



February 10, 2015

Dr. Frederick Moore  
President  
Buena Vista University  
610 W. Fourth St.  
Storm Lake, IA 50588-9987

UPS Tracking #: 1ZA879640291529911

**RE: Final Program Review Determination**  
**OPE ID 00184700**  
**PRCN 201340728340**

Dear Dr. Moore:

The U.S. Department of Education's (Department's) School Participation Team – Kansas City issued a program review report on June 10, 2014 covering Buena Vista University's (BVU) administration of programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs), for the 2012-2013 award year. The institution's final response was received on August 11, 2015.

The School Participation Team - Kansas City has reviewed BVU's response(s) to the Program Review Report. A copy of the program review report (and related attachments) and BVU's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by BVU 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.

BVU's responses have resolved all findings; however, please see the information below regarding those findings related to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*). In addition, BVU has provided assurances that the appropriate corrective actions have been taken to resolve and prevent future occurrences of all findings. Therefore, BVU may consider the program review closed with no further action required.

This FPRD contains one or more findings regarding BVU's failure to comply with the requirements of the *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

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adverse administrative action is initiated, additional information about BVU 's appeal rights will be provided under separate cover.

Program records relating to the period covered by this program review must be retained until the later of: the resolution of the loan(s), claim(s) or expenditure(s) questioned in the program review [34 C.F.R. § 668.24(e)(3)(i)] or the end of the retention period applicable to the record [34 C.F.R. § 668.24(e)(1) and (e)(2)].

If you have any questions please contact Jenny Armontrout at (816) 268-0516 or [jenny.armontrout@ed.gov](mailto:jenny.armontrout@ed.gov).

Sincerely,

(b)(6)

Ralph LoBosco  
Division Director

Enclosure: Final Program Review Determination (and appendices)  
Protection of Personally Identifiable Information

cc: Leanne Valentine, Financial Aid Director  
Ms. Suzette Radke, Controller  
Director, North Central Association of Colleges and Schools – CIHE (Higher Educ)  
Director, Iowa Secretary of State  
Carolyn Small, Iowa College Student Aid Commission (ICSAC)

Prepared for

**Buena Vista University**

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Prepared by  
**U.S. Department of Education**  
**Federal Student Aid**  
**School Participation Division – Kansas City**

## Final Program Review Determination

February 10, 2015

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**A. Institutional Information**

Buena Vista University  
610 W. Fourth St.  
Storm Lake, IA 50588-9987

Type: Private nonprofit

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

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

Iowa Student Aid Commission  
National Council for Accreditation of Teacher Education  
Council on Social Work Education

Current Student Enrollment: 3,370 (2012-13)

% of Students Receiving Title IV: 92.75% (2012-13)

Title IV Participation (Postsecondary Education Participants System and Common Origination Disbursement):

	<u>2011-2012</u>
Federal Pell Grant (Pell)	\$ 5,608,294
Federal Supplement Education Opportunity Grant (FSEOG)	\$ 262,909
Federal Work-Study (FWS)	\$ 287,011
Federal Perkins Loans(Perkins)	\$ 378,834
Teacher Education Assistance for College and Higher Education Grant (TEACH)	\$ 100,000
Federal Direct Loans (DL)	\$20,657,786

Default Rate DL:	2011	5.2%
	2010	5.3%
	2009	4.5%

Default Rate Perkins:	2011	8.0%
	2010	5.6%
	2009	7.1%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Buena Vista University (BVU) from July 15, 2013 to July 18, 2014. The review was conducted by Jenny Armontrout and Jan Brandow.

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

A sample of 15 files was identified for review from the 2012-13 (year to date) award year. The student files were selected randomly from the list of students who 1) withdrew or ceased attendance for any reason other than graduation; 2) were selected for verification; and 3) received all non-passing grades ("0" GPA) for any term within the award year being reviewed. In addition, 6 files were selected based on students who withdrew and had a Return of Title IV funds (Return) calculation performed. Appendix A identifies the sample students whose files were examined during the program review, and Appendix B identifies the sample of students reviewed for Return calculations. A program review report was issued on June 10, 2014.

### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning BVU'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 BVU 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 # 4-7

BVU has taken the corrective actions necessary to resolve findings 4-7 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by BVU are discussed below.

### **Resolved Findings with Comments**

The following program review findings have been resolved by the institution, and may be considered closed. These findings are included solely for the purpose of discussing resolution of the finding. The program review report findings, as they were written in the Department's June 10, 2014 Program Review Report, are quoted verbatim below in italics.

#### **Finding 1: Campus Crime Requirements Not Met - Failure to Obtain Crime Statistics for Additional Locations**

*Citation Summary: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require institutions to compile and publish separate crime statistics for each location or facility. For purposes of these statistics, the Clery Act establishes a four-part definition of campus that includes:*

- 1) Campus I: any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;*
- 2) Campus II: any building or property owned by the institution that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person or entity, is frequently used by students and supports institutional purposes;*
- 3) Non-Campus Building or Property: any building or property owned or controlled by a recognized student organization; or any building or property owned and controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not in the same reasonably contiguous geographic area of the institution; and,*

*4) Public Property: all public property that is within the campus or that is immediately adjacent to and accessible from the campus.*

*An institution must comply with the statistical reporting requirements of 34 CFR § 668.46 for each administrative division, location, or property that is considered a separate campus and not in the same reasonably contiguous geographical area as the main location. 34 CFR § 668.46 (d)*

***Noncompliance Summary:*** *BVU provides instruction at sixteen additional locations: Council Bluffs Center, Marshalltown Center, Spencer Center, Fort Dodge Center, Mason City Center, Ottumwa Center, Denison Campus, Creston Center, Le Mars Center, Iowa Falls Center, Newton Center, Spirit Lake Center, Estherville Center, Emmetsburg Center, Carroll Site, and Sheldon. Program reviewers determined BVU staff did not consult with officials at the additional locations to obtain any statistics concerning potential Clery-reportable incidents which may have involved their students.*

***Required Action Summary:*** *BVU was required to provide any documentation to show why crime statistics are not required to be reported and disclosed for these locations/sites. Otherwise, BVU was required to collect and disclose crime statistics for its separate campuses and extension sites. Once collected, BVU was required to update its calendar year 2011 and 2012 Annual Security Report (ASR) and the Department's website with the correct crime statistics. In addition, BVU was required to send an email notification to students and employees informing them of the changes. If BVU was unable to collect crime statistics from the local police, it was required to submit evidence of its good-faith effort to obtain the crime statistics. If the local law enforcement agency does not respond to BVU's request, then the institution should include a caveat in its ASR to that effect. BVU was required to submit a copy of the revised ASR with its response to this finding. Based on an evaluation of all available information including BVU's response, the Department will determine if additional action is required and will advise BVU accordingly in the FPRD.*

***BVU's Response:*** *In its official response, BVU conceded that did not request crime statistics from the designated officials at each of its separate campuses or from local law enforcement agencies with jurisdiction over each campus. To address this violation, BVU management asserted that requests for calendar year 2011 and 2012 crime statistics were sent to each site director. BVU's response showed that this request generated responses from eight of its 16 campuses for 2012 as of May 1, 2013. BVU provided to the Department on August 14, 2014 a copy of the responses from its eight sites that responded to the request for crime statistics for the 2012 calendar year. Of the 16 sites which originally did not provide information, 8 sites did provide information, including Denison, LeMars, Emmetsburg, Estherville, Spirit Lake, Spencer, Ottumwa, and Newton. Of these, all indicated no crimes had occurred which needed to be reported. BVU asserts that of the 16 site directors only one site director (The Director from Sheldon—a new location as of September 2012) failed to respond to the request for 2011 data; however, as*

the site was new there would be no information to report. The University also stated that this information was used to produce the 2012 ASR. In addition, BVU represented that requests for crime statistics were subsequently sent to the law enforcement agencies of jurisdiction and that no responses were received. As part of its response, the University also submitted documents in support of some of its claims.

**Final Determination:** Finding #1 of the program review report cited BVU for its failure to request statistics of Clery-reportable crimes that were reported to CSAs and local law enforcement agencies in 2011 and 2012. During the program review, Department officials learned that BVU did attempt to request crime statistics from responsible officials at its 16 campuses but that officials at multiple sites did not provide any data, including Iowa Falls, Mason City, Council Bluffs, Sheldon, Carroll, Creston, and Fort Dodge. The review team also determined that each of these locations meet the *Clery Act's* geographical definitions for a separate campus or non-campus building (NCB). Each separate campus was required to comply with all *Clery Act* requirements including the production of an ASR containing accurate and complete campus crime statistics while crime statistics for each NCB should have been included in the disclosures for the separate campus of which it is a part. In addition, BVU failed to request crime statistics from local law enforcement (LLE) on an annual basis. In fact, no requests for crime statistics were sent until July 10, 2014 at which time, a request was made for 2011, 2012, and 2013 data.

Moreover, the University's response indicated that the 2013 ASR was not actively distributed to enrolled students and current employees until November 23, 2013, 53 days after the required distribution date of October 1<sup>st</sup>. This information was integrated into a larger consumer information document that did not clearly indicate that the ASR was part of the document nevertheless, this document does include the information that BVU produced in an attempt to comply with the *Clery Act*. The Department's determination that BVU failed to distribute the 2013 ASR by the October 1<sup>st</sup> due date is based on documentation included in the official response. This late distribution component of the violation could not have been known at the time of the site visit or at the time that the program review report was issued to the University.

As a result of these violations, BVU was required to request and compile the required crime statistics from Campus Security Authorities (CSA) and/or local law enforcement (LLE) agencies or alternatively, provide documentation showing that the University was not required to disclose crime statistics for these campuses. In addition, the University was required to revise its crime statistics for 2011 and 2012. Furthermore, BVU was required to correct the crime statistics published in its ASRs and then actively distribute these reports to all required recipients. Finally, the University was required to enhance its policies and procedures on how it will request crime statistics from CSAs and LLE and how these statistics will be processed internally and disclosed to the campus community. In its response, BVU concurred with the Department's findings and stated that it used its best efforts to obtain statistics for crimes reported to CSAs while acknowledging that no such requests were sent to LLE until July 10, 2014. The University also submitted its

revised policies, which clarify that a caveat will be included in the ASR to advise readers in the event that LLE does not provide statistics for inclusion in the report.

The Department carefully reviewed all available documentation including the University's response and supporting documents. Based on that review and BVU's admission of noncompliance, the violations identified in the finding are sustained. The Department has also determined that BVU's remedial action plan meets minimum requirements. For these reasons, the Department has accepted BVU's response and considers this finding to be closed for the purposes of this program review. Notwithstanding this action, the officials and directors of BVU are put on notice that the University must take all additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the response to this report and as may otherwise be needed to ensure that these violations do not recur.

Although the finding is now closed, BVU is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. The requirement to develop and implement a comprehensive public safety and crime prevention program and to publish and distribute an ASR containing accurate and complete campus crime statistics and campus safety policies and procedures are fundamental goals of the *Clery Act*. BVU was required to initiate remedial measures and as a result of its efforts, has begun to address the conditions that led to these violations. BVU 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, BVU is advised that its remedial actions, 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 require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that BVU 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, BVU officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2013) 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: Failure to Comply with Drug and Alcohol Abuse Education and Prevention Program Requirements**

*Citation Summary: The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program (DAAPP). 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, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:*

- 1) 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;*
- 2) A written description of legal sanctions imposed under Federal, state, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol;*
- 3) A description of the health risks associated with the use of illicit drugs and alcohol abuse;*
- 4) A description of any drug or alcohol counseling, treatment, and rehabilitation/re-entry programs that are available to students and employees; and,*
- 5) 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.*

*The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.*

*In addition, each IHE must conduct a biennial review to determine the effectiveness of its DAAPP and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by the IHE and made available to the Department upon request. 34 C.F.R. §§ 86.3 and 86.100*

**Noncompliance Summary:** *BVU violated multiple requirements of the DFSCA. The institution failed to develop and implement a compliant DAAPP. For example, BVU's DAAPP did not include any information about drug or alcohol counseling, treatment or rehabilitation programs or resources that are provided by the institution and/or local agencies. Additionally, BVU's DAAPP is lacking a description of the health risks associated with the use of illicit drugs and alcohol abuse.*

*In addition, in an interview with program reviewers, BVU staff stated that students who enroll at various points throughout the academic year and new employees do receive DAAPP information. However, BVU does not have a written DAAPP distribution policy. BVU also failed to explain the methodology leading to the statistics. These violations are linked because the biennial review is primarily a study of the DAAPP's effectiveness. Therefore, an institution cannot conduct a proper biennial review until it has a fully-functional DAAPP in place.*

*BVU has failed to conduct proper biennial reviews to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol; and, 3) identify areas requiring improvement or modification. BVU*

*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 BR 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 on-campus as well as an increase in drug and alcohol-related violent crime.*

**Required Action Summary:** *BVU was required to take all necessary corrective actions to resolve these violations. At a minimum, the institution must develop and implement a comprehensive DAAPP that includes all of the required elements found in the DFSCA and the Department's Part 86 regulations.*

*Additionally, the institution was required to develop policies and procedures to ensure that all subsequent BRs are conducted in a timely manner and are fully documented. Moreover, BVU was also required to take all other necessary action to ensure that these violations do not recur. These new policies were also required to address how BVU will ensure that the DAAPP disclosure will be distributed annually to every student who is currently enrolled for academic credit and to all employees.*

*BVU was required to submit a draft copy of its DAAPP and new policies with its response to this program review report. Once the materials are reviewed and approved by the Department, BVU will be required to 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.*

*As noted above, violations of the DFSCA are serious and by their nature, cannot be cured. BVU will be given an opportunity to conduct a meaningful review of its DAAPP and to bring its drug and alcohol programs into compliance with the DFSCA as required by its PPA. However, the institution was 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 additional corrective or administrative actions.*

*Based on an evaluation of all available information, including BVU's response, the Department will determine if additional action will be required and will advise the institution accordingly.*

**BVU's Response:** In its official response, BVU stated its disagreement with aspects of the Department's finding. BVU claimed that a materially-complete drug and alcohol policy document was distributed annually to students and employees. This document purportedly included information on drug and alcohol prevention and counseling services, rehabilitation programs, health services, and health risks.

In addition, BVU challenged the biennial review component of the finding and stated that a review was conducted in 2011 while conceding that no review was conducted in 2013. Management asserted that its policies and procedures were revised and enhanced to ensure that future biennial reviews are conducted properly and on the required schedule.

**Final Determination:** Finding #2 of the program review report identified multiple violations of the DFSCA and the Part 86 Regulations, Specifically, BVU failed to develop and implement a DAAPP that included all required information. In addition, the University failed to actively distribute its annual DAAPP disclosure to enrolled students and current employees. Finally, BVU failed to conduct a biennial review in 2013 and as a result did not produce a report of review findings. As a result of these violations, BVU was required to revise its DAAPP so that it addressed all required topic areas and then prepare an annual DAAPP disclosure that summarized its program and actively distribute the document in the required manner. Finally, the University was required to conduct a biennial review and prepare a report of findings. As with all findings of violation, BVU was also directed to take all necessary action to ensure that all DFSCA deficiencies identified during the program review do not recur and to otherwise ensure that the DAAPP is materially-complete and that it accurately reflects current law and institutional policy.

The Department carefully examined BVU's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the University's response and new

DAAPP disclosure document and distribution procedures. Although BVU's challenges to parts of the finding are noted, the Department has determined that the noted violations are sustained. The DAAPP in place during the review period did not include required information on substance abuse counseling and treatment options that were available on-campus or in the community. The University was also unable to demonstrate that program materials were actively distributed or explain the process by which any such distribution occurred. Moreover, BVU conceded that no biennial review was conducted after 2011 until at least October 2014 and that review was only initiated at the behest of the Department.

Nevertheless, the Department's evaluation of BVU's remedial action plan indicates that it meets minimum requirements. For these reasons, the Department has accepted the response and considers this finding to be closed for purposes of this program review, subject to the timely submission of the documents listed below.

Within 10 days of BVU's receipt of this FPRD, the University must actively distribute its revised DAAPP program materials to all employees and any student enrolled for academic credit. In addition, the University must submit credible proof of said distribution via e-mail to Ms. Kathy Feith at [kathy.feith@ed.gov](mailto:kathy.feith@ed.gov) and to the Clery Act Compliance Team at [clery@ed.gov](mailto:clery@ed.gov) within 15 days of receipt of this FPRD. BVU's response to the program review report indicated that the University's biennial review would be completed by October 2014. As such, the University is also required to submit its findings report and supporting documentation generated during the review with the proof of distribution documentation.

Notwithstanding the conditional closure of this finding, the Department hereby puts the officials and directors of BVU on notice that they must take all necessary action to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the response to the Department's report and as may otherwise be needed to ensure that these violations do not recur. To that end, BVU must ensure that the most-recent and all future biennial reviews are in fact a substantive study of the effectiveness of the University's drug and alcohol abuse education and prevention efforts and of the consistency of its disciplinary processes. The review process also must seek to identify areas for improvement and include a plan for implementing those recommendations. As noted in the program review report, BVU's biennial review reports 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 each review. And finally, each report must indicate that it was approved by the University's President and/or its board.

BVU is specifically reminded that the exceptions identified above constitute serious violations of the *DFSCA* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. BVU asserted that it has taken adequate remedial actions and by doing so, has taken steps toward full compliance with the

*DFSCA* as required by its PPA. BVU officials must understand that compliance with the *DFSCA* is essential to maintaining a safe and healthy learning environment. 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. The failures documented above deprived students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use. Moreover, these violations also deprived the institution of important information about its own programs. For these reasons, BVU 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 remedial measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that BVU 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.

### **Finding 3: Failure to Resolve Conflicting Information/Verification Incomplete**

**Citation Summary:** *The purpose of verification is to ensure accuracy in determining eligibility. An institution is responsible for resolving conflicting information related to a student's application for federal student aid. The required data elements that must be verified for all selected applications are: 1) household size, 2) number enrolled in college, 3) Supplemental Nutrition Assistance Program (SNAP, formerly food stamps), and 4) Child support paid. Additionally, the following data elements must be verified for tax filers: 1) Adjusted gross income (AGI), 2) U.S. income tax paid, 3) Education credits, 4) Untaxed IRA distributions, 5) Untaxed pensions, 6) IRA deductions, and 7) Tax-exempt interest. For non-tax filers income earned from work must be verified. Supporting documentation collected from the student or parents is compared to the information that was reported on the student's ISIR. Verification documentation collected must be retained in the student's file as evidence that the process was completed. 34 C.F.R. § 668.56 and the Department's Application and Verification Guide*

*A statement signed by both the applicant and one of the parents of a dependent student, or only the applicant if the applicant is an independent student, that lists—*

- (a) The name and age of each household member; and*
- (b) The relationship of that household member to the applicant.*

*Note that verification of number of household members is not required if:*

*(a) For a dependent student, the household size reported on the FAFSA is two and the parent is single, separated, divorced, or widowed; or three if the parents are married; or*

*(b) For an independent student, the household size reported on the FAFSA is one and the applicant is single, separated, divorced, or widowed; or two if the applicant is married.*

*(§ 668.57(b))*

*(1) A statement signed by both the applicant and one of the parents of a dependent student, or only the applicant if the applicant is an independent student, listing—*

*(a) The name and age of each household member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the 2012–2013 award year; and*

*(b) The name of the eligible institution(s) that each household member is or will be attending during the 2012–2013 award year. (§ 668.57(c))*

*(2) If an institution has reason to believe that an applicant's FAFSA information or the statement provided by the applicant regarding the number of household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain a statement from each institution named by the applicant that the household member in question is or will be attending that institution on at least a half-time basis unless—*

*(a) The institution the student is attending determines that such a statement is not available because the household member in question has not yet registered at the institution he or she plans to attend; or*

*(b) The institution has information indicating that the household member in question will be attending the same institution as the applicant.*

*Note that verification is not required if the reported number of household members enrolled at least half-time in eligible postsecondary institutions is one. (§ 668.57(c)(2))*

*Documentation from the agency that issues the Food Stamps benefit or alternative documentation as determined by the institution to be sufficient to confirm that the applicant received Food Stamps in 2010 or 2011. (§ 668.57(d))*

*(1) A statement signed by the applicant, spouse, or parent who paid child support certifying—*

*(a) The amount of child support paid;*

*(b) The name of the person to whom child support was paid; and*

*(c) The name of the children for whom child support was paid.*

*(2) If the institution believes the information provided in the signed statement is inaccurate, the applicant must provide the institution with documentation such as—*

*(a) A copy of the separation agreement or divorce decree that shows the amount of child support to be provided;*

*(b) A statement from the individual receiving the child support showing the amount provided; or*

*(c) Copies of the child support checks or money order receipts. (§ 668.57(d))*

*(1) Information that the Secretary has identified as having been obtained from the Internal Revenue Service (IRS) (commonly referred to as the IRS Data Retrieval Process) and not having been changed. (§ 668.57(a)(2))*

*(2) If a tax filer is unable to provide the income information through the IRS Data Retrieval Process, a transcript obtained from the IRS that lists tax account information of the tax filer for tax year 2011. (§ 668.57(a)(1)(i))*

*For an individual that has not filed and, under IRS rules or other applicable government agency rules, is not required to file an income tax return—*

*(1) A copy of IRS Form W-2 3 for each source of employment income received for tax year 2011. (§ 668.57(a)(3)(i) and (a)(4)(i)(B))*

*(2) A signed statement certifying—*

*(a) That the individual has not filed and is not required to file an income tax return for tax year 2011; and (§ 668.57(a)(3)(i) and (a)(4)(i))*

*(b) The sources of income earned from work as reported on the FAFSA and amounts of income from each source for tax year 2011 that is not reported on IRS Form W-2.*

*(§ 668.57(a)(3)(i) and (a)(4)(i))*

*An institution is required to develop adequate systems to ensure the integrity of the information it receives as part of a student's application for Federal student aid, regardless of the source of that information. The ability of an institution to coordinate the information it collects and to resolve discrepancies are critical elements in an evaluation of administrative capability. The institution is responsible for reconciling all information received, with one exception: If the applicant dies during the award year, the institution is not required to pursue the resolution of conflicting data*

*In determining whether the institution's system for resolving conflicting information is adequate, the Secretary considers whether the institution obtains and reviews:*

- (1) All student aid applications, need analysis documents, Statements of Educational Purpose, Statements of Registration Status, and eligibility notification documents presented by or on behalf of each applicant;*
- (2) Any documents, including any copies of state and federal income tax returns, that are normally collected by the institution to verify information received from the student or other sources, and*
- (3) Any other information normally available to the institution regarding a student's citizenship, previous educational experience, documentation of the student's social security number, or other factors relating to the student's eligibility for funds under the Title IV, HEA programs. 34 C.F.R. § 668.16(f)*

**Noncompliance Summary:** *While reviewing the files for the three students listed below, it was noted that BVU failed to properly verify the untaxed income information on the students' Institutional Student Information Report (ISIR). Untaxed income was provided by students on ISIR questions 44 and 92. Untaxed income included:*

- *Payments to tax-deferred pension and savings plans;*
- *IRA and other plans;*
- *Child support received;*
- *Tax-exempt interest income;*
- *Untaxed portions of IRA distributions;*
- *Untaxed portions of pensions;*
- *Housing, food, and other living allowances;*
- *Veterans' non-educational benefits;*
- *Other untaxed income and benefits; and*
- *Money received.*

*For the 2012-13 award year, Student #2 's ISIR Transaction 04 (21068 EFC) was selected for verification. The student's ISIR reflected untaxed income of \$1,391.00 as payments to tax-deferred pension and savings plans. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$1,522.00 in Direct Subsidized Loan funds, \$4,978.00 in Direct Unsubsidized Loan funds, and \$6,500.00 in PLUS Loan funds during the 2012-2013 award year.*

*Also, for the 2012-13 award year, Student #5 's ISIR Transaction 02 (8599 EFC) was selected for verification. The student's ISIR reflected untaxed income of \$4,099.00 as payments to tax-deferred pension and savings plans. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$5,500.00 in Direct Subsidized Loan funds, \$2,000.00 in Direct Unsubsidized Loan funds during the 2012-2013 award year.*

*Finally, for the 2012-13 award year, Student #12 's ISIR Transaction 03 (0 EFC) was selected for verification. The student's ISIR reflected untaxed income of \$23,622.00, of which \$3,600.00 was child support received and \$20,022.00 was other untaxed income or benefits. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$5,500.00 in Federal Pell Grant funds, \$5,500.00 in Direct Subsidized Loan funds, and \$7,000.00 in Direct Unsubsidized Loan funds during the 2012-2013 award year.*

***Required Action:*** *In response to this report, BVU must resolve the conflicting information for the students referenced above, which may include obtaining the documentation necessary to complete the process. If the resolution of the issue involves changes to the student's income, or the addition of parental income not previously reported, BVU must attempt to collect the required tax returns or other income-related information and recalculate the student's EFC and Title IV, HEA eligibility accordingly. If BVU is unable to properly complete the verification process for any or all of the students, the institution may be held liable for all Title IV, HEA funds disbursed to those students in the relevant award years.*

*Additionally, BVU must review the student files of all Title IV, HEA recipients in the 2012-2013 award years. For any student who was selected for verification, BVU must provide the following information in spreadsheet format, along with the required hard copy documentation listed below:*

- (1) Student's last name and first name;
- (2) Social Security number (last four digits only);
- (3) Award year;
- (4) Date of Disbursement;
- (5) Amount of Disbursement;
- (6) Title IV, HEA program;
- (7) Indication of whether verification was completed for student (Y/N);
- (8) Indication of whether initial verification was accurate (Y/N);
- (9) Indication of whether recalculation was performed (Y/N);
- (10) Adjusted award based on recalculation;
- (11) Data retrieval tool (DRT) utilized (Y/N);
- (12) Original EFC;
- (13) Recalculated EFC;
- (14) Revised award after recalculation;
- (15) Difference between original and revised award;
- (16) Legible copy of recalculation of student's Title IV, HEA eligibility, if applicable;
- (17) Legible copy of student's original account card;
- (18) Legible copy of all transactions of the student's Institutional Student Aid Report(s) (ISIR); and
- (19) Legible copy of student's verification worksheet and all documentation used by BVU to complete the verification process.

<i>Student's Last Name, First Name</i>	<i>Last 4 SSN</i>	<i>Award Year</i>	<i>Date of Disbursement</i>	<i>Amount of Disbursement</i>	<i>Title IV Program</i>	<i>Verification Complete (Y/N)</i>
***		2012-2013	03/15/2013	\$2775.00	Pell	Y
				\$1742.00	Sub	Y

<i>Verification Accurate (Y/N)</i>	<i>Recalc Performed (Y/N)</i>	<i>DRT Utilized (Y/N)</i>	<i>Original EFC</i>	<i>Recalculated EFC</i>	<i>Revised Award Amount</i>	<i>Difference between Original and Revised Award</i>

*The required information listed in items 15, 16, 17, and 18 above must be presented in hard copy format.*

*In lieu of performing a file review for the entire population of students selected for verification for the entire population of students who received Title IV, HEA funds to determine actual liabilities, BVU has the option of performing this file review for only the remainder of the statistical sample not tested by the Department during the program review. The results from this file review using the statistical sample will be used to project liabilities for the entire population (i.e., the average liability for the recipients in the statistical sample will be multiplied by the total population). This option is intended to reduce the burden on the institution of conducting a full file review.*

*If BVU wishes to select this option, the institution must contact the lead review, Jenny Armontrout, to arrange for the formulation of the statistical samples for the pertinent award years.*

*Finally, BVU must review and revise its policies and procedures in relation to the verification process and provide copies to the Department as part of its response to the PRR.*

*Hard copy and electronic files containing PII must be safeguarded as described in the enclosure to the cover letter of this report. Instructions for repayment of any liabilities will be provided in the FPRD letter. The institution must not repay any funds owed to the Department until the FPRD is issued.*

**BVU's Response:** BVU did not submit the requested documentation for this finding. The institution contacted a Department official outside of the Kansas City Division who stated that payments to tax deferred pension and savings plans were not required to be considered in the "untaxed income" verification item for the 2012-13 award year. This individual also instructed BVU that the institution was not required to submit the requested file review thus BVU submitted no further documentation beyond its communication with the Department official.

**Final Determination:** After discussions with the Policy liaisons the Department requires no further action from the institution, and considers this finding to be closed.

Prepared for  
**Buena Vista University**

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

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**OPE ID** 00184700  
**PRCN** 201340728340

**Prepared by**  
**U.S. Department of Education**  
**Federal Student Aid**  
**School Participation Division – Kansas City**

## Program Review Report June 10, 2014

U.S. Department of Education, Federal Student Aid, School Participation Division– Kansas City  
1010 Walnut Street, Suite 336, Kansas City, MO 64106-0516  
[www.StudentAid.gov](http://www.StudentAid.gov)

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**A. Institutional Information**

Buena Vista University  
610 W. Fourth St.  
Storm Lake, IA 50588-9987

Type: Private nonprofit

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

Accrediting Agency: North Central Association of Colleges and Schools - CIHE (Higher Educ)  
Iowa Student Aid Commission  
National Council for Accreditation of Teacher Education  
Council on Social Work Education

Current Student Enrollment: 3,370 (2012-13)

% of Students Receiving Title IV: 92.75% (2012-13)

Title IV Participation (Postsecondary Education Participants System and Common Origination Disbursement):

	<u>2011-2012</u>
Federal Pell Grant (Pell)	\$ 5,608,294
Federal Supplement Education Opportunity Grant (FSEOG)	\$ 262,909
Federal Work-Study (FWS)	\$ 287,011
Federal Perkins Loans(Perkins)	\$ 378,834
Teacher Education Assistance for College and Higher Education Grant (TEACH)	\$ 100,000
Federal Direct Loans (DL)	\$20,657,786

Default Rate DL:	2011	5.2%
	2010	5.3%
	2009	4.5%

Default Rate Perkins:	2011	8.0%
	2010	5.6%
	2009	7.1%

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Buena Vista University (BVU) from July 15, 2013 to July 18, 2014. The review was conducted by Jenny Armontrout and Jan Brandow.

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

A sample of 15 files was identified for review from the 2012-13 (year to date) award year. The student files were selected randomly from the list of students who 1) withdrew or ceased attendance for any reason other than graduation; 2) were selected for verification; and 3) received all non-passing grades ("0" GPA) for any term within the award year being reviewed. In addition, 6 files were selected based on students who withdrew and had a Return of Title IV funds (Return) calculation performed. Appendix A identifies the sample students whose files were examined during the program review, and Appendix B identifies the sample of students reviewed for Return calculations.

### **Disclaimer:**

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

#### **Finding 1: Crime Awareness Requirement Not Met - Failure to Obtain Crime Statistics for Additional Locations**

**Citation:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require institutions to compile and publish separate crime statistics for each location or facility. For purposes of these statistics, the Clery Act establishes a four-part definition of campus that includes:

- 1) Campus (I): any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;
- 2) Campus (II): any building or property owned by the institution that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person or entity, is frequently used by students and supports institutional purposes;
- 3) Non-Campus Building or Property: any building or property owned or controlled by a recognized student organization that is officially recognized by the institution; or any building or property owned and controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not in the same reasonably contiguous geographic area of the institution; and,
- 4) Public Property: all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or that is immediately adjacent to and accessible from the campus.

An institution must comply with the statistical reporting requirements of 34 CFR § 668.46 for each administrative division, location, or property that is considered a separate campus and not in the same reasonably contiguous geographical area as the main location. 34 CFR § 668.46 (d)

**Noncompliance:** BVU failed to report criminal statistics at sixteen additional locations: Council Bluffs Center, Marshalltown Center, Spencer Center, Fort Dodge Center, Mason City Center, Ottumwa Center, Denison Campus, Creston Center, Le Mars Center, Iowa Falls Center, Newton Center, Spirit Lake Center, Estherville Center, Emmetsburg Center, Carroll Site, and Sheldon. Program reviewers determined BVU staff did not consult with officials at the additional locations to obtain any statistics concerning potential Clery-reportable incidents which may have involved their students.

**Required Action:** BVU may provide any documentation to show why crime statistics are not required to be reported and disclosed for these locations/sites. Otherwise, BVU must collect and disclose crime statistics for its separate campuses and extension sites. Once collected, BVU must update its calendar year 2011 and 2012 Annual Security Report (ASR) and the Department's website with the correct crime statistics. In addition, BVU is required to send an email notification to students and employees informing them of the changes. If BVU is unable to collect crime statistics from the local police, it must submit evidence of its good-faith effort to obtain the crime statistics. If the local law enforcement agency does not respond to BVU's request, then the institution should include a caveat in its ASR to that affect. BVU must submit a copy of the revised ASR with its response to this finding. Based on an evaluation of all available information including BVU's response, the Department will determine if additional action is required and will advise BVU accordingly in the FPRD.

**Finding 2: Failure to Comply with Drug and Alcohol Abuse Education and Prevention Program Requirements**

**Citation:** The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse prevention program (DAAPP). 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, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- 1) 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 on its property or as part of an of its activities;
- 2) A written description of applicable legal sanctions imposed under Federal, state, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol;
- 3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- 4) A description of any drug or alcohol counseling, treatment, and rehabilitation or re-entry programs that are available to students and employees; and,
- 5) A clear statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's standards of conduct and a description of such sanctions.

The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.

In addition, each IHE must conduct a biennial review to determine the effectiveness of its DAAPP and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. The biennial review materials must be maintained by the IHE and made available to the Department upon request. 34 C.F.R. §§ 86.3 and 86.100

**Noncompliance:** BVU violated multiple requirements of the DFSCA. The institution failed to develop and implement a compliant DAAPP. For example, BVU's DAAPP did not include any information about drug or alcohol counseling, treatment or rehabilitation programs or resources that are provided by the institution and/or local agencies. Additionally, BVU's DAAPP is lacking a description of the health risks associated with the use of illicit drugs and alcohol abuse.

In addition, in an interview with program reviewers, BVU staff stated that students who enroll at various points throughout the academic year and new employees do receive DAAPP information. BVU does not have a written DAAPP distribution policy. BVU failed to explain the methodology leading to the statistics. These violations are linked because the biennial review is an analytical study to determine the DAAPP's effectiveness. Therefore, an institution cannot conduct a proper biennial review until it has a fully-functional DAAPP in place.

BVU failed to conduct proper biennial reviews to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol; and, 3) identify areas requiring improvement or modification.

BVU's 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 deprives the institution of the ability to determine the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

**Required Action:** BVU is required to take all necessary corrective actions to resolve these violations. At a minimum, the institution 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 all prospective students who and all prospective employees. BVU 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, BVU 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 College 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 and prepare a report of its findings. BVU's report must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program and the consistency of its enforcement strategy. Additionally, the report must 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 BVU and be submitted to the Department; and,
- Establish policies and procedures to ensure that all subsequent biennial reviews are conducted in a timely manner and are fully documented. BVU must also take all other necessary action to ensure that these violations do not recur. A copy of these new policies and procedures must accompany the College's biennial review report.

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 remediate a violation of this type once it occurs. BVU 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 Program Participation Agreement (PPA). However, BVU 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 BVU's response, the Department will determine if additional actions will be required and will advise the BVU accordingly in its FPRD.

### **Finding 3: Failure to Resolve Conflicting Information/Verification Incomplete**

**Citation:** The purpose of verification is to ensure accuracy in determining eligibility. An institution is responsible for resolving conflicting information related to a student's application for federal student aid. The required data elements that must be verified for all selected applications are: 1) household size, 2) number enrolled in college, 3) Supplemental Nutrition Assistance Program (SNAP, formerly food stamps), and 4) Child support paid. Additionally, the following data elements must be verified for tax filers: 1) Adjusted gross income (AGI), 2) U.S. income tax paid, 3) Education credits, 4) Untaxed IRA distributions, 5) Untaxed pensions, 6) IRA deductions, and 7) Tax-exempt interest. For non-tax filers income earned from work must be

verified. Supporting documentation collected from the student or parents is compared to the information that was reported on the student's ISIR. Verification documentation collected must be retained in the student's file as evidence that the process was completed. *34 C.F.R. § 668.56 and the Department's Application and Verification Guide*

A statement signed by both the applicant and one of the parents of a dependent student, or only the applicant if the applicant is an independent student, that lists—

- (a) The name and age of each household member; and
- (b) The relationship of that household member to the applicant.

Note that verification of number of household members is not required if:

- (a) For a dependent student, the household size reported on the FAFSA is two and the parent is single, separated, divorced, or widowed; or three if the parents are married; or
- (b) For an independent student, the household size reported on the FAFSA is one and the applicant is single, separated, divorced, or widowed; or two if the applicant is married.

(§ 668.57(b))

(1) A statement signed by both the applicant and one of the parents of a dependent student, or only the applicant if the applicant is an independent student, listing—

- (a) The name and age of each household member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the 2012–2013 award year; and
- (b) The name of the eligible institution(s) that each household member is or will be attending during the 2012–2013 award year. (§ 668.57(c))

(2) If an institution has reason to believe that an applicant's FAFSA information or the statement provided by the applicant regarding the number of household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain a statement from each institution named by the applicant that the household member in question is or will be attending that institution on at least a half-time basis unless—

- (a) The institution the student is attending determines that such a statement is not available because the household member in question has not yet registered at the institution he or she plans to attend; or
- (b) The institution has information indicating that the household member in question will be attending the same institution as the applicant.

Note that verification is not required if the reported number of household members enrolled at least half-time in eligible postsecondary institutions is one. (§ 668.57(c)(2))

Documentation from the agency that issues the Food Stamps benefit or alternative documentation as determined by the institution to be sufficient to confirm that the applicant received Food Stamps in 2010 or 2011. (§ 668.57(d))

(1) A statement signed by the applicant, spouse, or parent who paid child support certifying—

- (a) The amount of child support paid;
- (b) The name of the person to whom child support was paid; and
- (c) The name of the children for whom child support was paid.

(2) If the institution believes the information provided in the signed statement is inaccurate, the applicant must provide the institution with documentation such as—

(a) A copy of the separation agreement or divorce decree that shows the amount of child support to be provided;

(b) A statement from the individual receiving the child support showing the amount provided; or

(c) Copies of the child support checks or money order receipts. (§ 668.57(d))

(1) Information that the Secretary has identified as having been obtained from the Internal Revenue Service (IRS) (commonly referred to as the IRS Data Retrieval Process) and not having been changed. (§ 668.57(a)(2))

(2) If a tax filer is unable to provide the income information through the IRS Data Retrieval Process, a transcript obtained from the IRS that lists tax account information of the tax filer for tax year 2011. (§ 668.57(a)(1)(i))

For an individual that has not filed and, under IRS rules or other applicable government agency rules, is not required to file an income tax return—

(1) A copy of IRS Form W-2 3 for each source of employment income received for tax year 2011. (§ 668.57(a)(3)(i) and (a)(4)(i)(B))

(2) A signed statement certifying—

(a) That the individual has not filed and is not required to file an income tax return for tax year 2011; and (§ 668.57(a)(3)(i) and (a)(4)(i))

(b) The sources of income earned from work as reported on the FAFSA and amounts of income from each source for tax year 2011 that is not reported on IRS Form W-2.

(§ 668.57(a)(3)(i) and (a)(4)(i))

An institution is required to develop adequate systems to ensure the integrity of the information it receives as part of a student's application for Federal student aid, regardless of the source of that information. The ability of an institution to coordinate the information it collects and to resolve discrepancies are critical elements in an evaluation of administrative capability. The institution is responsible for reconciling all information received, with one exception: If the applicant dies during the award year, the institution is not required to pursue the resolution of conflicting data

In determining whether the institution's system for resolving conflicting information is adequate, the Secretary considers whether the institution obtains and reviews:

- (1) All student aid applications, need analysis documents, Statements of Educational Purpose, Statements of Registration Status, and eligibility notification documents presented by or on behalf of each applicant;
- (2) Any documents, including any copies of state and federal income tax returns, that are normally collected by the institution to verify information received from the student or other sources, and
- (3) Any other information normally available to the institution regarding a student's citizenship, previous educational experience, documentation of the student's social

security number, or other factors relating to the student's eligibility for funds under the Title IV, HEA programs. *34 C.F.R. § 668.16(f)*

**Noncompliance:** While reviewing the files for the three students listed below, it was noted that BVU failed to properly verify the untaxed income information on the students' Institutional Student Information Report (ISIR). Untaxed income is provided by students on ISIR questions 44 and 92. Untaxed income includes:

- Payments to tax-deferred pension and savings plans;
- IRA and other plans;
- Child support received;
- Tax-exempt interest income;
- Untaxed portions of IRA distributions;
- Untaxed portions of pensions;
- Housing, food, and other living allowances;
- Veterans' non-educational benefits;
- Other untaxed income and benefits; and
- Money received.

For the 2012-13 award year, Student #2 's ISIR Transaction 04 (21068 EFC) was selected for verification. The student's ISIR reflects untaxed income of \$1,391.00 as payments to tax-deferred pension and savings plans. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$1,522.00 in Direct Subsidized Loan funds, \$4,978.00 in Direct Unsubsidized Loan funds, and \$6,500.00 in PLUS Loan funds during the 2012-2013 award year.

Also, for the 2012-13 award year, Student #5 's ISIR Transaction 02 (8599 EFC) was selected for verification. The student's ISIR reflects untaxed income of \$4,099.00 as payments to tax-deferred pension and savings plans. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$5,500.00 in Direct Subsidized Loan funds, \$2,000.00 in Direct Unsubsidized Loan funds during the 2012-2013 award year.

Finally, for the 2012-13 award year, Student #12 's ISIR Transaction 03 (0 EFC) was selected for verification. The student's ISIR reflects untaxed income of \$23,622.00, of which \$3,600.00 was child support received and \$20,022.00 was other untaxed income or benefits. The student's file did not contain documentation required to verify the untaxed income resulting in conflicting information. The student received \$5,500.00 in Federal Pell Grant funds, \$5,500.00 in Direct Subsidized Loan funds, and \$7,000.00 in Direct Unsubsidized Loan funds during the 2012-2013 award year.

**Required Action:** In response to this report, BVU must resolve the conflicting information for the students referenced above, which may include obtaining the documentation necessary to complete the process. If the resolution of the issue involves changes to the student's income, or the addition of parental income not previously reported, BVU must attempt to collect the

required tax returns or other income-related information and recalculate the student's EFC and Title IV, HEA eligibility accordingly. If BVU is unable to properly complete the verification process for any or all of the students, the institution may be held liable for all Title IV, HEA funds disbursed to those students in the relevant award years.

Additionally, BVU must review the student files of all Title IV, HEA recipients in the 2012-2013 award years. For any student who was selected for verification, BVU must provide the following information in spreadsheet format, along with the required hard copy documentation listed below:

- (1) Student's last name and first name;
- (2) Social Security number (last four digits only);
- (3) Award year;
- (4) Date of Disbursement;
- (5) Amount of Disbursement;
- (6) Title IV, HEA program;
- (7) Indication of whether verification was completed for student (Y/N);
- (8) Indication of whether initial verification was accurate (Y/N);
- (9) Indication of whether recalculation was performed (Y/N);
- (10) Adjusted award based on recalculation;
- (11) Data retrieval tool (DRT) utilized (Y/N);
- (12) Original EFC;
- (13) Recalculated EFC;
- (14) Revised award after recalculation;
- (15) Difference between original and revised award;
- (16) Legible copy of recalculation of student's Title IV, HEA eligibility, if applicable;
- (17) Legible copy of student's original account card;
- (18) Legible copy of all transactions of the student's Institutional Student Aid Report(s) (ISIR); and
- (19) Legible copy of student's verification worksheet and all documentation used by BVU to complete the verification process.

Student's Last Name, First Name	Last 4 SSN	Award Year	Date of Disbursement	Amount of Disbursement	Title IV Program	Verification Complete (Y/N)
***		2012-2013	03/15/2013	\$2775.00	Pell	Y
				\$1742.00	Sub	Y

Verification Accurate (Y/N)	Recalc Performed (Y/N)	DRT Utilized (Y/N)	Original EFC	Recalculated EFC	Revised Award Amount	Difference between Original and Revised Award

The required information listed in items 15, 16, 17, and 18 above must be presented in hard copy format.

In lieu of performing a file review for the entire population of students selected for verification for the entire population of students who received Title IV, HEA funds to determine actual liabilities, BVU has the option of performing this file review for only the remainder of the statistical sample not tested by the Department during the program review. The results from this file review using the statistical sample will be used to project liabilities for the entire population (i.e., the average liability for the recipients in the statistical sample will be multiplied by the total population). This option is intended to reduce the burden on the institution of conducting a full file review.

If BVU wishes to select this option, the institution must contact the lead review, Jenny Armontrout, to arrange for the formulation of the statistical samples for the pertinent award years.

Finally, BVU must review and revise its policies and procedures in relation to the verification process and provide copies to the Department as part of its response to the PRR.

Hard copy and electronic files containing PII must be safeguarded as described in the enclosure to the cover letter of this report. Instructions for repayment of any liabilities will be provided in the FPRD letter. The institution must not repay any funds owed to the Department until the FPRD is issued.

**Finding 4: Maximum Aggregate Subsidized Direct Stafford Loan Award Exceeded**

**Citation:** The aggregate unpaid principal amount of all Federal Direct Subsidized Loans and Federal Stafford Loans made to a student (excluding the amount of capitalized interest) may not exceed the following:

- \$23,000 in the case of any student who has not successfully completed a program of study at the undergraduate level;
- \$65,500 in the case of a graduate or professional student, including loans for undergraduate study.

The total amount of Federal Direct Unsubsidized Loans, Federal Unsubsidized Stafford Loans, and Federal Supplemental Loans for Students (SLS) (excluding the amount of capitalized interest) may not exceed the following:

- For a dependent undergraduate student, \$31,000, minus any Subsidized Loan amount;
- For an independent undergraduate, \$57,500, minus any Subsidized Loan amount;
- For a graduate or professional student, \$138,500, minus any Subsidized Loan amount.

*34 C.F.R. § 685.203(d)(e)*

**Noncompliance:** In one instance, BVU awarded the student over the undergraduate Title IV, HEA Subsidized Direct Loan aggregate maximum allowed. For the 2012-13 award year, BVU awarded Student #7 \$5,500 in Title IV, HEA Direct Subsidized Loan funds and \$7,000 in Title IV, HEA Direct Unsubsidized Loan. Prior to the awarding of these funds, the student's aggregate undergraduate Title IV, HEA Direct Subsidized Loan balance totaled \$17,557. When BVU awarded and disbursed \$5,500 in Title IV, HEA Direct Subsidized Loan the student was awarded \$57 over the aggregate maximum of Title IV, HEA Direct Subsidized Loan funds allowed for undergraduate students. It should be noted BVU contacted the student, and gained the student's consent in order to reallocate the student's 2012-13 Title IV, HEA Direct Subsidized aggregate overaward to Title IV, HEA Direct Unsubsidized loan funds during the onsite program review. It should also be noted that the student did not have a comment code on her ISIR to indicate that she was close to her Title IV, HEA Subsidized Direct Loan aggregate maximum

This student is also cited in Finding 7.

**Required Action:** In response to this finding, BVU must devise and implement policy and procedures to ensure that it will not award students over the aggregate maximum allowed in regulation by checking all borrowers' loan history information before awarding any Title IV, HEA Direct Loans. A copy of the policy and procedures must accompany BVU's response to this PRR.

#### **Finding 5: Satisfactory Academic Progress Policy Not Adequately Developed/Monitored**

**Citation:** In order to be eligible to receive Title IV, HEA program aid, a student must maintain Satisfactory Academic Progress (SAP) in accordance with the institution's published standards of satisfactory progress. *34 C.F.R. § 668.32(f)* An institution's policy must be the same or stricter than the satisfactory academic progress standards applied to a student who is not receiving Title IV, HEA program aid. *34 C.F.R. § 668.34(a)(1)* The policy must have both a qualitative component, such as grades, that are measureable against a norm and a quantitative component that consists of a maximum timeframe in which the student must complete the educational program. In addition, the quantitative component must be divided into increments not to exceed one academic year and must include a schedule designating the amount of work that a student must successfully complete at the end of each increment to complete the educational program within the maximum timeframe. Also, the policy must define the effect of

course incompletes, withdrawals, repetitions, noncredit remedial courses, and transfer credits from another institution on SAP, both GPA and pace of completion. Credit hours from another institution that are accepted toward a student's educational program must count as both attempted and completed hours. *34 C.F.R. § 668.34(a)(5)(6)*

If the institution places students on financial aid warning or financial aid probation, as defined in 34 C.F.R. § 668.34(b), the institution must have a policy that describes these statuses. This policy must also inform students that a student who is placed on financial aid warning is still eligible to receive Title IV, HEA funds for one more payment period despite the fact the student is not making SAP, and that a student on financial aid probation may receive Title IV, HEA funds for one payment period after an approved SAP appeal, but at the end of one payment period the student must meet the institution's SAP standards or meet the requirements of the academic plan developed by the institution, if the institution chooses to develop academic plans for financial aid probation students. *34 C.F.R. § 668.34(a)(8)(i)(ii)*

**Noncompliance:** BVU does not accurately use the term "warning" in its SAP policy, nor in the letters sent to students to notify them of their SAP status. BVU policy states that probation is a warning that indicates a student's continued enrollment is in jeopardy. However, BVU policy does not address financial aid warning as the initial period in a student's unsuccessful completion of SAP in which the student remains eligible to receive Title IV, HEA funds.

Student #1's file contains an example of BVU's definition of probation that is sent to students. The email notification dated 01/09/2013 states that the student had been placed on academic probation and the probationary period served as the only warning to get back into good academic standing. A second email notification dated 02/14/2013 informs the student that he was on financial aid warning in addition to academic probation and referred the student to the SAP policy on BVU's website.

**Required Action:** BVU must review its policies and procedures in relation to the definition and execution of SAP warnings. BVU must provide copies of any updated policies and procedures with its response to the program review report. BVU must also provide a copy of any updated SAP student notifications.

#### **Finding 6: Failure to Substantiate Federal Work-Study Community Service Requirements Met**

**Citation:** Federal regulations state that an institution must use at least seven percent of the sum of its initial and supplemental FWS allocations for an award year to compensate students employed in community service activities. In meeting this community service requirement, an institution must include services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents,

particularly low-income individuals, or to solve particular problems related to their needs. These services include—

- (1) Such fields as health care, child care (including child care services provided on campus that are open and accessible to the community), literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, emergency preparedness and response, crime prevention and control, recreation, rural development, and community improvement;
- (2) Work in service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of that Act;
- (3) Support services to students with disabilities, including students with disabilities who are enrolled at the institution; and
- (4) Activities in which a student serves as a mentor for such purposes as—
  - i. Tutoring;
  - ii. Supporting educational and recreational activities; and
  - iii. Counseling, including career counseling

*34 C.F.R. § 675.2 (b)*

If a student is employed with an agency or organization that provides community services, the school should, as with any other FWS position, have a job description that includes the duties and the responsibilities. Schools should use the job description to verify that the job meets the definition of community services in the FWS regulations. In addition, for students performing reading tutoring or family literacy activities, the job description should support those jobs.

*2012-2013 FSA Handbook, Vol. 6, pg. 5-45*

There is no restriction as to whether these jobs must be on or off campus. However, a university or college is not considered a community for the purposes of the FWS community service requirements. On campus jobs can meet the definition of community services, provided the services are designed to improve the quality of life for community residents, or to solve problems related to their needs and that they meet the regulatory and statutory provisions pertaining to the applicable FWS employment limitations and conditions.

Community Services must be open and accessible to the community

- college not considered a community for this purpose
- a service is considered open to community if the service is publicized to the community and general public (not just faculty, staff, students, and their families) uses service
  - only statutory exception to this requirement is for support services for students with disabilities, even if services provided only to students enrolled at the school

*2012-2013 FSA Handbook, Vol. 6, pg. 5-58*

Additionally, 34 C.F.R. § 675.22 requires that any student employed by a private nonprofit organization to be performing work that is in the public interest. The specific definition of "FWS employment in the public interest" under § 675.22(b) does not permit work to be performed for "a particular interest or group." Work is not in the public interest if "it primarily benefits the members of a limited membership organization."

**Noncompliance:** During an interview with reviewers BVU's Financial Aid Director (FAD) stated that BVU includes FWS earnings from FWS students who work in the institution's campus library as part of BVU's FWS community service requirement in its annual Fiscal Operations Report and Application to Participate (FISAP) submission. The FAD stated these earnings were only included as part of the FWS community service requirement during reporting years when BVU had not met the required 7% with the other FWS community service student earnings. BVU's campus library is open to the public; however, BVU does very limited publicity to the community and general public regarding the campus library services, and BVU charges a \$15 annual fee for a "community guest" library card to members of the public interested in checking out materials. In the 2012-2013 award year BVU had 49 community members who paid the \$15 annual fee to check out materials which meets the description of "limited membership organization" in 34 C.F.R. § 675.22(b)(1). The institution only provides this service to members who have purchased a library card, and even though BVU stated that other community members use the library lap top computers and use materials in-house, which does not require a library card. BVU is unable to quantify how many community members use the free services.

Additionally, the job descriptions for FWS students at the library do not include any statements regarding community service beyond "answering telephones...assisting patrons with copiers, printers and other equipment..." The job positions were of a clerical/administrative nature, and supported the organization's overall mission, but were specifically for students and patrons of the library. As such, the job descriptions do not meet the standards for employment at a private nonprofit organization, and the institution cannot use FWS funds to pay the student for work performed in that role.

BVU used the earnings from the library FWS students in its annual FISAP submission, and this inclusion helped BVU meet the Department's FWS community service requirements for several award years. However, since the library FWS positions do not meet the requirements of community service these earnings should not have been included in BVU's annual community service percentage.

**Required Action:** BVU must review and, as necessary, revise its calculations of FWS community service employment for the 2011-12, 2012-13, and 2013-14 award years to ensure that its determination of the FWS community service percentage is correctly reported. For each award year, BVU must provide the following information:

- (1) Total amount of FWS expenditures for the award year, including Federal and institutional share;
- (2) Total amount of FWS community service expenditures for the award year, including Federal and institutional share;
- (3) Total number of FWS community service positions for the award year, including names and Social Security numbers of each FWS recipient, a copy of the FWS job description for each community service position, and the period of each student's employment in the position;
- (4) Total number of FWS community service positions in each award year that involved working as a reading tutor for preschool or elementary students; and
- (5) Total number of FWS community service positions in each award year that involved working in a family literacy program, including the name of each student who held such a position.

In cases where the amounts provided in BVU's response differ from numbers provided in its annual FISAP submission, the institution should provide an explanation for the discrepancy. Also, BVU must strengthen its job development procedures so that it will be able to substantiate the FWS community service requirement in future award years. A copy of these strengthened procedures should accompany BVU's response to this PRR.

**Finding 7: Inaccurate Reporting of Disbursement Dates to the Common Origination and Disbursement (COD) System**

**Citation:** An institution makes a disbursement of Title IV, HEA program funds on the date that the institution credits a student's account at the institution or pays a student or parent directly with:

- 1) Funds received from the Secretary; or
- 2) Institutional funds used in advance of receiving Title IV, HEA program funds.  
*34 C.F.R § 668.164(a)*

A school participating in the Direct Loan Program shall ensure that any information it provides to the Secretary in connection with loan origination is complete and accurate. A school shall originate a Direct Loan while the student meets the borrower eligibility requirements of 34 C.F.R § 685.200. A school shall provide to the Secretary borrower information that includes but is not limited to:

- 1) The borrower's eligibility for a loan, as determined in accordance with 34 C.F.R § 685.200 and 34 C.F.R § 685.203;
- 2) The student's loan amount; and
- 3) The anticipated and actual disbursement date or dates and disbursement amounts of the loan proceeds. *34 C.F.R § 685.301(a)*

34 C.F.R. § 690.83 requires institutions to submit a student's payment data (including disbursement dates) to the Secretary by the reporting deadlines published in the Federal Register.

Institutions are required to submit Federal Pell Grant and/or Direct Loan disbursement records to the COD system no later than 30 days after making a disbursement or becoming aware of the need to adjust a student's previously reported disbursement information. The disbursement date to be reported to COD is the date the institution credits funds to a student's account or pays funds to a student or parent directly. *COD Technical Reference, 2012-2013, Volume 2.*

*Federal Register Volume 78, Number 40, February 28, 2013* changed the number of days to submit records from 30 to 15 for the 2012-13 award year. Federal Student Aid notified the community via an Electronic Announcement on the Information for Financial Aid Professionals website on 03/15/2013.

**Noncompliance:** BVU did not accurately report disbursement dates to COD for four students in the sample the Department reviewed. The following chart illustrates the difference between the dates that Title IV, HEA program funds were disbursed to student accounts as recorded on the student's account card versus the disbursement dates reported to COD for the 2012-13 award year:

Student Number	Program	Net Amount	COD Disbursement Date	Student Account Disbursement Date
6	Federal Pell Grant	\$ 600.00	08/20/2012	08/03/2012
7	Federal Pell Grant	\$1,387.50	11/04/2012	11/02/2012
8	Direct Unsubsidized Loan	\$5,295.00	05/01/2013	05/14/2013
10	Federal Pell Grant	\$ 650.00	01/24/2013	01/08/2013

**Required Action:** BVU must revise its COD reporting procedures to ensure the institution accurately reports to COD the date that the institution disburses Title IV, HEA funds to each student's account. A copy of these procedures must accompany BVU's response to this report. As accurate reporting to the Department is considered a vital component of administrative capability, BVU is encouraged to review all policies and procedures related to all reports provided to the Department or its agents to ensure compliance in all areas.

#### **D. Recommendations**

The following are recommendations based upon observations made by the review team during the program review. BVU is not required to provide a response to, nor is BVU required to act upon, these recommendations. However, the review team believes that adoption of these recommendations will assist BVU in its administration of Title IV, HEA program funds.

Federal regulations state that when a recipient of Title IV, HEA funds withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, the institution must perform a Return of Title IV Fund calculation (Return) to determine the amount of Title IV, HEA grant or loan assistance the student earned as of the student's withdrawal date. The calculation should incorporate all of the elements of a Return calculation identified in pertinent Federal regulations. *34 C.F.R. § 668.22*

Institutional charges are used to determine the portion of unearned Title IV, HEA funds that the school is responsible for returning. Schools must ensure that all appropriate fees, as well as applicable charges for books, supplies, materials, and equipment are included in Step 5, Part G of the Return calculation. Institutional charges do not affect the amount of Title IV, HEA funds that a student earns when he or she withdraws. *2012-2013 Federal Student Aid Handbook, Volume 5, Chapter 2*

During a review of BVU's Return of Title IV Funds (Return) calculations the Department found that BVU incorrectly determined institutional charges as part of two Return calculations, for Student #19 and Student #20. Though the incorrect institutional charges did not affect the amount of Title IV, HEA funds that were required to be returned for the students cited above, institutional charges could affect the Return calculation if a student's unearned aid is less than the amount of the unearned charges. The Department recommends that BVU assess its definition of institutional charges, and update its policies and procedures to make sure all institutional fees (tuition and fees, book charges, and room charges) are included in the institutional charges used in Return calculations.

Secondly, BVU lacks supporting documentation for many of the appeals or professional judgments made by the financial aid staff. BVU routinely requires only a statement submitted by a student or parent for procedures such as SAP appeals and professional judgments. In order for the BVU financial aid staff to be able to document a student's situation correctly, and to have documentation to support the decisions made by the staff, BVU should develop policies and procedures outlining what documentation is required from students, and collect all pertinent documentation to support these judgments.

Lastly, in interviews with BVU staff, program reviewers inquired about the attendance confirmation process, and BVU officials indicated that the institution only confirms students who do not begin attendance. BVU does not have a policy nor system in place to confirm that students being attendance in the course they are enrolled in for each semester, and only notate those students that fail to begin attending courses on institutional rosters. BVU should update its reporting process to include the attendance status of all students since a student is considered not

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to have begun attendance in any class in which the institution is unable to document that attendance. The Department recommends BVU begin notating students who have begun attendance for accurate record keeping purposes.