



April 25, 2011

Dr. Benjamin Allen, Phd., President
University of Northern Iowa
1227 W. 27th St.
Cedar Falls, IA 50614

Certified Mail
Return Receipt Requested
No:70102780000149560075

RE: **Final Program Review Determination**
OPE ID: 00189000
PRCN: 200930726934

Dear Dr. Allen:

The U.S. Department of Education's (Department's) School Participation Team – Kansas City issued a program review report on April 21-24, 2010 covering the University of Northern Iowa's (UNI's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f), and the Department's regulations at 34 C.F.R. §§668.41 and 668.46 for the calendar year 2007. UNI's final response was received on March 22, 2010. A copy of the program review report (and related attachments) and UNI's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by UNI 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 notify UNI of the Department's determination and to close the program review report. Due to the serious nature of the finding, this FPRD is being referred to the Department's Administrative Actions and Appeals Division (AAAD) for its consideration of possible administrative action pursuant to 34 C.F.R. Part 668, Subpart G. Such action may include a fine, and/or the limitation, suspension or termination of the eligibility of the institution. If AAAD initiates an action, the institution will be notified under separate cover of that action. AAAD'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 – Kansas City
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Record Retention:

Program records relating to the period covered by this program review must be retained until the later of: resolution of the violations, weakness, and other issues identified during the program review as delineated at 34 C.F.R. § 668.24 (e)(3)(i); 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).

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 Laurie Carmean (202) 377-4834.

Sincerely,



Mr. Ralph LoBosco
Area Case Director, Kansas City

Enclosures:

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

cc: Mr. David, Zarifis, Director of Public Safety, UNI
Ms. Joyce Morrow, Financial Aid Administrator, UNI

Prepared for

University of Northern Iowa



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OPE ID: 00189000
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Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Team - Kansas City

Final Program Review Report

April 25, 2011

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A. Institutional Information

**University of Northern Iowa
1227 W. 27th Street
Cedar Falls, IA 50614**

Type: Public

Highest Level of Offering: Master's Degree or Doctor's Degree

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment: 8,459 (2008/2009)

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

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

2007/2008 Award Year

| | |
|------------------------------------------------------------|---------------------|
| Federal Pell Grant | \$ 7,035,483 |
| Federal Supplemental Educational Opportunity Grant (FSEOG) | \$ 597,991 |
| Federal Work Study (FWS) | \$ 662,990 |
| Federal Perkins Loan Program (Perkins) | \$ 2,394,587 |
| Federal Direct Loan Program (FDL) | \$58,104,021 |
| Total | \$68,795,072 |

| | | |
|------------------------------|-------------|-------------|
| Default Rate FFEL/DL: | 2007 | 1.9% |
| | 2006 | 1.8% |
| | 2005 | 1.3% |

| | | |
|------------------------------|-------------|-------------|
| Default Rate Perkins: | 2007 | 5.5% |
| | 2006 | 4.0% |
| | 2005 | 3.8% |

The UNI Department of Public Safety has 18 sworn police officers supplemented by a Student Patrol comprised of 15 to 20 students who assist in providing various non-law enforcement services to the campus community. The Department has officers on duty 24-hours a day seven days a week. Pursuant to state statutes, UNI officers possess full powers to detain, investigate, and arrest. Jurisdictional authority is state-wide in matters involving UNI. Mutual aid agreements with other law enforcement agencies may result in the extension of enforcement authority beyond university boundaries.

B. Scope of Review

The U.S. Department of Education (the Department; ED) conducted a program review at the University of Northern Iowa from April 21-24, 2009. The review was conducted by Ms. Geneva Leon, Ms. Linda Shewack, and Mr. Clifton Knight.

The focus of the review was to evaluate UNI's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act is in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f). The Department's implementing regulations are at 34 C.F.R. §§668.41-668.46. UNI was selected for review from a sample of institutions of higher education with sworn police departments. The review was not the result of any specific complaint or allegation of non-compliance. The review included an examination of UNI's police incident reports, arrest records, and disciplinary files as well as policies and procedures related to the Clery Act. The reviewers also interviewed appropriate UNI staff members.

The Department's program review coincided with a Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at UNI. The U.S. Department of Education is partnering with the CJIS Audit Unit (CAU) to ensure accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices, and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program. The results of the QAR are shared with the Department for a comparative analysis of the annual security report data received from participating postsecondary institutions. The CAU reviewed a total of 41 Part I Offenses and 35 Part II Offenses that were recorded from January 1, 2008 through December 31, 2008. A copy of the CJIS report is included with the program review report (Appendix B).

The Department reviewed a sample of 71 campus police incident and arrest reports and 53 disciplinary reports for calendar year 2007. The files were selected randomly from a list of all incidents of crime reported to the UNI Police Department (UNIPD) or other campus security authorities and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of controlled substances, and weapons offenses during the same calendar year. Approximately 18 incidents were cross-checked against the daily crime log to ensure that crimes occurring within the UNIPD's patrol jurisdiction were entered properly on the log as required.

Disclaimer:

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

C. Findings and Final Determinations

Finding # 1: Inaccurate Reporting of Campus Crime Statistics

Citation Summary: *Federal regulations require that participating institutions compile and publish statistics 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 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)*

Noncompliance Summary: *UNI incorrectly reported the number of disciplinary actions for liquor law violations occurring on campus during the 2007 calendar year. The University reported to the Department of Education that 40 persons were referred for disciplinary actions based on liquor law violations during the year. However, according to UNI's records, the number of referrals should have been reported as 491.*

The correct number of referrals for disciplinary action was reported on UNI's web site. However, UNI directs students to view the campus security statistics either on the University's web site or on the Department's site. Persons accessing the statistics via UNI's web site saw the correct statistics; whereas persons who accessed the statistics on the Department's site did not.

The number of referrals for liquor law violations UNI reported to the Department, 40, appears to be in line with the number of incidents that occurred on campus, but not in the residence halls. The number of referrals for liquor law violations that occurred in the residence halls should have been included in the entire "on campus" section.

As noted in Section B - Scope, the CAU identified one underreported offense classification in the 41 Part 1 Offenses reviewed.

Required Action Summary: *As a result of this finding, UNI must enter crime statistics correctly when reporting to the Department's OPE crime statistics web site. Further, UNI was required to develop a means of compiling and recording the data so that a proper audit trail is established. In addition, UNI was required to develop procedures to ensure that correct information is reported to the Department and submit a copy of those procedures with its response to this report. With regards to the FBI's CJIS Audit Unit, QAR, UNI should have corrected any discrepancies relating to Clery reportable crimes when it reported campus crime statistics to the Department for calendar year 2008.*

UNI's Response: *In its response to the PRR, UNI acknowledged that it did not report the correct number of disciplinary actions for liquor law violations to the Department for 2007. In the report sent to the Department, UNI reported a total of 40 violations for disciplinary action rather than the correct number of 491, which was reflected on the UNI Web site.*

To ensure compliance with the Clery Act in the future, UNI has changed its reporting form to record all crimes and disciplinary actions in the resident halls which are included in the total of on-campus statistics. A revised copy of the campus report is included with this response for the Department's review.

Final Determination: UNI provided the review team with audit trail records that demonstrated that the correct number of disciplinary actions for liquor law violations in 2007 was 491. However, UNI initially corrected the number of disciplinary actions for liquor law violations in the report on the Department's web site to 407. After discussions with the institution, it was determined that the original total of 491 included some cases that were double counted because they were reported to more than one department at the institution. UNI has now reported the correct number of 407 disciplinary actions for 2007 to the Department and included this corrected number in its CSR. The institution's audit review has also established a more streamlined process to track disciplinary cases going forward. The actions taken by UNI and its response to this finding are sufficient. However, the corrective measures taken by UNI do not diminish the seriousness of its failure to accurately report campus crime statistics in accordance with Federal regulations.

Finding #2: Failure to Distribute the Campus Security Report (CSR) in Accordance with Federal Regulations

Citation Summary: *Federal regulations require institutions to provide the CSR 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 institution's 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. See 34 CFR § 668.41 (e).*

Noncompliance Summary: *UNI failed to distribute its campus crime reports in accordance with Federal regulations. UNI met the requirement to publish its annual security reports by October 1 for all years reviewed. However, for calendar years 2006 and 2007, UNI did not notify its students and employees regarding the availability of the report and the means of accessing it by the October 1 deadline. In fact, for 2007, UNI did not notify students and employees once it determined the October 1 deadline had passed. Notification of the availability of the 2007 CSR was never sent to students and employees.*

Required Action Summary: *UNI must, going forward, notify its students and employees by October 1 of each year that the annual security report is available. UNI must develop procedures to ensure that notification or distribution takes place before the October 1 deadline and submit a copy of those procedures in its response to this report. UNI must also provide a copy of the notification sent by October 1, 2009 as part of its response to this report.*

UNI's Response: In response to this finding, UNI stated that at the beginning of the Department's review, the University identified a deficiency in the reporting to all students, faculty, and staff of the posting of the Clery Crime Statistics and Safety information. This reporting is accomplished with an e-mail to each student, faculty, and staff member. UNI stated that it does and continues to provide information regarding the current Clery Report in multiple ways such as through the UNI Online e-mail system, meeting with parents and students, and in many of the campus department publications. The institution also reported that notification and posting of the 2008 Clery Act reports were provided to all UNI students, faculty, and staff via e-mail prior to the October 1, 2009 deadline.

Final Determination: The institution provided documentation that it notified students and employees about the availability of the CSR by October 1, 2009. The link it has embedded in the CSR now takes the reader to a page with links to all three most recent CSRs. The institution's actions in response to avoiding this problem in the future are sufficient. However, the corrective measures taken by UNI do not diminish the seriousness of its failure to distribute its Campus Security Report in accordance with Federal regulations.

Finding #3: Insufficient Information Regarding Timely Warning

Citation Summary: *Federal regulations stipulate that an institution must include, in its annual security report, policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in paragraph (c)(1) of § 668.46. 34 C.F.R. § 668.46(b)(2)(I).*

Noncompliance Summary: *UNI's timely warning policy in its annual security report is insufficient. The report addresses timely warnings; however, it does not describe the mode of communication in which those warnings will be made.*

During the review, school officials indicated that the institution does have a policy on how timely warning decisions will be made and communicated. However, the campus security report does not identify what modes of communication will be used to inform the campus community should a timely warning be necessary. It is noted that the institution has recently implemented a new campus wide speaker system that will be used in the case of an imminent threat to the welfare of students and employees.

Required Action Summary: *The University must include information in its annual security report that outlines what modes of communication will be used to alert the campus community of any imminent or ongoing threats that would require a timely warning. UNI must update its timely warning policy to include the mode of communication for disseminating such warnings to the campus community and submit a copy of that policy in its response to this report.*

UNI's Response: In response to this finding, the University stated that it maintains the UNI Alert system and has an outdoor speaker system. UNI can provide live or prerecorded messages instantly. The system allows for siren and loudspeaker notification. UNI contends that depending upon the nature and scope of the emergency, the messaging will be tailored to ensure prompt and accurate information to the campus community. Under the institution's process, the UNI Public Safety Department's Director, Associate Director, and Shift Supervisor, in consultation with the President, Vice President for Administration and Financial Services, and/or Critical Incident Team confirm the emergency, determine the content of the message, and initiate the timely warning. Operational planning permits the UNI Public Safety Shift Supervisor to confirm and issue appropriate warnings in emergency situations when time and circumstances do not permit immediate notification to immediate supervisors.

Final Determination: The University has updated its CSR and its Public Safety Policies and Procedures to reflect the mode of communication that will be used in the event a timely warning is necessary. UNI's alert system provides for recorded, text messaging, and/or email messages to disseminate urgent notifications. While UNI's actions are sufficient to address this finding, the review team noted a typographical error in the CSR. The CSR states: "The UNI Alert System *and the* allows University of Northern Iowa administrators..." We wish to call attention to the error. We assume this text should read: "The UNI Alert System allows University of Northern Iowa administrators..." Otherwise, UNI's response is sufficient to resolve this finding.

Finding #4: Sexual Offense Policy Insufficient

Citation Summary: *Federal regulations require that institutions participating in Title IV, HEA federal aid programs must publish and distribute an annual security report that discloses campus security policies as well as crime statistics for the last three years. 34 C.F.R. § 668.46. The report must include the following information:*

- (1) Procedures for campus disciplinary actions in the case of an alleged sexual offense to include a clear statement that both the accuser and the accused have the opportunity to have others present during a disciplinary proceeding. 34 C.F.R. § 668.46(b)(11)(vi)(A);*

Noncompliance Summary: *UNI's procedures for a disciplinary action involving an alleged sexual offense do not include a statement that the accused, as well as the accuser, has the opportunity to have others present during the disciplinary proceedings.*

Required Action Summary: *UNI must update its procedures for campus disciplinary actions involving an alleged sexual offense to include a clear statement that both the accuser and the accused have the opportunity to have others present during a disciplinary proceeding. This statement must be included in UNI's annual campus security report or any information referred to in the report regarding the disciplinary*

procedures for a hearing or disciplinary action involving an alleged sexual offense. UNI must submit a copy of those procedures in its response to this report.

UNI's Response: In response to this finding, UNI stated that this finding refers to the information provided on the UNI Safety Report which did not directly include a statement to victims and suspects of their ability to have someone with them during the Student Judicial Conduct hearing. This statement is now included in UNI Policies and Procedures

Final Determination: UNI has added the required statement to the Student Conduct Code, its Policies and Procedures under Article IV, Section D. 4(e), and to its CSR. The action taken by the University is sufficient to resolve this finding.