



August 14, 2014

Mr. Paul Ryan  
President  
Auguste Escoffier School of Culinary Arts  
6020-B Dillard Circle  
Austin, TX 78752

Certified Mail  
Return Receipt Requested  
7014 1200 0001 7275 5019

**RE: Final Program Review Determination**  
OPE ID: 03727600  
PRCN: 201240628015

Dear Mr. Ryan:

The U.S. Department of Education's (Department's) Dallas School Participation Division issued a program review report on October 29, 2012, covering Auguste Escoffier School of Culinary Arts's (AESCA) 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 2011-2012 award year. AESCA's response was received on January 13, 2013. A copy of the program review report (and related attachments) and the institution's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by AESCA upon request. The Department has made final determinations based on information obtained during the program review and from documentation already submitted by AESCA. 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) close the program review, and (2) notify AESCA that one finding has been referred to the Clery Act Compliance Division for further action.

This FPRD contains one or more findings regarding AESCA's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in a financial liability, such a finding may not be appealed.

**Federal Student Aid**

AN OFFICE of the U.S. DEPARTMENT of EDUCATION

School Participation Division – Dallas

1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817

StudentAid.gov

Auguste Escoffier School of Culinary Arts

OPE ID Number: 03727600

PRCN Number: 201240628015

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**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 Stephanie Akon at 214-661-9508.

Sincerely,

(b)(6)

Cynthia Thornton, Director  
Dallas School Participation Division

Enclosure:

Final Program Review Determination Report (and appendices)

cc: Bob Saiz, Financial Aid Administrator  
Texas Workforce Commission-Division of Proprietary School & Veterans Education  
Council on Occupational Education

Prepared for

**Auguste Escoffier  
School of Culinary Arts**

**Federal Student Aid**  
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**OPE ID 03727600  
PRCN 201240628051**

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

## **Final Program Review Determination**

August 14, 2014

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

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**A. Institutional Information**

Auguste Escoffier School of Culinary Arts  
6020-B Dillard Circle  
Austin, TX 78752

Type: Proprietary

Highest Level of Offering: Non-Degree 1 Year

Accrediting Agency: Council on Occupational Education

Current Student Enrollment: 173 2011-2012

% of Students Receiving Title IV, HEA funds: 87.28 (% 2011-2012)

Title IV, HEA Program Participation: School Participation Team Funding Report

2010-2011

|   |           |
|---|-----------|
| Federal Pell Grant (Pell)                         | \$324,646 |
| William D. Ford Direct Student Loan (Direct Loan) | \$901,709 |

|                       |      |      |
|-----------------------|------|------|
| Default Rate FFEL/DL: | 2010 | 2.7% |
|                       | 2009 | 3.3% |
|                       | 2008 | 2.9% |

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Auguste Escoffier School of Culinary Arts (AESCA) from August 13, 2012 to August 17, 2012. The review was conducted by Shebony Foster and Stephanie Akon.

The focus of the review was to determine AESCA's compliance with the statutes and regulations as they pertain to the institution's administration of the Title IV, HEA programs. The review consisted of, but was not limited to, an examination of AESCA'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 15 files was identified for review from the 2011-2012 award year. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for the award year. A program review report was issued on October 29, 2012.

### **Disclaimer:**

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

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

### **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 AESC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on October 29, 2012, is attached as Appendix A – Program Review Report.

#### **Finding 1. Campus Crime Awareness Requirements Not Met**

**Citation:** *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must publish and distribute a materially-complete Annual Security Report (ASR) that describes its policies, procedures, and programs related to campus crime and security. Institutions must also publish statistics of certain incidents of crime that are reported to its police or security department and/or to any official that meets the definition of a campus security authority. The required*

*policy disclosures include, but are not limited to policies for preparing the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(2)(ii)*

**Noncompliance:** *Information provided in the ASR to students and staff is not consistent with the information submitted to the Department. AESCA failed to publish and distribute an accurate and complete ASR. Specifically, AESCA failed to include all required crime categories in the ASR distributed to students and staff. Specifically, AESCA did not include the 4 hate crime categories, (1) Larceny-theft; (2) Simple Assault; (3) Intimidation; and (4) Destruction, Damage, or Vandalism of Property.*

**Required Action:** *As a result of this violation, AESCA must ensure that its next ASR, which was required to be distributed by October 1, 2012, included all of the statistical disclosures and policy, procedure, and programmatic information required under 34 C.F.R. § 668.46(b) and (c). AESCA must take all necessary steps to ensure the ASR is actively distributed to all current students and employees in accordance with 34 C.F.R. § 668.41(e). Furthermore, AESCA must develop and implement procedures for preparing and distributing the ASR in accordance with Federal regulations going forward. The new procedures also must articulate how prospective students and employees will be notified of the report's availability.*

*A copy of the ASR and a copy of the above mentioned procedures must be submitted with the institutional response to the program review report.*

**AESCA's Response:** In its response, the institution concurred with the finding and stated that, "although the ASR posted to the College Navigator was correct, the institution inadvertently forgot to update the posted and distributed Consumer Information with the required hate crime categories." AESCA asserted that the crime statistics grids were revised to include all required crime reporting classifications. A copy of the institution's 2012 ASR and its new consumer information policies and procedures were submitted with the response as Appendix B.

**Final Determination:** Finding #1 of the program review cited AESCA for its failure to include all required crime categories in the 2011 ASR distributed to students and staff. Specifically, AESCA did not include four hate crime categories: (1) Larceny-theft, (2) Simple Assault, (3) Intimidation, and (4) Destruction, Damage, or Vandalism of Property. As a result of this violation, AESCA was required to include the omitted crime categories in the 2012 ASR. In its response, the institution concurred with the finding and provided documentation showing that adequate remedial action was taken.

The Department carefully reviewed all available information including AESCA's response and its 2012 ASR. Based on that review and the institution's admission of noncompliance, the Department has determined that the finding of violation is sustained. The Department has also determined that AESCA's action plan meets minimum

requirements. For these reasons, the Department has accepted the institution's response and considers this finding to be closed.

Although the finding is now closed, AESCA is reminded that the exception identified above constitutes a serious violation of the *Clery Act* that by its nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The requirement to compile and disclose accurate and complete campus crime statistics for all required categories is fundamental to the goals of the *Clery Act*. Access to this information permits campus community members and their families to make well-informed decisions about where to study and work and empowers individuals to play a more active role in their own safety and security. AESCA was required to initiate remedial measures and as a result of its efforts, has begun to address the conditions that led to this violation. AESCA has stated that it has brought its overall campus security program into compliance with the *Clery Act* as required by its Program Participation Agreement (PPA). Nevertheless, AESCA is advised that such actions cannot and do not diminish the seriousness of this violation nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that AESCA officials re-examine its campus security, drug and alcohol, and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, AESCA officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: [www2.ed.gov/admins/lead/safety/handbook.pdf](http://www2.ed.gov/admins/lead/safety/handbook.pdf). The Department also provides a number of other *Clery Act* training resources. The institution can access these materials at: [www2.ed.gov/admins/lead/safety/campus.html](http://www2.ed.gov/admins/lead/safety/campus.html). The regulations governing the *Clery Act* can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

## **Finding 2. Drug Abuse Prevention Program Requirement Not Met**

**Citation:** *The Drug Free Schools and Campus Act and Part 86 of the Department's General Administrative Regulations require 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. In addition, each IHE must conduct a biennial review of its drug and alcohol abuse education and prevention program to (1) to determine its effectiveness, (2) to implement changes as needed, and (3) to ensure that the disciplinary sanctions are consistently enforced. 34 C.F.R. § 86.100(b)(1)(2).*

*In addition, an institution's drug prevention program must include an annual distribution, in writing, to each employee and to each student who is taking one or more classes for any type of academic credit. 34 C.F.R. § 86.100(a).*

**Noncompliance:** *AESCA could not provide documentation that it had complied fully with the requirements found in the regulations regarding the implementation of a drug and alcohol prevention program. Specifically, AESCA could not document the following:*

- 1. A drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities.*
- 2. That the institution distributes annual written information about its drug prevention program(s) to students and employees.*
- 3. The method used to distribute the above materials to students and employees.*
- 4. A distribution plan that makes provisions for providing materials to students who enroll at some date after the initial distribution and for employees who are hired at different times throughout the year.*
- 5. Written information providing a description of health risks associated with the use of illicit drugs and the abuse of alcohol.*
- 6. A copy of the Biennial Review Document.*
- 7. How the institution measures the effectiveness of its drug prevention program and any needed implementation changes.*
- 8. The responsible person for conducting the biennial review and the signature authority on the review.*

**Required Action:** *AESCA must review the above referenced federal regulations governing the requirements for drug and alcohol abuse prevention programs and take the necessary actions to ensure that its program is in compliance. To address the specific deficiencies identified in this finding, AESCA must:*

- 1. Develop and implement a substantive drug and alcohol abuse education and prevention program. The program materials must include all of the required elements set forth in the Drug-Free Schools and Communities Act and the Department's Part 86 regulations;*

2. *Develop and implement procedures for ensuring that the required materials are distributed to every current student who is enrolled for academic credit as well as every employee of AESCA. Specifically, AESCA must make provisions for providing a copy of the drug and alcohol prevention program to students and employees on an annual basis as well as at the initial hiring time of each employment. AESCA will be required to 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 Drug-Free Schools and Communities Act.*
3. *Conduct a biennial review to measure the effectiveness of its drug and alcohol abuse education and prevention programs. AESCA must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program as well as the responsible official or office that will conduct the review. The Biennial Review report must address how the institution will ensure consistency of its enforcement of its disciplinary sanction and be available to the public on request. The new biennial review and report must be completed by 12/31/2012 and submitted to the Department by January 15, 2013.*

**AESCA's Response:** In its response, AESCA concurred with the finding and represented that the institution has taken or will take the following actions to address these violations:

- AESCA contracted with an outside agency to assist with all aspects of student counseling;
- AESCA will discuss its DAAPP policies with students and employees at each orientation session;
- AESCA has revised its consumer information to better explain its DAAPP;
- All students will receive a copy of AESCA's consumer information publications and will be instructed on how to access consumer information on the institution's website - [www.escoffier.edu](http://www.escoffier.edu) - throughout the year. DAAPP information will also be distributed via its module-based student management system;
- AESCA will conduct a biennial review and produce a biennial review report by January 15, 2013 and submit it to the Department. The institution also stated that subsequent reviews would be conducted in June and December of each year going forward; and,
- The Campus Director will be responsible for ensuring compliance with DFSCA requirements.

**Final Determination:**

Finding #2 of the program review report cited AESCA for multiple violations of the DFSCA, including failures to prepare an annual DAAPP disclosure and to actively distribute it to enrolled students and current employees as well as a failure to conduct a

biennial review to assess the effectiveness of the institution's DAAPP. As a result of these violations, AESCA was required to review and revise its DAAPP and to also develop new content as needed. In addition, the institution was required to produce an accurate and complete DAPP disclosure and to distribute it to all enrolled students and current employees in the required manner. Finally, AESCA also was required to conduct a biennial review, prepare a report of findings, and submit the report and supporting documents to the review team. In its response, AESCA concurred with the finding and explained the steps it has taken to address these deficiencies.

The Department carefully examined AESCA's narrative response and supporting documentation. Based on that review and the institution's admission of noncompliance, the violations identified in the finding are sustained. The Department received AESCA's response on January 16, 2013. This response included updated DAAPP information including previously-omitted information about counseling options. The institution also provided information to show that the new DAAPP disclosure and other consumer information was sent to all current and prospective students, faculty and staff. However, AESCA has failed submit any information showing that a substantive biennial review was actually conducted and that findings were made and acted on to improve the DAAPP. Specifically, the institution has not produced any information about the May 1, 2013 meeting that was purportedly held to design a student drug and alcohol survey, which was to serve as the primary data source for the review. AESCA also failed to submit any information about the outcome of the student survey that it claims was conducted in June 2013.

Because the institution's response is deficient, the Department has determined that this program review finding will be closed and primary responsibilities for resolving this matter will be referred to the Clery Act Compliance Division (CACD) for additional action. As part of that referral, AESCA is required to take immediate and documented action to finally and fully address all aspects of the finding and to submit all information related to the conduct of its initial biennial review and any subsequent reviews. As noted above, the institution's response indicated that an initial biennial review was conducted in mid-2013 and that two such reviews would be conducted each year (apparently in the mistaken belief that the biennial review requirement is actually a semi-annual one); however, as of the date of this FPRD no biennial review reports or supporting documentation has been submitted to the review team for analysis.

Therefore, as of the receipt date of this FPRD, AESCA will have 15 days to electronically submit its biennial review reports to the CACD at [clery@ed.gov](mailto:clery@ed.gov). If AESCA has not conducted an actual biennial review or prepared a report of findings, the institution must clearly advise the CACD of that fact in writing (e-mail to [clery@ed.gov](mailto:clery@ed.gov)) within 15 days of its receipt of this FPRD and then immediately commence a substantive biennial review to measure the effectiveness of its DAAPP, the consistency of its enforcement process, and to identify necessary improvements. The report must describe the research methods and data analysis tools that were used in the conduct of the review

and do so with specificity. The report must also identify the official(s) who conducted the review. The biennial review report must also address how the institution analyzed whether or not its disciplinary standards and codes of conduct regarding illegal drug use and alcohol abuse were consistently enforced. Finally, the biennial review report must indicate that it was approved by AESCA's President and/or its board. If the institution finds that it did not in fact conduct the reviews mentioned in the response and must conduct an initial review pursuant to the requirements outlined above, this review must be completed by September 15, 2014 and the institution's report and supporting materials must be submitted to the CACD at [clery@ed.gov](mailto:clery@ed.gov) by September 30, 2014.

Once these materials are submitted, reviewed, and accepted, the referral will be closed. Given the seriousness of these deficiencies, AESCA is reminded that the exceptions identified above constitute very serious and persistent violations of the *DFSCA* that by their nature cannot be cured. AESCA will be required to finally initiate substantive corrective actions and by doing so, will start to remediate the conditions that led to these violations. The institution has stated its intention to finally comply with the *DFSCA* as required by its PPA. While this is an important first step, AESCA officials must understand that compliance with the *DFSCA* and the *Clery Act* are essential to maintaining a safe and healthy learning environment, especially in light of the fact that data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus.

*DFSCA* compliance failures deprive students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use. AESCA's failure to conduct a comprehensive biennial review has deprived the institution of important information about the effectiveness of any drug and alcohol programs that were in place during the review period. For these reasons, the institution is advised that any remedial measures, whether already completed or planned for the future, 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 additional corrective measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that AESCA re-examine its drug and alcohol policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current institutional policy and are in full compliance with the *DFSCA*. Please be advised that the Department may request information on a periodic basis to test the effectiveness of the institution's new policies and procedures.

**D. Appendices**

**Appendix A - Program Review Report**



**COPY**

October 29, 2012

Mr. Paul Ryan  
President  
Auguste Escoffier School of Culinary Arts  
6020-B Dillard Circle  
Austin, TX 78752

Certified Mail  
Return Receipt Requested  
7011 2000 0000 8054 3427

RE: **Program Review Report**  
OPE ID 03026500  
PRCN 201240627975

Dear Mr. Ryan:

From August 13, 2012 through August 17, 2012, Mrs. Shebony Foster and Mrs. Stephanie Akon conducted a review of Auguste Escoffier School of Culinary Arts' (AESCA's) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

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

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

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

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

**Federal Student Aid**  
An OFFICE of the U.S. DEPARTMENT of EDUCATION

Dallas School Participation Division  
1999 Bryan St., Suite 1410, Dallas TX 75201-6817

Auguste Escoffier School of Culinary Arts  
03026500  
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The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the institution's written response will not be attached to the FPRD. However, it will be retained and available for inspection by AESCA upon request. Copies of the program review report, the institution's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after the FPRD is issued.

The institution's response should be sent directly to Stephanie Akon of this office within 30 calendar days of receipt of this letter.

**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).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Stephanie Akon at 214-661-9508 or [Stephanie.akon@ed.gov](mailto:Stephanie.akon@ed.gov)

Sincerely,

(b)(6); (b)(7)(C)

**Kim Peeler**  
Compliance Manager

cc: Jeannie Shore, Financial Aid Administrator



Prepared For  
**Auguste Escoffier School of Culinary Arts**

---

OPE ID 03727600  
PRCN 201240628015

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

# Program Review Report

October 29, 2012

**Federal Student Aid**

An OFFICE of the U.S. DEPARTMENT of EDUCATION

Dallas School Participation Division

1999 Bryan St, Ste 1410, Dallas, TX 75201-6817

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**A. Institutional Information**

Auguste Escoffier School of Culinary Arts  
6020-B Dillard Circle  
Austin, TX 78752

Type: Proprietary

Highest Level of Offering: Non-Degree 1 Year

Accrediting Agency: Council on Occupational Education

Current Student Enrollment: 173 (2011-2012)

% of Students Receiving Title IV: 87.28% (2011-2012)

Title IV Participation: School Participation Team Funding Report

|   | 2010-2011  |
|---|------------|
| Federal Pell Grant (Pell)                         | \$ 324,646 |
| William D. Ford Federal Direct Loan (Direct Loan) | \$ 901,709 |

|                       |      |      |
|-----------------------|------|------|
| Default Rate FFEL/DL: | 2010 | 2.7% |
|                       | 2009 | 3.3% |
|                       | 2008 | 2.9% |

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Auguste Escoffier School of Culinary Arts (AESCA) from August 13, 2012 to August 17, 2012. The review was conducted by Shebony Foster and Stephanie Akon.

The focus of the review was to determine AESCA'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 AESCA'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 15 files was identified for review from the 2011-2012 award year. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for the award year.

### **Disclaimer:**

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

### **Finding 1. Campus Crime Awareness Requirements Not Met**

**Citation:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must publish and distribute a materially-complete Annual Security Report (ASR) that describes its policies, procedures, and programs related to campus crime and security. Institutions must also publish statistics of certain incidents of crime that are reported to its police or security department and/or to any official that meets the definition of a campus security authority. The required policy

disclosures include, but are not limited to policies for preparing the annual disclosure of crime statistics. *34 C.F.R. § 668.46(b)(2)(ii)*

**Noncompliance:** Information provided in the ASR to students and staff is not consistent with the information submitted to the Department. AESCA failed to publish and distribute an accurate and complete ASR. Specifically, AESCA failed to include all required crime categories in the ASR distributed to students and staff. Specifically, AESCA did not include the 4 hate crime categories, (1) Larceny-theft; (2) Simple Assault; (3) Intimidation; and (4) Destruction, Damage, or Vandalism of Property.

**Required Action:** As a result of this violation, AESCA must ensure that its ASR, which was required to be distributed by October 1, 2012, included all of the statistical disclosures and policy, procedure, and programmatic information required under 34 C.F.R. § 668.46(b) and (c). AESCA must take all necessary steps to ensure the ASR is actively distributed to all current students and employees in accordance with 34 C.F.R. § 668.41(e). Furthermore, AESCA must develop and implement procedures for preparing and distributing the ASR in accordance with Federal regulations going forward. The new procedures also must articulate how prospective students and employees will be notified of the report's availability.

A copy of the ASR and a copy of the above mentioned procedures must be submitted with the institutional response to the program review report.

## **Finding 2. Drug Abuse Prevention Program Requirement Not Met**

**Citation:** The Drug Free Schools and Campus Act and Part 86 of the Department's General Administrative Regulations require 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. In addition, each IHE must conduct a biennial review of its drug and alcohol abuse education and prevention program to (1) to determine its effectiveness, (2) to implement changes as needed, and (3) to ensure that the disciplinary sanctions are consistently enforced. *34 C.F.R. § 86.100(b)(1) and (2)*

In addition, an institution's drug prevention program must include an annual distribution, in writing, to each employee and to each student who is taking one or more classes for any type of academic credit. *34 C.F.R. § 86.100(a)*

**Noncompliance:** AESCA could not provide documentation that it had complied fully with the requirements found in the regulations regarding the implementation of a drug and alcohol prevention program. Specifically, AESCA could not document the following:

1. A drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities.
2. That the institution distributes annual written information about its drug prevention program(s) to students and employees.
3. The method used to distribute the above materials to students and employees.
4. A distribution plan that makes provisions for providing materials to students who enroll at some date after the initial distribution and for employees who are hired at different times throughout the year.
5. Written information providing a description of health risks associated with the use of illicit drugs and the abuse of alcohol.
6. A copy of the Biennial Review Document.
7. How the institution measures the effectiveness of its drug prevention program and any needed implementation changes.
8. The responsible person for conducting the biennial review and the signature authority on the review.

**Required Action:** AESCA must review the above referenced federal regulations governing the requirements for drug and alcohol abuse prevention programs and take the necessary actions to ensure that its program is in compliance. To address the specific deficiencies identified in this finding, AESCA must:

1. Develop and implement a substantive drug and alcohol abuse education and prevention program. The program materials must include all of the required elements set forth in the Drug-Free Schools and Communities Act and the Department's Part 86 regulations;
2. Develop and implement procedures for ensuring that the required materials are distributed to every student currently enrolled, as well as every employee of AESCA. Specifically, AESCA must make provisions for providing a copy of the drug and alcohol prevention program to students and employees on an annual basis as well as at the initial hiring time of each employment. AESCA will be required to 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 Drug-Free Schools and Communities Act.

3. Conduct a biennial review to measure the effectiveness of its drug and alcohol abuse education and prevention programs. AESCA must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program as well as the responsible official or office that will conduct the review. The Biennial Review report must address how the institution will ensure consistency of its enforcement of its disciplinary sanction and be available to the public on request. The new biennial review and report must be completed by December 31, 2012 and submitted to the Department by January 15, 2013.

Based on an evaluation of all available information, including AESCA's institutional response, the Department will determine if additional action will be required and will advise the institution accordingly in the Final Program Review Determination letter.