

February 11, 2011

Ms. Cynthia Thornton  
Area Case Director  
School Participation Team – Dallas  
Federal Student Aid  
Department of Education  
1999 Bryan Street, Suite 1410  
Dallas, TX 75201-3136

RE: Program Review Report  
OPE ID: 00317000  
PRCN: 201010627045

Dear Ms. Thorton,

Thank you for the opportunity to review your findings and report of January 12, 2011. I have been appointed as the designated official to respond to the Department of Education's findings. We appreciated the thoroughness of the review by the team and appreciated their professionalism.

We have reviewed the report and made corrective actions. Below listed are the noncompliance issue and our response to the findings and actions taken.

### **Finding 1: Lack of Adequate Policy Statements**

*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 procedure 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 Actions:** OSU is required to modify its 2008 ASR to include:

- 1) a list of the titles of each person or organization to which students and employees should report criminal offenses;
- 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 a procedure;
- 3) OSU must ensure that any subsequent distribution of the ASR to students and staff is in its modified version;
  - 4) OSU must provide a copy of modified ASR with its response.

**OSU's Response:** In our response to the complaint that OSU does not have a list of titles of each person or organization to which students and employees should report criminal offenses we felt that we were in compliance before the review. We included the below in our ASR and felt that it met the requirements because we 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.*

But 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.

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.

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.

**Finding 2: Failure to Properly Classify Crimes**

***Noncompliance:*** OSU reported 44 Burglaries and 2 Sex Offenses –Forcible that occurred in residential facilities for calendar year 2008. The Department's

*review of all incident reports for reported Burglaries and Sex Offenses-Forcible indicated that one of the listed burglaries was actually a forcible sex offense. The incident report number is #28-02158. Therefore, the Burglaries listed on the ASR should be reduced by one and the Sex Offenses – Forcible should be increased by one.*

**Required Action:** OSU is required to:

- 1) reclassify the crime as a Sex Offense – Forcible instead of a Burglary;
- 2) correct the 2008 Campus Crime Statistics,
  - a. on the Department’s (DOE) website database,
  - b. on any subsequent ASR provided to students and staff;
- 3) correct OSU’s ASR for 2008 and submit copy with the response;

**OSU’s Response:** 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.

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

**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.*

*Oklahoma State University – Tulsa Campus*  
*Oklahoma State University – Tinker Air Force Base Campus*  
*Oklahoma State University – Center for Health Sciences*  
*Oklahoma State University – Haliburton Services Location*  
*Oklahoma State University – OKC*  
*Oklahoma State University – Okmulgee*  
*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*

**Required Action:** OSU may submit information to show that a location(s) 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:

- 1) 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;
- 2) OSU is required to correct its 2008 campus crime statistics on its website
- 3) OSU is required to correct its 2008 campus crime statistics on the Department's (DOE) online database;
- 4) OSU will distribute the modified campus security report to all students and employees;
- 5) OSU must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are fathered and reported for non-campus properties.

**OSU's Response:** Upon review of the list, it is OSU's position that the following locations meet the definition of a campus and are not reasonable 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](http://www.osu-tulsa.okstate.edu/universitypolice/statistics.asp)
- 2) *Oklahoma State University – Center for Health Sciences* –  
[www.healthsciences.okstate.edu/student/crime\\_stats.cfm](http://www.healthsciences.okstate.edu/student/crime_stats.cfm)

- 3) *Oklahoma State University – OKC – [www.osuokc.edu/security/stats.aspx](http://www.osuokc.edu/security/stats.aspx)*
- 4) *Oklahoma State University – Okmulgee - [www.osuit.edu/campus\\_community/student\\_handbook/crime\\_statistics.html](http://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 reasonable 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.

Again, we would like to thank you for allowing OSU to respond to the findings of this review. If you have any questions concerning this response, please contact Richard Atkins at (405) 744-4261 or via email at [richard.atkins@okstate.edu](mailto:richard.atkins@okstate.edu).

Sincerely,

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Admin/Technical Services Captain  
Dept of Public Safety/Police  
Oklahoma State University