

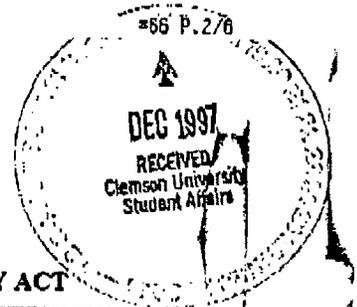


UNITED STATES DEPARTMENT OF EDUCATION

CASE MANAGEMENT DIVISION, SOUTHEAST

61 Forsyth Street, Room 18T20b
Atlanta, Ga 30303

December 09, 1997



Mr. Paul Shelton
Dean of Municipal and Health Services
Clemson University
105 Tillman Hall Box 344001
Clemson, South Carolina 29634-4001

CAMPUS SECURITY ACT
FINAL PROGRAM REVIEW DETERMINATION
REF: PRCN #199730413805
CERTIFIED MAIL
Return Receipt Requested # 773008

Dear Mr. Shelton:

This responds to your letters dated August 21, November 6 and November 13, and which responded to the above referenced program review report. The May 6-8, 1997 campus security review evaluated Clemson University's administration of 34 CFR 668.47 for the 1995 and 1996 calendar years.

Final determinations have been made concerning all of the report findings. The purpose of this letter is to close all findings associated with the above referenced program review report.

Your institution has taken the corrective actions necessary to resolve all findings. These findings are considered closed. Finding 5 is discussed below. Remember that your next audit report must confirm that the corrective actions included in your letter were taken and that the procedures you outlined are adequate.

The institution is advised that repeat findings in future program reviews or failure to resolve satisfactorily the findings of this program review, may lead to adverse administrative action. An adverse action may include the imposition of a fine, or limitation, suspension, or termination of Title IV eligibility pursuant to 34 CFR 668, subpart G of the Student Assistance General Provisions regulations.

FINDING 1: Crime Statistics Not/Improperly Reported

A. Sexual Offenses Improperly Reported

The institution reports the number of rapes per year instead of the number of sexual assault incidents, forcible and non-forcible. This finding was noted in both the 1995 and 1996 CSRs.

Reference: 34 CFR 668.47(d)(1)(v), 668.47(d)(3)

Final Determination:

The 1997 CSR includes the number of sexual assaults, both forcible and non-forcible. The institution states it will continue correctly reporting sexual offenses. No further action is required.

B. Hate Crimes Not Reported

The institution does not report the number of incidents that are classified as "hate crimes."

Reference: 34 CFR 668.47 (a)(6)(ii), 668.47 (a)(8)(ii)

Final Determination:

The 1997 CSR includes the number of murders, aggravated assaults, forcible rapes, liquor-law violations, drug-abuse violations, and weapons possessions which "manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, as prescribed by the Hate Crimes Statistics Act (28 U.S.C. 534)." Hate crimes were not noted in prior year CSRs because none were reported. The institution states it will continue including hate crime statistics in the CSR. No further action is required.

C. Incorrect Reporting Periods

The institution reports statistics for the two years preceding the report, and for the partial year of the report (usually through August). This finding was noted in both the 1995 and 1996 CSRs.

Reference: 34 CFR 668.47(d)(1)(iii)

Final Determination:

The 1997 CSR includes statistics for the three years preceding the year of the CSR's publication. The institution states it will continue reporting for the correct periods. No further action is required.

D. Statistics Inconsistently Reported

In 1995 the institution reported one rape for the 1994 calendar year. In 1996, the institution reported two rapes for the 1994 calendar year.

The institution's crime statistics do not agree with the statistics published by the FBI. The institution's report should contain statistics using the FBI crime definitions.

Reference: 34 CFR 668.47(a)(6) and (a)(8), 668.47(d)

Final Determination:

The institution installed a new computer system that reconciles campus crime statistic categories with UCR crime statistic categories. Additionally, quality assurance procedures were implemented to reduce reporting errors. No further action is required.

I. Statistics Do Not Match Institutional Records

While on-site, crime statistics were traced from daily reports to the CSR to assess the accuracy. The monthly records provided by the institution show three drug related incidents in December 1995. A review of the daily log for December 1995 showed there were five incidents during the month; 12/2 (134), 12/10 (956144), 12/10 (956152), 12/12 (956157) and 12/21 (956294).

Reference: 34 CFR 668.47(a)(6) and (a)(8), 668.47(d)

Final Determination:

The institution conducted a file review to reconcile reported crimes with police reports. Results of the reconciliation were published in the 1997 CSR. No further action is required.

FINDING 2: Drug/Alcohol Policy Not Included in the Campus Security Report

The institution's drug and alcohol policy is not included in the 1995 CSR. The CSR references the student handbook, however, which does include the policy.

Reference: 34 CFR 668.47(a)(9), 668.47(a)(10)

Final Determination:

The institution's drug and alcohol policy must appear in the 1997 CSR. The institution states it will continue including the policy in the CSR. No further action is required.

FINDING 3: Timely Warning Procedure Inadequately Developed

The institution's CSR states that crimes should be reported to the campus police. It does not include "a list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (a)(6) for the purpose of making timely reports." Campus security authority should include the "campus law enforcement unit," any individual specified as a responsible official in the CSR, and any "official of an institution who has significant responsibility for student or campus activities, but does not have significant counseling responsibilities" (668.47(f) *Campus Security authority*).

Reference: 34 CFR 668.47(a)(1), 668.47(e), 668.47(f) *Campus Security authority*

Requirement:

The 1997 CSR more thoroughly explains how timely warnings are made to the campus community, includes the fact that warnings are made at the discretion of the official to whom the crime is reported. *Inside Alerts* are mentioned, along with the locations where they are posted. Officials to whom crimes should be reported for purposes of timely warnings were included in the 1997 CSR. The institution states it will continue to correctly disclose its timely warning procedures. No further action is required.

FINDING 4: Sexual Assault Policy Inadequate/Undeveloped

The institution's 1995 sexual assault policy does not include

- a) a description of rape-awareness programs,
- b) a statement on the importance of preserving evidence,
- c) a statement of who sexual assault crimes should be reported to,
- d) a statement of a student's option to notify police,
- e) a statement of campus services provided to victims of sexual assault,
- f) a statement that the institution will change academic or living situations for victims if possible,
- g) a procedure for disciplinary actions to be taken,
- h) a statement of the accuser/acusee's rights, or
- i) the sanctions the institution may impose (Note: This information is published in the student handbook.)

Parts c, f, g, h, and i are not included in the 1996 CSR.

Reference: 34 CFR 668.47(a)(12)

Final Determination:

The 1997 CSR corrects the above problems. No further action is required.

FINDING 5: Missing Campus Security Reports for other Campuses/Locations

The institution has several other locations including research stations and experimental farms that are not within the same geographic area as the main campus. Any branch, school or administrative division outside of the main campus must report separately for the purpose of the CSR.

Reference: 34 CFR 668.47(c)

Final Determination:

The institution's response stated that "in addition to experiment stations, land-grant institutions throughout the country have county extension sites in every county in the state where the institution is located. In South Carolina, there are forty-six county locations. Often times these are very small operations with very few employees. No students are located at these sites."

The Department agrees that sites without students that is not used by the institution for instructional purposes, should not be subject to the campus security requirements. Sites where students are located should have separate campus security reports. The institution must compile a separate CSR only for sites outside of the main campus where students are located.

In its next Title IV compliance audit, the institution should have its auditor report on the number of sites that are "branches" as defined in 34 CFR 668.47(c), and whether a CSR is either in existence, or under development, for that site.

FINDING 6: Crime Statistics Not Inaccurately Gathered

The institution does not gather A6 crime statistics from all of the sources required in the regulations. Statistics are gathered from police reports only.

Reference: 34 CFR 668.47(a)(6)

Final Determination:

The institution has estimated the number of rapes reported to *campus security authority* and published this estimate in its 1997 CSR. The institution will begin gathering statistics from these sources for inclusion in future CSRs. No further action is required.

Your cooperation is appreciated. If you have any questions, please call me at (404) 562-6309.

Sincerely,



Steve Shauer
Area Case Director, SE Case Management Division

cc: David Morgan, Director, AAAD
DRCC