

DC - ERM



October 7, 2014

Marc Brenner
President
Ohio Technical College
1374 East 51st Street
Cleveland, OH. 44103-1228

Certified Mail
Return Receipt Requested
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RE: **Final Program Review Determination**
OPE ID: 01174500
PRCN: 2012-3-05-27952

Dear President Brenner:

The U.S. Department of Education's (Department's) Chicago/Denver - School Participation Division issued a program review report on October 23, 2012 covering Ohio Technical College's (OTC) 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. OTC's final response was received on March 14, 2013. A copy of the program review report (and related attachments) and OTC's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by OTC 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.

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

This FPRD contains one or more findings regarding OTC'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

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AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION
Chicago/Denver School Participation Division
500 W. Madison, Chicago, IL 60661
StudentAid.gov

Ohio Technical College

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2012-3-05-27952

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result in a financial liability, such a finding may not be appealed. If an adverse administrative action is initiated, additional information about OTC's appeal rights will be provided under separate cover.

Record Retention:

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

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Nicholas Koulermos at 312-730-1693.

Sincerely,

(b) (6), (b) (7)(C)

Douglas Parrott
Division Director

Enclosure:

Protection of Personally Identifiable Information

Program Review Report (and appendices)

Final Program Review Determination Report (and appendices)

cc: Kathi Dillon, Financial Aid Administrator
Accrediting Commission of Career Schools and Colleges
Ohio State Board of Career Colleges and Schools

Prepared for

Ohio Technical College

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

Final Program Review Determination October 7, 2013

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A. Institutional Information

Ohio Technical College
1374 East 51st Street
Cleveland, OH 44103-1269

Type: Proprietary

Highest Level of Offering: Associates Degree

Accrediting Agency: Accrediting Commission of Career Schools and Colleges

Current Student Enrollment: 900, 2012-13

% of Students Receiving Title IV, HEA funds: 89%, 2012-13

Title IV, HEA Program Participation:

2010-2011

Federal Direct Loan Program	\$15,413,733
Pell Grants	\$4,547,888

<i>Default Rate FFEL/DL:</i>	2010 13.9%
	2009 16.0%
	2008 10.6%

<i>Default Rate Perkins:</i>	2010 23.9%
	2009 24.1%
	2008 14.1%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Ohio Technical College (OTC) from June 4, 2012 to June 8, 2012. Mr. Nicholas Koulermos and Mr. Mark Diestler conducted the review.

The focus of the review was to determine OTC'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 OTC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, review of the Jeanne Clear Disclosure of Campus Security Policy and Campus Crime Statistics Act (*the Clery Act*), attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2010-2011 and 2011-2012 award years. The files were those of all of the students that received Title IV, HEA program funds for the award years. The numbers assigned to the students in this report are referenced in Appendix A.

Disclaimer:

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

C. Findings and Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of OTC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on October 23, 2012 is attached as Appendix A.

Finding # 1. Crime Awareness Requirement Not Met: Failure to Distribute the Annual Security Report

Citation Summary: The Clery Act and the Department's Federal regulation 34 C.F.R. § 668.14(c)(2)(i) require a participating institution to establish a campus security policy in accordance with Section 485(f) of the Higher Education Act of 1965, as amended. All participating institutions are required to provide annual campus security information directly to all current students and employees. 34 C.F.R § 668.41(e). This information

may be provided through publications and mailings, including direct mailing to each individual through the U.S. Postal Service, campus mail or electronic mail. If an institution chooses to fulfill this requirement by posting the crime report on an internet or intranet web site, an individual notice must be distributed to each student and current employee that includes:

- a statement of the report's availability,
- a list and brief description of the information contained in the report,
- the exact electronic address at which the report is posted, and
- a statement saying the school will provide a paper copy on request.

The information is to be made reasonably available to prospective students. Upon request, a school must provide its annual campus security report to a prospective student or employee. Institutions must provide them with notice of the report's availability, and this notice must include a brief description of the report.

Noncompliance Summary: At the time of the review, OTC failed to prepare and distribute its annual security report in accordance with Federal regulations. The institution provided campus crime statistics to the Department; however OTC did not distribute an annual security report to their students and faculty. The institution did not have a report disclosing annual crime statistics and annual campus security information to all current students and faculty on or before October 1st of a given year.

Required Action Summary: OTC must prepare an annual security report in accordance with Federal regulations to ensure all the required information is adequately met. A copy of the revised policies as well as their annual security report to students and faculty must be provided with the institution's response to this program review report.

OTC must revise their policies to include emergency response and evacuation procedures. OTC may conduct a test announced or unannounced, however it must be conducted at a time when most of the students, faculty, and staff are expected to be present on campus. The test must be documented, including the date and time, and whether it was announced or unannounced. A copy of the revised policies as well as a copy of the institution's Emergency Response and Evacuation Procedures test must be provided with the institution's response to this program review report.

OTC's Response: In its November 15, 2012 response and corrective action plan, (Appendix B), OTC stated that "upon review of the noncompliance finding, OTC...agrees with the finding and has revised the Security Report to include the missing policies and descriptions mentioned in the regulations." In addition, OTC asserted that the complete report would be uploaded to the College's official website on 12/3/12. OTC officials also stated the security department would be responsible for ensuring that the Annual Security Report (ASR) was actively distributed to all enrolled students and

current employees by 12/12/12. The report was to be distributed via hand delivery and by mail.

Furthermore, OTC stated that it developed sexual assault education and prevention policies and materials as part of its new "Sexual Assault Program." The College claimed that information about the new program was added to the website and would be distributed with the new 2012 ASR that was distributed on or about 12/12/12. OTC also stated that it "now has a written policy regarding its plan to conduct a test of emergency response and evacuation procedures. The test will be conducted biannually in the months of May and November."

Along with its response, OTC submitted a copy of its modified Security Report and Emergency Evacuation plan.

Final Determination: Finding # 1 of the program review report cited OTC for multiple violations of the *Clery Act*. Specifically, the College failed to publish an accurate and complete 2011 ASR that included all of the statistical disclosures and policy, procedure and programmatic information required under *34 C.F.R. § 668.46(b)*. Based on the Department's review, the College failed to comply in the following respects:

- 1) The 2011 ASR did not contain a description of the College's programs designed to inform students about crime prevention.
- 2) The 2011 ASR did not contain a description of the College's sexual assault education and prevention programs.
- 3) The 2011 did not contain any information about the testing of its emergency response and evacuation procedures.
- 4) The 2011 ASR did not contain a statement regarding the College's policies for the preparation of the annual disclosure of crime statistics and the development of the ASR.
- 5) The 2011 ASR did not include any information about the College's drug and alcohol prevention programs.

In addition, OTC failed to actively distribute the 2011 ASR to enrolled students and current employees in accordance with *34 C.F.R. § 668.41(e)*. Moreover, the College also failed to notify prospective students and employees about the availability of the ASR. Based on these longstanding violations, the Department found that OTC had persistently failed to develop and implement a campus safety operations plan to ensure compliance with the most basic provisions of the *Clery Act*.

As a result of these violations, the College was required to review and revise its campus safety policies and procedures and publish a materially-complete 2012 ASR and then distribute it in accordance with Federal regulations. In its response dated November 15,

2012, OTC concurred with the finding and explained the remedial steps taken to address the violations. The Department carefully examined the narrative response and supporting documents and determined that the submission generally met minimum requirements. It must be noted; however, that the 2012 ASR was not distributed until 12/12/12 (72 days late), thereby resulting in another violation. Notwithstanding this additional compliance failure, the Department accepts OTC's response and considers this finding to be closed.

Although the finding is now closed, OTC 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" a violation of this type once it occurs. The requirement to develop meaningful campus safety policies, procedures, and programs and to disclose information about them in the ASR is fundamental to the goals of the *Clery Act*. Access to this information permits campus community members and their families to make well-informed decisions about where to work and study and empowers individuals to play a more active role in their own safety and security. OTC was required to initiate remedial measures and as a result of its efforts, has begun to address the conditions that led to these violations. OTC 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, OTC is advised that such actions 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 OTC 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, OTC officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide for *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. The College 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.

Finding # 2. Inadequate Drug and Alcohol Prevention Program

Citation Summary: Federal regulation 34 C.F.R. § 86.3(a) requires a participating institution to establish a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises.

Under 34 C.F.R. § 86.100(b)(1), an institution is required to measure the effectiveness of its drug prevention program biennially. The information is to be compiled as a Biennial Review Document, which is verified and signed by the president of the institution.

Furthermore, under 34 C.F.R. §86.100(b)(2), an institution must ensure consistency in its enforcement of its disciplinary sanctions.

Noncompliance Summary: OTC failed to comply with the Drug Free Schools and Community Act (DFSCA) and the Department's Part 86 Regulations. Specifically, OTC failed to conduct a Biennial Review of the effectiveness of its drug and alcohol abuse prevention program and the consistency of its disciplinary processes.

Required Action Summary: OTC must take all necessary corrective actions and submit copies of the newly accurate and complete documents as part of its official response. A copy of the revised policies as well as a copy of their new Biennial Review Document must be provided with the institution's response to this program review report.

OTC's Response: In its November 15, 2012 response and corrective action plan, (Appendix C), OTC concurred with the finding and stated that a plan was developed for conducting a review of the effectiveness of its drug and alcohol abuse prevention program (DAAPP) and the consistency of its disciplinary processes. OTC represented that College officials would research the Federal requirements and seek appropriate guidance during the planning phase. OTC also asserted that the Part 86 report would be reviewed by the College's President and that it would be posted on its website. On March 14, 2013, the College submitted a biennial review document.

Finally, OTC stated that a description of its DAAPP, now known as the "Substance Prevention Program," was posted to the College's website and was distributed to enrolled students and current employees on or about 12/12/12.

Final Determination: Finding #2 of the program review report cited OTC for not conducting a biennial review. During the response analysis phase of the review, Department officials determined that OTC has also failed to develop and implement a materially-complete DAAPP. As a consequence, the College also failed to publish and distribute an annual DAAPP disclosure. In response to the original violation, the College was required to conduct a biennial review and produce a detailed report of findings. However, as noted above, the College realized as did the review team, that the existing DAAPP was not adequate and did not provide an adequate framework for the level of analysis required by the biennial review requirement. Therefore, the College had to develop and implement a comprehensive DAAPP and allow it to be in place for a period of time before any meaningful analysis of the plan's effectiveness could be conducted. Nevertheless, the Department must document the reportable condition related to OTC's longstanding failure to publish and actively distribute an annual DAAPP disclosure as required by the *DFSCA*.

In its initial response, OTC stated its concurrence with the finding and provided copies of its new and revised DAAPP policies and procedures. The College claimed that the existing substance prevention programs were reviewed and enhanced and that as a result,

a comprehensive DAAPP is now in place. The review team's analysis of OTC's new biennial review document showed improvement in the problem areas identified in the program review report, suggesting that the corrective actions were at least minimally adequate. For these reasons, the Department accepts the College's response and considers this finding to be closed.

Although the Department has accepted the College's response, OTC officials are reminded that they must initiate additional corrective actions as needed to ensure that the deficiencies identified in this finding do not recur. OTC is reminded that the exceptions identified above constitute serious violations of the *DFSCA* that by their nature cannot be cured. OTC was required to initiate corrective actions and has begun to address the conditions that led to these violations. While this is an important step, OTC officials must understand that compliance with the *DFSCA* is essential to maintaining a safe and healthy learning environment.

Campus safety 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. OTC's persistent failure to comply with the *DFSCA* deprived students and employees of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. These compliance failures also deprived 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 campus crime. For these reasons, OTC is reminded that corrective 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.

In light of these concerns, the Department strongly recommends that OTC re-examine its campus safety and drug and alcohol abuse prevention 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 College's new DAAPP.

Finding # 3. Inadequate Voter Registration Policy

Citation Summary: The Higher Education Act (HEA) Section 487(a)(23) states that an institution must make voter registration forms widely available, as provided by mail or electronically, to each enrolled student.

Noncompliance Summary: At the time of the review, OTC did not have voter registration forms widely available through standard or electronic mail.

Required Action Summary: OTC must make voter registration forms widely available to all enrolled students. OTC must indicate in their corrective action plan that they will revise their policies and procedures to ensure that students are given adequate voter registration forms and information.

OTC's Response: In Its November 15, 2012 corrective action response (Appendix B), OTC stated that they will make voter registration forms widely available to all enrolled students via the OTC website. A link along with directions will be added to the website as of 11/14/12. Also, each student will receive a voter registration form along with their new packet when they begin class.

Final Determination: Finding # 3 of the program review report cited OTC for not making voter registration forms widely available to all enrolled students via regular or electronic mail. In response to this violation, the institution was required to update their voter registration distribution methods and policies. OTC updated their website with a new voter registration section, which is easily accessible in the "About OTC" section. The institution is also providing voter registration forms to newly enrolled students.

The corrective actions that the institution has put in place satisfy Federal regulations regarding voter registration. The Department accepts the institution's response and considers this finding to be closed

Appendices

Appendix A: Program Review Report, attached

Appendix B: Corrective Action Response Finding #1, attached

Appendix C: Corrective Action Response Finding # 1, attached



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Prepared for
Ohio Technical College

OPE ID 01174500
PRCN 2012-3-05-27952

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

Program Review Report

October 23, 2012

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A. Institutional Information

Ohio Technical College
1374 East 51st Street
Cleveland, OH 44103-1228

Type: Proprietary

Highest Level of Offering: Associate's Degree

Accrediting Agency: Accrediting Commission of Career Schools and Colleges

Student Enrollment as of 05/16/2012: 891

Percentage of Students Receiving Title IV for 2010 Enrollment Year: 90.57%

Title IV Participation (PEPS):

2010-2011

Federal Direct Loan Program
Pell Grants

\$15,413,733
\$4,547,888

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Ohio Technical College (OTC) from June 4, 2012 to June 8, 2012. Mr. Nicholas Koulermos and Mr. Mark Diestler conducted the review.

The focus of the review was to determine OTC'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 OTC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, review of the Jeanne Clear Disclosure of Campus Security Policy and Campus Crime Statistics Act (*the Clery Act*), attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2010-2011 and 2011-2012 award years. The files were those of all of the students that received Title IV, HEA program funds for the award years. The numbers assigned to the students in this report are referenced in Appendix A.

Disclaimer:

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

This report reflects initial findings and is not final. The Department will issue its final findings in a subsequent Final Program Review Determination Letter.

C. Findings

Finding 1: Crime Awareness Requirement Not Met: *Failure to Distribute the Annual Security Report*

Citation: The Clery Act and the Department's Federal regulation 34 C.F.R. § 668.14(c)(2)(i) require a participating institution to establish a campus security policy in accordance with Section 485(f) of the Higher Education Act of 1965, as amended. All participating institutions are required to provide annual campus security information directly to all current students and employees. *34 C.F.R. § 668.41(e)*. This information may be provided through publications and mailings, including direct mailing to each individual through the U.S. Postal Service, campus mail or electronic mail. If an institution chooses to fulfill this requirement by posting the crime report on an internet or intranet web site, an individual notice must be distributed to each student and current employee that includes:

- a statement of the report's availability,
- a list and brief description of the information contained in the report,
- the exact electronic address at which the report is posted, and
- a statement saying the school will provide a paper copy on request.

The information is to be made reasonably available to prospective students. Upon request, a school must provide its annual campus security report to a prospective student or employee. Institutions must provide them with notice of the report's availability, and this notice must include a brief description of the report.

The campus security report must contain information regarding campus security policies and campus crime statistics. The report must discuss the role and function of campus security personnel (if any), the school's procedures for reporting (and responding to reports of) emergencies and crimes and school security policies regarding on-and-off campus facilities. *34 C.F.R. § 668.46(b)*. The institution must include in the report information from each separate campus. *34 C.F.R. § 668.46(d)*. The campus crime report must contain the following crime statistics for the three most recent calendar years:

- Criminal homicide: Murder and nonnegligent manslaughter, negligent manslaughter
- Sex offenses: Forcible sex offenses, and nonforcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft

- Arson
- Arrests for liquor law violations, drug law violations, and illegal weapons possession
- Hate crimes

An institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics. On October 1 of each year an institution must submit the crime statistics to the Secretary. *34 C.F.R. § 668.41(e)(5)*.

An institution must provide a timely warning that will aid in the prevention of similar crimes, and report to the campus community on crimes that are described above and considered by the institution to represent a threat to students and employees.

The campus crime report must contain a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including policies for making timely warning reports to members of the campus community regarding the occurrence of crimes, policies for preparing the annual disclosure of crime statistics; and a list of the titles of each person or organization to whom students and employees should report criminal offenses. This statement must also disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures. Additionally it must contain a statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities; and a statement of current policies concerning campus law enforcement that addresses the enforcement authority of security personnel and whether those security personnel have the authority to arrest individuals.

The campus crime report must also contain a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws; a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws; and a description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

Additionally the report must contain a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a

sex offense occurs. The statement must include a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses; procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported; information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities if the student requests the assistance of these personnel; notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses; and notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.

Noncompliance: At the time of the review, OTC failed to prepare and distribute its annual security report in accordance with Federal regulations. The institution provided campus crime statistics to the Department; however OTC did not distribute an annual security report to their students and faculty.

Since OTC failed to comply with regulations under 34 C.F.R. § 668.46(b), the following is a list of deficiencies OTC had at the time of the review:

1. The institution did not have a report disclosing annual crime statistics and annual campus security information to all current students and faculty on or before October 1st of a given year.
 - a. In conjunction with the absence of the annual campus security report, the institution did not list current policies for preparing the annual disclosure of crime statistics.
2. The institution failed to provide a description of programs designed to inform students and employees about the prevention of crimes within the report.
3. The institution failed to provide a description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA within the report.
4. The institution failed to provide policies regarding the institution's campus sexual assault programs to prevent sex offenses;
 - a. The report does not include a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.
 - b. The report does not include procedures a student should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported.

- c. The report does not include a notification to students of existing on-and-off campus counseling, mental health, or other student services for victims of sex offenses.
 - d. The report does not include a notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.
 - e. The report does not include procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
 - i. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - ii. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense; and
 - iii. Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.
5. The report does not include a statement advising the campus community where to obtain law enforcement agency information provided by the State under the Violent Crime Control and Law Enforcement Act of 1994, concerning registered sex offenders. Such information may be provided by the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
6. At the time of the review, OTC did not have a written policy regarding its plan to conduct a test of emergency response and evacuation procedures on (at least) an annual basis.

Required Action: OTC must prepare an annual security report in accordance with Federal regulations to ensure all the required information is adequately met. A copy of the revised policies as well as their annual security report to students and faculty must be provided with the institution's response to this program review report.

OTC must revise their policies to include emergency response and evacuation procedures. OTC may conduct a test announced or unannounced, however it must be conducted at a time when most of the students, faculty, and staff are expected to be present on campus. The test must be documented, including the date and time, and whether it was announced or unannounced. A copy of the revised policies as well as a copy of the institution's Emergency Response and Evacuation Procedures test must be provided with the institution's response to this program review report.

Finding 2: Inadequate Drug and Alcohol Prevention Policies

Citation: Federal regulation 34 C.F.R. § 86.3(a) requires a participating institution to establish a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises.

Under 34 C.F.R. § 86.100(b)(1), an institution is required to measure the effectiveness of its drug prevention program biennially. The information is to be compiled as a Biennial Review Document, which is verified and signed by the president of the institution. Furthermore, under 34 C.F.R. §86.100(b)(2), an institution must ensure consistency in its enforcement of its disciplinary sanctions.

Noncompliance: OTC failed to comply with the Drug Free Schools and Community Act (DFSCA) and the Department's Part 86 Regulations. Specifically, OTC failed to conduct a Biennial Review of the effectiveness of its drug and alcohol abuse prevention program and the consistency of its disciplinary processes.

Required Action: OTC must take all necessary corrective actions and submit copies of the newly accurate and complete documents as part of its official response. A copy of the revised policies as well as a copy of their new Biennial Review Document must be provided with the institution's response to this program review report.

Finding 3: Inadequate Voter Registration Policy

Citation: The Higher Education Act (HEA) Section 487(a)(23) states that an institution must make voter registration forms widely available, as provided by mail or electronically, to each enrolled student.

Noncompliance: At the time of the review, OTC did not have voter registration forms widely available through standard or electronic mail.

Required Action: OTC must make voter registration forms widely available to all enrolled students. OTC must indicate in their corrective action plan that they will revise their policies and procedures to ensure that students are given adequate voter registration forms and information.