



February 25, 2015

Dr. Sara Shenk
President
Anabaptist Mennonite Biblical Seminary
3003 Benham Avenue
Elkhart, IN 46517-1999

Certified Mail Return Receipt Requested
7012 1640 0000 0216 5267

RE: **Final Program Review Determination**
OPE ID: 00182300
PRCN: 2013 305 28293

Dear Dr. Shenk:

The U.S. Department of Education's (Department's) School Participation Division – Chicago/Denver issued a program review report on August 20, 2013 covering Anabaptist Mennonite Biblical Seminary's (AMBS) 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 2012-2013 (year to date). AMBS' final response was received on September 25, 2013. A copy of the program review report (and related attachments) and AMBS' response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by AMBS upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, (3) notify the institution of its right to appeal, and (4) notify AMBS of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

Federal Student
AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION
School Participation Division, Chicago-Denver
500 West Madison Street, Suite 1575
Chicago, IL 60661-4544
312-400-7111

This FPRD contains one or more findings regarding AMBS' failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations at 34 C.F.R. §§ 668.41, 668.46, and 668.49. Because *Clery Act* findings do not result in a financial liability, such findings may not be appealed. If an adverse administrative action is initiated, additional information about AMBS' appeal rights will be provided under separate cover.

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 Oksana Apanovich at (312) 730-1686.

Sincerely,

(b)(6)

Douglas Parrott
Division Director

Enclosures:
Program Review Report (and appendices)
Final Program Review Determination Report (and appendices)

cc: Mr. Daniel Grimes, Director of Enrollment and Financial Aid
North Central Association of Colleges and Schools, (NCACHE)
Indiana Commission for Higher Education

Prepared for

**Anabaptist Mennonite
Biblical Seminary**

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OPE ID 00182300
PRCN 2013 305 28293

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

**Final Program Review Determination
February 25, 2015**

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A. Institutional Information

Anabaptist Mennonite Biblical Seminary
3003 Benham Avenue
Elkhart, IN 46517-1999

Type: Private Non Profit

Highest Level of Offering: Master's Degree

Accrediting Agency: North Central Association of Colleges and Schools - CIHE (Higher Educ)

Current Student Enrollment: 115

Title IV Participation Postsecondary Education Participants System (PEPS):

William D. Ford Federal Direct Loan Program (Direct Loan)	2011-2012 \$ 416,435.00
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Default Rate FFEL/DL:	2010	0%
	2009	0%
	2008	0%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Anabaptist Mennonite Biblical Seminary from April 9, 2013 to April 11, 2013. The review was conducted by Oksana Apanovich and Jeremy Early.

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

A sample of 16 files was identified for review from the 2011-2012 (year to date) award year. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for the 2011-2012 award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

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

C. Findings and Final Determinations

Resolved Findings:

Findings 1-3.

AMBS has taken the corrective actions necessary to resolve findings 1, 2, and 3 of the program review report. Therefore, these findings may be considered closed.

Findings with Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of AMBS's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on August 20, 2013 is attached as Appendix B.

Finding # 4: Crime Awareness Requirements Not Met – Failure to Publish and Distribute an Annual Security Report

Citation Summary:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in *34 C.F.R. § 668.46(b)*. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. *§ 485(f) of the HEA; 34 C.F.R. § 668.46(b)*.

The ASR must be published 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)*. These regulations also require institutions to provide a notice containing this information to all prospective students and employees. 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)*

An institution's ASR must 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, 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 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 that it either becomes aware of 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 also 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. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. As noted above, all required statistics and policies must be included in a single comprehensive document. *34 C.F.R. § 668.46(b)(2)*.

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

Noncompliance Summary:

AMBS violated multiple provisions of the *Clery Act*. Specifically, the Seminary failed to publish an ASR and actively distribute it to current students and employees.

During the site visit, the review team requested a hardcopy version of AMBS' 2012 ASR. The team also asked about whether or not the ASR was available on the Seminary's website. AMBS officials informed the review team the institution did not publish a 2012 ASR. Although some campus safety information was located on the Seminary's website, Department officials found that AMBS had, in fact, failed to publish an actual ASR as a comprehensive document. The Department's review indicates that this compliance failure has persisted since the *Clery Act* (and its forerunner, the Student-Right-To-Know and Campus Security Act of 1990) was enacted.

As a result of this systemic failure, the Department finds that AMBS has failed to ever meet the ASR active distribution and notification requirements.

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

AMBS's Response:

In its September 25, 2013 response, AMBS concurred with the finding and stated that “it recognizes its responsibility to its students, prospective students, and all employees and has developed policies and procedures which now meet federal regulations.” AMBS developed a comprehensive Annual Security Report and Security Data Collection Portal, and notified all employees and students of the policy and where it can be obtained (both on the website and in print). AMBS’s procedures have also been updated to ensure that the submission of the institution’s campus crime and fire statistics will occur on an annual basis and that it is distributed by October 1 of each year.

Along with its response, AMBS submitted a copy of its 2013 Annual Security Report and Annual Fire Safety Report (combined).

Final Determination:

Finding # 4 of the program review report cited AMBS for violations of the Clery Act. Specifically, the institution failed to publish and distribute a complete 2012 ASR to all current students and employees in the manner prescribed by Federal regulations. During a site visit, a review team requested a hard copy version of AMBS’s 2012 ASR. The team also asked whether or not the ASR was available on the AMBS’s website. AMBS officials informed the review team the institution did not publish a 2012 ASR. Although some campus security information was located on the AMBS’s website, Department officials found that AMBS had, in fact, failed to publish an actual ASR as a comprehensive document.

In response to this violation, the institution was required to develop its ASR to ensure that it annually distributed the modified ASR to all current students and employees. AMBS was also required to develop its Substance Prevention Program, Sexual Assault Program, Missing Person Policy, and Emergency and Evacuation procedures to comply with Federal regulations. In its response, AMBS stated its concurrence with the findings of violation and submitted copies of the modified reports along with a signed statement asserting that the amended reports were distributed as required.

In its September 25, 2013 response the institution asserted that it understands its obligations under the Clery Act and that it is committed to ensuring compliance with the Clery Act. The corrective actions that the institution has claimed are now in place should result in improved campus security operations and better Clery Act compliance going forward. The review team’s analysis of AMBS’s most recent ASR did not identify any significant omissions or weaknesses in the problem areas identified in the program review report, suggesting that the corrective actions were at least minimally adequate. Therefore, the Department accepts the institution’s response and considers this finding to be closed.

Although the finding is now closed, AMBS is reminded that the exceptions identified above constitute serious violations of the Clery Act that by their nature cannot be cured. AMBS was required to initiate corrective actions and in so doing, has begun to remediate the conditions that led to these violations. The institution has stated that it has brought its overall campus security program into compliance with the Clery Act as required by its PPA. Nevertheless, AMBS is advised that such corrective measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional administrative and/or corrective actions. The review team may refer the institution to the Department's Administrative Actions and Appeals Service Group (AAASG) for possible administrative action. Such actions may include a fine and/or the limitation, suspension or termination of the institution's eligibility to participate in the federal student financial aid programs, pursuant to 34 C.F.R. Part 668, Subpart G. If AAASG initiates an action, that office will notify you and will include at that time information on institutional appeal rights and procedures. The Department recommends that the institution review its policies and procedures periodically and revise them as needed to ensure that they continue to reflect current institutional policy and are Clery Act-compliant.

AMBS officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2011) for guidance on complying with the Clery Act. The handbook is available online at: 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.

Finding #5: Fire Awareness Requirements Not Met – Failure to Publish and Distribute An Annual Fire Safety Report

Citation Summary:

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 AFSR that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.49(b). These institutions must disclose fire statistics for each on-campus student residential facility for the three most recent calendar years. An institution's statistics must accurately and completely identify the number of on-campus fires and the cause of each fire, the number of persons who sustained fire-related injuries that resulted in treatment at a medical facility (including on-campus health centers), the number of fire-related deaths, and the dollar value of property damage caused by such fires. 34 C.F.R. § 668.49(c).

In addition, the AFSR must include several fire safety information disclosures covering topics such as the type(s) of fire safety systems that are used in each student housing facility, the number of fire drills that were conducted during the previous calendar year, any institutional policies, procedures, and programs regarding: 1) the use and/or possession of portable electrical appliances; 2) smoking and the use/presence of open flames in student housing facilities; 3) evacuation procedures to be followed in the case of a fire; 4) fire safety education and training programs; 5) the institutional official(s) and departments to whom students and employees should report the occurrence of fires so that those incidents can be included in the institution's annual fire statistics; and, 6) any plans for future improvements to the institution's fire safety program. *34 C.F.R. § 668.49(b)*.

The AFSR must each be published and distributed as materially-complete, comprehensive publication. If an institution chooses to combine the ASR and AFSR and publish them as a single document then the title of both reports must conspicuously appear on the cover page. 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 current students and employees that includes a direct link to each report (exact electronic address), a description of its contents, as well as an advisement that a paper copy will be provided upon request. The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the AFSR's availability, the content of each report, and the exact electronic address of each report, if posted to an internet or intranet site. This notice must also advise interested parties how to obtain a paper copy of the AFSR.

Finally, an institution is required to submit its campus crime and fire statistics to the Secretary on an annual basis. *34 C.F.R. § 668.41(e)(1)-(6)*.

Noncompliance Summary:

AMBS violated multiple provisions of the *Clery Act* fire safety requirements. Specifically, the Seminary failed to publish an AFSR and actively distribute it to current students and employees.

During the site visit, the review team requested a hardcopy version of AMBS' 2012 AFSR. The team also asked about whether or not the AFSR was available on the Seminary's website. AMBS officials informed the review team the institution did not publish a 2012 AFSR. Although some very minimal fire safety information was located on the Seminary's website, Department officials found that AMBS had, in fact, failed

to publish an actual AFSR as a comprehensive document. The Department's review indicates that compliance failure has persisted since the fire safety requirements were added to the *Clery Act* in 2010.

As a result of this systemic failure, the Department finds that AMBS has failed to ever meet the AFSR active distribution and notification requirements.

Failure to publish an accurate and complete AFSR and to actively distribute it to students and employees deprives interested persons of important fire safety information to which they are entitled. Access to this information permits campus community members, especially those who live in campus housing, to make well-informed decisions about where to work and study and empowers them to play a more active role in their own safety and security.

AMBS's Response:

In its September 25, 2013 corrective action response, AMBS concurred with the finding and stated that it has implemented policies and procedures that govern preparation, publication and distribution of the Annual Fire Safety Report. AMBS has submitted the required fire safety statistics through the online Campus Security Data collection portal in addition to actively distributing the report, including statistics, to students and employees. AMBS's updated procedures will ensure that the distribution of its AFSR occurs annually and that it is actively distributed by October 1 of each year.

Final Determination:

Finding # 5 of the program review report cited AMBS for violations of the *Clery Act* fire safety requirements. Specifically, AMBS failed to publish an AFSR and actively distribute it to current students and employees. During the site visit, the review team requested a hardcopy version of AMBS' 2012 AFSR. The team also asked about whether or not the AFSR was available on the Seminary's website. AMBS officials informed the review team the institution did not publish a 2012 AFSR. Although some very minimal fire safety information was located on the Seminary's website, Department officials found that AMBS had, in fact, failed to publish an actual AFSR as a comprehensive document. In response to this violation, the institution was required to develop its AFSR to ensure that it annually distributed the modified AFSR to all current students and employees. In its response, AMBS stated its concurrence with the findings of violation and submitted copies of the developed policies and procedures along with a signed statement asserting that the amended reports were distributed as required.

In its August 20, 2013 response, the institution asserted that it understands its obligations under the *Clery Act* and that it is committed to ensuring compliance with the *Clery Act*

going forward. The corrective actions that the institution has claimed are now in place should result in improved campus security operations and better Clery Act compliance going forward. The review team's analysis of AMBS's most recent ASR did not identify any significant omissions or weaknesses in the problem areas identified in the program review report, suggesting that the corrective actions were at least minimally adequate. Therefore, the Department accepts the institution's response and considers this finding to be closed.

Although the finding is now closed, AMBS is reminded that the exceptions identified above constitute serious violations of the Clery Act that by their nature cannot be cured. AMBS was required to initiate corrective actions and in so doing, has begun to remediate the conditions that led to these violations. The institution has stated that it has brought its overall campus security program into compliance with the Clery Act as required by its PPA. Nevertheless, AMBS is advised that such corrective measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose additional administrative and/or corrective actions. The review team may refer the institution to the Department's Administrative Actions and Appeals Service Group (AAASG) for possible administrative action. Such actions may include a fine and/or the limitation, suspension or termination of the institution's eligibility to participate in the federal student financial aid programs, pursuant to 34 C.F.R. Part 668, Subpart G. If AAASG initiates an action, that office will notify you and will include at that time information on institutional appeal rights and procedures. The Department recommends that the institution review its policies and procedures periodically and revise them as needed to ensure that they continue to reflect current institutional policy and are Clery Act-compliant.

Finding #6: Drug and Alcohol Abuse Prevention Program Requirements Not Met Multiple Violations.

Citation Summary:

The Drug-Free Schools and Communities Act (*DFSCA*) and Part 86 of the Department's General Administrative Regulations requires each participating institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan must make provisions for providing the material to students who enroll

at a date after the initial distribution, and for employees who are hired at different times throughout the year. The information must include:

- A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The IHE must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department and interested parties upon request. *34 C.F.R. §§ 86.3 and 86.100.*

Noncompliance Summary:

AMBS violated multiple provisions of the *DFSCA* and the Department's Part 86 regulations. The AMBS failed to develop and implement a comprehensive drug and alcohol abuse prevention program (DAAPP). As a result of this failure, AMBS also violated *DFSCA*'s annual distribution requirement by failing to deliver a materially-complete DAAPP disclosure to all employees and students who are enrolled for any academic credit.

As a direct consequence of the violations described above, AMBS also failed to conduct a biennial review of the effectiveness of its DAAPP and of the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct and by logical extension therefore, also failed to produce a biennial review report of findings.

Failure to comply with the *DFSCA*'s DAAPP requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Failure to comply with the

biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse as well as an increase in drug and alcohol-related violent crime.

AMBS's Response:

In its September 25, 2013 corrective action response, AMBS concurred with the finding and stated that it has developed and implemented a comprehensive DAAPP which includes all of the elements found in the DFSCA and the Departments' Part 86 regulations. As a part of the AMBS's DAAPP, the institution established procedures which ensure that the effectiveness of AMBS's DAAPP is reviewed biennially, fully documented, and conducted in a timely manner.

Final Determination: Finding #5 of the program review report cited AMBS for failure to develop and implement a comprehensive drug and alcohol abuse prevention program (DAAPP), and failure to conduct a Biennial Review, as required by Federal regulations. As a result of this failure, AMBS has also violated DFSCA's annual distribution requirement by failing to deliver a materially-complete DAAPP disclosure to all employees and students who are enrolled for any academic credit. In response to this violation, the institution was required to submit copies of the DAAPP policy and the Biennial Review Document. AMBS submitted copies of their DAAPP and their Biennial Review document, which is signed and confirmed by institution officials.

The corrective actions that the institution has claimed are now in place should result in improved conditions to their drug and alcohol prevention program. The review team's analysis of AMBS's DAAPP and their most recent Biennial Review document did not identify any significant omissions or weaknesses in the problem areas identified in the program review report, suggesting that the corrective actions were at least minimally adequate. Therefore, the Department accepts the institution's response and considers this finding to be closed.

Although the finding is now closed, AMBS is reminded that the exceptions identified above constitute violations of Federal regulations. AMBS was required to initiate corrective actions and in so doing, has begun to remediate the conditions that led to these violations.

The review team may refer the institution to the Department's Administrative Actions and Appeals Service Group (AAASG) for possible administrative action. Such actions may include a fine and/or the limitation, suspension or termination of the institution's eligibility to participate in the federal student financial aid programs, pursuant to 34 C.F.R. Part 668, Subpart G. If AAASG initiates an action, that office will notify you and will include at that time information on institutional appeal rights and procedures. The

Department recommends that the institution continue to conduct a Biennial Review of its drug and alcohol prevention program to ensure that they continue to reflect current Federal regulatory guidelines.

Prepared for
**Anabaptist Mennonite
Biblical Seminary (AMBS)**

OPE ID 00182300
PRCN 2013 305 28293

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

Program Review Report

August 20, 2013

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A. Institutional Information

Anabaptist Mennonite Biblical Seminary
3003 Benham Avenue
Elkhart, IN 46517-1999

Type: Private Non Profit

Highest Level of Offering: Doctoral Degree

Accrediting Agency: North Central Association of Colleges and Schools - CIHE (Higher Educ)

Current Student Enrollment: 115

Title IV Participation Postsecondary Education Participants System (PEPS):

William D. Ford Federal Direct Loan Program (Direct Loan)	2011-2012 \$ 416,435.00
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Default Rate FFEL/DL:	2010	0%
	2009	0%
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B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Anabaptist Mennonite Biblical Seminary from April 9, 2013 to April 11, 2013. The review was conducted by Oksana Apanovich and Jeremy Early.

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

A sample of 16 files was identified for review from the 2011-2012 (year to date) award year. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for the 2011-2012 award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning AMBS'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 AMBS 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, several findings of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by AMBS to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding #1: Verification Not Documented/Incomplete

Citation:

Section 34 CFR §668.51 through §668.61 of the Student Assistance General Provisions regulations specify the requirements for determining a student's eligibility for Title IV, HEA funds. An institution is responsible for verifying the information that is used to

calculate an applicant's Estimated Family Contribution (EFC) as part of the determination of need for student financial assistance. Information is verified by securing additional documentation, or in some cases, a signed statement attesting to the accuracy of the information provided. The regulations also require an institution to verify discrepancies in information received from different sources regarding a student's application for financial aid under the Title IV, HEA programs.

The institution's failure to complete verification may have resulted in the improper use of Title IV, HEA funds and increased expense to the Department. An institution that fails to properly complete verification fails to properly determine student eligibility for Title IV, HEA assistance. Funds disbursed to students whose eligibility is not properly determined are funds that are disbursed to ineligible students and represent an institutional liability. Failure to properly determine student eligibility indicates a lack of administrative capability on the part of the institution.

Noncompliance:

Student #9 was selected for verification in the 2011-2012 award year. The student submitted a copy of her tax return, which was missing the student's signature. AMBS contacted the student while the reviewers were on site and requested the student to sign her tax returns. Since the student has graduated and was no longer attending the institution, the signed tax return form was sent to the Department via a password protected file on April 15, 2013.

Required Action:

The institution may consider this finding closed. No further action is necessary at this time.

Finding #2: Credit Balances Paid Late

Citation:

34 CFR 668.165(b)(i) and (ii) allow an institution, if written authorization from a student or parent is obtained and unless prohibited under the reimbursement or cash monitoring payment method, to use Title IV, HEA program funds to pay for institutional charges described in 34 CFR 668.164(d), and to apply for this purpose funds that would otherwise be paid directly to the student or parent to pay for educationally related expenses.

34 CFR 668.164(d)(1)(iv) allows an institution, if student or parent authorization is obtained under 34 CFR 668.165(b), to use Title IV, HEA program funds to credit a

student's account to satisfy other educationally related expenses (in the current year) in addition to the charges described at 34 CFR 668.164(d)(1)(i-iii).

The requirement to obtain a student's specific authorization to hold a Title IV credit balance against charges on his/her account is a necessary protection for the student against a school's unauthorized retention of aid to which the student is entitled in order to pay for educationally related expenses that are indirect, and not necessarily charged directly by the school. Without this authorization requirement, there would be nothing to stop a school from creating and inflating unnecessary charges in order to retain the use of a student's Title IV aid for a period of time. For the same reason, it should continue to be required that a student be able to rescind the authorization to hold his/her Title IV credit balance at any time as currently required, regardless of the charges on his/her account.

Noncompliance:

Students #2 incurred a credit balance on her account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Student #6 incurred a credit balance on his account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Student #7 incurred a credit balance on his account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Student #8 incurred a credit balance on his account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Student #14 a credit balance on his account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Student #15 a credit balance on his account on August 30, 2011. The tuition for the Fall 2011 term was not charged to the student until September 15, 2011. The student's credit balance was returned 3 days late.

Required Action:

While the reviewers were on site, AMBS indicated that its policy for the 2012-2013 award year onward would be to post tuition charges earlier into the term, thereby reducing a possibility of a credit balance on a student's account. The institution may consider this finding closed. No further action is necessary at this time.

Finding #3: Incorrect Calculation of Cost of Attendance

Citation:

20 U.S.C 1087II § 472 states, the term "cost of attendance" means:

1. Tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study;
2. An allowance for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer, for a student attending the institution on at least a half-time basis, as determined by the institution;
3. An allowance (as determined by the institution) for room and board costs incurred by the student which --
 - A. shall be an allowance determined by the institution for a student without dependents residing at home with parents;
 - B. for students without dependents residing in institutionally owned or operated housing, shall be a standard allowance determined by the institution based on the amount normally assessed most of its residents for room and board; and
 - C. for all other students shall be an allowance based on the expenses reasonably incurred by such students for room and board;
4. For less than half-time students (as determined by the institution) tuition and fees and an allowance for only --
 - A. books, supplies, and transportation (as determined by the institution);
 - B. dependent care expenses (determined in accordance with paragraph (8)); and
 - C. room and board costs (determined in accordance with paragraph (3)), except that a student may receive an allowance for such costs under this subparagraph for not more than 3 semesters or the equivalent, of which not more than 2 semesters or the equivalent may be consecutive;
5. For a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, travel, and room and board costs incurred specifically in fulfilling a required period of residential training;

6. For incarcerated students only tuition and fees and, if required, books and supplies;
7. For a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution, reasonable costs associated with such study (as determined by the institution at which such student is enrolled);
8. For a student with one or more dependents, an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that --
 - A. such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and
 - B. the period for which dependent care is required includes, but is not limited to, class-time, study-time, field work, internships, and commuting time;
9. For a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;
10. For a student receiving all or part of the student's instruction by means of telecommunications technology, no distinction shall be made with respect to the mode of instruction in determining costs;
11. For a student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);
12. For a student who receives a loan under this or any other Federal law, or, at the option of the institution, a conventional student loan incurred by the student to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or such parent on such loan, or the average cost of any such fee or premium charged by the Secretary, lender, or guaranty agency making or insuring such loan, as the case may be; and
13. At the option of the institution, for a student in a program requiring professional licensure or certification, the one-time cost of obtaining the first professional credentials (as determined by the institution).

Noncompliance:

AMBS was including health insurance costs into the Cost of Attendance budgets for all students. The institution cannot include health insurance cost as an educational cost unless health insurance is charged by AMBS.

Required Action:

While the reviewers were on site, AMBS updated its COA form by removing the health insurance cost. The institution may consider this finding closed. No further action is necessary at this time.

Finding # 4: Crime Awareness Requirements Not Met – Failure to Publish and Distribute an Annual Security Report

Citation:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in *34 C.F.R. § 668.46(b)*. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements. *§ 485(f) of the HEA; 34 C.F.R. § 668.46(b)*.

The ASR must be published 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)*. These regulations also require institutions to provide a notice containing this information to all prospective students and employees. 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)*

An institution's ASR must 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, 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 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 that it either becomes aware of 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 also 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. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. As noted above, all required statistics and policies must be included in a single comprehensive document. *34 C.F.R. § 668.46(b)(2)*.

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

Noncompliance:

AMBS violated multiple provisions of the *Clery Act*. Specifically, the Seminary failed to publish an ASR and actively distribute it to current students and employees.

During the site visit, the review team requested a hardcopy version of AMBS' 2012 ASR. The team also asked about whether or not the ASR was available on the Seminary's website. AMBS officials informed the review team the institution did not publish a 2012 ASR. Although some campus safety information was located on the Seminary's website, Department officials found that AMBS had, in fact, failed to publish an actual ASR as a comprehensive document. The Department's review indicates that this compliance failure has persisted since the *Clery Act* (and its forerunner, the Student-Right-To-Know and Campus Security Act of 1990) was enacted.

As a result of this systemic failure, the Department finds that AMBS has failed to ever meet the ASR active distribution and notification requirements.

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

Required Action:

As a result of this violation, AMBS must develop and implement policies and procedures that will govern the preparation, publication, and distribution of ASR and ensure that all facets of the process are carried out in a manner that meets Federal regulations. The procedures must also specifically articulate how prospective students and employees will be notified of the report's availability. Using the policies as a guide, AMBS must prepare and publish an accurate and complete ASR that includes all of the statistical disclosures and policy, procedure and programmatic information required under *34 C.F.R. § 668.46(b)*. A copy of the Seminary's new and revised policies and procedures and its draft 2013 ASR must accompany its response to this program review report. Once the ASR is evaluated by the review team for accuracy and completeness, the Seminary will be required to actively distribute it to all current students and employees in accordance with *34 C.F.R. § 668.41(e)*. In this case, AMBS will be permitted to incorporate the required changes into its next regularly-scheduled ASR, which must be actively distributed no later than October 1, 2013.

Finally, AMBS will be required to provide documentation to the Department evidencing the ASR distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification must also affirm that the Seminary understands all of its *Clery Act* obligations and that it has taken all necessary corrective actions to ensure that these violations do 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. AMBS will be given an opportunity to develop and distribute an accurate and complete ASR, and in so doing, finally begin to bring its overall campus security program into compliance with the *Clery Act* as required by its Program Participation Agreement (PPA). However, the Seminary 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.

AMBS officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2011) during the preparation of its response. The handbook is available online at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The

regulations governing the *Clery Act* can be found at *34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.*

Based on an evaluation of all available information including AMBS' response, the Department will determine if additional actions will be required and will advise the Seminary accordingly in its FPRD.

Finding #5: Fire Awareness Requirements Not Met – Failure to Publish and Distribute An Annual Fire Safety Report

Citation:

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 AFSR that contains, at a minimum, all of the statistical and policy elements described in *34 C.F.R. § 668.49(b)*. These institutions must disclose fire statistics for each on-campus student residential facility for the three most-recent calendar years. An institution's statistics must accurately and completely identify the number of on-campus fires and the cause of each fire, the number of persons who sustained fire-related injuries that resulted in treatment at a medical facility (including on-campus health centers), the number of fire-related deaths, and the dollar value of property damage caused by such fires. *34 C.F.R. § 668.49(c)*.

In addition, the AFSR must include several fire safety information disclosures covering topics such as the type(s) of fire safety systems that are used in each student housing facility, the number of fire drills that were conducted during the previous calendar year, any institutional policies, procedures, and programs regarding: 1) the use and/or possession of portable electrical appliances; 2) smoking and the use/presence of open flames in student housing facilities; 3) evacuation procedures to be followed in the case of a fire; 4) fire safety education and training programs; 5) the institutional official(s) and departments to whom students and employees should report the occurrence of fires so that those incidents can be included in the institution's annual fire statistics; and, 6) any plans for future improvements to the institution's fire safety program. *34 C.F.R. § 668.49(b)*.

The AFSR must each be published and distributed as materially-complete, comprehensive publication. If an institution chooses to combine the ASR and AFSR and publish them as a single document then the title of both reports must conspicuously appear of the cover page. 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

current students and employees that includes a direct link to each report (exact electronic address), a description of its contents, as well as an advisement that a paper copy will be provided upon request. The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the AFSR's availability, the content of each report, and the exact electronic address of each report, if posted to an internet or intranet site. This notice must also advise interested parties how to obtain a paper copy of the AFSR.

Finally, an institution is required to submit its campus crime and fire statistics to the Secretary on an annual basis. *34 C.F.R. § 668.41(e)(1)-(6)*.

Noncompliance:

AMBS violated multiple provisions of the *Clery Act* fire safety requirements. Specifically, the Seminary failed to publish an AFSR and actively distribute it to current students and employees.

During the site visit, the review team requested a hardcopy version of AMBS' 2012 AFSR. The team also asked about whether or not the AFSR was available on the Seminary's website. AMBS officials informed the review team the institution did not publish a 2012 AFSR. Although some very minimal fire safety information was located on the Seminary's website, Department officials found that AMBS had, in fact, failed to publish an actual AFSR as a comprehensive document. The Department's review indicates that compliance failure has persisted since the fire safety requirements were added to the *Clery Act* in 2010.

As a result of this systemic failure, the Department finds that AMBS has failed to ever meet the AFSR active distribution and notification requirements.

Failure to publish an accurate and complete AFSR and to actively distribute it to students and employees deprives interested persons of important fire safety information to which they are entitled. Access to this information permits campus community members, especially those who live in campus housing, to make well-informed decisions about where to work and study and empowers them to play a more active role in their own safety and security.

Required Action:

As a result of this violation, AMBS must develop and implement policies and procedures that will govern the preparation, publication, and distribution of the AFSR and ensure that all facets of the process are carried out in a manner that meets Federal regulations. The procedures must also specifically articulate how prospective students and employees will be notified of the report's availability.

Using the policies as a guide, AMBS must prepare and publish an accurate and complete AFSR that includes all of the statistical disclosures and policy, procedure and programmatic information required under *34 C.F.R. § 668.49(b)*. A copy of the Seminary's new and revised policies and procedures and its draft 2013 AFSR must accompany its response to this program review report. Once the AFSR is evaluated by the review team for accuracy and completeness, the Seminary will be required to actively distribute it to all current students and employees in accordance with *34 C.F.R. § 668.41(e)*. In this case, AMBS will be permitted to incorporate the required changes into its next regularly-scheduled AFSR, which must be actively distributed no later than October 1, 2013.

Finally, AMBS will be required to provide documentation to the Department evidencing the distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the *Clery Act*. This certification must also affirm that the institution understands all of its *Clery Act* obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the *Clery Act's* fire safety requirements that by their nature cannot be cured. AMBS will be given an opportunity to publish and distribute an accurate and complete AFSR and in so doing, begin to bring its overall fire safety program into compliance with the *Clery Act* as required by its PPA. While enhanced safety is the Department's primary focus, we note that such improvements will likely result in a better risk management environment for the AMBS as well. Nevertheless, the AMBS 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.

Based on an evaluation of all available information including AMBS' response, the Department will determine if additional actions will be required and will advise the AMBS accordingly in its FPRD.

Finding #6: Drug and Alcohol Abuse Prevention Program Requirements Not Met – Multiple Violations.

Citation:

The Drug-Free Schools and Communities Act (*DFSCA*) and Part 86 of the Department's General Administrative Regulations requires each participating institutions of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan must make provisions for providing the material to students who enroll at a date after the initial distribution, and for employees who are hired at different times throughout the year. The information must include:

- A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The IHE must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department and interested parties upon request. *34 C.F.R. §§ 86.3 and 86.100.*

Noncompliance:

AMBS violated multiple provisions of the *DFSCA* and the Department's Part 86 regulations. The AMBS failed to develop and implement a comprehensive drug and alcohol abuse prevention program (DAAPP). As a result of this failure, AMBS also violated *DFSCA's* annual distribution requirement by failing to deliver a materially-complete DAAPP disclosure to all employees and students who are enrolled for any academic credit.

As a direct consequence of the violations described above, AMBS also failed to conduct a biennial review of the effectiveness of its DAAPP and of the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct and by logical extension therefore, also failed to produce a biennial review report of findings.

Failure to comply with the *DFSCA*'s DAAPP requirements deprives students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse as well as an increase in drug and alcohol-related violent crime.

Required Action:

AMBS is required to take all necessary corrective actions to resolve these violations. At a minimum, the AMBS must perform the following:

- Develop and implement a comprehensive DAAPP that includes all of the required elements found in the *DFSCA* and the Department's Part 86 regulations;
- Develop procedures for ensuring that the DAAPP program materials are distributed to every student who is currently enrolled for academic credit and all employees. AMBS must provide a draft copy of its DAAPP and new distribution policy with its response to this program review report. Once the materials are approved by the Department, the AMBS must distribute them in accordance with the Part 86 regulations and provide documentation evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the *DFSCA*. This certification must also affirm that the institution understands all of its *DFSCA* obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur;
- Conduct a biennial review to assess the effectiveness of its DAAPP. AMBS must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program and identify the responsible official(s) and office(s) that conducted the biennial review. Finally, the biennial review report must be approved by the institution's chief executive and/or its board. The biennial review and must be completed by October 1, 2013 and be submitted to the Department by October 15, 2013; and,
- AMBS must establish policies and procedures ensure that all subsequent biennial reviews are conducted in a timely manner and are fully documented. The AMBS also must take all other necessary action to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the *DFSCA* that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. AMBS will be given an opportunity to develop and distribute an accurate and complete DAAPP disclosure and to finally begin to bring its

drug and alcohol programs into compliance with the *DFSCA* as required by its PPA. However, the AMBS 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.

Based on an evaluation of all available information including AMBS' response, the Department will determine if additional actions will be required and will advise the AMBS accordingly in its FPRD.