



August 4, 2011

Mr. V. Burns Hargis, Esq.
President
Oklahoma State University
107 Whitehurst
Stillwater, OK 74078-1015

**Certified Mail
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No. 7008 3230 0001 0181 7348

RE: Final Program Review Determination
OPE ID: 00317000
PRCN: 201010627045

Dear Mr. Hargis:

The U.S. Department of Education's (Department's) School Participation Team - Dallas issued a program review report on January 12, 2011 regarding Oklahoma State University's (OSU's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). OSU's final response was received on February 11, 2011. A copy of the program review report (and related attachments) and OSU's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by OSU 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 notify OSU of the Department's determination and to close the program review report.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the violations, weaknesses, and other issues identified during the program review as delineated at 34 C.F.R. § 668.24 (e)(3)(i); or the end of the retention period applicable to Title IV-related records under 34 C.F.R. § 668.24 (e)(1) and (e)(2).

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

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Oklahoma State University

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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 Michael Rhodes at (214) 661-9484.

Sincerely,



Cynthia Thornton

Area Case Director

School Participation Team-Dallas

Enclosures: Appendix A: Program Review Report

Appendix B: OSU Response to the Program Review Report

cc: Dr. Charles Bruce, Director of Financial Aid, OSU
Mr. Michael W. Robinson, Chief of Police, OSU
Dr. Glen D. Johnson, Chancellor, Oklahoma State Regents for Higher Education
Sylvia Manning, President, North Central Association of Colleges and Schools

Prepared for

Oklahoma State University



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OPE ID 00317000
PRCN 201010627045

Prepared by:
U.S. Department of Education
Federal Student Aid
School Participation Team - Dallas

Final Program Review Determination

August 4, 2011

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- Appendix A – Program Review Report
- Appendix B – Institutional Response

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A. Institutional Information

Oklahoma State University
107 Whitehurst
Stillwater, OK 74078-1015

Type: Public

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

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment: 23,033 (Fall 2009)

% of Students Receiving Title IV, HEA funds: 84% (2009)

Title IV, HEA Program Participation:

2009-2010

Pell Grant	\$20,480,103
Academic Competitiveness Grant (ACG)	\$858,189
SMART Grant (SMART)	\$1,210,643
TEACH Grant (TEACH)	\$307,676
Federal Direct Loan Program Subsidized Stafford (DL - Stafford)	\$36,036,512
Federal Direct Loan Program Unsubsidized Stafford (DL - Unsub)	\$38,251,904
Federal Direct Loan Program PLUS (PLUS)	\$23,942,197
Federal Direct Loan Program Grad PLUS (Grad PLUS)	\$138,872
Federal Perkins Loan Program (Perkins)	\$1,657,590
Federal Supplemental Educational Opportunity Grant (SEOG)	\$1,004,640
Federal Work Study (FWS)	\$1,064,157

Default Rate DL:	2008	3.1%
	2007	3.2%
	2006	3.0%

Default Rate Perkins:	2009	6.6%
	2008	6.2%
	2007	5.1%

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Oklahoma State University-Stillwater (OSU; the University), is a land-grant public research university. The campus is protected by the OSU Police Department (OSUPD), which employs 31 sworn officers, 12 support persons, and 8 student employees. The OSUPD operates 24 hours a day, 365 days a year. Authority of the sworn officers is derived from state statutes, which allow for full police powers on OSU property.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a focused campus security program review at OSU from October 6, 2009 to October 8, 2009. The review was conducted by Clifton Knight, Linda Shewack, and Michael Rhodes.

The focus of the review was to evaluate OSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), The Clery Act is in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f). The Department's implementing regulations are at 34 C.F.R. §§ 668.41-668.46. OSU was selected for review from a sample of institutions of higher education with sworn police departments. The review was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of OSU's catalog and written agreements, police incident reports, arrest records and disciplinary files, as well as OSU's policies, practices, and procedures related to the Clery Act. The review team also compared the campus crime statistics submitted by OSU to the Department and reported to students and employees and interviewed institutional officials with Clery Act responsibilities.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at OSU. The U.S. Department of Education is partnering with the CJIS Audit Unit (CAU) to ensure accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices, and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program. The results of the QAR are shared with the Department for a comparative analysis of the annual security report data received from participating postsecondary institutions. The CAU reviewed a total of 40 Part I Offenses and 40 Part II Offenses that were recorded from January 1, 2008 through December 31, 2008. A copy of the CJIS report is attached as Appendix A to the Program Review Report.

During the review at OSU, the Department reviewed all 75 campus police incident reports for Part I Offenses, 15 disciplinary reports and an additional 15 miscellaneous campus police incident reports from calendar year 2008. The files were selected randomly from a list of all incidents of crime reported to the OSUPD or other campus security authority and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of controlled substances, and weapons during the same calendar year. Approximately 90 incident reports were cross-checked against the daily crime log to ensure that crimes occurring within the patrol jurisdiction were entered properly on the log as required.

Disclaimer:

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

C. Findings and Final Determinations

Finding 1: Lack of Adequate Policy Statements

Citation: Under the Clery Act, an institution must include within its annual security report a list of the titles of each person or organization to whom students and employees should report criminal offenses for the purpose of making timely warning reports and the annual statistical disclosure. In addition, the policies should include a statement that describes procedures 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. 34 C.F.R. § 668.46(b)(2)(iii) and (b)(4)(iii)

Noncompliance: OSU failed to include in its 2008 Annual Security Report (ASR), published in the OSU Department of Public Safety Guide, a list of the titles of each person or organization to whom students and employees should report criminal offenses. OSU also failed to include in its 2008 ASR a statement that described any procedures the school may have had to encourage pastoral and professional counselors to inform persons being counseled of any procedures to report crimes on a voluntary, confidential basis or a statement that the school did not have such procedures.

Required Action: *OSU is required to modify its 2008 ASR to include (1) a list of the titles of each person or organization to whom students and employees should report criminal offenses, and (2) a statement that describes procedures to encourage pastoral and professional counselors to inform persons being counseled of any procedures to report crimes on a voluntary, confidential basis or a statement that OSU does not have such procedures. OSU must ensure that any subsequent distribution of the ASR to students and staff is the modified version. OSU must provide a copy of modified ASR with its response to the Department.*

OSU's Response: In its response, OSU stated that it felt that the University was in compliance before the review. OSU included the following statement in its ASR and felt that it met the requirements because the University included the list of organizations:

“As listed in OSU's 2008 ASR:

Crime Disclosure:

University policies and procedures require the publication of annual crime statistics. Included in this report are crimes reported to the Campus Police and other campus officials including Athletics, University Counseling Services, Residential Life, and Student Conduct Services. Although the University does not have a voluntary confidential reporting system, community members may report crimes anonymously through Crime Stoppers.”

OSU's response stated that “because we are viewing the review as a chance to improve our report we have added a list of titles for each position in these organizations that we felt met the definition of a Campus Security Authority and have included it in the modified version of the 2008 and the 2009 ASR.”

OSU also stated that “As for having a statement describing procedures to encourage pastoral and professional counselors to inform persons to report crimes we did not have a written procedure but encouraged them by practice. Thus, we have written a statement and included it in our modified version of the 2008 and 2009 ASR that follows what we have been doing, which is to have counselors encourage victims and witness to report the crime to police.”

The OSU's response further noted: “OSU Police Department's website is the source location for the electronic version of OSU's ASR. Upon receipt of the final review it is our intention to put out a notice to all staff, faculty, and students about the modified reports and where to obtain them.”

Final Determination: OSU's response and its modified ASR for 2008 are satisfactory and resolve this finding. Therefore, OSU may consider this finding closed.

Finding 2: Failure to Properly Classify Crimes

Citation: Institutions are required to classify crimes properly so that the statistical disclosures are in compliance with the Clery Act. The crime definitions are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR) as required by the Department's regulations. When counting multiple offenses, institutions must use the UCR Hierarchy Rule. This requires an institution to count only the most serious offense when more than one offense was committed during a single incident. A single incident means that the offenses must be committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. 34 C.F.R. § 668.46(c)(7)

Noncompliance: OSU reported 44 burglaries and 2 Sex Offences - Forcible that occurred in residential facilities for calendar year 2008. The Department's review of all incident reports for reported burglaries and Sex Offences - Forcible indicated that one of the listed burglaries was actually a forcible sex offence. The incident report number is #28-02158. Therefore, the burglaries listed on the ASR should be reduced by one and the Sex Offences - Forcible should be increased by one. Below are the reported and actual numbers for each category for calendar year 2008.

Burgaries

	On Campus Property	Residential Facilities*	Noncampus Properties	Public Property
Reported	50	44	0	0
Actual	49	43	0	0

*Residential Facilities are a subset of On Campus Property

Sex Offences - Forcible

	On Campus Property	Residential Facilities*	Noncampus Properties	Public Property
Reported	2	2	0	0
Actual	3	3	0	0

*Residential Facilities are a subset of On Campus Property

Required Action: *In response to this finding, OSU may provide any additional documentation on Incident #28-02158 that would verify the incident was in fact, properly classified as burglary. Otherwise, OSU is required to reclassify the above crime as a Sex*

Offense-Forcible instead of a burglary and correct its 2008 Campus Crime Statistics, both on the Department's Web site database and on any subsequent ASR provided to students and staff. A copy of OSU's corrected ASR must be provided to the Department. With the exception of Incident #28-02158 addressed above, the Department found no other discrepancies in the burglary crime statistics reported by OSU for calendar year 2008.

OSU's Response: In its response, OSU stated: "The incident in question was a case where there were multiple crimes reported. The victim's residence was burglarized and the victim was also sodomized. According to the FBI Uniform Crime Reporting (UCR) standards the most serious crime alleged in this incident was the burglary. Because of this, the OSU Police had to report this case as a burglary when reporting the case to the FBI UCR. The sodomy case was classified as a secondary offense as "Other Sex Offense". When the 2008 Clery Crime Stats were being compiled, the secondary offense on this case was missed because of a data entry error when the case was initially entered into the computer and the case review which follows shortly after the entry failed to discover the error. When this misclassification was discovered during the program review, the OSU Police immediately conducted their own review and made the corrections upon conclusion of the investigation."

"The OSU Police were aware that for the ASR that a Sex Offense – Forcible is to be treated as the most serious offense under the Clery Act and to classify the case accordingly. Several changes have been made in the case review procedures to detect this error in the future."

"The 2008 Clery Crime Stats were corrected at the time of discovery and all subsequent releases of the ASR since that time showed the amended statistics. The OSU Police will contact the Department's (DOE) Security Database and have the 2008 Clery Crime Stats revised upon final determination."

Final Determination: OSU's response and its modified ASR for 2008 with the corrected crime statistics are satisfactory to resolve this finding. The Department notes that OSU corrected the crime statistics for Sex Offenses – Forcible on the Department's Web-site,

but the statistics for Burglary remains unchanged. Since the statistics for Burglary did not result in underreporting for 2008, the Department will require no further action and OSU may consider this finding closed.

Finding 3: Failure to Report Crimes for Non-Campus Building/Property

Citation: *An institution must include within its annual campus security report reportable crimes that occur in certain geographical locations associated with the institution. One of those areas is "non-campus buildings or property." 34 C.F.R. § 668.46(c)(4)*

A non-campus building or property is defined as "any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution." 34 C.F.R. § 668.46(a)

Noncompliance: *OSU failed to include campus crime statistics for certain non-campus sites in its campus security report for 2008. Specifically, the review team identified the following locations for which crimes were not reported:*

00317001	Oklahoma State University - Tulsa Campus
00317002	Oklahoma State University - Tinker Air Force Base Campus
00317003	Oklahoma State University - Center for Health Sciences
00317004	Oklahoma State University - Haliburton Services Location
00317009	Oklahoma State University - OKC
00317010	Oklahoma State University - Okmulgee
00317011	Oklahoma State University - Military Dept-OK National Guard
00317012	Oklahoma State University - Rose State
00317013	Oklahoma State University - University del Este
00317014	Oklahoma State University - Polytech University
00317015	Oklahoma State University - Prince of Songkla University
00317016	Oklahoma State University - Prince of Songkla University
00317017	Oklahoma State University - Belize

Required Action: *In response to this finding, OSU may submit information to show that a location(s) (foreign or otherwise) does not include building or property owned or controlled by the University. If any or all of the locations met the definition of a non-campus building, OSU must attempt to obtain statistics of incidents of crimes reported to*

local law enforcement as occurring at these locations and disclose such statistics in the manner required by the Clery Act. Specifically, OSU is required to correct its 2008 campus crime statistics on its website and in the Department's online database. The telephone number to the Campus Crime Helpdesk is 1-888-233-5421.

In addition, OSU will be required to distribute the modified campus security report to all students and employees. In the event that OSU is unable to obtain statistics for any of these locations for any covered calendar year, OSU must provide the review team with an explanation and supporting documentation detailing the attempts made to obtain the statistics and the inability to do so.

Finally, OSU must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are gathered and reported for non-campus properties. OSU should carefully evaluate the extent to which some additional locations may constitute separate campuses. If a location meets the definition of a campus and is not reasonably contiguous to the main campus, then a separate statistical disclosure is required for that location. Please see the Department's "Handbook for Campus Reporting" located at the following website for additional information on this and other Clery Act requirements: www.ed.gov/admins/lead/safety/handbook.pdf

OSU's Response: In its response, OSU stated: "Upon review of the list, it is OSU's position that the following locations meet the definition of a campus and are not reasonably contiguous to the main campus in Stillwater. Also, that each of these campuses had gathered the crime stats for their campus and published their own ASR. The list of separate campuses and the internet address of their crime stats are listed below:

- 1) *Oklahoma State University – Tulsa Campus -
www.osu-tulsa.okstate.edu/universitypolice/statistics.asp*
- 2) *Oklahoma State University – Center for Health Sciences –
www.healthsciences.okstate.edu/student/crime_stats.cfm*
- 3) *Oklahoma State University – OKC –
www.osuokc.edu/security/stats.aspx*
- 4) *Oklahoma State University – Okmulgee -
www.osuit.edu/campus_community/student_handbook/crime_statistics.html*

“Upon review of the rest of the list, it was discovered that at none of the below listed locations did OSU own or control the buildings where the classes were held. Also, after investigation, it was learned that in none of the locations did OSU provide a program that resulted in a certification or a degree. This information was forwarded by email to Mr. Michael Rhodes of the Program Review Team.

Oklahoma State University – Tinker Air Force Base Campus
Oklahoma State University – Haliburton Services Location
Oklahoma State University – Military Dept – OK National Guard
Oklahoma State University – Rose State
Oklahoma State University – University del Este
Oklahoma State University – Polytech University
Oklahoma State University – Prince of Songkla University
Oklahoma State University – Prince of Songkla University
Oklahoma State University – Belize”

“OSU is currently reviewing its procedures for hosting classes at locations not reasonably contiguous to the main campus and will be modifying them to include procedures to identify when these locations meet the definitely of non-campus and how to collect crime stats for those locations.”

Final Determination: OSU’s response is satisfactory and resolves this finding. The Department reminds OSU that for Clery Act reporting purposes, educational instruction at a location does not have to result in a certification or a degree to be included in the crime statistics. Such locations may include satellite, extension, or similar types of noncontiguous sites that have an organized program of study regardless of length or resulting credentials. Otherwise, OSU may consider this finding closed.