined by the Department in the chart for Finding #1 on Page 4.

*Based on an evaluation of all available information including the institution's response, the review team will determine appropriate actions and advise the College of these in the Final Program Review Determination.*

**Dominican College's Response:**

Dominican College generally concurred with the Department's finding but maintained that Resident Advisors were not specifically trained to not to ask underage students to identify the person(s) who furnished alcohol to them.

In its response, the College also stated that it had revised the Incident Report forms used by Residence Life (RL) and DPSS officials that the revised forms have data fields for the collection of factual information that is needed to document a liquor law violation. The College noted that the RL form now specifically includes questions regarding alcohol possession. The College provided photocopies of both revised forms.

Additionally, the College also claimed that it has implemented procedures that should enhance the overall reporting and collection of crime statistics on campus. The College asserted that this effort includes a new policy that requires the Director of Security to send a letter to a wide range of institutional officials notifying them of their status as a CSA and of their responsibility to report incidents of crime that come to their knowledge to DPSS. The College provided a copy of the letter used for this purpose and the attachments which include a Crime Statistic Report form and Hate Crimes form. These forms include the definitions of various crimes as a quick reference and will be used by CSA's to report crime statistics to DPSS. As part of its response, the College also provided a copy of its Policy Manual, Section 7.3.6, to be used by employees, titled "Incident Reporting", which outlines the policies and procedures for the reporting of crimes and includes the list of individuals to whom incidents of crime should be reported.

Dominican College also stated that Residence Life developed a document entitled "How to Write an Incident Report" which is meant to aid their personnel in the preparation of accurate and complete incident reports. The College also claimed that this document is given out on an annual basis to resident assistants during their August training sessions.

**Final Determination:**

Dominican College was cited for not having sufficient procedures and communication channels among institutional officials with Clery Act responsibilities to ensure that all incidents of crime that were reported were included in the ACSR. The College was specifically cited for:

- 1) omitting from the liquor law violation disciplinary referral statistics those persons who were only found to have furnished alcohol to underage persons once disciplinary proceedings had commenced;

- 2) omitting Clery-reportable crimes that were reported to Residence Life staff; and,
- 3) producing incident reports without sufficient facts to determine if a Clery-reportable violation occurred.

To rectify the first issue, the College has opted to include the following instructions on its Residence Life Incident form: "Initial to confirm that the following questions were asked regarding alcohol:

- 1) Where was alcohol obtained?
- 2) Who provided the alcohol?
- 3) How was the alcohol brought into the Residence Hall"?

Moreover, the IR forms now contain additional space to document a suspect or witness's answer to these questions in the "Action Taken" and "Description of Incident" sections of the form.

Dominican College adequately addressed the other two areas as well by improving the Incident Report forms, and by creating a process that requires the DPSS to contact all CSA's and specifically request from them information regarding incidents of crime that were reported to them or that has come to their attention.

The College's response asserts that the improved data collection methods and enhanced report writing training should improve overall compliance with the Clery Act. If properly implemented and reinforced consistently, these actions should result in better Clery Act compliance going forward. For these reasons, the Department accepts the response provided by the College and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

**Finding #4: Failure to Distribute the Annual Campus Security Report as Required**

***Citation:***

*Federal regulations require institutions to provide the ACSR to all current students and employees through appropriate publications and mailing. This includes direct mailing to each individual through the U.S. Postal Service, by direct hand or campus mail distribution to the individual, or by posting on the institution's internet site. 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, and an advisement that a paper copy will be provided upon request.*

*Federal regulations also require participating institutions to provide a notice to all prospective students and employees that gives a statement of the report's availability, its contents, and its exact electronic address if posted to an Internet site. This notice must also advise interested parties of their rights to request a paper copy of the report and have it furnished upon request. 20 U.S.C. § 1092(f)(1)*

***Non-compliance Summary:***

*Dominican College did not distribute its Annual Campus Security Report to all current students and employees timely<sup>3</sup>, and did not adequately inform all prospective students and employees of its availability. This finding is supported by a thorough review of publications typically provided to current and prospective students and employees as well interviews with College officials. College officials explained that for the 2007/2008 award year, a complete Handbook with accurate statistics was not distributed until sometime in January 2008. Statistical disclosures included in the 2007/2008 Campus Security Report were available on the College's website. However, the complete report was not made available to students.*

*Reviewers could not find any evidence that prospective students were advised of the ACSR's availability and no notification was ever provided to prospective employees. The Director of Human Resources confirmed this fact. At the College's request, the review team provided the following suggested language to bring Dominican College into compliance moving forward:*

*"Dominican College is required to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In accordance with the Clery Act, the College publishes annually a campus security report. We are required to advise applicants for employment of this report's availability and provide a copy upon request. Applicants may obtain a copy of this report from the Office of Human Resources."*

*Failure to actively distribute an accurate and complete campus security report to current students and employees and to notify prospective students and employees in accordance with Federal regulations deprives the campus community of important security information.*

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<sup>3</sup> *The original statistics distributed by the College were not accurate. The College did not distribute the accurate statistics to current students and employees for the 2007/2008 award year until sometime in January 2008.*

***Required Action:***

*Dominican College must take all necessary steps to ensure that all current students and employees receive an accurate and complete copy of the Annual Campus Security Report.*

*In addition, Dominican College is required to add an accurate, complete and conspicuous notification statement to its admissions and employment materials that are normally provided to prospective students and employees. This statement must give clear notice of what the Act requires and the means by which the report can be acquired. A copy of all revised publications or forms containing the required notification language must be submitted with the College's response.*

*Based on an evaluation of all available information including the institution's response, the review team will determine appropriate additional actions and advise the College of these in our Final Program Review Determination.*

**Dominican College's Response:**

The College concedes that it failed to provide proper notification of the Reports' availability to prospective students and employees. The College concurs with that part of the finding while maintaining that the ACSR was available as part of the online version of the Student Handbook on the College's website. The College further asserts that ACSR was added to the DPSS area of the College's website sometime after June 2009.

In its response to Finding #1, the College asserts that the typographical errors in the report as referenced in footnote #3 were corrected, but the College stressed that the inadvertent misprints were corrected prior to investigations by the Department and the New York State Attorney General.

The College reiterated that all current students receive a copy of the Student Handbook from the Office of Student Development, customarily in August. Additionally, current employees receive the newest Report from the Office of Human Resources via an email, also, typically in August. The College stated that new employees receive a copy soon after they commence service at the College.

Additionally, the College stated that since June 2009, prospective students and employees are made aware of the Clery Act and where they may obtain a copy of the ACSR via a conspicuous statement on the respective application forms provided by the College. As proof of these corrective actions, the College provided photocopies of both applications.

The College further stated that it will continue to re-examine its policies and to revise them as needed to ensure that they are current and in compliance with the Clery Act.

**Final Determination:**

This finding cited Dominican College for failing to adequately inform prospective students and employees of the availability of the ACSR and for also failing to timely provide accurate statistics to the campus community in its 2007-08 Handbook.

While the Department agrees that the original Handbook contained errant information that was corrected in a subsequent version, this error did result in the omission of two forcible sex offenses from the On-Campus totals. Even though these two assaults were always included in the On-Campus Residence Halls, the omission from the totals resulted in the campus community receiving discrepant crime statistics by the regulatory deadline. While the College did provide a corrected Handbook sometime in early January, 2008 it does not negate the fact that the version that was distributed initially was neither accurate nor complete.

Additionally, while the College maintains that accurate statistics were available to prospective students and employees on either the website or in the Handbook, we must note that the Clery Act requires an active notification to all prospective students and employees regarding the availability of the Report and that the information that is made available to them is accurate and complete. Therefore, it was not sufficient that the data was available if a prospective student or employee happened upon it on a website. This is true regardless of any subsequent actions to correct errant information or even that some versions of the Report may have indeed been accurate all along. The Department also reminds Dominican College that the ACSR must be published and distributed as a comprehensive document. All current students and employees must receive the Report via an active means of distribution such as by U.S. Mail or by electronic mail and that the ACSR must not be buried among numerous other required disclosures. Nevertheless, it appears that Dominican College has adequately addressed the numerous distribution deficiencies noted in the program review report. As noted in its response, the College now claims that three institutional officials are charged with overseeing the preparation, accuracy and completeness, and distribution of the ACSR. For these reasons, the Department accepts the response provided by the College and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

**Finding #5: Required Policy Statements Omitted From Annual Campus Security Reports**

***Citation:***

*Federal regulations require institutions to include certain policy statements in their Annual Campus Security Reports. These disclosures are intended to more fully inform*

*the campus community about the institution's security policies and programs and the availability of resources and channels of recourse. In general, these policies cover topics such as the law enforcement authority and practices of the institution's security force, reporting procedures for students and employees, and policies that govern the preparation of the report 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 included. A notification to students must also be included in the report that advises the campus community that victims of sexual assaults may change their academic or living arrangements. 34 C.F.R. § 668.46(b)(2).*

***Non-compliance Summary:***

*Dominican's Annual Campus Security Report published for 2007 did not contain the following required information:*

- 1. A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including:
  - a. A list of the titles of each person or organization to whom students and employees should report criminal offenses for the purposes of making timely warning reports. This statement must also disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures;**
- 2. A statement of current policies concerning campus law enforcement that:
  - a. Addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals;*
  - b. Encourages accurate and prompt reporting of all crimes to the campus police (if any) and the appropriate police agencies;*
  - c. Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;**

3. *A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The statement must include:*
  - a. *Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses;*
4. *A statement advising the campus community where law enforcement agency information provided by the State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.*

*Failure to actively distribute an accurate and complete campus security report to current students and employees in accordance with Federal regulations deprives the campus community of important security information.*

***Required Action:***

*Dominican College is required to immediately begin publishing campus security information to include the details identified in this finding.*

*In response to this finding, Dominican College must provide this office with a copy of the revised 2009 campus security report that contains the above policy statements.*

***Dominican College's Response:***

Dominican College concedes that its 2008 ACSR, that included calendar year 2005, 2006, and 2007 crime statistics, did not contain all the policy, procedural, and programmatic information required by the Clery Act. As part of the required corrective action, the College revised its 2009 ACSR to include the required information and submitted a revised copy of the Report as part of its response. In addition, the College stated that the revisions made to the 2009 ACSR would be reflected in subsequent reports. On an annual basis, the College will re-examine its policies and procedures and revise them as needed ensure that they are current and in compliance with the Clery Act.

***Final Determination:***

Finding #5 cited Dominican College for failing to include certain policy disclosures in its ACSR's.

In response to this violation, the College was required to immediately draft an accurate and complete ACSR that included all of the required policy and information statements. In its response, Dominican College concurred with the finding and submitted a copy of its revised 2009 Report, which included the required additional policies and procedures.

Additionally, the College asserted its commitment to ensuring that policies and procedures are updated and the review team was able to examine the most recent ACSR as it appears on its website and found that the previously omitted policy statements were included.

For these reasons, the Department accepts the College's response and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.

**Finding #6: Failure to Maintain an Accurate and Complete Daily Crime Log**

***Citation:***

*Institutions with a campus security department must maintain a "written, easily understood daily crime log" listing all crimes that occurred 1) on campus including residence halls; 2) in non-campus buildings or on non-campus property; 3) on public property within the campus or immediately adjacent to and accessible from the campus; or 4) reports of crimes within the campus security department's patrol. This reporting requirement applies to all crimes, not merely those 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).*

***Non-compliance Summary:***

*Dominican College did not maintain an accurate and complete crime log in accordance with Federal regulations. The crime logs for both 2006 and 2007 did not accurately reflect any incidences of burglaries or larceny, but referred to both categories of offenses as "Thefts." In addition, none of the crime log entries listed the time that the incidents occurred and none listed a disposition for any of the offenses. The crime log also did not contain any entries for drug law violations or alcohol violations.*

*Additionally, as previously mentioned in Finding #3, reviewers noted one instance where narrative in a student disciplinary document mentioned that the incident had been reported to the Campus Security Director, yet this incident was not detailed on the crime log.*

*The Clery Act is a consumer information requirement intended to provide students, employees, and other stakeholders with vital information that they can use to make good safety decisions and effectively assist providing for their own security. The crime log is especially important because it provides a timely information source, and supplements the long-view trend data in the campus security report's statistical disclosures. Failure to comply with the daily crime log requirements deprives the campus community of this vital security information.*

**Required Action:**

*Dominican College must review and revise its policies and procedures to ensure compliance with this requirement going forward. These revisions must provide for the designation of a capable official to ensure that the crime log is updated in an accurate and complete manner and that it is readily available to the campus community and general public for review upon request. A copy of the revised policies must be submitted with the College's response. Additionally, a copy of the 2009 and partial 2010 crime logs must be submitted with the institution's response.*

*Based on an evaluation of all available information including the College's response, the Department will determine appropriate additional actions and advise Dominican College in the Final Program Review Determination Letter.*

**Dominican College's Response:**

Dominican College concurred with the Department's finding and stated that in response to the comments provided by the review team during the onsite visit in 2009, the College modified the daily crime log to include all crime categories required by the Clery Act. As part of its response, the College included the 2009 and 2010 crime logs evidencing the required data elements. In addition the College asserted that incident reports for all levels and types of criminal offenses are now sent to the DPSS for inclusion on the crime log. The College claimed that it would continue to re-examine and review its policies at regular intervals and will update them to ensure they are in compliance with the Clery Act.

**Final Determination:**

Finding # 6 of the program review report cited Dominican College for not entering all incidents of campus crime reported to DPSS on the log and for omitting required data elements for certain incidents of crime that were reported to DPSS. The College has asserted that it has taken corrective action as evidenced by the revised crime logs submitted as part of its official response. The Department has reviewed the new crime logs and found them to be adequate for Clery Act compliance purposes.

If fully implemented and sustained, the procedural corrective actions undertaken should result in the College maintaining a compliant crime log going forward. Therefore, the Department accepts the College's response and considers this finding to be closed.

Nevertheless, the College is reminded that corrective actions do not diminish the seriousness of the violations identified during the program review.