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February 18, 2011

Ms. Jackie Shipman  
Department of Education  
School Participation Team -- Dallas  
1999 Bryan Street, Suite 1410  
Dallas, Texas 75201-1410

Re: Program Review Report  
OPE ID: 00365600  
PRCN: 201020627157

Dear Ms. Shipman:

Please find attached UT Arlington's response to include information on each finding, and corrective actions taken, or to be taken (dependent upon the findings in the Final Report) by the University. I am confident that our narrative clearly states UT Arlington's position regarding the finding(s), however we would be happy to answer any questions that you might have. In addition to our narrative response, we have included an Appendix containing reports and other material to assist you in your review.

The University would like to express our appreciation as well to the team for their courtesy and cooperation, and we look forward to receiving the team's Final Report. Again, please let me know should you have any questions or require additional information.

Sincerely,

John D. Hall  
Vice President for  
Administration and Campus Operations

Cc: James D. Spaniolo, President  
Chief Robert Hayes, Police Chief  
Ken Schroeder, Director Internal Audit

The University of Texas at Arlington  
Response to U.S. Department of Education  
Federal Student Aid  
School Participation Team-Dallas  
Program Review Report

Finding #1: Failure to Properly Classify, Compile, and Disclose Crime Statistics

Noncompliance:

A. **Improper Crime Classification**

I. Incident report 200809316

The School Participation Team-Dallas reported:

\* UTA improperly classified a forcible sex offense (FSO) as an "Assault". The incident report (200809316) indicates that the victim stated that an "unknown male grabbed her thigh and female intimate area through her clothing." Based on this fact, this incident should have been classified as a case of Forcible Fondling. The crime of Forcible Fondling includes, "the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against the person's will." Forcible Fondling is a sub-category of the Clery-reportable forcible sexual assault crime classification and therefore must be included in the ASR statistical disclosures."

As stated above, the definition of Forcible Fondling requires the touching of the private body parts of another to have been for the purpose of sexual gratification. During our review of incident report 200809316, we found that neither the investigating officer nor the victim provided any information to affirmatively indicate the touching was for the purpose of sexual gratification. Moreover, neither the officer nor the victim indicated that the suspect was tumescent or made remarks to indicate that the touching was for the purpose of sexual gratification. Further, studies indicate that sexual assaults are not always for sexual gratification, but are often for the purpose of exerting power over or humiliating the victim.

Therefore, in the absence of any evidence the suspect was in a state of tumescence or made any utterance to indicate his touching of the victim was for the purpose of sexual gratification, we believe the classification of "Assault" is correct.

II. Incident report 200805595

The School Participation Team-Dallas reported:

"Incident #200805595 was improperly classified as "Assault of a Family Member." The incident report indicates that UTAPD responded to a report of domestic violence. The complainant, Roommate #1, indicated that Roommate #2, the aggressor, stated, I'm going

to beat you; I'm going to hit you, I'm going to kill you." Mutual combat ensued with Roommate #2 striking Roommate #1 in the head and midsection. Roommate #1 was held over a stove burner by her hair. Roommate #2 then stated, "If you don't let go of me, I'm going to turn this on." Roommate #2 also attempted to strangle Roommate #1, tore out a large section of her hair, and ripped her earrings out, all of which resulted in fear, pain, injury, and bleeding. On the basis of these facts, this incident should have been classified as an Aggravated Assault."

We have reviewed incident 200805595 and find the following:

Under the Handbook for Campus Crime Reporting, produced by the U.S. Department of Education, Office of Postsecondary Education, the definition of Aggravated Assault-Other Dangerous Weapon includes assaults resulting from the use or threatened use of any object or weapon in which serious injury does or could result. The weapons in this category include, but are not limited to, mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles or other blunt instruments used to club or beat victims.

During incident 200805595 both roommate #1 and roommate #2 suffered abrasions, and minor lacerations or contusions, and both refused medical treatment or transport for these minor injuries received during the mutual combat. Under the Handbook for Campus Crime Reporting, Aggravated Assault-Hands, fists, feet, etc., this situation would be classified as simple assault.

However, during classification, UTA did not consider the stove burner to qualify as an "other dangerous weapon" required to classify the offense as an Aggravated Assault - Other Dangerous Weapon. Specifically, in light of the nature of the incident (mutual combat, both persons fearing for their safety, and the use of the threat as a means to deescalate mutual combat), UTA did not consider the stove burner to qualify as an "other-dangerous weapon."

With that said, injury could have resulted if the stove burner had been turned on. Accordingly, the correct classification should have been Aggravated Assault-Other Dangerous Weapon. Therefore, UTA will make the appropriate changes to the 2008 ASR.

### III. Incident report 200848270

The School Participation Team-Dallas reported:

"Incident #200848270 was classified as a single case of "Unauthorized Use of a Motor Vehicle"; however the incident report clearly indicates that two motor vehicle thefts (MVT) occurred in the Centennial Court parking lot at about the same time. The incident report focuses primarily on the MVT committed by the suspect who was arrested at the scene. The second reported car theft is noted in the narrative but was not coded into the record management system in a manner that would result in the second incident being counted for Clery Act purposes."

We have reviewed incident #200848270 and have found the following:

- The report form lists under Offense: Unauthorized Use of a Motor vehicle 31.07 PC. This is the state charge that was filed in this case. The incident was reported on UT Arlington's 2008 ASR as a Motor Vehicle Theft (MVT). Please see the attached revised audit document, as the audit document UTA provided the School Participation Team did not contain all of UTA's incident documentation.
- There was only one MVT associated with this incident. The second vehicle that was mentioned was not reported stolen. This vehicle, listed in the report as suspect vehicle #2, was driven by suspect #2 and used to transport suspect #1 to Centennial Court Apartments where he committed the MVT. This second vehicle, listed as suspect vehicle #2, was not stolen.
- On Appendix #1, please note that while the Offense is listed as Unauthorized Use of a Motor Vehicle, the UCR Code is reported as 7A, which is Motor Vehicle Theft. The listed Offense in this case is the state charge which was filed. This incident was reported on the 2008 ASR as MVT.

We believe the incident was classified properly for Clery purposes and that the proper number of Motor Vehicle Thefts was reported for 2008. Please see Appendix #1.

#### IV. Under-Reporting

The School Participation Team-Dallas concluded: "Because non-aggravated assaults and unauthorized motor vehicle use are not counted for Clery Act purposes, the four improperly- classified crimes noted above resulted in four instances of under-reporting."

After our review and comments on each of these incidents, we believe UTA did not under-report four incidents for the following reasons:

- 200809316 was reported correctly based on the definition of Forcible Fondling described in section I. above.
- 200805595 should have been reported as Aggravated Assault, but believe the mitigating circumstances detailed in section II. above, demonstrate that the missed classification was inadvertent and in good faith, and not an instance of intentional under-reporting.
- 200848270 was correctly reported as a Motor Vehicle Theft in the ASR and there was only one MVT, not two. Our findings are detailed in section III. above.

Therefore, we respectfully submit that only one incident, 200505595, and not four, was under-reported, and that the one under-report was unintentional and based on a good-faith belief about the proper classification of that incident. UT Arlington will make the appropriate corrections to the 2008 ASR.

## V. Audit Trail

The School Participation Team-Dallas reported:

"Errors were also identified in UTA's audit trail for Part I offenses both in terms of the number of reported incidents and in the geographical breakdown regarding the site of these incidents. For example, the review team was unable to determine from UTA's supporting documentation which of the six reported aggravated assaults occurred on campus and which occurred on public property. Moreover, the UTAPD's dispatch report lists 3 more aggravated assaults that were not identified on the audit trail (incident numbers 200805269, 200838833, 200838813)."

Our review of the aggravated assault files found:

The three incidents, 200805269, 200838833, and 200838813, were reported in UTA's 2008 ASR. 200805269 occurred at Coronado Apartments (UTA Campus); 200838833 occurred at the Central Library (UTA Campus); and 200838813 occurred at Centennial Court Apartments (UTA Campus). See Appendix #2 Revised Audit Trail Report.

During our review, we found the manner in which we documented an audit trail for reported incidents can be improved. Consequently, we are formulating a more comprehensive audit trail process, which is detailed on page 11 of this report.

The three aggravated assaults reported as occurring on Public Property are: 080048561 (Arlington Police Department); 080073398 (Arlington Police Department); and 080148145 (Fort Worth Police Department). In the future the dispatch report will be reconciled to the audit trail report.

We believe the above facts and actions rectify the inadvertent, good-faith audit trail errors noted by the Team, and confirm that the incidents were reported correctly in UTA's ASR. Additionally, the missing audit trail documentation to indicate those offenses that occurred on public property is provided. See Appendix #3 Arlington Police and Fort Worth Police Reports.

## B. **Inaccurate Arrest and Disciplinary Referral Statistics**

### I. Liquor Law Violation Arrests

The School Participation Team-Dallas reported:

"UTA did not report accurate arrest and disciplinary referral statistics to the Department's online crime statistics database for calendar year 2008. In its submission to the Department's online crime statistics database, UTA identified 29 arrests for liquor law violations (24 on campus; 5 on public property). This is the same number that was published in UTA's 2009 ASR. However, UTA's supporting documentation did not substantiate its liquor law violation (LLV) arrest statistics. According to UTA's audit trail, some of the 24 liquor law arrests on campus actually occurred on sidewalks and are

duplicative of arrests reported as occurring on public property. It also appears that one LLV arrest occurred in a fraternity house.”

Our review of the data (audit trail) reflected in police department records reveals:

- Published Arrest statistics are inaccurate. The actual 2008 statistics for “On Campus” should be: UTA Campus Residence 6 and Total 30. When originally tabulating the total arrests for “On Campus” UTA failed to add the 6 arrests occurring in Residences to the total occurring on campus (24), which should have brought the total for “On Campus” arrests to 30 instead of 24, which was erroneously reported due to oversight.

Subsequently, when adding the other categories (non-campus building and public property) to arrive at the Grand Total, the 6 arrests occurring in Residences were not included once again. UTA originally reported 5 Public Property arrests and added this number to only 24 On Campus arrests to arrive at a Grand Total of 29 instead of 35. However, in reviewing our documentation, we found that incident #200812299 involved a DUI Minor and a secondary charge of Minor in Possession of Alcohol. Deferring to the most serious charge DUI, which is non-reportable for Clery purposes, the classifier failed to count the secondary charge of MIP, which is reportable. This accounts for one additional arrest on public property. Therefore, Public Property arrests should be 6 instead of 5 for a Grand Total of 36 arrests for LLV and not the 29 that were erroneously reported.

- We have typically considered arrests for Clery reportable offenses that occur on “campus sidewalks”, sidewalks inside the campus boundary or along campus streets that are not city property, to have occurred on campus. A clarification on this aspect of reporting areas defined as campus versus public property would be helpful. See Appendix #5 Campus Map.
- While there is a potential for duplicating arrests and referrals, we believe that Appendix #6 (Arrests and Referrals), shows these statistics were reported without duplication.
- Fraternity/Sorority houses were not considered Residences under 2008 definitions; therefore, a 2008 arrest in a Fraternity house would be considered as occurring on campus, but not in a residence. We believe the arrest was reported correctly.
- UTA will make the appropriate corrections to the 2008 ASR when the Final Program Review Determination Letter is received. See Appendix #4 Revised Arrests and Referrals for 2008.

## II. Drug Law Violation Arrests

The School Participation Team-Dallas reported:

“Similarly, UTA’s submission to the Department’s online campus crime database indicated that a total of 16 arrests were made for drug law violations (DLV). However, UTA’s

supporting documentation listed 18 DLV arrests. UTA reported 5 on campus arrests in calendar year 2008; however, the audit trail reflects 11 on campus arrests even after one such arrest that occurred on a sidewalk was excluded by the review team. UTAPD incident reports show that one of these 11 arrests occurred in a residence hall but no DLV arrests were identified in the ASR or in UTA's online reporting to the Department as occurring in residence halls."

Our review of the data (audit trail) reflected in police department records reveals:

- 2008 published DLV arrests for UTA Campus were: Residence 0 and on campus total 5; public property 11 for a total of 16. These figures are in error. The totals for 2008 should read: On Campus total 15; public property 17 and total 32. When checking data for the 2008 report UTA did not count the following arrests for the UTA Campus: 4 incidents where drug paraphernalia was listed as a secondary charge. We failed to tabulate these drug arrests as the more serious charge was considered; 3 arrests where public intoxication was the more serious charge and we failed to tabulate the secondary charge of drug paraphernalia; and 3 arrests for warrants, where a secondary charge of DLV was listed and not tabulated because the most serious charge was considered.

For public property there were 7 DLV arrests by the Arlington Police Department, and 4 arrests by the Fort Worth Police Department, which accounts for the 11 arrests reported on public property for 2008. We have found that 6 arrests on public property made by the UTA Police Department were omitted as a result of a data input error of our 2008 statistics.

- In addition, our review found that the report software UTA utilized during 2008 failed to capture all of the charges associated with an arrest. For example, when producing a summary report from offense records, the report would show an arrest for warrants, but would not report the secondary charge, which would be drug paraphernalia. We believe this will no longer occur as the UTA Police Department now utilizes software, installed in February 2009, which depicts all charges associated with an incident. UTA will make the appropriate changes to the 2008 ASR when the Final Program Review Determination Letter is received. See Appendix #7, which illustrates the software problem, when printing a summary report as opposed to an individual incident report. See Appendix #4 Revised Arrest and Referrals.

### III. Weapons Law Violation Arrests

The School Participation Team-Dallas reported:

"Regarding weapons law violations (WLV) arrests, UTA's submission to the Department's online campus crime database reported zero WLV arrests on public property; however, the audit trail indicates that two such arrests were affected during a traffic stop. These two WLV arrests were not included in any geographical reporting categories. UTA reported one WLV arrest to the online database; however, this reporting conflicted with the three WLV arrests identified from UTA's audit trail."

Our review of the data contained in police department reports reveals the following:

- The correct WLV arrests for 2008 should read 3 On-Campus arrests and 1 Public Property arrest, for a total of 4 WLV arrests.
- Incident #200803358 occurred in the Centennial Court Apartments parking lot. The primary charge was listed as Public Intoxication, which is non-reportable, and the secondary WLV was missed because when printing a summary of reports, only the first charge was listed and the person compiling the ASR in good faith missed the reportable WLV.
- Incident #200831232 occurred at the 7-11 convenience store, which is a UTA Land (Ground) Lease and considered On-Campus. This arrest was not reported because the arrestee was a juvenile and when the summary report was printed, the software did not print the juvenile arrest. Therefore, the person compiling the ASR in good faith missed the reportable WLV.
- Incident #200809673 occurred in UTA parking lot #25 and was the one arrest reported as occurring On-Campus in the 2008 ASR.
- Incident #200813162 occurred on UTA Boulevard, public property, and the arrest was for Driving While Intoxicated (DWI) with a secondary charge of WLV. Once again when printed the software caused the secondary charge to be dropped and the person compiling the ASR in good faith missed the reportable WLV. UTA will make the appropriate changes to the 2008 ASR when the Final Program Review Determination Letter is received.

#### IV. Drug and Liquor Law Violations – Disciplinary Referrals

The School Participation Team-Dallas reported:

\*UTA was also unable to substantiate its disciplinary referral (DR) statistics for drug and liquor law violations. UTA's audit trail records cited 47 DRs as occurring in calendar year 2008; however UTA only reported 46 DLV referrals, 24 of which were included in the residence hall category. The review team's analysis of UTA's supporting documentation indicated that only 22 referrals should have been included in the residence hall category. Similar errors were identified in the statistics and supporting documentation for LLV DR's. UTA reported 142 LLV referrals to the online database. However, UTA's audit trail only accounts for 129 such referrals. Institutional officials acknowledged that reporting errors had occurred and that LLV DR statistics were over reported.\*

Our review of the data (audit trail), which included Student Affairs reports and police department reports concluded:

- The corrected referrals for LLV should be: 82 Residence and a total On-Campus of 134; and 7 referrals from public property for a Grand Total of 141 referrals for LLV.

- There are differences between the referrals on Student Affairs' annual list of referrals and its individual referral letters sent to the students. For example, Student Affairs listed 7 MIP's which turned out not to be MIP's, but rather to be referrals for various Housing Rules violations associated with alcohol. Another example is #200843962, which was for possession of marijuana; however, the Student Affairs referral was listed as LLV.
- UTA Police records show incidents #200807660 and 200807661, both as MIP's, but they are not listed on Student Affairs' Annual Referral List.
- UTA has implemented a new Referral Reporting form for all Campus Security Authorities to use each month when reporting crime and/or referrals.
- With the new form, which includes an individual tracking number, we believe that it will be much easier to provide accurate audit trails for disciplinary referrals.
- 47 Drug Referrals were reported on Student Affairs' Annual List; however, 8 of these referrals were actually arrests. In addition, one individual had 2 occurrences, but only 1 was reported on Student Affairs' Annual List, and a second individual had 3 occurrences, and only 1 was reported by Student Affairs.
- Student Affairs implemented a new reporting software in 2009, which has improved its disciplinary referral audit trail process.
- UTA will make the appropriate changes to the 2008 ASR when the Final Program Review Determination Letter is received.
- See Appendix #4 Revised Arrests and Referrals.
- See Appendix #8 New Student Affairs Reporting Form.

#### V. Part I Offenses

The School Participation Team-Dallas reported:

"As noted in Section B of this report, the program review was planned and conducted as part of our partnership with the FBI's CJIS Audit Unit. The CAU identified three over-reported incidents and one classification error in the 21 Part 1 Offenses reviewed. Incidents #s 2009-05970, 2009-06964, and 2009-07021 were classified as Forcible Rape-Rape by Force and Incident # 2009-06352 was classified as Burglary-Unlawful Entry-No Force. The CAU has determined that the three Forcible Rape incidents did not occur within UTA's jurisdiction and the burglary incident should have been classified as a Theft from Building. Therefore, for Clery Act purposes, these incidents do not meet the criteria for disclosure in UTA's 2009 annual security report, which should have been distributed no later than October 1, 2010. (See Appendix A for the full report prepared by the CAU). Failure to classify and disclose incidents of crime reported in an accurate and complete manner violates the HEA and the department's regulations and deprives the campus

community and the public of vitally important information regarding crime and safety concerns.”

Our review has revealed the following:

- Incident #2009-06352 was erroneously classified as a Burglary. The investigating officer erroneously classified the offense as a Burglary; consequently, those completing the Clery Report failed, in good faith, to note the error. UTA corrected this incident in local records during the Team visit and the correct classification was submitted on the 2009 ASR.
- Incident #2009-05970, a reported Forcible Rape, occurred at an apartment located in Centennial Court Apartments, which is a land (ground) lease property. In accordance with the Land Lease, UT Arlington Police Department is responsible for law enforcement services. Even though 2009-05970 was determined to be unfounded by the Tarrant County District Attorney's Office, we believe UTA correctly reported the Forcible Rape as it was reported to our department. The Land (Ground) Lease is considered part of the UTA Campus.
- Incident #2009-06964, a reported Forcible Rape, occurred at an apartment located in Centennial Court Apartments. Originally the victim notified the Arlington Police, who began the rape investigation. As APD's investigation proceeded it was determined the offense occurred on UTA property, so UTA Police Department took over the investigation. Even though the victim refused to continue prosecuting the rape, we believe UTA correctly reported the incident for the reasons stated above; Centennial Court Apartments is a land (ground) lease and considered part of UTA Campus.
- Incident #2009-07021 occurred in Arlington Hall, a UTA housing facility considered to be residential. Even though the victim refused to assist with prosecution, we believe that this reported rape was classified and reported correctly for Clery purposes.
- Based on the above facts, we believe that the only error in the findings was the inadvertent, good-faith burglary classification, which UTA corrected during the team visit.

## Finding #2: Failure to Report Separately for Non-Contiguous Locations

### Noncompliance

#### A. Non-Contiguous Locations

The School Participation Team-Dallas reported:

“UTA did not report crime statistics separately for all of its non-contiguous locations. Specifically, the review team identified at least one additional location, The University of

Texas at Arlington –McLennan Community College in Waco, Texas, for which the University did not compile, publish, and distribute separate crime statistics. This location is listed on UTA's Eligibility and Certification Approval Report and was approved as an additional location on April 15, 2004. UTA's 2009 ASR only included crime statistics for the main campus.

Failure to comply with the Clery Act's requirements for each separate campus of the University violates the HEA and the Department's regulations and deprives that particular campus community of crime information that is most relevant to their safety and security.

The Department takes notice that UTA's 2010 ASR does include statistical fields for three grouping of buildings and properties under the heading, "UTA Properties-Fort Worth."

After discussions with Department of Education officials this matter is addressed by the following:

The University of Texas at Arlington will begin printing the following comment on subsequent Annual Security Reports until such time it is no longer necessary:

"The University of Texas at Arlington (UTA) offers classes through McLennan Community College (MCC). However, UTA does not own or control any property on the campus of MCC. MCC has its own police department and publishes their own security report. For a copy of MCC's police department policies and crime statistics, please contact them at (254) 299-8824, or visit their website at [www.mclennan.edu/departments/police/](http://www.mclennan.edu/departments/police/)."

The School Participation Team also reported:

"The Department takes notice that UTA's 2010 ASR does include statistical fields for three grouping of buildings and properties under the heading, "UTA Properties- Fort Worth."

Our response:

- The University of Texas at Arlington (UTA), on the recommendation of The School Participation Team-Dallas, began reporting UTA facilities in Fort Worth separately from the main campus crime statistics. The Fort Worth locations and crime statistics for each location are reflected in UTA's ASR for 2010 and will be reported as such in subsequent reports.

## **Required Actions**

The School Participation Team-Dallas included the following Required Action section in their report.

### **I. Correction of Errors**

"UTA must correct all errors in its crime statistics. This requirement applies to the exceptions noted above and any other errors identified during UTA's preparation of its

response to this report. UTA must reclassify the crimes and violations identified above and correct the errors in its crime statistics as published in the ASR and as submitted to the Department's online database. As part of its response preparation, UTA must reexamine the reported location of all Clery-countable incidents to ensure that all crime statistics are disclosed by geographical category in accordance with 34 C.F.R. 668.46 (c) (4)."

UTA's response to this required action is as follows:

- UTA will correct all errors in its crime statistics noted in The School Participation Team-Dallas report and any other errors encountered during the preparation of this response when the Final Program Review Determination Letter is received.
- UTA will reclassify the crimes and violations that have been identified and correct the errors in the crime statistics published in the 2008 ASR and submitted to the Department's online database. UTA will await the Final Program Review Determination and submit the corrections that are determined after UTA's response to the team's report is evaluated.
- During the preparation of this response, UTA has reviewed all crime statistics as to geographical category and will report any corrections in its correction to the 2008 ASR.

## II. Audit Trail

"To ensure that UTA can substantiate its crime statistics for calendar year 2008 and in all future years, UTA must develop a means of compiling and recording the data so that an accurate and complete audit trail is developed and maintained. In response to this finding, UTA must revise its 2008 audit trail and submit a copy of that document with the University's response. While the Department does not dictate the exact form of an audit trail, the production of one is necessary for UTA to demonstrate its compliance with the Clery Act's statistical reporting requirements."

UTA's response to this required action follows:

- To strengthen its Clery Act reporting, UTA will implement a system that is currently in place for its Commission on Accreditation for Law Enforcement Agencies (CALEA) documentation process. This will provide a means of supporting its audit trail report. This system will rely on a file for each Clery reportable crime, with supporting documents for each crime, along with a form indicating a tiered review process utilized to determine the Clery classification for each reportable crime. See Appendix #9 Report Review Flow Chart.
- UTA has revised its 2008 audit trail, which is attached as Appendix #2.

## III. Review of Policies, Procedures, Internal Controls and Training Programs

"Additionally, the University must examine and improve its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to the

UTAPD, non-law enforcement campus security authorities, and other local law enforcement agencies are properly classified and included in the UTA's ASR, which will have to be amended and re-distributed in accordance with instructions that will be provided in our Final Program Review Determination Letter. A copy of all such revisions must accompany the University's response."

UTA's response to this required action is:

- UTA has taken steps to improve the process whereby non-law enforcement campus security authorities report crime to the police department for inclusion in the Clery ASR. A new reporting form and a new procedure for reporting crime to the police department on a monthly basis has been implemented. UTA has implemented a new reporting form for Student Affairs to utilize when initiating disciplinary referrals, which includes a new procedure for monthly submission of the disciplinary referral form to the police department. In addition, UTA has implemented a unique tracking number for each referral, so as to ensure reported referrals are not duplicated. See Appendix #8.
- UTA has implemented a tiered review process to ensure each crime reported to the police department is classified according to Clery guidelines, documented in a file, included in an audit trail computer printout, and correctly reported in the Clery ASR. See Appendix #9.
- UTA will provide training for all non-law enforcement security authorities with respect to their responsibilities for reporting crime to the campus police department. This training will include a guide for classifying crime, the process for submitting disciplinary referrals, completing required forms, and maintaining an audit trail.
- In late August, 2010, numerous UTA personnel attended three Clery Act compliance webinars provided by The University of Texas System's Office of Director of Police and Office of General Counsel. These webinars separately provided targeted guidance to UTA's applicable law enforcement personnel and non-law enforcement campus security authorities on their respective compliance obligations. The webinars remain available for UTA's reference.
- UTA will review reports of crime submitted by Arlington Police Department and Fort Worth Police Department to ensure the crimes included in the Clery ASR, as occurring on public property, are classified according to Clery crime definitions.
- UTA will submit a copy of the revised 2008 ASR once the status of the challenged crime classifications is determined.

#### IV. Clarification of Geographical Definitions

"The University must also clarify how it applied the geographical definitions to residence halls, University-owned apartments, and buildings and/or property owned and/or controlled by recognized student organizations during calendar year 2008. This statement must also explain any changes in the University's application of these definitions for

calendar year 2009 based either on its own due diligence and/or UTA's ongoing dialogue with Department officials."

UTA's response is:

- The 2008 statistics for dormitories (UTA uses the term Residence Halls), which included crimes that occurred in KC Hall, Arlington Hall, Lipscomb Hall, Brazos Hall, and Trinity Hall, were reported as on campus and the sub-set residential.
- The 2008 statistics for apartments, which included crimes that occurred in the nineteen separate apartment complexes, were reported as occurring on campus.
- The 2008 crime statistics for Centennial Court Apartments [a Land (Ground) Lease, where the land is owned by the University, but buildings are owned and controlled by another entity] were reported as occurring on campus.
- The 2008 statistics for the nine fraternity and sorority houses [Land (Ground) Leases, located on University owned property, but operated by the fraternity or sorority] were reported as occurring on campus.
- When classifying the locations for the 2009 statistics, UTA relied on the Department of Education's July, 2010, Summary of New and Revised Campus Safety and Security Reporting Requirements which defined an on-campus Student Housing Facility as, *"any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an On-Campus student housing facility."*
- This definition suggests that any building on campus that is on land owned or controlled by the institution, and that is used for student housing must be counted as an on-campus student housing facility, even if the building itself is owned or controlled by a third party. Relying on this definition, UTA classified all crimes occurring in Residence Halls, Apartments, and fraternity and sorority houses as occurring in the on-campus sub-set Residential.

V. Explanation of Challenged Crime Classifications

"If UTA believes that any of the initial crime classifications challenged in this finding are correct, the University must provide an explanation along with documentation in support its position that shows that the incident was in fact classified and reported properly."

UTA response:

- The University has explained its position, in this response. In addition, documentation to support the University's position is included in accompanying Appendices.

On behalf of The University of Texas at Arlington, we appreciate the opportunity to respond to the School Participation Team's observations. The Team's visit and its commentary have caused us to reexamine several aspects of UTA's compliance with the Clery Act's obligations. We trust that these constant reexaminations will prove fruitful for UTA and, more importantly, for its students, faculty, staff and visitors.

If additional information would be helpful to that end, UTA would appreciate the opportunity to provide it upon your request.