



May 20, 2015

Ms. Joan Davis
Chancellor
Delgado Community College
615 City Park Avenue
New Orleans, LA 70119-4399

Certified Mail
Return Receipt Requested
7013 2630 0001 8220 8081

RE: **Final Program Review Determination**
OPE ID 00462500
PRCN 201320628232

Dear Ms. Davis:

The U.S. Department of Education's (Department's) Dallas School Participation Division issued a program review report on November 22, 2013 covering Delgado Community College's (DCC's) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs), for the 2011-2012 and 2012-2013 award years. DCC's response was received on February 2, 2014. A copy of the program review report (and related attachments) and the institution's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by DCC upon request. This Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, and (3) notify the institution of its right to appeal.

Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

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

The total liabilities due from the institution from this program review are \$2,440.00.

This final program review determination contains detailed information about the liability determination for all findings.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. The appendix was encrypted and sent separately to the institution via e-mail.

Appeal Procedures:

This constitutes the Department's FPRD with respect to the liabilities identified from the November 22, 2013 program review report. If DCC wishes to appeal to the Secretary for a review of financial liabilities established by the FPRD, the institution must file a written request for an administrative hearing. Please note that institutions may appeal financial liabilities only. The Department must receive the request no later than 45 days from the date DCC receives this FPRD. An original and four copies of the information DCC submits must be attached to the request. The request for an appeal must be sent to:

Director
Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/PC
830 First Street, NE - UCP3, Room 84F2
Washington, DC 20002-8019

DCC's appeal request must:

- (1) indicate the findings, issues and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position;

(3) include all documentation it believes the Department should consider in support of the appeal. An institution may provide detailed liability information from a complete file review to appeal a projected liability amount. Any documents relative to the appeal that include PII data must be redacted except the student's name and last four digits of his / her social security number (please see the attached document, "Protection of Personally Identifiable Information," for instructions on how to mail "hard copy" records containing PII); and

(4) include a copy of the FPRD. The program review control number (PRCN) must also accompany the request for review.

If the appeal request is complete and timely, the Department will schedule an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The procedures followed with respect to DCC's appeal will be those provided in 34 C.F.R. Part 668, Subpart H. **Interest on the appealed liabilities shall continue to accrue at the applicable value of funds rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).**

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please Michelle Allred at 214-661-9466. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,



for
Cynthia Thornton, Director
Dallas School Participation Division

Enclosure:

Final Program Review Determination Report (and appendices)

cc: Rhonda King, Financial Aid Administrator
Louisiana State Board of Regents
Louisiana Community and Technical College System Board of Supervisors
Southern Association of Colleges and Schools Commission on Colleges

Prepared for

Delgado Community College

Federal Student Aid
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OPE ID 00462500
PRCN 201320628232

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

Final Program Review Determination
May 20, 2015

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A. Institutional Information

Delgado Community College
615 City Park Avenue
New Orleans, LA 70119-4399

Type: State Controlled Institution of Higher Education

Highest Level of Offering: Associate's Degree

Accrediting Agency: Southern Association of Colleges and Schools Commission on Colleges

Current Student Enrollment: 20,463 (2011-2012)

% of Students Receiving Title IV: 87% (2011-2012)

Title IV Participation School Funding Report: Source G5

	2011-2012
Federal Pell Grant Program (Pell Grant)	\$49,815,237.00
William D. Ford Federal Direct Loan Program (Direct Loan)	\$68,274,424.00
Academic Competitiveness Grant (ACG)	\$ 406,060.00
Federal Supplementary Educational Opportunity Grant (FSEOG)	\$ 450,153.00
Federal-Work Study (FWS)	\$ 377,131.00

Default Rate FFEL/DL:	2011	12.2%
	2010	11.4%
	2009	11.1%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Delgado Community College (DCC) from March 18, 2013, to March 22, 2013. The review was conducted by Michelle Allred and Regina Krob.

The focus of the review was to determine DCC's compliance with the statutes and federal regulations as they pertain to the institution's administration of the Title IV programs. The review consisted of, but was not limited to, an examination of DCC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records. Subsequent to the on-site portion of the review, the State of Louisiana submitted its fiscal year ended June 30, 2012, Single Audit Report on April 2, 2013. This statewide audit contained a serious finding regarding DCC's administration of the Federal Work-Study Program and that finding is incorporated as part of the program review.

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 social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning DCC'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 Delgado 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 # 2 – 11 and 14 - 17

DCC has taken the corrective actions necessary to resolve findings # 2 – 11 and 14 – 17 of the program review report. Therefore, these findings may be considered closed. Appendix C contains a copy of DCC's Program Review Report Response. Findings requiring further action by DCC are discussed below.

Findings with Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of DCC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on November 22, 2013 is attached as Appendix D.

Finding 1 Improper Payment for Hours Worked

Citation: *Federal Work-Study (FWS) Program regulations state that an institution must establish and maintain program and fiscal records that: (1) include a certification by the student's supervisor, an official of the institution or off-campus agency that each student has worked and earned the amount being paid. The certification must include or be supported by, for students paid on an hourly basis, a time record showing the hours each student worked in clock time sequence, or the total hours worked per day; (2) include a payroll voucher containing sufficient information to support all payroll disbursements; (3) include a noncash contribution record to document any payment of the institution's share of the student's earnings in the form of services and equipment; and (4) are reconciled at least monthly. 34 C.F.R. § 675.19(b)*

Noncompliance: *As part of the Single Audit Report for the State of Louisiana for the fiscal year ended June 30, 2012, Delgado reported that an investigation by the Delgado Campus Police determined that an employee of the college forged signatures, altered time sheets, and violated federal program regulations which resulted in unearned payments of at least \$22,574.00 among 5 students. Subsequently, during the legislative audit, additional violations were discovered. Supervisors, in lieu of the student themselves, signed time sheets and monthly reports of hours worked on the students' behalf resulting in improper payments of \$4,120.00 among 4 students. All student violations appeared in the 2011-2012 award year. This problem was not found in the sample reviewed by the Department, and Delgado did not disclose this known violation to the Department's reviewers during the on-site portion of the review. As a result, this finding was added to the scope of the review only after the Department reviewed the State of Louisiana's Single Audit Report.*

Required Action: *Delgado must complete a full file review of all of its 2011-2012 award year recipients of FWS funds to determine whether similar issues exist in other records, resulting in additional improper payments. A spreadsheet of the results of the file review and a copy of the revised policies and procedures must be submitted with the institutional response to the program review report. The spreadsheet must include, for each FWS student in the 2011-2012 award year:*

- 1) *Student's Name,*
- 2) *Student's SSN,*

- 3) Amount of FWS funds received,
- 4) Whether a violation was found,
- 5) Nature of the violation, and
- 6) Amount of FWS improperly paid.

The institution must also revise its FWS and payroll policies and procedures to implement changes that will avoid future violations. A copy of the revised procedures must be submitted with the institutional response to the program review report.

DCC's Response: DCC agreed with the finding and completed a file review that identified 12 students that were either overpaid or underpaid as listed below. DCC also rewrote their FWS manual and FWS timesheet processing procedures to ensure that future issues of this nature do not arise. A copy of the new policies and procedure was included with the PRR response. The identified students (included in Appendix B) with payment issues are:

Overpaid	Paid	Earned	Difference
#1	\$2,248.00	\$2,068.00	\$180.00
#9	\$1,236.00	\$828.00	\$408.00
#13	\$3,504.00	\$3,192.00	\$312.00
#111	\$3,928.00	\$3,652.00	\$276.00
Total			\$1,176.00

Underpaid	Paid	Earned	Difference
#4	\$1,752.00	\$2,072.00	(\$320.00)
#7	\$2,876.00	\$2,908.00	(\$32.00)
#10	\$956.00	\$1,020.00	(\$64.00)
#34	\$1,360.00	\$1,408.00	(\$48.00)
#53	\$2,756.00	\$2,916.00	(\$160.00)
#75	\$504.00	\$748.00	(\$244.00)
#77	\$2,868.00	\$3,072.00	(\$204.00)
#107	\$2,574.00	\$2,766.00	(\$192.00)
Total			(\$1,264.00)

Final Determination: DCC is liable for the \$1,176.00 identified as overpaid to students in the FWS program, as well as the \$1,264.00 that was identified as underpaid to the students. The FISAP for the 2011-2012 aid year is closed, thereby eliminating the option to draw additional funds. DCC will be required to pay the underpaid students from institutional funds. **Note: Funds paid to a FWS recipient are considered wages earned by the student. Thus FWS liabilities cannot be recovered from a student. Even if the**

institution improperly paid the student, they cannot recover those funds from the student.

Instructions for payment are included in Section E of this document.

Finding 12 Drug and Alcohol Abuse Prevention Program Requirements Not Met – Multiple Violations

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

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

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

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

Noncompliance: *DCC violated multiple provisions of the DFSCA. The College failed to develop and implement a comprehensive and sustained DAAPP. DCC officials informed the review team that the College had implemented a DAAPP several years ago; however, that program was terminated due to its ineffectiveness and was never replaced. This is a very serious infraction because DCC's actions demonstrate not only an awareness of the requirement but also a recognition that the previous program was inadequate to address the campus community's drug and alcohol issues. DFSCA violations typically build upon each other and often lead to a finding that an institution has systemically failed to comply with the law. As a result of the baseline violation described above, DCC also failed to design and publish an annual DAAPP disclosure, resulting in an associated breach of the annual distribution requirement.*

As a direct consequence of the violations described above, DCC also failed to conduct a biennial review of the effectiveness of its DAAPP and of the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct. DCC also failed to produce a biennial review report of findings. DCC was approved to participate in the Title IV, FSA programs on November 21, 1966. The Part 86 regulations went into effect on August 16, 1990. Therefore, DCC's first biennial review was required to be conducted by the end of 1992, meaning that these violations have persisted since the inception of the law – a period of more than 20 years.

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

Required Action: *DCC is required to take all necessary corrective actions to resolve these violations. At a minimum, DCC 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 annual DAAPP disclosure is distributed to every student who enrolls for any academic credit and to all employees. Then, DCC must distribute the disclosure in accordance with the statute and regulations and its own policy. DCC 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*

DCC 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 assess the effectiveness of its DAAPP. DCC must describe the research methods and data analysis tools that will be used to determine the effectiveness of the program and identify the responsible official(s) and office(s) that conducted the biennial review. Finally, the biennial review report must be approved by DCC's chief executive and/or its board. The biennial review and must be completed by January 15, 2014 and its report of findings must be submitted to the review team by January 31, 2014; and,*
- *DCC must establish policies and procedures ensure that all subsequent biennial reviews are conducted in a timely manner and are fully documented. DCC also must take all other necessary action to ensure that these violations do not recur.*

As noted above, the exceptions identified in this finding constitute serious violations of the DFSCA that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. DCC will be given an opportunity to develop and distribute an accurate and complete DAAPP disclosure and to finally begin to bring its drug and alcohol programs into compliance with the DFSCA as required by its PPA. However, DCC 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 DCC's response, the Department will determine if additional actions will be required and will advise DCC accordingly in the FPRD.

DCC's Response: In its official response, DCC did not specifically state whether it concurred with the finding. Nevertheless, the College submitted responsive materials that were intended to demonstrate that the identified violations were addressed. As part of the response, DCC provided information on the "Operation Clear-Goggles" program, a part of the alcohol education component of its new DAAPP. In addition, DCC submitted a copy of its new DAAPP disclosure distribution policy as well as acceptable evidence that the new program materials were distributed to students and employees. College officials also provided a copy of the *New Orleans Community Resource Guide*, a document containing information about available counseling and treatment resources. DCC management also represented that a biennial review was conducted and that a 2014 biennial review report (the College's first such report) was produced by a committee and approved by the Vice Chancellor for Student Affairs. A copy of the report was submitted as part of the response.

Final Determination: DCC was cited for multiple violations of the *DFSCA* and the Part 86 regulations. Specifically, the College failed to develop and implement a DAAPP. No DAAPP was in place at the time of the site visit. In addition, DCC failed to produce an annual DAAPP disclosure that summarized the program and as a result, was unable to actively distribute program materials to enrolled students and current employees. Moreover, the College failed to conduct a biennial review to assess the effectiveness of its DAAPP and the consistency of its disciplinary processes and, as a consequence, was also unable to produce the required report of findings, recommendations, and supporting documentation.

These separate and distinct violations necessarily follow from each other because the biennial review is primarily a study of the effectiveness of the DAAPP. Therefore, an institution cannot conduct a proper biennial review until it has a fully-functional DAAPP in place and program requirements are communicated to all members of the campus community. As a result of these violations, DCC was required to develop and implement a comprehensive DAAPP, produce and distribute an annual disclosure, and conduct a substantive biennial review as soon as initial program data was available. In its response, the College described the remedial actions taken in an attempt to address the violations and submitted documents in support of its claims.

The Department carefully examined DCC'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 College's response and its new DAAPP, new annual disclosure, its biennial review reports, and new internal policies and procedures. Based on the Department's review and DCC's admission of noncompliance, the violations identified in the initial finding are sustained. The Department also determined that the College's remedial action plan 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. Nevertheless, the officials and directors of DCC must take all other action 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 the Department's report and as may otherwise be needed to ensure that these violations do not recur.

In this regard, DCC officials are reminded that the College must continue to develop its DAAPP and that its next biennial review must be completed on the required schedule and its next report must include specific information about the actual conduct of the review including details about the research methods used during the evaluation. The report also must identify the official(s) who conducted the review and address how DCC officials determined whether or not its disciplinary standards and codes of conduct regarding drug use and alcohol abuse were enforced consistently. Care also must be taken to ensure that all findings and recommendations are supported by valid evidentiary data. Moreover, the report must indicate that it was approved by DCC's President and/or its board. Finally,

the College is reminded to proactively consider all recommendations for improvement identified by the biennial review committee.

Although this finding is now closed, DCC is specifically reminded that the exceptions identified above constitute serious and persistent 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. DCC asserted that it has taken adequate remedial actions and that by doing so, is now in compliance with the *DFSCA* as required by its Program Participation Agreement. Notwithstanding the remedial efforts taken so far, DCC 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. *DFSCA* violations deprive students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use and deprive institutions of important information about the effectiveness of any drug and alcohol programs that may have been in place during the review period. For these reasons, DCC is advised that its 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 remedial measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that DCC re-examine its DAAPP policies and procedures 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 College’s new policies and procedures.

Finding 13 Crime Awareness Requirements Not Met – Improper Disclosure of Campus Crime Statistics and Omitted Campus Safety Policies

Citation: *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department’s regulations require that all institutions that receive Title IV, HEA funds must, by October 1st of each year, publish a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.46(b) and distribute it to all current students and employees.*

The ASR must be prepared and actively distributed as a single document. Acceptable means of delivery include U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution’s website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of

the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41(e)(1). The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. § 668.41(e)(4).

The Clery Act and the Department's regulations require institutions to include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hates crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs, illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. § 668.46(c)(1).

In addition, the ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings and emergency notifications as well as its emergency response and evacuation procedures. All required information referenced in 34 C.F.R. § 668.46(b) must be published in the ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements of the Act. 34 C.F.R. § 668.46(b).

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

Noncompliance: *DCC violated multiple provisions of the Clery Act. Specifically, the College failed to prepare and publish an accurate and complete 2012 ASR. The ASR was deficient in the following material respects:*

- *Statistics for incidents of crime reported as published in the 2012 ASR did not match those submitted to the Secretary for inclusion in the Department's online campus crimes statistics database. For example:*
 - *DCC disclosed no aggravated assaults for calendar year 2011; however, DCC reported that four such offenses occurred on-campus to the Department's database.*
 - *DCC disclosed no aggravated assaults for calendar year 2010; however, DCC reported that one such offense occurred on-campus to the Department's database.*
 - *DCC's campus crime statistical grids used Uniform Crime Reporting classifications instead of the Clery Act crime reporting categories, thus causing discrepancies and confusion for users of the ASR and the Department's database.*

- *Statistics for incidents of crimes reported were not organized by the required geographical categories of:*
 - *On-campus*
 - *Student residential facilities (as a subset of the on-campus category)*
 - *Non-campus buildings and property*
 - *Public property (immediately adjacent to and accessible from the campus)*

- *Statistics for Arrests and Disciplinary Referrals related to Drug, Liquor, and Weapons Law Violations are incomplete and commingled into a single line item*

- *Statistics for incidents of Hate Crimes reported were not broken down by type of bias (race, gender, religion, sexual orientation, ethnicity or disability). In addition, the following categories were omitted in their entirety:*
 - *Larceny-theft*
 - *Simple assault*
 - *Intimidation*
 - *Destruction, damage, or vandalism of property*

Regarding the statistics reporting violations outlined above, DCC is reminded that the Clery Act requires the disclosure of crime statistics and as such, DCC must report zero (0) offenses in its statistical grid if no incidents were reported in a particular category during a calendar year.

In addition, DCC's 2012 ASR did not include the following required disclosures of campus safety policy, procedure, and programming:

- *A list of key DCC campus security authorities to whom members of the campus community should report criminal activity.*
- *A description of the types of programs offered at DCC to inform students and employees about campus safety and crime prevention*
- *A description of DCC's drug or alcohol abuse prevention programs.*

Moreover, DCC was also unable to provide the Department's review team with any documentation showing that the 2012 ASR (or any previous ASRs) was actively distributed to current students and employees in the required manner. Furthermore, DCC failed to actively notify prospective students and employees about the availability of the ASR, resulting in a separate and distinct violation. Notwithstanding DCC's failure to comply with the active distribution and notification requirements, the Department found that the extent of the omissions noted above indicate a general failure on the part of DCC to publish an accurate and complete ASR and to otherwise comply with the requirements of the Clery Act. As such, the Department finds that DCC's 2012 ASR was so lacking in required content that DCC would still have failed to meet the distribution requirement even if the materially-incomplete 2012 ASR had been actively delivered to members of the campus community.

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

Required Action: *As a result of the above violations, DCC must review and revise its existing policies and develop and implement new detailed policies and procedures as needed to ensure that all aspects of the preparation, publication, and distribution of the ASR are carried out in a manner that complies with Federal regulations. These procedures must also specially articulate how prospective students and employees will be notified of the report's availability. Using its new policies as a guide, DCC must prepare and publish an accurate and complete 2013 ASR that includes all of the statistical disclosures and policy, procedure, and programmatic information required under 34 C.F.R. § 668.46(b). In addition, DCC must actively distribute its new ASR to all current students and employees in accordance with 34 C.F.R. § 668.41(e). In this case, DCC will be permitted to incorporate all required changes into its next regularly-scheduled ASR, which must be actively distributed no later than October 1, 2013. A copy of DCC's new and revised policies and procedures and its 2013 ASR must accompany its response to*

this program review report. In addition, the College's response must include records evidencing the distribution along with a certification statement attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that the institution understands its Clery Act obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the Clery Act that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. DCC will be given an opportunity to publish and distribute an accurate and complete ASR and in doing so, will begin to bring its overall campus safety program into compliance with the Clery Act as required by its Program Participation Agreement. Nevertheless, DCC 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 as a result.

Based on an evaluation of all available information including DCC's response, the Department will determine if additional actions will be required to address this violation. The Department will advise the College accordingly in the FPRD.

DCC officials may wish to review the Department's "Handbook for Campus Safety and Security Reporting" (2011) during the preparation of its response. The handbook is available online at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The regulations governing the Clery Act can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

DCC's Response: In its official response, DCC did not specifically state whether it concurred with the finding. Nevertheless, the College submitted responsive materials that were intended to demonstrate that the identified violations were addressed. As part of the response, DCC stated that going forward, "the College shall comply with all of the requirements of the *Clery Act*." In addition, DCC management stated that, "guidelines and procedures were created to ensure the DCC's ongoing compliance with the *Clery Act*'s crime and fire reporting [sic] and disclosure obligations." In support of its claims of remedial action, College officials submitted a copy of its 2013 ASR along with a copy of the new "Notice of Availability." Finally, DCC provided a copy of its profile and campus crime statistics that were submitted to the Department's online campus crime statistics database. No new or revised internal policies and procedures were submitted.

Final Determination: DCC was cited for its failure to include accurate and complete campus crime statistics and required policy and procedure disclosures in its 2012 ASR. Specifically, the review team identified numerous discrepancies between the crime statistics that were included in the 2012 ASR and those that were submitted to the Department for inclusion in the CSSDACT. As a result, five aggravated assaults were

underreported for calendar years 2010 and 2011 as detailed in the noncompliance section above. DCC also failed to properly disclose arrest and disciplinary referral data and hate crimes statistics in the required manner. The College also failed to include the three required policy and information disclosures listed in the noncompliance section above in the 2012 ASR. Moreover, DCC was cited for failing to actively distribute the 2012 ASR to required recipients and had persistently failed to distribute its reports for several years. Finally, the College failed to actively notify prospective students and employees about the availability of the 2012 ASR and all prior reports. DCC did not challenge these findings of violation.

As a result of the above violations, the Department required DCC to review and revise its existing policies and procedures to ensure that its ASRs are prepared, produced, and distributed in compliance with Federal regulations. DCC was directed to revise its procedures for notifying prospective students and employees about the availability of the ASR. Further direction from the Department required DCC to substantially improve its processes for requesting crime statistics from campus security authorities and local law enforcement agencies and for compiling and disclosing those statistics to the campus community and general public. Using its new and revised policies and procedures as a guide, the College was required to produce and distribute an accurate and complete 2013 ASR. Furthermore, DCC was required to submit a copy of its new and revised procedures, its 2013 ASR, and proof of active distribution and notification with its response to the program review report. Finally, the College was required to submit an attestation that confirmed that DCC understands its *Clery Act* obligations and will comply going forward. In its response, the College described the remedial actions taken in an attempt to address the violations and submitted documents in support of its claims.

The Department carefully reviewed all available information including DCC's response and its 2013 ASR. Based on that review, the Department has determined that the College failed to comply in the manner described in the program review report. As such, the violations identified in the initial finding are sustained. The Department also determined that DCC continued to violate the *Clery Act* throughout 2013 as a result of its failure to fully address the identified violations. While the review team's ongoing analysis indicated some improvements, significant *Clery Act* deficiencies remain. The materials submitted as part of the response showed that several of the violations identified in the 2012 ASR carried over to the 2013 report including the omission of required policy statements and a failure to disclose crime statistics by geographical location. In addition, the College's new "Notice of Availability," a document intended as a means of active distribution of the 2013 ASR was only transmitted to current employees. As a result, enrolled students did not receive the 2013 ASR and prospective students and employees were not actively notified of the report's availability. The Department determined that one factor that contributed to these continued violations was a failure to develop and implement internal policies and procedures to govern campus safety and *Clery Act* compliance operations. No such policies were submitted as part of the response.

By means of the program review report, the Department put DCC on notice of significant discrepancies in its crime statistics; however, necessary corrections were not made even after these errors were brought to the attention of the College. This failure to take corrective action resulted in reporting errors carrying over to the 2013 ASR. The Department also noted that in its June 30, 2014 certification statement DCC attested that it was now in compliance with fire reporting requirements that the College does not have to implement because it does not maintain any on-campus student residential facilities. That determination is based on DCC's response to the Department's 2013 campus crime statistics survey wherein officials represented that it did not offer student housing. This conflicting information indicates that DCC does not understand the requirements of the *Clery Act*.

As noted throughout, the Dallas School Participation Division has made a concerted, good-faith effort to assist DCC toward full compliance with the *Clery Act*; however, as indicated by the persistent violations noted above, these efforts were not successful. For these reasons, the Department has determined that this finding is now closed for purposes of this program review and is referred to the Department's *Clery Act* Compliance Team (CACT). The CACT will oversee the College's development and implementation of its final remedial actions regarding this finding. As part of that referral, the College is directed to take immediate action to finally and fully address the noted deficiencies and submit credible evidence to substantiate its claims of remedial action.

Specifically, upon receipt of this FPRD, DCC must immediately conduct a full review of its 2014 ASR and its data submissions to the CSSDACT and then correct all discrepancies or omissions. Once all deficiencies are corrected, the College must actively distribute the revised 2014 ASR to all enrolled students and current employees. This distribution must be completed within 45 days of DCC's receipt of this FPRD. Within 50 days of receipt of this FPRD, DCC must submit copies of the following records to the Department: 1) the initial and revised 2013 and 2014 ASRs; 2) a statement of clarification regarding whether or not DCC maintains any on-campus student housing facilities and a list of any such facilities and the date that they were placed into operation; and, 3) credible evidence showing that each ASR was actively distributed to mandatory recipients. Suitable evidence of distribution may include a copy of an e-mail used to transmit the report or other similar documentation. These materials must be submitted via electronic mail to Ms. Michelle Allred at michelle.allred@ed.gov and to the Department's *Clery Act* Compliance Team at clery@ed.gov.

DCC's submission must reference the Program Review Control Number noted on the cover letter in the subject line of its e-mail submission. If any of the requested records were not produced or do not exist, DCC officials must clearly communicate that fact to the Department in writing via electronic mail. In this context, DCC officials are advised that no new documents are to be created at this time for the purpose of demonstrating

compliance with any *Clery Act* requirement for past periods (except for necessary revisions to the 2014 ASR). The College is also advised that a failure to respond to this request for document production will result in a referral for the imposition of administrative actions in addition to any referrals that may be made to address the original violations identified in the program review report.

Although this finding is now closed¹, the officers and directors of DCC are put on notice that the College must also take any other action that may be necessary to address the violations identified above as well as any other deficiencies and weaknesses were detected during the preparation of the College's response and as may otherwise be needed to ensure that these violations do not recur. DCC is also reminded that the exceptions identified above constitute serious and persistent 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 compilation and disclosure of accurate crime statistics and the production and distribution of materially-complete ASRs are among the most basic requirements of the *Clery Act* and are fundamental to its campus safety goals. DCC was required to initiate all necessary remedial measures; however, the institution failed to do so, as required by the terms and conditions of its PPA. This failure to take adequate remedial action calls the College's ability and/or willingness to properly administer the Title IV Programs into serious question. DCC must immediately take the actions outlined above to demonstrate its administrative capability and the effectiveness of its campus safety programs. Nevertheless, DCC 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 *Clery Act* violations, the Department strongly recommends that DCC officials re-examine its campus safety 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, College officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. DCC officials can access these materials at: 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.

Lastly, DCC management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires institutions to include new

¹ Subject to the College's satisfactory production of the requested documentation.

policy, procedural, and programmatic disclosures regarding sexual assault prevention and response in their ASRs. All institutions are currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR.

The Department issued Final Rules on the VAWA amendments on October 20, 2014 and therefore, these regulations will go into effect on July 1, 2015, per the Department's Master Calendar. DCC officials may access the text of the Final Rule at: <http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

D. Summary of Liabilities

The total amount calculated as liabilities from the findings in the program review determination is as follows.

Established Liabilities	
Liabilities	FWS
Finding 1	\$2,440.00
Payable To:	
Department	\$1,176.00
Students	\$1,264.00

E. Payment Instructions

Liabilities Owed to the Department Less Than \$1,000 or due to FISAP Corrections

Since the total liability amount is solely due to corrections that will be required to be made to the Fiscal Operations Report and Application to Participate (FISAP), a receivable is not being established with the Department's Accounts Receivable Group. However, DCC remains responsible, in its role as a fiduciary for Title IV, HEA federal funds, for making restitution to the appropriate account in the amount indicated in the applicable finding and must satisfy all program reporting requirements in making any required adjustments to the FISAP. Upon making any necessary adjustments to the FISAP, any funds owed must be returned to the Department via G5. In addition, DCC must ensure that it has corrected its procedures so that this type of finding does not recur or is not repeated. A copy of the adjustments to the FISAP, as well as proof that the funds were returned through G5, if applicable, must be sent to Michelle Allred at michelle.allred@ed.gov within 45 days of the date of this letter.

FISAP Corrections

Finding: 1
Appendix: B

ED	
Amount	Award Year
\$1,176.00	2011-2012
Total	
\$1,176.00	

DCC must make corrections to its FISAP for award year 2011-2012 as follows:

- Log into eCB and make change(s) to the Working Copy, click on Submit and choose “Change Request”. Provide the justification for the changes in the comments box, including that the changes are a result of a program review and include the Program Review Control Number.
- Once the request is approved, submit the changes within 5 days.
- Changes to the FISAP may result in changes to subsequent FISAPS. Contact the eCB Call Center at (877) 801-7168 for assistance in making this determination.
- If the recalculation of the school’s funding results in an unprocessed deobligation (negative balance) because the school has drawn down its full authorization, return those funds via G5 in accordance with the automated notification from eCB. If the school has not drawn down its full authorization, the authorization will be reduced.

DCC must submit proof of the FISAP corrections and payment via G5 for any unprocessed deobligation (if applicable) to Michelle Allred at michelle.allred@ed.gov **within 45 days of the date of this letter.**

Liabilities Owed to Students

Finding: 1
Appendix: B

Student(s)	
Amount	Award Year
\$1,264.00	2011-2012
Total	
\$1,264.00	

DCC must make a good faith effort to pay the amount listed to the students listed in the above Appendix.

If DCC cannot locate a student, payment must be made to the account of the program from which the award was made. If that cannot be determined, the funds must be paid in the order required for the return of funds specified in 34 C.F.R. § 668.22(i):

- Unsubsidized Federal Stafford loans
- Subsidized Federal Stafford loans
- Unsubsidized Federal Direct Stafford loans
- Subsidized Federal Direct Stafford loans
- Federal Perkins Loans
- Federal PLUS loans received on behalf of the student
- Federal Direct PLUS received on behalf of the student
- Federal Pell Grants
- Academic Competitiveness Grants
- National SMART Grants
- FSEOG Program aid
- TEACH Grants

DCC must provide proof of payment to the student by submitting a copy of the front and back of the canceled check to Michelle Allred at michelle.allred@ed.gov within 45 days of the date of this letter.

F. Appendices

Appendix A, Student Sample, and Appendix B, Student Level Finding Data, contain personally identifiable information and will be emailed to DCC as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip file(s) will be sent in a separate email.

Appendices C – D are attached to this report.

Appendix A: Student Sample

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Appendix B: File Review Results (Students with Liabilities)

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Appendix C: Institution's Written Response to the PRR

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Appendix D: Program Review Report

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Appendix A: Student Sample

Sent via e-mail