



May 23, 2011

Dr. Richard Levin  
President  
Yale University  
246 Church Street  
New Haven, CT 06520-8288

Certified Mail  
Returned Receipt Requested  
No: 7006 3450 0000 1573 7507

RE: **Final Program Review Determination**  
**OPE ID: 00142600**  
**PRCN: 200730326836**

Dear Dr. Levin:

The U.S. Department of Education's (Department's) School Participation Team NE - Philadelphia issued a program review report on April 12, 2010 covering Yale University's (Yale's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in §485(f) of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070, 1085(f) during the 2001, 2002, 2003, 2004, 2005, and 2006 calendar years. Yale's final response was received on July 12, 2010. A copy of the program review report (and related attachments) and Yale's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Yale upon request. This Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

**Purpose:**

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to notify Yale of the Department's determination to close the program review report. . Due to the serious nature of the finding, this FPRD is being referred to the Department's the Administrative Actions and Appeals Service Group (AAASG) for consideration of possible adverse administrative action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution pursuant to 34 C.F.R. Part 668, Subpart G. If AAASG initiates any action, the institution will be notified under separate cover of that action. AAASG's notification will also include information regarding the institution's appeal rights and procedures on how to contest that action.

Federal Student Aid, School Participation Team NE- Philadelphia  
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100 Penn Square East, Suite 511  
Philadelphia, PA 19107  
[www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)

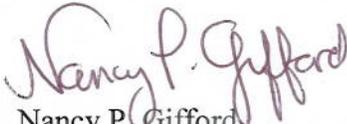
**Record Retention:**

Program records relating to the period covered by the program review must be retained until the later of: resolution of the violations, weaknesses, and other issues identified during the program review as delineated at 34 C.F.R. § 668.24 (e)(3); or the end of the retention period applicable to Title IV-related records under 34 C.F.R. § 668.24 (e)(1) and (e)(2).

A copy of this FPRD and its attachments will be posted to the Department's Data Center website at [www.federalstudentaid.ed.gov/datacenter/cleryact.html](http://www.federalstudentaid.ed.gov/datacenter/cleryact.html) for the public to review and download.

The Department expresses its appreciation for the courtesy and cooperation extended throughout the program review process. If you have any questions regarding this letter, please contact Mr. Donald Tantum at (215) 656-6467 or via email at [donald.tantum@ed.gov](mailto:donald.tantum@ed.gov).

Sincerely,



Nancy P. Gifford  
Area Case Director

cc: Ronnell A. Higgins, Chief of Police, Yale

Enclosures:

Final Program Review Determination  
Institution's Response to the Program Review Report  
Program Review Report



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**Prepared for  
Yale University**

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**OPE ID 00142600  
PRCN 200730326836**

Prepared by  
**U.S. Department of Education  
Federal Student Aid  
School Participation Team – New York/Philadelphia**

**Final Program Review Determination  
May 23, 2011**

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**A. Institutional Information**

Yale University  
 246 Church Street  
 New Haven, CT. 06520 8288

Type: Private Nonprofit  
 Highest Level of Offering: Doctoral Degrees

Accrediting Agency: New England Association of Schools and University - CHE

Current Student Enrollment: 11,398  
 Percentage of Students Receiving Federal Student Aid under Title IV: 40%

Title IV Participation, Per U.S. Department of Education Data Base  
 (Postsecondary Education Participants System) for the 2007 /2008 Award Year

Federal Family Education Loan Program	\$50,488,417
Federal Pell Grant Program	\$1,580,909
Federal Perkins Loan Program	\$4,736,082
Federal Supplemental Education Opportunity Grant Program	\$1,942,813
Federal Work-Study Program	\$2,781,325
Total	\$61,529,546

Default Rate FFEL/DL:	2006	0.4%	2003	0.9%
	2005	0.5%	2002	0.9%
	2004	1.0%	2001	1.2%
Default Rate Perkins:	2006	0.7%	2003	1.9%
	2005	0.9%	2002	4.6%
	2004	1.6%		

Yale University (Yale; the University) is a private non-profit university in New Haven, Connecticut. Yale has approximately 3,300 faculty members, 5,300 undergraduate students, and 6,000 graduate students. The central campus contains 310 acres, which includes property in the downtown area of New Haven and in the residential neighborhoods outside New Haven. The University also maintains over 600 acres of athletic fields and natural preserves. The Yale Police Department (YPD) employs 85 sworn police officers, 10.5 full-time equivalent ("FTE") dispatchers, and five civilian administrative staff, for a total of 100.5 FTEs. Each of the sworn officers has full jurisdiction throughout the City of New Haven as conferred by the New Haven Board of Police Commissioners. The YPD patrol the campus on foot, on motorcycles, and on mountain bicycles, and in cars equipped with computer and radio communications systems. In addition to the YPD, Yale also maintains Yale Security which is responsible for building security and campus-wide alarm monitoring and provides safety services

including escorts, theft deterrent programs, and lockout services. Yale Security is comprised of a staff of 108.5 FTE security guards, 27 FTE's working in alarm monitoring stations, and 29 managerial and administrative staff, for a total of 164.5 FTE's.

## **B. Scope of Review**

The U.S. Department of Education's New York/Boston Team initiated an offsite program review (PRCN 200440123544) of Yale's compliance with the Clery Act requirements after reviewing an article published in the July/August 2004 edition of the Yale Alumni Magazine entitled "*Lux, Veritas and Sexual Trespass.*" This article raised questions regarding Yale University's compliance with campus security requirements. Specifically, the New York/Boston Team's October 15, 2004 letter requested information to address the following allegations:

1. Yale only collected campus crime statistics from the police and not from any official who has significant responsibility for student and campus activities.
2. Yale excluded disciplinary referrals from its crime statistics. Specifically, the University's limited efforts to gather crime data violated the regulatory requirement that all pertinent crime data be collected and included in the reported campus crime statistics.
3. Yale's dissemination of information regarding sexual assault and harassment to all students was lacking.

Yale responded to the letter on November 15, 2004. After reviewing that response, the Department determined it needed to expand the review to an on-site campus security review.

The on-site review campus security review was conducted June 18-22, 2007 by James Moore and Donald Tantum, Senior Institutional Review Specialists of the Department's Philadelphia office. Therefore, all future reports and correspondence regarding the off and on-site reviews are referenced under PRCN 200730326836.

The focus of the on-site review was to determine the accuracy and completeness of campus crime statistics and policy disclosures published in Yale's 2004, 2005, and 2006 Annual Campus Security Reports (ACSR) and to investigate the concerns identified during the off-site review. The review team examined a sample of incident reports maintained by the Yale Police Department and a sample of student disciplinary files adjudicated under the University's disciplinary process for calendar years 2001, 2002, 2003, 2004 and 2005. Several institutional officials and students were interviewed.

### **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 Yale 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 are discussed below. After each finding is a summary of Yale's response to the finding and the Department's final determination for that finding. A copy of the program review report issued on April 12, 2010 is attached as Appendix A.

#### **Finding #1 - Failure to Properly Compile and Disclose Crime Statistics**

*Citation: 34 C.F.R. § 668.46 (c) (2007)*

*Under the Clery Act and Department's implementing regulations, participating institutions must compile and publish statistics concerning the occurrence on campus of the following incidents of crime: criminal homicide-(murder and manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, an institution must disclose statistics of arrests and disciplinary actions involving violations of Federal or State drug, liquor, and weapons laws. 34 C.F.R. § 668.46 (c)(1). To comply with these requirements, the institution must develop a system to collect incidents of crime reported to any law enforcement or campus security authority. 34 CFR § 668.46 (c)(2).*

#### **Noncompliance:**

*Yale University failed to publish statistics of all incidents of crime reported to campus security authorities in its Campus Security Reports (CSR) during the review period (calendar years 2001, 2002, 2003, 2004, and 2005.) There are two parts to this violation.*

*1. Yale did not include in its statistics the forcible sex offenses reported to the Sexual Harassment Grievance Board (SHGB). The Department has determined that Yale's campus crime statistics in the ACSR's prior to 2004 only included crimes reported to the Yale and New Haven Police Departments and the Yale Executive Committee (ExComm).*

*Therefore, the Department, in a letter dated October 15, 2004, required Yale to re-examine its crime statistics and report its findings to the Department. The required review resulted in the identification and disclosure of four additional forcible sex offenses, two in 2001 and two in 2002.*

*As part of the June 2007 site visit, the review team conducted interviews with several Yale officials, including the Dean of Student Affairs for Yale College. These interviews revealed that Yale officials could not explain with specificity the bases for the revised*

*statistics noted above. Yale officials indicated that the SHGB and other such tribunals did not keep any records for most cases and that no one had requested statistics prior to the complaint and the controversies that led to it. For this reason, the Department has determined that the revised statistics are, at best, an unverifiable estimate based on the best recollections of SHGB members.*

*2. Yale failed to request and compile required statistics for incidents of crimes reported to all university campus security authorities. Specifically for all years under review, the SHGB and officials of the residential colleges were not solicited for crime statistics. In 2003, Yale officials stated that the University failed to solicit statistics for calendar year 2002 from CSA's as the result of a three week strike from August 28, 2003 until September 18, 2003 when University workers were unavailable to send out requests for crime statistics. Prior to 2004 Yale did not solicit crime statistics from any other university sources except YPD and ExComm.*

*Yale officials stated that statistics were not requested from other CSA's because all incidents of crime were reported to law enforcement. However, the interviews conducted and documents reviewed did not confirm this statement. The review team did note that since the media coverage and off-site review in 2004 Yale has implemented some improvements in this area.*

*Yale has a system of 12 residential colleges. Each college has a support structure for students, including a Dean, Master, affiliated faculty, and resident Fellows. A review of the communication of reportable information from the residential college to the Campus Security Office was lacking. Proper documentation of incidents was missing, not timely, and/or lacked sufficient details to determine if a reportable crime had occurred. In addition, the coordination of reportable incident and disciplinary matters from the Yale College Executive Committee, grievance boards, and Graduate conduct hearing was also lacking. As a result, numerous accounts of the same event were frequently generated that could not be cross-referenced.*

*Failure to compile all required crime statistics from law enforcement and all CSA's and to accurately and completely publish those statistics in the CSR deprives the campus community of important campus safety information.*

**Required Action:**

*Yale must take all necessary corrective actions to cure the exceptions identified in this finding. In addition, the University must develop and implement a comprehensive system of policies and procedures to ensure that these findings do not recur.*

*Yale's response must include how it will ensure that statistics of all incidents of crime reported to law enforcement or any CSA will be gathered, compiled, reconciled, and disclosed. The response must address issues of access to records, custody and retention of records, flow of information, communication processes, and coordination among all Yale*

*officials and external entities such as the New Haven Police Department. A copy of all revised policies and procedures must be submitted with Yale's response.*

*Based on an evaluation of all available information including the University response, the Department will determine appropriate additional actions and advise Yale accordingly in our Final Program Review Determination letter.*

**Yale's Response:**

Yale submitted a two part response to this finding; the "University's Institutional Self-Study Report" and a response from Yale's Office of the Vice President and General Counsel. In its response, Yale stated, "In 2004, the Department alerted the University of its obligation under the Act to collect SHGB statistics regarding forcible and non-forcible sex offenses and to include those statistics in the University's annual campus security reports ("ASR"). The University immediately changed its Clery Act collection procedures to include the SHGB as a campus security authority ("CSA") going forward." The University further states "With respect to calendar years 2001 through 2003, the University used its best efforts to amend its ACSRs to include relevant SHGB statistics. Before 2004, the SHGB had not keep records of its cases, which included a broad range of harassment matters as well as sexual assaults." Yale's response states that they took the appropriate corrective action six years ago and have been in full compliance with the requirements to include SHGB statistics for the past six years. The University maintains that it has made a good-faith effort to comply fully with the Clery Act, using a detailed process to collect statistics from law enforcement and all CSAs.

**Final Determination:**

Yale admits that prior to 2004 it did not collect information on sex offenses reported to the SHGB, and failed to include forcible sex offenses reported to the SHGB in the ACSR. The SHGB clearly met the definition of a campus security authority under 34 CFR §668.46. The University's failure to properly compile and disclose crime statistics was originally reported in the article published in the July/August 2004 edition of the Yale Alumni Magazine entitled "*Lux, Veritas and Sexual Trespass.*" The program review found that four (4) forcible sexual assaults were not included in the campus crime statistics for 2001 and 2002. Yale's self study found its record and data collection procedures to be lacking, for the calendar years 2001 through 2003. Yale has stated that it used its best efforts to amend the ACSRs for 2001 through 2003 to include the SHGB statistics. The Department accepts Yale's response with regards to amending its ACSRs to include SHGB statistics. The Department notes that Yale has also taken several corrective measures to strengthen its reporting process. However, this does not eliminate the finding of failure to compile and disclose crime statistics for the prior years. Specifically, Yale did not disclose four forcible sex offenses, two in 2001 and two in 2002, as required by the Clery Act and the Department's implementing regulations.

**Finding #2 - Failure to Comply with the Timely Warning and Crime Log Requirements**

Citation: 34 C.F.R. § 668.46 (e) and (f)

*For the purposes of crime prevention, institutions must issue timely warnings to the campus community to inform affected persons of crimes considered to be a threat to students and employees. See §485(f)(3) of the HEA. These warnings must be issued to the campus community in any case where an incident of crime listed in 34 C.F.R. § 668.46 (c)(1) or (c)(3) is reported to a campus security authority that represents a threat to students or employees. 34 C.F.R. § 668.46 (e). In addition, institutions must include a number of detailed policy statements in the annual campus security report. 34 C.F.R. § 668.46 (b)(2). The policies must include the institution's policy for making timely warnings and clear notice of the procedures that students and others must follow to report crimes and other emergencies that occur on campus. 34 C.F.R. § 668.46 (b)(2)(i).*

*The Clery Act also requires institutions with a police or campus security department to maintain a written, easily understood daily crime log that records all crimes that occurred on-campus, in/on a non-campus building or property, on certain public property or within the patrol jurisdiction of the campus or the campus security department and are 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.*

*34 CFR § 668.46(f).*

**Noncompliance:**

*Yale failed to issue timely warnings in accordance with Federal regulations. Although the YPD does have records and internal protocols that demonstrate a formal system for preparing and disseminating time-sensitive crime bulletins to all students and employees for crimes reported initially to campus police, Yale failed to issue timely warnings of certain incidents that represented a threat to the campus community during the review period. Specifically, Deans and Masters of the residential colleges limited the distribution of warnings to members of the residential college. In addition, the warnings that were issued by the Deans and Masters were not prepared or disseminated in a manner that gave clear and timely notice of the threat to the health and safety of its students and employees. Further, there was no evidence that residential college staff received any specific training on the Clery Act to properly prepare them for required actions.*

*The lack of an effective timely warning practice was also documented by the Yale Daily News following an attack on a Davenport College Student in late October 2005. Yale officials cited poor coordination with police officials for the delay in issuing some alerts. However, the lack of proper coordination with all campus security authorities does not explain this violation nor does it do anything to address it going forward.*

*Yale also failed to maintain an accurate and complete crime log for its entire patrol jurisdiction. The YPD website and other University publications stated that the YPD had and continues to have full jurisdiction throughout the City of New Haven. However, the crime log did not include this information.*

*Yale's failure to properly issue timely warnings to all its students and employees and to disclose all required information in its crime log deprived its campus community of vital time-sensitive information.*

**Required Action:**

*Yale must revise its policies and procedures to ensure that timely warnings are issued to all students and employees and that the crime log is maintained in accordance with the Clery Act. A copy of all revised policies and procedures must be submitted with the University's response to this program review report.*

*Based on an evaluation of all available information including the University's response, the Department will determine appropriate additional actions and advise Yale accordingly in our Final Program Review Determination letter.*

**Yale's Response:**

In its response, the University contends that its policy and procedure for making timely warnings are in compliance with the Clery Act and are detailed in its ACSR. Yale argued that the finding in the program review report is erroneous and appears to stem from single incident in October 2005. Under its policy, the YPD Chief issues a timely warning notification by email. Residential college masters and deans do not issue timely warnings and have no authority to limit the distribution of the emails from the YPD Chief. The choice of the master of residential college to advise students in his residential college of the incident is outside the timely warning system. As for the October 2005 incident, Yale maintains that a timely warning was not warranted in this incident in which a student was the victim of a simple assault that occurred on a city street over one mile from the nearest campus building and outside the patrol jurisdiction of YPD. The incident did not occur on on-campus, on non-campus or public property. The location in which the incident occurred was, and is, not owned or controlled by the University. The NHPD (not YPD) responded to the incident. Yale further argued that it used reasonable judgment and that this incident did not pose "a serious or continuing threat to the campus." The University also noted that although it does not believe that the 2005 incident justified a timely warning under the Act, it has in recent years begun to use its timely warning process to report a wider variety of incidents than those strictly required under the dictates of the Act.

In response to the finding that the crime log did not include crimes throughout YPD's patrol jurisdiction, Yale states that the finding is incorrect, and that the Department appears to have misunderstood the extent of the YPD's actual patrol jurisdiction within the City of New Haven. YPD officers patrol the University campus and areas directly

adjacent to the campus, not the entire City of New Haven. Yale explains that, "By virtue of a Connecticut state statute....YPD police officers appointed by the New Haven Board of Police Commissioners have arrest authority throughout the City of New Haven. This authority enables YPD to be summoned by the New Haven Chief of Police for assistance and to render aid in an emergency; in the same way that state law permits one municipality to assist another municipality. Yale maintains that a finding that the University's crime log is deficient unless it includes all crimes in the entire City of New Haven far exceeds both the language and intent of the Clery Act.

#### **Final Determination:**

After careful examination of Yale's response, the Department has determined that the finding is sustained. Our review of numerous incidents of crime reported during the review period shows that the Deans and Masters of the residential colleges did not consistently distribute timely warnings in a manner consistent with the Clery Act or the Department's regulations. Furthermore, Yale failed to comply with its own policies for the distribution of timely warnings, which calls for such warnings to be prepared and distributed in coordination with the YPD. The Clery Act requires that reportable incidents that may constitute an ongoing threat must be disseminated campus-wide. However, the Deans and Masters of the residential colleges limited the distribution of warnings only to the members of their own residential college or neighboring ones. Our review clearly shows and the University agrees that the Dean and Masters of the residential colleges are in fact campus security authorities for Clery Act purposes. As such, they, like any campus security authority of the University, must make a determination as to whether or not the reported crime poses an ongoing threat to the campus community. Per Yale policy, this determination is to be made in consultation with the YPD, which is charged with preparing and disseminating the message through designated channels. Due to the lack of coordination between the YPD and CSAs identified throughout our program review report, CSAs who determined that a significant risk existed still failed to coordinate with the YPD in accordance with the University's timely warning policy and in a manner that was reasonably calculated to advise students and employees of ongoing threats.

With respect to the issue of whether the crime log included all of the areas of the YPD's jurisdiction, we note that during the review YPD represented its area of jurisdiction to be inter-jurisdictional with the City of New Haven, CT. Based on this presentation of the YPD inter-jurisdictional area, the service area, and the interaction with New Haven Police dispatch and record management systems, the Department determined that the daily crime log was not representative of the YPD's patrol jurisdiction. However, based on Yale's subsequent explanation of its actual police patrols, the Department has accepted Yale's representation as to how it will define its campus and its defined patrol routes and areas where it will concentrate its offering of police and investigative services going forward. In so doing, the Department also accepts that this patrol jurisdiction is smaller than the reach of its overall jurisdiction as conferred upon the YPD by the City of New Haven. However, our acceptance of the alteration of the YPD's area of primary jurisdiction is contingent on the University modifying all references to its jurisdiction in

its ASR and all other consumer information so that it is clear to readers of the ASR and the larger campus community that the areas included in the defined patrol jurisdiction covered by the daily crime log is smaller than the entire area wherein the YPD has authority to provide police services. Yale also must re-evaluate its police operations on an annual basis to determine its adjustments to the defined patrol jurisdiction are indicated based on actual police operations during the year.

**Finding #3 - Failure to Properly Define the Campus and Report Crime Statistics for the Yale School of Medicine and the Yale-New Haven Hospital Location in Accordance with Federal Regulations**

*Citation: 34 C.F.R. § 668.46 (a)-Definitions: Campus, Noncampus, & Public property*

*The HEA and the Department's regulations require institutions to compile and publish separate crime statistics for each location or facility. For purposes of these statistics, the Clery Act establishes a four-part definition of campus that includes:*

- 1) Campus I: any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;*
- 2) Campus II: any building or property owned by the institution that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person or entity, is frequently used by students and supports institutional purposes;*
- 3) Noncampus Building or Property: any building or property owned or controlled by a recognized student organization; or any building or property owned and controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and it is not in the same reasonably contiguous geographic area of the institution; and,*
- 4) Public Property: all public property that is within the campus or that is immediately adjacent to and accessible from the campus.*

*An institution must comply with the statistical reporting requirements of 34 CFR § 668.46 for each administrative division, location, or property that is considered a separate campus and not in the same reasonably contiguous geographical area as the main location. 34 CFR § 668.46 (d)*

**Noncompliance:**

*Yale failed to properly include all properties as required by the definition of campus established by the Clery Act. Yale utilizes other properties in direct support of or in a manner related to its educational purposes. The Yale New Haven Hospital is one location not reported that is located across the street from Yale's School of Medicine.*

*The hospital is directly linked in proximity by crosswalks, thoroughfares, and hallways. In addition, formal affiliation agreements have been established between the hospital and the University that directly support a student's educational purpose. (Please see: [http://business.yale.edu/map/pdf/yale\\_map\\_letter\\_size.pdf](http://business.yale.edu/map/pdf/yale_map_letter_size.pdf))*

**Required Action:**

*Yale University must review all buildings and property that it owns and/or controls, or are used to directly support university programs and redefine its campus to meet the criteria of the definition of campus under the Clery Act. With its response, Yale must provide a copy of the revised policy that includes this definition and an accurate list of all properties that it currently owns or controls, and those locations that are in direct support of university programs and activities. Yale's review and response should include detail as to what location(s) and property the university has defined as contiguous and non-contiguous.*

*Once the campus is properly defined the University must ensure that all incidents of crime reported are included in the statistical disclosure section of all campus security reports. As part of this review, Yale must also develop and implement a program of internal controls that will ensure that crime statistics are reported separately for all non-contiguous locations.*

*Based on an evaluation of all available information including the University response, the Department will determine appropriate additional actions and advise Yale accordingly in our Final Program Review Determination letter.*

**Yale's Response:**

In its response Yale contends that it has included incidents reported for all properties as required by the geographic definitions established by the Clery Act. The University states that "the Department's conclusion that the University is required to report crime statistics regarding property owned and controlled by the Yale-New Haven Hospital (YNHH), an entity separate and distinct from the University, is wrong. The University does not own or control the property housing YNHH. The University states, "Nothing in any written agreement gives the University ownership or control of specific to YNHH spaces or property." The University contends that the "utilization" of property has no legal basis in the Clery Act or implementing regulations to define an institution's campus.

In its yearly compilation of statistics for the ACSR, Yale reviews its property lists for Clery Act reporting purposes so as to include reports regarding any new or newly acquired buildings or buildings whose purposes may have changed over the year. As a part of the Institutional Self-Study requested by the Department, Yale identified seven distinct spaces in YNHH in which the University faculty have offices, see patients, and/or conduct clinical training. The University states that use of these spaces are not reflected in any written agreement. The University maintains that it is not required to include these spaces in its Clery Act Reporting. Nonetheless, the University added these spaces to the

Property List for Clery Reporting. The Institutional Self-Study review process of these spaces disclosed that no Clery offenses occurred.

**Final Determination:**

The University through its self-study identified seven (7) spaces within YNHH that have been added to its property list, and must be considered when defining its definition of campus. YNHH allows Yale these offices/spaces for which Yale and/or Yale faculty have direct control for the purposes of faculty office visit, seeing patients and/or conducting clinical training. The lack of a written agreement does not diminish Yale's responsibility to account for these spaces which are used for the direct support of or in relationship to the institution's educational purpose. The University recognizes that its use of certain properties and facilities may change from year to year depending on programmatic needs. As such, the University states that the Office of the Secretary and the YPD will perform an annual review of the property list to assess changes and update the property list to assist in defining its campus and reporting statistics. Going forward, this annual review should assist the University in assessing its property list for Clery Act reporting purposes. The Department accepts Yale's response and considers this finding satisfactorily addressed.

**Finding #4 - Required Policy Statements Omitted from Campus Security Reports**

*Citation: 34 CFR § 668.46 (b)(2)*

*Federal regulations require institutions to include certain policy statements in their Campus Security Reports. These disclosures are intended to more fully inform the campus community about the institution's security policies and programs. In general, these policies must describe the law enforcement authority and practices of the campus police and security forces; reporting procedures for students and employees, and policies that govern the preparation of the report itself; disclosure of alcohol and drug policies and educational programs; disclosure of policies pertaining to sexual assault education, prevention and adjudication; and a notice to students that victims of sexual assault may change their academic or living arrangements.*

**Noncompliance:**

*Yale failed to include certain required policy statements in its Campus Security Reports during the review period. For example, the October 1, 2004 CSR did not contain adequate statements of specific University policies regarding:*

- The issuance of timely warnings;*
- Preparing the annual disclosure of crime statistics;*
- Encouraging prompt reporting of crimes to the police;*
- A description of the type and frequency of campus safety programs;*
- A description of crime prevention programs;*

*The importance of preserving evidence in cases of alleged sex crimes and an explanation of how to preserve the evidence; and  
Voluntary confidential reporting of crimes.*

*The review team notes that some of the policy disclosures missing from the 2004 report were included in the October 1, 2005 CSR.*

**Required Action:**

*In response to this finding, Yale must take steps to ensure that all necessary policy disclosures are included in the next campus security report. A copy of all new and revised policies must be submitted as part of the corrective action. Yale may also include any new policing and campus safety programs implemented since the site visit (e.g., information on Yale's text messaging alert system, active shooter protocols, and crisis intervention programs).*

*Based on an evaluation of all available information including the University's response, the Department will determine appropriate additional actions and advise the University accordingly in our Final Program Review Determination letter.*

**Yale's Response:**

Yale states that at the request of the Department during its 2004 off-site review, the University issued an addendum to its October 2004 ACSR that included policy statements regarding the topics: preparation of annual disclosure; programs informing students and employees about campus security procedures and prevention of crimes; sexual assaults; and allowing victims or witnesses to report crimes on a confidential basis. Since this addendum was issued, the University has included each of the policy statements required by the Clery Act in its ACSRs. Yale indicates that it will on a continuing basis review, modify, and enhance the policy statements as required.

**Final Determination:**

Subsequent to the Department's 2004 off-site review, the University issued an addendum to update and include policy statements in its ACSR. Based on Yale's response, its corrective actions, and the Department's review of the University 2010 ACSR, this finding has been satisfactorily addressed.