January 29, 2014

Mr. Scott Rich
President
Sterling College
125 W. Cooper
Sterling, KS 67579

UPS Tracking #
1Z A87 964 01 9319 5342

RE: Final Program Review Determination
OPEID: 00194500
PRCN: 2010040327599

Dear President Rich:

The U.S. Department of Education's Clery Act Compliance Team issued a program review report on August 2, 2011, regarding Sterling College's (Sterling's) compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) in *Section 485(f) of the HEA, 20 U.S.C. § 1092(f)*, and the Department's regulations at *34 C.F.R. §§ 668.41, 668.46, and 668.49*. The review also examined the College's compliance with the Drug-Free Schools and Communities Act (*DFSCA*). Sterling's response was received on October 4, 2011. The original text of the program review report is incorporated into this Final Program Review Determination (FPRD). Sterling's response and any supporting documentation submitted with the response are being retained by the Department and are available for inspection by Sterling upon request. Please be advised that this FPRD and any supporting documentation may be subject to release under the Freedom of Information Act and may be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the findings identified during the program review. The purpose of this letter is to advise Sterling of the Department's final determinations and to close the review. Please note that this FPRD contains several findings regarding Sterling's failure to comply with the requirements of the *Clery Act*. Because a *Clery Act* finding does not result in a financial liability, such findings may not be appealed.

Due to the serious nature of these findings, this FPRD is being referred to the Administrative Actions and Appeals Service Group (AAASG) for consideration of possible adverse administrative action. Such action may include a fine and/or the limitation, suspension or termination of the eligibility of the institution to participate in the Title IV, HEA programs pursuant to *34 C.F.R. Part 668, Subpart G*. If AAASG initiates any such action, additional information about Sterling's appeal rights and procedures for filing an appeal will be provided under separate cover.

Record Retention:

Records relating to the period covered by this program review must be retained until the later of resolution of the violations identified during the program review or the end of the regular retention period applicable to all Title IV-related records including campus crime documents under *34 C.F.R. § 668.24(e)*.

Thank you for the courtesy and cooperation shown to us throughout the program review process. If you have any questions about this FPRD or the program review process, please contact Mr. Keith Ninemire 202-377-4609.

Sincerely,

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

James L. Moore, III
Compliance Manager
Clery Act Compliance Team

cc: Ms. Tina Wohler, Vice President for Student Life, Sterling College, twohler@sterling.edu
Ms. Mitzi Shuler, Director of Financial Aid, msuhler@sterling.edu
North Central Association - Higher Learning Commission
Kansas State Department of Education

Enclosures:
Final Program Review Determination

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Prepared for

Sterling College

OPE ID: 00194500
PRCN: 201040327599

Prepared by
U.S. Department of Education
Federal Student Aid
Clery Act Compliance Team

Final Program Review Determination
January 29, 2014

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A. Institutional Information

Sterling College
125 W. Cooper
Sterling, KS 67579

Type: Private, Nonprofit

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment (approx.): 722 (2008/2009) 650 (2013/2014)

% of Students Receiving Title IV: 71.6% (2008-2009)

Title IV Participation, Per U.S. Department of Education Data Base (Postsecondary Education Participants System):

2008/2009 Award Year

Federal Pell Grant	$ 852,600
Federal Supplemental Educational Opportunity Grant (FSEOG)	$ 66,363
Federal Work Study (FWS)	$ 59,195
Federal Perkins Loan Program (Perkins)	$ 98,800
Federal Direct Loan Program (FDL)	$ 4,087,890
Total	**$ 5,164,848**

Default Rate FFEL/DL:	**2008**	**16.8%**
	2007	**10.3%**
	2006	**5.7%**
Default Rate Perkins:	**2009**	**25.0%**
	2008	**16.3%**
	2007	**8.3%**

Founded as Cooper Memorial College in 1887, Sterling College (Sterling; the College) offers degree programs in more than 20 major areas of study including Biblical and Christian Studies, the arts, humanities, and sciences. Renamed as Sterling in 1920, the College currently enrolls approximately 650 students. Regarding campus safety operations, Sterling states that "campus security is a team effort" of the Student Life Office and the Security Staff. Sterling's security staff does not have law enforcement authority under state law. Sterling's security staff has the authority to ask persons for identification to determine whether individuals have legitimate business at the College.

The security staff can issue parking tickets but it does not have the authority to make arrests. Criminal incidents are referred to the local police whose jurisdiction covers Sterling's campus.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a focused off-site campus security program review of Sterling from September 15 through December 20, 2010. The review was conducted by the Clery Act Compliance Team.

The focus of the review was to evaluate Sterling's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*). The *Clery Act* statutory language can be found in *§ 485(f) of the Higher Education Act of 1965 as amended (HEA), 20 U.S.C. § 1092(f)* and the Department's implementing regulations are in *34 C.F.R. §§ 668.41, 668.46*, and *668.49*. The Department's review also examined Sterling's compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Drug-Free Schools Act). The Drug-Free Schools Act is in *20 U.S.C. §1011i* and the Department's regulations are at *34 C.F.R. Part 86*.

The review was initiated when the Department received a complaint from Security on Campus, Inc. (SOC, now known as the Clery Center for Security on Campus, Inc.), a non-profit organization concerned with campus safety, alleging that Sterling was in violation of the *Clery Act*. SOC's complaint referenced Sterling's omission, from its Annual Security Report, of the required sexual assault statement of policy and the lack of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.

The Department also received a complaint from a former Sterling student also alleging a lack of educational programs to prevent sex offenses as well as clear policies for reporting sexual assaults. This complaint further alleges that Sterling did not report two sexual assaults incidents. During the review the Department determined that the two sexual assault incidents did not meet the requirements to be included in the statistics published under the *Clery Act*.

The Department announced its review to Sterling in a letter dated September 15, 2010. The review consisted of an examination of Sterling's incident reports, arrest records, disciplinary files, and policies and procedures related to the *Clery Act* and its drug prevention program. Interviews of Sterling officials with *Clery Act* responsibilities were also conducted.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Sterling'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 Sterling of its obligation to comply with all

of the statutory or regulatory provisions governing its participation in the Title IV, HEA programs.

C. Findings and Final Determinations

During the review, the following areas of noncompliance were noted. The findings identified in the Department's August 2, 2011 program review report appear in italics below. At the conclusion of each finding is a summary of Sterling's response and the Department's Final Determination.

Finding 1: ***Failure to Publish and Distribute an Annual Security Report***

Citation:

Federal regulations require that participating institutions must compile and publish statistics, for the three most recent calendar years, concerning the occurrence on campus of the following incidents: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose, for the three most recent years, the numbers of arrests and referrals for disciplinary action related to violations of Federal or State drug, liquor and weapons laws. 34 C.F.R. § 668.46(c) (1)

Federal regulations also require that participating institutions must provide an Annual Security Report (ASR) to all current students and employees through appropriate publications and mailing. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to each individual or by posting on the institutions internet site. 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 a statement that a paper copy will be provided upon request. Institutions must also inform prospective students and employees of the report's availability and provide a copy upon request.
34 C.F.R. § 668.41 (e)

Non-compliance:

Sterling failed to prepare and distribute an ASR as required by Department's regulations. Prior to this review, Sterling never prepared and distributed an ASR to its students and employees.

Required Action:

Sterling must prepare an ASR and notify its students and employees by October 1 of each year of the report's availability. The College also must develop procedures to ensure that notification or distribution of the ASR takes place before the October 1 deadline.

In response to this finding, Sterling was required to submit a copy of its procedures for distributing the ASR and a copy of the notification it sent by October 1, 2010 to its students and employees regarding the availability of its calendar year 2009 ASR.

Institutional Response:

In its response, Sterling stated its concurrence with the finding. College officials also represented that all crime statistics were compiled and published as part of the 2010 ASR and were included in the *Student Handbook* and were posted on the Sterling website as well. In addition, the response conceded that annual campus crime reports and annual fire reports were not produced prior to 2010. Sterling stated that after becoming aware of the *Clery Act* in September 2010, that it has strengthened its reporting structure to handle these situations in the future and will continue to prepare and distribute its ASR to employees and students each year.

Sterling's response includes a copy of the email notification that was distributed to employees and students regarding the availability of its 2009 crime statistics which the school thought was an ASR.

Final Determination:

Finding #1 of the program review report cited Sterling for its failure to publish and distribute an ASR in 2009 and all prior years dating back to the inception of the *Clery Act*. In its response, the College stated its concurrence with the finding and asserted that all necessary corrective action was taken to address the violations identified by the program review. Sterling's new procedures for developing and distributing its ASR are sufficient to address this violation going forward. Sterling's response included a copy of its 2011 ASR which included crime statistics for calendar years 2008, 2009, and 2010, and documentation that the College notified its students and employees of the report's availability by October 1, 2011.

Based on the review team's analysis of the response and Sterling's representations that it has addressed these violations and their underlying causes, the Department considers this finding to be closed.

Although the finding is now closed, Sterling is reminded that the exceptions identified above constitute very serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once it occurs. Sterling was required to initiate all necessary remedial measures and in doing so, has begun to address the conditions that led to these violations. Sterling 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, Sterling officials must understand that the *Clery Act* is first and foremost a consumer protection law that is based on the premise that "to be forewarned is to be forearmed." Persistent compliance failures of the type documented above deprive students and employees of important campus security information and effectively negate the intent of the Act. As such, Sterling 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.

As noted above, Sterling's response was accepted and found to be at least minimally adequate. Nevertheless, the College is reminded that it must initiate any additional corrective actions that are necessary to ensure that the deficiencies identified during the program review do not recur. For that reason, the Department strongly recommends that Sterling 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 regulations. As part of these periodic reviews, Sterling officials are encouraged to continue to use the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide for *Clery Act* compliance. The handbook is available online at: 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.*

Finding 2: Lack of Adequate Policy Statements

Citation:

Under the Clery Act and the Department's regulations, an institution must include within its annual security report, statements of current campus policies. The policy statements must include, but are not limited to, information about how students and others should report criminal actions or other emergencies occurring on campus, security of and access to campus facilities, and campus law enforcement/security. 34 C.F.R. § 668.46(b)(2) – (b)(14)

Noncompliance:

Sterling failed to develop campus security policies and procedures. After Sterling was notified of the program review, it developed campus security policies and procedures and submitted them to the Department as part of its 2010 ASR. The Department's review of that submission revealed that Sterling's ASR for calendar year 2009 lacked the following required information:

- *A statement of current policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus including its policy governing the response to such reports, including policies for making timely warning reports to the campus community, policies for preparing the annual crime report, and a list of the titles of each person or organization to whom students and employees report crimes. 34 C.F.R. § 668.46(b)(2)*

- *A statement of current policies regarding campus law enforcement that addresses the authority of campus law enforcement, the campus law enforcement's relationship with other State and local law enforcement agencies, and whether campus law*

enforcement officers have the authority to arrest individuals. 34 C.F.R. § 668.46(b)(4)

- *A statement that clearly describes all the programs available to inform students and employees about campus security procedures and practices. 34 C.F.R. § 668.46(b)(5)*

- *A statement that describes the programs available to inform students and employees about the prevention of crime. 34 C.F.R. § 668.46(b)(6)*

- *A statement of policy regarding the enforcement of underage drinking laws or enforcement of federal or state drug laws. 34 C.F.R. § 668.46(b)(8) and 668.46(b)(9)*

- *A full description of the drug and alcohol education programs offered. 34 C.F.R. § 668.46(b)(10)*

- *A statement of the institution's policies regarding its campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. 34 C.F.R. § 668.46(b) (11)*

- *A description of educational programs a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses*

- *A statement of policy regarding procedures for campus disciplinary action in cases of an alleged sex offense, including* ***clear statements*** *for the following:*

    - *The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding;*
    - *Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense; and;*
    - *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 offences. C.F.R. § 668.46(b)(11)(VI)*

- *A statement of policy regarding emergency response and evacuation procedures. 34 C.F.R. § § 668.46(b) (13) and 668.46(g)*

- *A statement of policy regarding procedures to test the emergency response and evacuation procedures on at least an annual basis. 34 C.F.R. § 668.46(g)(6)*

Required Action:

Sterling was required to make revisions to its 2010 ASR and submit a copy to the Department. Once the Department reviewed the report and determined that all required elements were satisfactory and included in the report, Sterling will be required to

redistribute its ASR to the campus community. If Sterling has prepared its 2011 ASR, then it may submit a copy of that ASR for the Department's review. In any case, Sterling has to provide to the Department proof of distribution of the ASR.

Institutional Response:

In its response, Sterling concurred with the finding and stated that it has strengthened its policies and developed additional policies to address the deficiencies identified during the review. These changes are discussed in the College's response. Sterling also stated that it has formalized its Emergency Preparedness Plan, created additional educational opportunities for students and employees, and intensified employee training on Emergency Procedures, Sexual Assault, and Alcohol and Drug Awareness.

Final Determination:

Finding #2 of the program review report cited Sterling for its failure to produce all of the required policy statements in its ASR. In its response, the College stated its concurrence with the finding and asserted that all necessary corrective action was taken to address the violations identified by the program review. Sterling's revised 2010 and its 2011 ASRs adequately addressed the deficiencies cited in this finding. As such, the Department accepts Sterling's response as it relates to the institution's corrective actions. However, Sterling is reminded that corrective actions do not diminish the seriousness of the violations cited in this finding. The corrective actions that the institution has claimed are now in place should result in improved campus security operations and better *Clery Act* compliance going forward. The review team's analysis of the College's most recent ASR did not identify any significant omissions or weaknesses in the problem areas identified in the program review report, suggesting that the corrective actions were at least minimally adequate.

Based on the review team's analysis of the response and Sterling's representations that it has addressed these violations and their underlying causes, the Department considers this finding to be closed.

Although the finding is now closed, Sterling 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 them to play a more active role in their own safety and security. Sterling was required to initiate all necessary remedial measures and in doing so, has begun to address the conditions that led to these violations. Sterling has stated that it has brought its overall campus security program into compliance with the *Clery Act* as required by its PPA. Nevertheless, Sterling 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.

Finding 3: ***Failure to Comply with the Daily Crime Log Requirements***

Citation:

Institutions with a police or campus security department must maintain a written, easily understood daily crime log listing all reported crimes that occurred 1) on campus including residence halls 2) in non-campus buildings or on on-campus property 3) on public property or 4) within the campus police or security department's patrol area. This reporting requirement applies to all crimes, not merely those crimes listed in 34 C.F.R. § 668.46(c)(1). The crime log must record crimes by the date they were reported to the campus police or security department. The log must include the nature, date, time, general location, and disposition of each offense. The crime log must be kept up to date and be accessible to any requestor during normal business hours. 34C.F.R. § 668.46(f)

Noncompliance:

Sterling failed to maintain a daily crime log. This failure was based on the College's interpretation of the information provided in "The Handbook of Campus Crime Reporting." The College believed that it did not have a security department and was not required to maintain a crime log.

Required Action:

The College must maintain a daily crime log as required by the Department's regulations. Sterling must describe its policies and procedures for ensuring that a daily crime log is maintained and available for inspection by the public. In addition, Sterling must submit a model of its crime log with its response to this finding. The crime log should show recordings of recently reported incidents, if any, that were reported to Sterling's security department subsequent to receipt of this report.

Institutional Response:

In its response, Sterling concurred with the finding and stated that the College did not know it had to maintain a campus crime log. Sterling has established new policies and procedures for ensuring that a daily crime log is maintained and available for review by the public.

Final Determination:

Finding # 3 of the program review report cited Sterling for failing to keep and produce a Crime Log. As a result of this violation, Sterling was required to review and enhance its campus safety policies and procedures with special attention on the preparation and maintenance of an open and accessible daily crime log. In its response, Sterling stated its

concurrence with the violations noted in the finding and provided information about its new campus crime and fire safety logs.

Based on the review team's analysis of the response and Sterling's representations that it has addressed these violations and their underlying causes, the Department considers this finding to be closed.

Although the finding is now closed, Sterling 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 maintain an accurate and complete daily crime log is intended to allow all interested parties to access more up-to-date information about crimes that occur on campus and with an institution's patrol jurisdiction. Access to this information permits campus community members and their families to make well-informed decisions and empowers them to play a more active role in their own safety and security on a day-to-day basis. Sterling was required to initiate all necessary remedial measures and in doing so, has begun to address the conditions that led to these violations. Sterling has stated that it has brought its overall campus security program into compliance with the *Clery Act* as required by its PPA. Nevertheless, Sterling 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.

Finding 4: ***Failure to Meet Institutional Fire Safety Policies and Fire Statistics Requirements***

Citation:

The Department's regulations governing fire safety policies and fire statistics state that as of October 1, 2010, an institution that maintains any on-campus student housing facility must prepare an annual fire safety report that contains minimum requirements listed in 34 C.F.R. § 668.49(b). The institution also must maintain a written, easily understood fire log that contains the requirements described in the regulations. 34 C.F.R. § 668.49(d)

Noncompliance:

Sterling's annual fire safety report lacked the following required information:

- *Policies regarding fire safety education and training programs provided to students and employees;*
- *A description of each on-campus housing facility fire safety system. This includes a description of the fire safety and sprinkler system, including the type, age, design, and area covered activation sensitivity; and*

- *A list of the titles of each person or organization to which students and employees should report that a fire has occurred.*

In addition, Sterling failed to maintain a fire log containing the date fire reported, time, nature and general location of the fire. 34 C.F.R. § 668.49(d)

Required Action:

The College must update its annual fire safety report to include the above missing items. A copy of the updated report must be submitted with the institution's response. In addition, Sterling must maintain a fire log. To ensure compliance with this requirement, Sterling must develop policies and procedures for maintaining a fire log. A copy of those policies and procedures must accompany Sterling's response to this report.

Institutional Response:

In its response, Sterling stated its concurrence with the finding and described the fire safety systems in each of its residence halls and includes fire statistics, policies, as well as fire safety education and training. Sterling notes that it has revised its Annual Fire Safety Report to include the missing elements cited in the finding. In addition, Sterling has instituted a Fire Log which will be maintained in the Student Life Office. Copies of the Annual Fire Safety report and the Fire Log are submitted with the response.

Final Determination:

Finding # 4 of the program review report cited Sterling for multiple violations of the *Clery Act's* fire safety provisions. Specifically, the institution failed to include all required statistical and policy disclosures in its AFSR. As a result of these violations, Sterling was required to review and enhance its 2011 AFSR and fire safety policies, procedures, and programs to ensure that they were accurate and materially-complete. In addition, the College was required to create a new fire log. As part of its response, Sterling submitted its new policies and procedures along with a copy of its 2011 AFSR and new fire safety log.

Based on the review team's analysis of the response and Sterling's representations that it has addressed these violations and their underlying causes, the Department considers this finding to be closed. Although Sterling's response was found to be at least minimally adequate, Sterling officials are reminded that they must take additional corrective actions that may be necessary to ensure that the deficiencies identified above regarding its compliance with the *Clery Act's* fire safety provisions do not recur.

Although the finding is now closed, Sterling is reminded that the exceptions identified above constitute very 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. Such violations deprive students, employees, and parents of important fire safety information to which they are entitled. Access to this information permits campus community

members, especially those who live in residence halls, to make well-informed decisions and empowers them to play a more active role in preventing injury and/or loss of life or property due to of fire-related causes. Sterling was required to initiate all necessary remedial measures and in doing so, has begun to address the conditions that led to these violations. Sterling has stated that it has brought its overall fire safety program into compliance with the *Clery Act* as required by its PPA. Nevertheless, Sterling 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.

Finding 5: ***Failure to Meet Requirements Under the Drug-Free Schools and Communities Act Amendments of 1989***

Citation:

The Drug-Free Schools and Communities Act Amendments of 1989 and the Department's regulation require institutions of higher education to adopt and implement a drug prevention program for its students and employees that, at a minimum, include the following:

(a) The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of-

(1) Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

(2) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

(3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

(4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

(5) A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct required by paragraph (a)(1) of this section. For the purpose of the section, a disciplinary sanction may include the completion of an appropriate rehabilitation program. 34 C.F.R. § 86.100(a)

(b) A biennial review by the institution of its program to-

(1) Determine its effectiveness and implement changes to the program if they are needed; and
(2) Ensure that the disciplinary sanctions described in paragraph (a) (5) of this section are consistently enforced. 34 C.F.R. § 86.100(b)

Noncompliance:

Sterling failed to accomplish the annual distribution in writing, to each employee and to each student, of its drug prevention program. In addition, Sterling's drug prevention program did not contain all the minimum requirements. Sterling identified its noncompliance with this requirement in its 2010 biennial review under "Identified weakness."

Required Action:

Sterling's must ensure its drug prevention program includes all the requirements in accordance with 34 C.F.R. §§ 86.100(a) and (b).

In its biennial review, Sterling indicates that it will begin providing annually a brochure for students, faculty, and staff with the required drug prevention information. In its response, Sterling must submit a copy of the brochure for the Department's review. Once the Department completes its review and determines that all required elements are included, Sterling will be required to distribute the information to its students and employees. Sterling also will be required to provide proof of the distribution.

Institutional Response:

In its response, Sterling concurred with the finding and stated it published and distributed an Alcohol and Drug Policy brochure for students and employees. The brochure was distributed to students on the first day of classes in the fall of 2011 (August 23, 2011) and the employees received the brochure with their August paychecks. This brochure included the required information.

Final Determination:

Finding # 5 of the program review report cited Sterling for multiple violations of the *DFSCA* and Part 86 of the Department's General Administrative Regulations. Specifically, the institution failed to develop and implement a substantive drug and alcohol abuse prevention program (DAAPP) that contained all of the required elements and also failed to distribute a DAAPP disclosure to all employees and students enrolled for academic credit on an annual basis.

As a result of these violations, Sterling was required to develop and implement a substantive DAAPP and distribute the DAAPP disclosure to students, faculty and staff. The institution was also required to submit copies of these documents with the response.

In its response, Sterling concurred with the majority of the finding and provided a copy off its DAAPP brochure that was distributed to the college community in the fall of 2011.

The review team examined the materials that were submitted with the response and found them to be at least minimally adequate. Based on the team's evaluation as well as Sterling's assertions that it has addressed the violations and their underlying causes, the Department considers this finding to be closed.

Notwithstanding the Department's acceptance of the response, Sterling officials are reminded that they must initiate all necessary corrective actions to ensure that the deficiencies identified in this finding and all others identified during the program review do not recur. To that end, Sterling is specifically reminded of its obligation to conduct comprehensive biennial reviews and to prepare substantive reports of findings going forward.

Although the finding is now closed, Sterling is reminded that these exceptions 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. Sterling 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 crimes on campus. Moreover, the compliance failures documented during the program review deprived students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime. For these reasons, the College 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 as authorized by the *DFSCA* and the Department's regulations and/or require additional corrective measures as a result.

Because of the serious consequences of such compliance failures, the Department strongly recommends that Sterling re-examine its campus security, drug and alcohol abuse prevention policies and procedures on an annual basis to ensure that they are effective, continue to reflect current institutional practices 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 Sterling's new *DFSCA* policies and procedures.