



April 10, 2014

Mr. Thomas A. Moore, Jr.  
President  
Virginia College  
3660 Grandview Parkway  
Suite 300  
Birmingham, AL 35243

UPS Tracking Number  
1ZA879640291677832

**RE: Final Program Review Determination**

OPE ID: 03010625  
PRCN: 201240328027

Dear Mr. Moore:

The U.S. Department of Education's (Department's) School Participation Team - Philadelphia issued a program review report on January 24, 2013 covering Virginia College-Richmond's (VC) 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 2010-2011 and 2011-2012 award years. VC's final response was received on March 25, 2013. A copy of the program review report (and related attachments) and VC's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by VC 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.

**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, (3) notify the institution of its right to appeal, and (4) close the review.

**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 does 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.

**Federal Student Aid**

AN OFFICE of the U.S. DEPARTMENT of EDUCATION  
School Participation Division - Philadelphia

The Wanamaker Building, 100 Penn Square East, Suite 511, Philadelphia, PA 19107  
StudentAid.gov

**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 Manuel Loera at 215-656-8503. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

(b)(6)

Nancy Paula Gifford  
Division Director

**Enclosure:**

Final Program Review Determination Report and appendicies (sent via email only)

cc: Kathy Cheatham, Financial Aid Administrator  
Accrediting Council for Independent Colleges and Schools  
VA Department of Professional & Occupational Regulation  
VA State Council of Higher Education for Virginia

Prepared for

**Virginia College-Richmond**

**Federal Student Aid**  
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**OPE ID:** 03010625  
**PRCN:** 201240328027

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

# Final Program Review Determination

## April 10, 2014

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### ***B. Scope of Review***

The U.S. Department of Education (the Department) conducted a program review at Virginia College-Richmond (VC) from August 20, 2012 to August 23, 2012. The review was conducted by Mr. Manuel Loera, Ms. Carmen Austin, and Ms. Diane Sarsfield.

The focus of the review was to determine VC's compliance with the statutes and regulations as they pertain to the institution's administration of the Title IV, HEA programs. The review consisted of, but was not limited to, an examination of VC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 36 files was identified for review from the 2010-2011 and 2011-2012 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. In addition, 7 files were selected based on student inquiries received by staff in the regional office. Appendix A lists the names and social security numbers of the students whose files were examined during the program review. A program review report was issued on January 24, 2013.

#### **Disclaimer:**

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning VC'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 VC 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 1, 3 and 4.

VC has taken the corrective actions necessary to resolve findings 1, 3 and 4 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by VC are discussed below.

#### **Findings with Final Determinations**

The program review report finding requiring further action is summarized below. At the conclusion of each finding is a summary of VC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on January 24, 2013 is attached as Appendix B.

**Finding 2: Failure to Timely Submit Common Origination and Disbursement (COD) Records**

**Citation Summary:** An institution shall report any change in the amount of a Federal Pell Grant for which a student qualifies including any related Payment Data changes. The institution must report these changes according to the schedule and deadlines established in the Federal Register. 34 C.F.R § 690.83 (b)(1).

The Federal Register, published on June 29, 2012 (Volume 77, Number 126), established that an institution must submit Federal Pell Grant disbursements records to the COD no later than 30 days after making a disbursement or becoming aware of the need to adjust a student's disbursement.

Further, institutions must report all loan disbursements and submit required records to the Direct Loan Servicing System via COD within 30 days of disbursement. Each month, the COD system provides institution with School Account Statement (SAS) data file which consists of a Cash summary, Cash Detail, and at the institution's option, Loan Detail records. The school is required to reconcile these files to the institutions financial records. OMB No. 1845-0021.

**Noncompliance Summary:** VC failed to update Federal Pell Grant disbursement dates reported to COD within the required time frame for 16 students during the 2010-2011 award year and six students during the 2011-2012 award year. In addition, VC failed to update Direct Loan disbursement dates reported to COD within the required time frame for 10 students during the 2010-2011 award year and four students for during the 2011-2012 award year.

**Required Action Summary:** The Department required VC to conduct a file review for both the 2010-2011 and 2011-2012 award years to ensure that the disbursement dates for students who received Federal Pell Grants and Direct Loans were accurate. Any discrepancies were to be updated in COD to reflect the actual disbursement date.

**VC's Response:** VC submitted its response on March 25, 2013 (Appendix C). VC concurred with the finding and completed a file review for both the 2010-2011 and 2011-2012 award years to determine whether disbursement dates for students who received Federal Pell Grants and Direct Loans were accurately reported in COD.

Further, VC took further steps to develop a process to update COD disbursement dates on an ongoing basis within the required 30 days. The updated process will reconcile discrepant disbursement dates weekly. VC provided this process, Broadleaf Common Origination and Disbursement Synchronization, with its response.

**Final Determination:** The Department reviewed VC's March 25, 2013 response and conducted an analysis of the file reviews by sampling 30 students during the 2010-2011

and 2011-2012 award years. The Department did not identify any discrepancies with the disbursement dates for both Federal Pell Grant and Direct Loan disbursements as reported to COD.

In addition, the Department reviewed the institution's updated COD synchronization policy and has determined the updates should strengthen its process for the reporting of disbursement dates to COD. VC must follow these revised policies and review periodically and revise them, as needed, to prevent a recurrence of this finding.

The institution should note the following new reporting requirements. The Federal Register, published on February 28, 2013 (Volume 78, No. 40) established for disbursements made on or after April 1, 2013, an institution must submit Federal Pell Grant and Direct Loan disbursements records to COD no later than 15 days after making a disbursement or becoming aware of the need to adjust a student's disbursement.

Final Program Review Determination  
PRCN: 201240328027

Appendix B

Virginia College – Richmond Program Review Report



January 24, 2013

Mr. Thomas A. Moore, Jr.  
President  
Virginia College  
3660 Grandview Parkway  
Suite 300  
Birmingham, AL 35243

UPS Tracking Number:  
1Z A54 67Y 01 9107 6260

RE: **Program Review Report**  
OPE ID: 03010625  
PRCN: 201240328027

Dear Mr. Moore:

From August 20, 2012 through August 23, 2012, Manuel Loera, Carmen Austin, and Diane Sarsfield conducted a review of Virginia College – Richmond's (VC) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by VC. The response should include a brief, written narrative for each finding that clearly states VC's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, VC must provide supporting documentation as required in each finding.

Please note that pursuant to HEA section 498A(b), the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report<sup>1</sup> and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –
  - a. A written statement addressing the institution's response;
  - b. A written statement of the basis for such report or determination; and
  - c. A copy of the institution's response.

<sup>1</sup> A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

**Federal Student Aid**

An OFFICE of the U.S. DEPARTMENT of EDUCATION  
School Participation Division – Philadelphia

The Wanamaker Building, 100 Penn Square East, Suite 511, Philadelphia, PA 19107  
StudentAid.gov

The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the institution's written response will not be attached to the FPRD. However, it will be retained and available for inspection by VC upon request. Copies of the program review report, the institution's response, 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 the FPRD is issued.

The institution's response should be sent directly to Manuel Loera of this office within 60 calendar days of receipt of this letter.

**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. This appendix was encrypted and sent separately to the institution via e-mail. Please see the enclosure Protection of Personally Identifiable Information for instructions regarding submission to the Department of required data / documents containing PII.

**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).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Manuel Loera at 215-656-8503 or Manuel.Loera@ed.gov.

Sincerely,

(b)(6)

John S. Loreng  
Compliance Manager

cc: Kathy Cheatham, Financial Aid Administrator

Enclosure:  
Protection of Personally Identifiable Information

**Prepared for**  
**Virginia College - Richmond**

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**OPE ID: 03010625**  
**PRCN: 201240328027**

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

**Program Review Report**  
January 24, 2013

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Virginia College - Richmond  
OPE ID: 03010625  
PRCN: 201240328027  
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**A. Institutional Information**

**Main Location**

Virginia College  
3660 Grandview Parkway  
Suite 300  
Birmingham, AL 25243

**Review location**

Virginia College - Richmond  
7200 Midlothian Turnpike  
Richmond, VA 23225-5502

Type: Proprietary

Highest Level of Offering: Master's Degree

Accrediting Agency: Accrediting Council for Independent Colleges and Schools

Current Student Enrollment: 15,460 – total enrollment (2011-2012); 470 – Richmond Campus

% of Students Receiving Title IV: 81.5% (all campuses 2011-2012); 89.79% - Richmond campus

Title IV Participation all campuses:

	2010	2011	% Award	Year
Federal Pell Grant Program				\$ 95,127,681.00
Federal Supplemental Educational Opportunity Grant (SEOG) Program				\$ 1,737,383.00
Federal Work Study (FWS) Program				\$ 772,189.00
William D. Ford Federal Direct Loan (Direct) Program				\$ 189,072,292.00
Federal Family Education Loan Program				\$ 56,645.00

Default Rate FFEL/DL:      2010: 15.3%  
                                         2009: 12.4%  
                                         2008: 5.5%

The institution does not administer a Federal Perkins Loan Program.

## **B. Scope of Review**

The U.S. Department of Education (the Department) conducted a program review at Virginia College – Richmond (VC) from August 20 – 23, 2012. The review was conducted by Ms. Carmen Austin, Mr. Manuel Loera and Ms. Diane Sarsfield.

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

A sample of 36 files was identified for review from the 2010-2011 and 2011-2012 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. In addition, 7 files were selected based on student inquiries received by staff in the regional office. 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 VC'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 VC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

## **C. Findings**

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by VC to bring operations of the financial aid programs into compliance with the statutes and regulations.

### **Finding #1: Ineligible Disbursement**

**Citation:** A student is eligible to receive Title IV, HEA program assistance if the student meets all of the eligibility criteria. 34 C.F.R. § 668.32. Federal Pell Grant awards are based on the Expected Family Contribution (EFC) on the student's Institutional Student Information Report (ISIR), the student's enrollment status, the academic year structure and the student's cost of attendance. The amount of a student's Federal Pell Grant for an academic year is based upon the payment and disbursement schedules published for each award year. 34 C.F.R. § 690.62.

**Noncompliance:** VC made an ineligible disbursement of Federal Pell Grant funds to one student. Specifically, student #5 received a duplicate Federal Pell Grant disbursement of \$1850 during the payment period of January 18, 2011 – March 28, 2011.

For the payment period, student #5 was enrolled full time and the student's ISIR listed a zero EFC. Based on the student's EFC and institution's disbursement schedule, the student was eligible to receive a disbursement of \$1850 for each payment period during the 2010 – 2011 academic year. A review of the student's ledger card indicated the institution made two disbursements of \$1850, during January 18, 2011 – March 28, 2011 payment period. The student was eligible to receive only one disbursement during the payment period

Ineligible disbursements result in the institution receiving federal funds to which it is not entitled and causes an increased expense for the Department.

**Required Action:** The institution returned the additional disbursement of Federal Pell Grant funds and provided documentation to the Department that the funds were returned.

### **Finding #2: Failure to Timely Submit Common Origination and Disbursement Records**

**Citation:** An institution shall report any change in the amount of a Federal Pell Grant for which a student qualifies including any related Payment Data changes. The institution must report these changes according to the schedule and deadlines established in the Federal Register. 34 C.F.R § 690.83 (b)(1).

The Federal Register, published on June 29, 2012 (Volume 77, Number 126), established that an institution must submit Federal Pell Grant disbursements records to the Common Origination and Disbursement system (COD) no later than 30 days after making a disbursement or becoming aware of the need to adjust a student's disbursement.

Further, institutions must report all loan disbursements and submit required records to the Direct Loan Servicing System via COD within 30 days of disbursement. Each month, the COD system provides institution with School Account Statement (SAS) data file which consists of a Cash

summary, Cash Detail, and at the institution's option, Loan Detail records. The school is required to reconcile these files to the institutions financial records. OMB No. 1845-0021.

**Noncompliance:** VC failed to update Pell Grant disbursement dates reported to COD within the required timeframe for students 1 – 9, 11 – 13, and 15 – 18 for the 2010 – 2011 academic year. In addition, VC failed to update Direct Loan disbursement dates reported to COD within the required timeframe for students 1, 3 – 6, 8, 9, 11, 13, 16, and 17 for the 2010 – 2011 academic year. The disbursement dates listed on the student's account cards did not match the dates reported to COD.

For the 2011 – 2012 academic year, VC failed to update Pell Grant disbursement dates reported to COD within the required timeframe for students 20, 21, 23, 26, 27 and 30. In addition, the institution failed to update Direct Loan disbursement dates reported to COD for students 20, 21, 26, and 30. The disbursement dates listed on the student's account cards did not match the dates reported to COD.

An institution's failure to submit any payment data changes to the COD system may leave the institution's authorization level artificially inflated.

**Required Action:** VC must conduct file reviews for both the 2010 – 2011 and 2011 -2012 award years to ensure that the disbursement dates for students who received Federal Pell Grants and Direct Loans are accurate. Any discrepancies must be updated in COD to reflect the actual disbursement date.

VC must compile the results of these reviews in spreadsheets. The spreadsheet should be formatted to include the following data and must be submitted in both hardcopy and electronic formats with its response to this program review report.

For Federal Pell Grant recipients:

1. Student's Name;
2. Student's Social Security Number;
3. Academic Year;
4. Disbursement Number;
5. Disbursement Amount;
6. Date of the Federal Pell Grant Disbursement Reported to COD;
7. Date of the Federal Pell Grant credit to student's account;

For Direct Loan Recipients:

1. Student's Name;
2. Student's Social Security Number;
3. Academic Year;

4. Disbursement Number;
5. Disbursement Amount;
6. Date of Direct Loan Disbursement Reported to COD;
7. Date of the Direct Loan Credit to Student's account.

In addition, the institution must review its policies and procedures to ensure disbursement dates are reported accurately and timely to COD. Any updates must also accompany the response to the program review report.

**Finding #3: Inaccurate/Untimely Reporting to National Student Loan Data System (NSLDS)**

**Citation:** An institution shall, upon receipt of a Student Status Confirmation Report (SSCR) from the Secretary or a similar report from any guaranty agency, complete and return that report within 30 days of receipt. Unless the institution expects to submit its next SSCR to the Secretary or the guaranty agency within the next 60 days, the institution must notify the Secretary, guaranty agency or the lender within 30 days if:

- The institution discovers that a Federal loan has been made to or on behalf of a student who enrolled at that school, but who has ceased to be enrolled on at least a half-time basis;
- The institution discovers that a Federal loan has been made to or on behalf of a student who has been accepted for enrollment at that school, but who failed to enroll on at least a half-time basis for the period for which the loan was intended;
- The institution discovers that a student who is enrolled has changed his or her permanent address. 34 C.F.R. § 685.309(b).

**Noncompliance:** Virginia College failed to make a timely report of the effective date of enrollment status to NSLDS for students #3 and 17. In addition, the institution incorrectly reported enrollment status for students # 10 and 15.

VC incorrectly reported student #3 was a full-time student, effective June 29, 2011, when in fact, the student began enrollment on January 18, 2011. In addition, VC reported student #17 was a part-time student, effective March 28, 2012, when in fact the actual effective date was May 11, 2011. In both instances, VC also failed to report enrollment information timely.

Further, VC incorrectly reported the enrollment status for student #10 as not reported, when in fact, the student withdrew from the institution on April 28, 2011. Student #15 was also reported as not reported when the student withdrew from the institution on March 28, 2011.

Accurate enrollment information is a vital component of the federal student loan programs. The information reported to NSLDS determines if the student is still considered in school, must be moved into repayment, or is eligible for an in-school deferment. For students moving into

repayment, , the out-of school status effective date determines when the grace period begins and how soon a student must begin repaying loan funds.

**Required Action:** VC must review its policies and procedures to ensure that they are sufficient to prevent a recurrence of this finding. VC must submit any changes to its policies with its response to this program review report.

**Finding #4: Campus Security Requirements Not Met**

**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 participating in Title IV, HEA financial aid programs prepare 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).

Further, the ASR must include 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. This statement must include a description of educational programs to promote the awareness of rape, acquaintance rape, and other non-forcible sex offenses and 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. 34 C.F.R. § 668.46 (b)(11).

**Noncompliance:** VC failed to publish a complete 2010 ASR with all policy elements required by the Clery Act.

Specifically, VC did not include a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, a description of the educational programs available, and procedures to follow when a sex offense occurs, including preserving evidence for the proof of a criminal offense.

Failure to prepare a complete ASR in accordance with Federal regulations deprives the campus community of important security information.

**Required Action:** The institution must provide an updated ASR that includes all required policy statements and how the new information was distributed. If VC updates a webpage, the institution must provide the webpage link. All items must be included with its response to the program review report.

Based on an evaluation of all available information including VC's response, the Department will determine if additional action will be required and will advise VC accordingly in the Final Program Review Determination.

## **Appendix B: Protection of Personally Identifiable Information**

Personally Identifiable Information (PII) being submitted to the Department must be protected. 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).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.