

DC-ERM



October 7, 2014

Dr. Everette J. Freeman
Community College of Denver
1111 West Colfax Ave. Campus Box 206
Denver, CO 80217-2026

Certified Mail Return Receipt Requested
#7012 1640 0000 0567 7712

RE: **Final Program Review Determination**
OPE ID: 00954200
PRCN: 2013-4-05-28323

Dear Dr. Freeman:

The U.S. Department of Education's (Department's) Chicago/ Denver Participation Division issued a program review report on September 11, 2013 covering Community College of Denver's (CCD) 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 2011-12 and 2012-13 award years. The institution's final response was received on June 11, 2014.

The School Participation Division – Chicago/Denver has reviewed CCD's response(s) to the Program Review Report. A copy of the program review report (and related attachments) and CCD's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by CCD 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.

CCD's responses have resolved all findings. In addition CCD has provided assurances that the appropriate corrective actions have been taken to resolve and prevent future occurrences of all findings. Therefore, CCD may consider the program review closed with no further action required.

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 call Earl Flurkey at (312) 730-1521.

Sincerely,

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

Douglas A. Parrot
Division Director

Enclosure: FPRD

Program Review Report (with attachments)
CCD Response to the Program Review Report (September 11, 2013)

Federal Student Aid
AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION
Chicago/Denver School Participation Division
1244 Speer Blvd. Suite 201, Denver, CO 80204
StudentAid.gov

Community College of Denver
OPE ID 00954200
PRCN 2013-4-05-28323
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CCD Response to the Program Review Report (June 11, 2014)

cc: Thad Spaulding, Financial Aid Administrator
State Board for Community Colleges and Occupational Education
The Higher Learning Commission

Federal Student

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Prepared for:
Community College of Denver

OPE ID: 00954200
PRCN: 2013-4-05-28323

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

Final Program Review Determination
October 7, 2014

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A. Institutional Information

Community College of Denver
1111 West Colfax Avenue, Campus Box 206
Denver, CO 80217-2026

Type: Public

Highest Level of Offering: Associate's Degree

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

Current Student Enrollment: 13,053 (2011-2012)

% of Students Receiving Title IV, HEA funds: 85% (2011-2012)

Title IV, HEA Program Participation (Postsecondary Education Participants System):

	<u>2011-2012</u>
Federal Pell Grant (Pell Grant)	\$23,016,737.00
Federal Student Educational Opportunity Grant (FSEOG)	\$274,120.00
Federal Work Study (FWS)	\$186,809.00
William D. Ford Federal Direct Loan Program (Direct Loan)	\$44,059,359.00

Default Rate FFEL/DL :	2010: 14.8%
	2009: 15.9%
	2008: 15.9%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Community College of Denver (CCD) from July 9, 2013 to July 12, 2013. The review was conducted by Jeremy Early, Derita Hill and Tonee Buwana.

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

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review. A program review report was issued on September 11, 2013.

Disclaimer:

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

C. Findings and Determinations

Resolved Findings

Findings 2-4

CCD has taken the corrective actions necessary to resolve findings 2-5 of the program review report. Therefore, these findings may be considered closed.¹ Findings requiring further action by CCD are discussed below.

Resolved Findings with Comments

Finding 1: Drug and Alcohol Abuse Prevention Program Requirements Not Met – Multiple Violations

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

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

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

¹See Appendix B for CCD's response to the findings in the Program Review Report.

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

Noncompliance Summary: *CCD violated multiple provisions of the DFSCA. Specifically, the College failed to publish a materially-complete DAAPP disclosure and also has persistently failed to conduct biennial reviews. CCD officials were unable to produce any records showing that the College has ever conducted a biennial review to assess the effectiveness of its drug and alcohol abuse programs. No materials were collected and made available to the Department upon request. While on-site, CCD indicated that they have formed a committee to conduct a biennial review and those meetings are scheduled for October 29, 2013 and April 22, 2014.*

In addition, CCD failed to address the health risks associated with the use of drugs and alcohol in their drug prevention program information. While on-site, the institution developed an addendum to their drug prevention program and materials to address this concern. The changes will be added to the next addendum of the current 2012-2013 catalog by August 1, as well as be listed on the university website. In addition, it will be added to the 2013-2014 student catalog prior to printing. The Clery report will also include language regarding the health risks associated with the use of illicit drugs and the abuse of alcohol.

Failure to comply with the drug and alcohol abuse education and prevention program requirements deprives students and employees of important information regarding the detrimental health risks and legal and disciplinary consequences of alcohol abuse and illicit drug use. Such a failure 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:

CCD is required to take all necessary corrective actions to address the violation identified above and all others identified during the preparation of its responses to this program review report. In addition, CCD must, at a minimum, take the following actions:

- Develop and implement a substantive drug and alcohol abuse education and prevention program and publish a materially-complete DAPP disclosure that includes all of the required elements and summarizes the program;*
- Develop procedures for ensuring that the DAAPP disclosure is distributed to every current student who is enrolled for academic credit as well as every employee of CCD. Then, the College must distribute the disclosure in accordance with the statute and regulations and its own policy. CCD must submit a copy of its new and revised policies, a copy of its new DAAPP disclosure, and proof of distribution with its response to this program review report. The College must also submit a certification statement attesting to the fact that the DAAPP disclosure was distributed in accordance with the DFSCA. This certification statement must also affirm that CCD understands 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 measure the effectiveness of its existing drug and alcohol programs and its new DAAPP. CCD must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program. In addition, the report must identify the responsible official(s) who conducted the review. Finally, the report must be approved by the institution's chief executive and/or its Board;*
- CCD must also submit copies of the two most-recent biennial review reports that the institution has produced with its response to this program review report. If no such reports were ever produced, institutional officials must clearly state that fact. In this context, CCD officials are advised that no new documents are to be created for the purpose of demonstrating compliance with the biennial review report requirement for past periods; and,*
- CCD must establish policies and procedures to ensure that all subsequent biennial reviews are conducted in a timely manner and are fully documented and to take all other necessary action to ensure that this violation does not recur. A copy of these policies and procedures must accompany the institution's submission of its biennial review report.*

Because the DFSCA went into effect in 1990, longstanding practice dictates that the biennial review is normally conducted in even-numbered years. However, given CCD's longstanding failures in this regard, the Department would normally require that a biennial review be initiated immediately. Nevertheless, the Department takes note of the plan proffered by CCD for conducting its first biennial review. In light of this plan, the Department will grant some additional time to conduct the review (although the timeline for completion is shorter than the one proposed by CCD). Therefore, CCD's biennial review must be completed by March 1, 2014 and its biennial review report of findings must be submitted to the review team by March 15, 2014.

As noted above, the exceptions identified in this finding constitute serious violations of the DFSCA that by their nature cannot be cured. CCD will be given an opportunity to develop and distribute an accurate and complete DAAPP disclosure and to finally bring its drug and alcohol programs into compliance with the DFSCA as required by its PPA. However, CCD 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 additional corrective measures.

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

CCD's Response:

CCD submitted its first response to the September 11, 2013 Program Review Report on October 11, 2014. (Appendix B) The response included a drug and alcohol abuse prevention disclosure that included language associated with the health risk associated with drug and alcohol abuse and a letter to be sent to the students annually to call the students attention to CCD's drug and alcohol prevention program.

CCD's September 11, 2013 response also included organizational policy titled *DAAPP-1*. The policy addressed the following: who was responsible for the overall guidance, control and biennial review of the DAAPP; required the annual distribution of the DAAPP to all students; required the distribution of the DAAPP to all new employees; and, specified the biennial review process and measures for determining the effectiveness of the alcohol and drug prevention program.

CCD submitted the *Community College of Denver Drug-Free Schools and Campus Regulations Biennial Review Report, March 2014* (Biennial Report) on June 4, 2014. (Appendix C)

The Department reviewed the information submitted. The DAAPP-1 policy does not mandate sending the DAAPP to college faculty and staff. The Department reviewed the Biennial Report and identified conflicting information. The *Drug-Free Schools and Campuses Act* (DFSCA) section of the biennial report states that CCD would create a program that would "develop a sound method for distribution of this policy to every student and IHE staff member each year". The *Distribution of AOD Policies to Students, Faculty and Staff* section does not indicate that the DAAPP was sent to faculty and staff annually.

The Department notified CCD on June 6, 2014 of the omission of providing information that confirmed that the DAAP was distributed to faculty and staff annually.

CCD submitted SP 19-30, "Colorado Community College System President's Procedure- Drug Free Schools", which is the President's policy that includes DAAPP1. The President's policy requires that the institution "distribute annually develop and distribute the institution's Drug and Alcohol Abuse prevention program to students and employees of the college". CCD also submitted a certification statement in email that confirmed the distribution of the DFSCA and its understanding of the college's responsibilities with respect to taking corrective actions and avoiding future violations.

Final Determination: The program review report identified multiple violations of the DFSCA and Part 86 Regulations. Specifically, CCD failed to publish a materially-complete DAAPP disclosure and also has persistently failed to conduct biennial reviews and therefore did not produce biennial review reports. In addition, CCD failed to address the health risks associated with the use of drugs and alcohol in their drug prevention program information.

As a result of these violations, CCD was required to develop and implement a substantive drug and alcohol abuse education and prevention program and publish a materially-complete DAAPP disclosure that includes all of the required elements and summarizes the program. CCD was

required to develop procedures for ensuring that the DAAPP disclosure is distributed to every current student who is enrolled for academic credit as well as every employee of CCD. The College was also required to submit a certification statement attesting to the fact that the DAAPP disclosure was distributed in accordance with the DFSCA and affirming that CCD understands its DFSCA obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

CCD was required to conduct a biennial review to measure the effectiveness of its existing drug and alcohol programs and describe the research methods and data analysis tools that will be used to determine the effectiveness of the program and identify the responsible official(s) who conducted the review. The report was required to be approved by the institution's chief executive and/or its Board. CCD was required to establish policies and procedures to ensure that all subsequent biennial reviews are conducted in a timely manner and are fully documented; and, to take all other necessary action to ensure that this violation does not recur.

CCD was required to submit copies of the two most-recent biennial review reports that the institution has produced with its response to this program review report. Because no such reports were ever produced, institutional officials were required to clearly state that fact, complete a biennial review by March 1, 2014 and submit its biennial review report of findings to the Department by March 15, 2014.

The Department examined the materials submitted with the responses and found them to be adequate to resolve this finding and that CCD has taken the corrective action necessary to resolve this finding. Although the Department has accepted CCD's response it is noted that March 2014 Biennial Review Report required to be submitted by March 15, 2014 was not submitted to the Department until June 4, 2014.

Notwithstanding the Department's acceptance of the response, CCD officials are reminded that they must initiate all necessary corrective actions to ensure that the deficiencies identified in this finding do not reoccur. Although the finding is now closed, CCD is reminded that the exceptions identified above constitute serious violations of the DFSCA and that by their nature they cannot be cured. CCD is required to initiate corrective actions and has taken some steps to address the conditions that led to these violations. While this is an important step, CCD officials must understand that compliance with the DFSCA is essential to maintain a safe and healthy environment.

Finding 5: Expenditures Reported on FISAP Report Inaccurate

Citation Summary: 34 C.F.R. § 676.19(3) details the institution's fiscal procedures and records requirements. Specifically, each year an institution shall submit a Fiscal Operations Report plus other information the Secretary requires. The institution shall insure that the information reported is accurate and shall submit it on the form and at the time specified by the Secretary.

Noncompliance: CCD reported the total net expenditure of Pell Grant awards on the 2011-2012 FISAP as \$23,020,423.00, while G5 listed the net drawdown for that same time period as \$23,023,921.00.

Required Action: CCD is required to make a correction to the 2011-2012 FISAP and provide documentation to the Department that the correction was made.

CCD's Response: CCD concurred with the finding. The institution submitted an updated 2011-2012 FISAP that matched the 2011-2012 Pell drawdown amount listed in G5.

Final Determination: The Department's analysis of the response submitted revealed that CCD has taken the corrective action necessary to resolve this finding. Therefore, no further action is required and CCD may consider this finding closed. The institution is reminded that its fiduciary responsibilities obligate it to the highest standard of care and diligence in administering and accounting for Title IV, FSA funds.

D. Appendices

Appendix A: Student Sample

Appendix B: CCD's Program Review Report Response

Appendix C: CCD's Biennial Report March 2014

Appendix D: Program Review Report Issued September 11, 2013