

*This chapter provides information on the requirements for the consumer information that a school must provide to students, the Department, and others.*

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**I**n addition to the disclosure of general information required under the consumer information regulations, there are specific disclosure requirements with which schools must comply.

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Consumer Information Cites  
34 CFR 668.41, 668.42, 668.43,  
668.44

Those disclosure requirements include:

**Student Right-To-Know and the Cleary (Campus Security) Act:**

- Annual Security Report: Institutional Security Policies and Crime Statistics
- Information on Completion or Graduation Rates
- Report on Completion or Graduation Rates for Student Athletes

**Equity in Athletics Disclosure Act:**

- Report on Athletic Program Participation Rates and Financial Support Data

Schools that participate in the campus-based programs must also comply with disclosure requirements for drug and alcohol abuse prevention. Although some of these disclosure requirements contain common elements, each disclosure is required separately. (see the chart *School Disclosure Requirements* on the next page )

As part of the continuing effort to reduce the number of defaulted federal student loans, it is important to provide students with information necessary for choosing an appropriate academic program and for fully understanding the responsibility of loan repayment. This chapter briefly addresses required loan counseling, but the loan counseling requirements are covered in detail in *Volume 5 — Perkins Loans* and *Volume 8 — Direct Loan and FFEL Programs*.

This chapter also includes a summary of the effects of misrepresentation of institutional information on a school's SFA participation.

Generally speaking, the Higher Education Amendments of 1998, Public Law 105-244 (the Amendments of 1998) include electronic media in the means a school may use to provide required consumer information to students. The Amendments also clarify that a school must make the information available upon request to both currently enrolled and prospective students and in the case of the campus crime report, prospective employees.

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## SCHOOL DISCLOSURE REQUIREMENTS

### *Student Right-to-Know and Campus Security Act of 1990*

Campus Security Final Regulations published April 29, 1994; effective July 1, 1994; Technical Corrections published June 30, 1995; Final Regulations revised and published Nov. 1, 1999; effective July 1, 2000. REQUIRES: Disclosure of data on crimes committed on campus and campus safety policies and procedures (34 CFR 668.46).

Student Right-to-Know Final Regulations published December 1, 1995; effective July 1, 1996; Final Regulations revised and published Nov. 1, 1999; effective July 1, 2000. REQUIRES: Disclosure of graduation or completion rates and transfer-out rates for:

- 1) the general population of full-time, first-time degree or certificate-seeking, undergraduate students (34 CFR 668.45), and
- 2) students who receive athletically-related student aid, broken down by race and gender within sports (34 CFR 668.48).

### *Equity in Athletics Disclosure Act*

Final Regulations published November 29, 1995; effective July 1, 1996; updated Final Regulations revised and published November 1, 1999; effective July 1, 2000. REQUIRES: Disclosure of data on participation rates and financing of men's and women's sports in intercollegiate athletic programs at coeducational schools.

ALSO REQUIRED: Data on revenues, total expenses, and operating expenses of intercollegiate athletic programs. This provision was formerly found in the Program Participation Agreement section of the law and was implemented in final regulations published April 29, 1994; effective July 1, 1994. The Amendments of 1998 moved the provision to the EADA section of the law (34 CFR 668.47).

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Note that in some cases a school is only required to make information available upon request, while in others the school must directly distribute the required information.

Each year a school must provide to enrolled students a list of the information it must disseminate under the Higher Education Act of 1965, as amended, and the Family Education Rights and Privacy Act (FERPA) and the procedures for obtaining the information. **Schools must provide this notice through a one-on-one distribution.** For this requirement, a general announcement whether in writing or electronically is not sufficient.

## BASIC CONSUMER INFORMATION REQUIREMENTS

Subpart D of the General Provisions lists basic information about the school and about financial aid that must be available to enrolled and prospective students. If necessary, these materials must be prepared by the school. However, much of the required data may already be available in brochures and handouts routinely disseminated by the school or in federal publications such as *The Student Guide*. You can find a chart summarizing a school's consumer information disclosure responsibilities at the end of this chapter.

**Note:** Schools should not confuse the requirements and methodologies for providing information to students and other consumers with the requirement for reporting similar information to the Department.

### *Financial Aid Information*

At a minimum, the following information must be provided about financial assistance available at a school :

- the need-based and non-need-based federal financial aid is available to students;
- the need-based and non-need based state and local aid programs, school aid programs, and other private aid programs that are available;
- how students apply for aid and how eligibility is determined;
- how the school distributes aid among students;
- the rights and responsibilities of students receiving aid;
- how and when financial aid will be disbursed;
- the terms and conditions of any employment that is part of the financial aid package;
- the terms of, the schedules for, and the necessity of loan repayment and required loan exit counseling;
- the criteria for measuring satisfactory academic progress, and how a student who has failed to maintain satisfactory progress may reestablish eligibility for federal financial aid;
- information on preventing drug and alcohol abuse;
- information regarding the availability of SFA program funds for study abroad programs;

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Financial Assistance  
Information Cite  
*34 CFR 668.42*

- that a student may be eligible for SFA program funds for attending a study abroad program that is approved for credit by the home school; and
- the terms and conditions under which students receiving federal education loans may obtain deferments while serving (a) in the Peace Corps; (b) under the Domestic Volunteer Service Act; and (c) as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service.

### ***General Information about the School***

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General Information Cite  
34 CFR 668.43

The school must provide the following minimum information about itself:

- the names of associations, agencies, and/or governmental bodies that accredit, approve, or license the school and its programs, and the procedures by which a student may receive a copy for review of the school's accreditation, licensure, or approval;
- special facilities and services available to disabled students;
- the costs of attending the school (tuition and fees, books and supplies, room and board, and applicable transportation costs, such as commuting) and any additional costs of the program in which the student is enrolled or has expressed an interest;
- a statement of the requirements for the return of SFA program funds when a student withdraws from school, information about any refund policy with which the school must comply, and the requirements for officially withdrawing from the school. (For more information about the return of Title IV aid, see chapter 6.)
- the degree programs, training, and other education offered;
- the availability of a GED program, if the school admits students who do not have a high school diploma or equivalent;
- the instructional, laboratory, and other physical plant facilities associated with the academic programs;
- a list of the faculty and other instructional personnel;
- the satisfactory progress standards that students must maintain;
- who to contact for information on student financial assistance and who for general institutional issues; and
- the school's campus security report, as discussed under *Campus Security* later in this chapter.

The school must have someone available during normal operating hours to help persons obtain consumer information. One full-time employee or several persons may be assigned so that someone is always available (with reasonable notice) to assist enrolled or prospective students and their families. Existing personnel may satisfy this requirement. A school may request a waiver of this requirement if it can demonstrate that a waiver is appropriate. A school should contact Case Management and Oversight for more information. (You can find a chart containing contact information for the Case Management division at the end of chapter 11.)

## CONSUMER INFORMATION FROM THE DEPARTMENT

The Department is required to make available to schools, lenders, and secondary schools descriptions of the SFA programs in order to assist students in gaining information through institutional sources, and to assist schools in carrying out the SFA program requirements. The Department does this through a variety of informational sources such as *The Student Guide*, this *Handbook*, and the Department's Web page

[www.ifap.ed.gov](http://www.ifap.ed.gov)

The Amendments of 1998 required the Department, to the extent possible to:

- compile and disseminate information describing state and other prepaid tuition and savings programs;
- making clear that linking to a database is not an endorsement of the database, update its Internet site to include direct links to databases with information on public and private financial assistance programs that are accessible without charge;
- provide additional direct links to resources from which students may obtain information about fraudulent and deceptive financial aid practices; and
- make a reasonable effort to verify that linked databases do not contain fraudulent information.

This information is available at

[www.students.gov](http://www.students.gov)

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Consumer information from the Department  
*Sec. 484(d)*

## STUDENT RIGHT-TO-KNOW DISCLOSURES

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Student Right to Know Cite  
*Sec. 485(a)*  
*34 CFR 668.46*

Student Right-to-Know disclosures must be made by July 1 of each year.

The Student Right-to-Know Act requires schools to disclose:

1. Completion or graduation rates and, if applicable transfer-out rates for a specific cohort of the general student body. This cohort is of certificate- or degree-seeking, full-time, first-time undergraduate students.
2. Completion or graduation rates and, if applicable, transfer out rates of students receiving athletically related student aid, if the institution offers athletic aid. The institution must provide student-athlete graduation rate information to potential student-athletes, their parents, and their high school coaches and guidance counselors upon making an offer of athletic aid.

The cohort year is September 1-August 31; the report must be available by the following July 1.

Schools must make available no later than July 1, 2001, the rates for the cohort for which the 150% of the normal time for completion elapsed between September 1, 1999 and August 31, 2000.

Prior to the Amendments of 1998, all schools were required to disclose transfer-out rates. **Now, a school is required to calculate and disclose its transfer-out rates only if it determines that its mission includes providing substantial preparation for its students to enroll in another eligible school (such as a community college).**

In addition to calculating the completion or graduation rates described above, a school **may, but is not required** to calculate:

1. A completion or graduation rate for students who transfer into the school;
2. A completion or graduation rate and transfer-out rate for the students described as *exclusions* to the requirements in this section.

Schools may exclude from all cohorts students who:

- have left school to serve in the Armed Forces,
- have left school to serve on official church missions,
- have left school to serve with a foreign aid service of the Federal Government, such as the Peace Corps,
- are totally and permanently disabled; or

- are deceased.

### 3. A transfer-out rate.

For the cohort rates and rates related to athletically related student aid, schools must disclose information on completion rates and if applicable transfer-out rates on certificate- or degree-seeking, full-time undergraduate students who enter the school between September 1 and August 31 of the following year.

## *Determining the Cohort for Completion or Graduation and Transfer-Out Rates*

To calculate completion or graduation and transfer-out rates, a school must identify a group of students each year (a cohort) and monitor the cohort over time to determine the percentage of those students who complete their programs or transfer out of the school. The same *snapshot* approach is used to determine rates for both the general student body cohort and those rates related to athletically related student aid. The regulations specify which cohort a school must use, based on the programs that the school offers.

To achieve greater consistency between term and nonterm institutions, the following changes were implemented through Negotiated Rulemaking in 1999:

**For programs less than or equal to one academic year in length,** schools should include in the cohort only students who are enrolled for at least 15 days.

**For programs longer than one academic year,** schools should include in the cohort only students who are enrolled for at least 30 days.

### Standard-Term Schools

A school that offers most of its programs based on standard terms (semesters, trimesters, quarters) must use a fall cohort for these calculations. That is, the school must count all first-time freshmen who are certificate- or degree-seeking, full-time undergraduate students who enter the school during the fall term. For a fall cohort, a student has entered the school if he or she enrolled for the fall term (or during the summer immediately preceding the fall term) and is still enrolled as of October 15, the end of the school's drop-add period for the fall term, or another official reporting date (in the fall) on which a school must report fall enrollment data to either the state, its board of trustees or governing board, or another external governing body.

### Nonstandard Term or Non-Term Schools

A school that does not offer most of its programs based on standard terms must count all first-time students who are certificate- or degree-seeking, full-time undergraduate students who enter the school between September 1 of one year and August 31 of the following

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Determining Rate Cite  
34 CFR 668.45

year. For a cohort for nonstandard term and nonterm schools, a student has entered the school if he or she has attended at least 15 days in a program of up to and including, one year in length or 30 days, in a program of greater than one year in length.

Schools may not include students who transfer into the school from another school as entering students for purposes of these calculations. However, if a school chooses, it may calculate as a separate supplemental rate, a completion rate for students who transfer into the school .

## Definitions

The definitions of certificate- or degree-seeking students, first-time freshman students, and undergraduate students were adopted from the National Center for Education Statistics (NCES) Integrated Postsecondary Education Data System (IPEDS) Graduation Rate Survey (GRS).

*Certificate- or degree-seeking student:* a student enrolled in a course for credit who is recognized by the school as seeking a degree or certificate.

*First-time undergraduate student:* an entering undergraduate who has never attended an institution of higher education. Includes a student enrolled in the fall term who attended a postsecondary institution for the first time in the prior summer term, and a student who entered with advanced standing (college credit earned before graduation from high school).

*Undergraduate students:* students enrolled in a 4- or 5-year bachelor's degree program, an associate's degree program, or a vocational or technical program below the baccalaureate level.

Schools must use the SFA definition of a *full-time student* that is found in the Student Assistance General Provisions regulations (see *Volume 1 — Student Eligibility*).

## Waivers

The regulations provide for a waiver of completion or graduation rate and transfer-out rate calculations for the general student body cohort and for athletic data for any school that is a member of an athletic association or conference that has voluntarily published (or will publish) completion or graduation data that the Department determines are substantially comparable to the data required by the regulations.

The Amendments of 1998 allow the NCAA to distribute graduation rate information to all secondary schools in the U.S. to satisfy the distribution requirements for prospective student athletes' guidance counselors and coaches. This does not relieve the school of its obligation to provide the information the prospective student-athletes and their parents.

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Waivers Cite  
34 CFR 668.45

The Department will continue to work with interested agencies to help them develop standards that meet these requirements. If in the future the Department determines that another agency's requirements meet the standards of the Student Right-to-Know Act, the Department will inform schools that those rates may be used to satisfy the Student Right-to-Know requirements.

### ***Reporting Information on Completion or Graduation Rates for the General Student Body Cohort***

The requirements for disclosing this information have been broken down into three steps: determining the cohort, calculating the rates, and disclosing the rates.

#### **Step 1: Determining the cohort**

Schools must determine the cohort as described under *Determining the Cohort for Completion or Graduation and Transfer-Out Rates* to identify students in such a way that it can take a snapshot of those same students at a later time.

#### **Step 2: Calculating the rates**

Once a school has identified a cohort, it must determine how many of those students graduated or completed their program and, if applicable, how many transferred out of their program at the point in time when 150% of the normal time for completion of each program has elapsed for all of the students in the cohort.

##### ***Normal time***

Normal time is the amount of time necessary for a student to complete all requirements for a degree or certificate according to the school's catalog. This is typically

- four years (eight semesters or trimesters, or 12 quarters, excluding summer terms) for a bachelor's degree in a standard term-based school,
- two years (four semesters or trimesters, or six quarters, excluding summer terms) for an associate degree in a standard term-based school, and
- the scheduled times for certificate programs.

The following formula is used to calculate a completion rate for the general student body cohort:

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Number of students in cohort who completed their program within 150% of normal time for completion

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Number of students in cohort (minus permitted exclusions)

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### *Completor/Graduate*

A student is counted as a completor or graduate if

- the student completed his or her program within 150% of the normal time for completion of the program, or
- the student has completed a transfer preparatory program within 150% of the normal time for completion of that program.

### *Transfer preparatory program*

At least a two-year program that is acceptable for full credit toward a bachelor's degree and qualifies a student for admission into the third year of a bachelor's degree program.

### *Transfer-out rate*

The following formula is used to calculate a transfer-out rate for the general student body cohort:

$$\frac{\text{Number of students in cohort who transferred out of their program within 150\% of normal time for completion}}{\text{Number of students in cohort (minus permitted exclusions)}}$$

### *Definition of a transfer-out student*

A student is counted as a transfer-out student if, within 150% of the normal time for completion of the program, the student has transferred out of the program and enrolled in any program of another eligible institution for which the prior program provides substantial preparation. A school is required to report only on those students that the school knows have transferred to another school. A school must document that the student actually transferred.

## **Step 3: Disclosing the rates**

The information on completion, graduation rates and, if applicable, transfer out rates must be disclosed by the July 1 immediately following the expiration of 150% of normal time for the group of students on which the school bases its completion and transfer-out rate calculation.

Schools must disseminate the information on completion or graduation and, if applicable, transfer-out rates to enrolled and prospective students upon request, through appropriate publications, mailings, or electronic media (for example, school catalogs or admissions literature). Schools are strongly encouraged to provide this information to other interested parties, such as guidance counselors, upon request.

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Preparatory Program Cite  
34 CFR 668.8(b)(1)(ii)

## **EXAMPLE: Determining completion or graduation and transfer-out rates for the general student body**

### **Step 1: Determining the cohort**

Tower of London College (TLC) has both two-year and four-year degree programs. It operates on a semester basis, so it used a fall cohort.

During its 1997 fall semester, TLC had enrolled 1,000 full-time first-year freshmen in degree programs. It tagged those students as its 1997 cohort.

### **Step 2: Calculating the rates**

On August 31, 2001 150% of normal time for completion of the two-year program elapsed. In September of 2004 (after the 150% of normal time for completion of the four-year program elapsed), TLC searched its records to see how many of the 1,000 students in the cohort had completed a two-year degree as of August 31, 2001. It found that 250 students had completed such a degree. It noted both the number and identity of those students. TLC noted the identity of the students so that it would be able to determine if any of the 250 students also obtained a four-year degree and must be treated as duplicates (see below).

It also found that 35 students from the cohort received a two-year degree between September 1, 2001 and August 31, 2004. TLC was unable to count these students as completors for Student Right-to-Know purposes, as they had completed the program after more than 150% of normal time for completion had elapsed; however, TLC chose to use this data as supplemental information.

Since TLC's mission includes substantial preparation for its students to enroll in another eligible institution, it also determined the number of transfer-out students in the two-year program by ascertaining the number of students in the cohort for which it had documents showing that the student had transferred to, and begun classes at, another school. It found that it had documentation on 50 such students.

On August 31, 2004 150% of the normal time for completion of the four-year program elapsed. In September of 2004, TLC determined how many of the 1,000 students had received a four-year degree as of August 31, 2004. It found that 450 students had done so.

Because TLC had identified the completors of the two-year program, it was able to determine that 10 of the students it had counted as two-year completors had also received a four-year degree. TLC is not permitted to count these students as completors twice, so it deducted

*Example Continued*

the number from the number of two-year degree program completors (it could also have deducted them from the number of four-year completors had it so chosen).

TLC surveyed its records to determine the number of students from the cohort in the four-year program that it could document as having transferred as of August 31, 2004. It found 65 students had done so.

To determine if any of the students could be excluded from the cohort, TLC searched its records for documentation. The records showed that a total of 15 students in the original cohort had left the institution for the express purpose of joining a church mission, the armed forces, or a foreign aid program sponsored by the federal government, or had died or become totally and permanently disabled.

TLC calculated its completion rate and transfer-out rate as follows:

√ 250 four-year program completors + (250 two-year program completors - 10 duplicates)

√ 1,000 students in cohort - 15 permitted exclusions

√ Completion rate = 70%

√ 65 four-year program transfers + 50 two-year transfers

√ 1,000 students in cohort - 15 permitted exclusions

Transfer-out rate = 11.6%

### **Step 3: Disclosing the rates**

On July 1, 2005 (the July 1 following the expiration of 150% of normal time for the entire cohort), TLC published its completion rate and its transfer-out rate for the students who had entered in the fall of 1997.

TLC decided to provide separate, supplemental information regarding the completion and retention rates of its part-time students because it has a large part-time-student population. It also provided separate, supplemental information on the number of students who completed the two-year program after four years and after five years. It could have also provided separate, supplemental information on students who transferred into the school from another school had it so wished.

## Reporting information on completion or graduation rates for student athletes

Schools that participate in an SFA program and offer athletically related student aid must provide information on completion or graduation rates, transfer-out rates, if applicable, and other statistics for students who receive athletically related student aid to potential student athletes, and to their parents<sup>1</sup>, high school coach, and guidance counselors.

The definition of athletically related student aid used here is the same definition that is used for the EADA disclosure requirements (see *Definitions*). The definitions of certificate- or degree-seeking student, first-time undergraduate student, undergraduate students, and normal time are the same as those used for the calculation of completion or graduation and transfer-out rates for a school's general student body cohort (discussed above).

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Reporting Cite

34 CFR 668.48

### Step 1: Determining the cohort

A school must determine the cohort as described under *Determining the Cohort for Completion or Graduation and Transfer-Out Rates*.

### Step 2: Calculating the rates for completion or graduation for student athletes

Schools that provide athletically related student aid must report three completion rates and three transfer-out rates:

- a completion or graduation rate and, if applicable, a transfer-out rate for the general student body,
- a completion or graduation rate and, if applicable, a transfer-out rate for the members of the cohort who received athletically related student aid (this rate is calculated in the same manner as the rates for the general student body, but must be broken down by race and gender within each sport), and
- the *four-year average* completion or graduation rate and, if applicable, the average transfer-out rate for the four most recent completing classes of the cohort categorized by race and gender for the general student population, and for race and gender within each sport. (A school that doesn't have data for four years should report an average completion rate for all the years for which it had data.)

Information that is required to be reported by sport must be broken down into the following categories:

- basketball,
- football,

- baseball,
- cross-country and track combined, and
- all other sports combined.

In addition to the completion rates and transfer-out rates, schools must report

- the number of students, categorized by race and gender, who attended the school during the year prior to the submission of the report, and
- the number of those attendees who received athletically related student aid, categorized by race and gender.

A school may exclude from the athletic cohort the student-exceptions specified on page 2-182.

### Step 3 - Disclosing the rates for student athletes

The report must be completed and submitted to the Department by the GRS deadline. A school must also provide the report to each prospective student athlete and his or her parents, coaches, and counselor when an offer of athletically related student aid is made to the prospective student-athlete.

Schools are not required to provide completion rate information for students who entered before the 1996-97 academic year. However, if a school has data on students entering prior to the 1996-97 academic year (as the result of NCAA requirements, for example), the school should report these data in the four-year averages.

Schools that are not yet reporting completion or graduation rate or, if applicable, transfer-out rates because they do not have the necessary data must still disclose the additional data regarding the number of students who attended the previous year, categorized by race and gender, and the number who attended the previous year and who received athletically related student aid, categorized by race and gender within each sport.

There is a *de minimus* exception to the disclosure requirements for the completion or graduation rates or, if applicable, the transfer-out rates of student athletes that allows schools not to disclose those rates for categories that include five or fewer students.

### Supplemental Information

Schools may provide additional information to place their completion or transfer-out rates for both the general student body and those related to athletically related student aid in context. For example, a small school's completion rate may vary greatly from year

to year because the school's calculations use a very small cohort. The school may wish to provide prior years data and an explanation of factors affecting the completion rate.

## EQUITY IN ATHLETICS

Regulations published November 29, 1995, implemented the provision of the Improving America's Schools Act of 1994 titled the Equity in Athletics Disclosure Act (EADA). The EADA is designed to make prospective students aware of a school's commitment to providing equitable athletic opportunities for its men and women students.

The Higher Education Amendments of 1992 added language to the PPA concerning additional administrative requirements for institutions offering athletically related student aid. The Amendments of 1998 moved these provisions into the section of the law that addresses Equity in Athletics. These requirements now fall under the reporting requirements of the EADA.

Any coeducational institution of higher education that participates in an SFA program and has an intercollegiate athletic program must prepare an annual EADA report. The report contains participation rates, financial support, and other information on men's and women's intercollegiate athletic programs. It is referred to as the *Report on Athletic Program Participation Rates and Financial Support Data* (34 CFR 668.47).

### *Disclosure of the Report*

The EADA requires schools to make this report available upon request to students, prospective students, and the public in easily accessible places. For example, a school may make copies of the report physically available in intercollegiate athletic offices, admissions offices, or libraries, or by providing a copy to every student in his or her electronic mailbox.

A school make a **one-on-one disclosure** to all students and prospective students of their right to request the information. The disclosure must include a summary of the information that may be requested. The school may publish a notice at least once a year in a school publication, the school catalog, registration materials, or intercollegiate athletic department publications so long as the publication is **distributed individually to all students**.

A school must provide the report promptly to anyone who requests the information. For example, a school may not refuse to provide a copy of the report to the news media, and the school may not require an individual requesting the information to come to the school to view the report.

A school may not charge a fee to students, potential students, parents, or coaches who ask for the information; however, schools are

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### Equity in Athletics Cite

*Sec. 485(g)*

*34 CFR 668.47*

not prohibited from charging members of the general public a fee to cover copying expenses only.

Reports must be compiled and made available each year by October 15. Schools must submit their Equity in Athletics reports to the Department annually within 15 days of making available to students, prospective students and the public. Using ids previously supplied to their institutions' chief administrators, schools report EADA data on-line at

<http://surveys.ope.ed.gov/athletics>

Additional information on the collection of EADA data will be posted, as it becomes available, on the Department's Web site at:

<http://www.ed.gov/offices/OPE/News/>

The Department had to submit a report to Congress by April 1, 2000, that summarized the information reported by schools and identified trends in the information, aggregated the information by divisions of the NCAA, and contained information on each individual school. In addition, the Department had to ensure that the individual school reports and the report to Congress were made available to the public within a reasonable period of time.

Finally, the Department must notify all secondary schools in all states regarding the availability of information in the report to Congress and of the individual school reports and how such information may be accessed.

### ***Contents of the Equity in Athletics/EADA Report***

A school must first designate its reporting year. A reporting year may be any consecutive 12-month period of time. For its designated reporting year, a school must report:

1. the number of male and female full-time undergraduate students that attended the school (undergraduate students are those who are consistently designated as such by the school),
2. the total amount of money spent on athletically-related student aid (including the value of waivers of educational expenses aggregately) for: 1) men's teams and 2) women's teams,
3. the ratio of athletically-related student aid awarded to male athletes to athletically-related student aid awarded to female athletes (see the definition of athletically related student aid under *Definitions*),
4. the expenses incurred by the school for:
  - total expenses for all sports,

- football,
- men’s basketball,
- women’s basketball,
- all other men’s sports except football and basketball, and
- all other women’s sports except basketball.

Expenses not attributable to a particular sport, such as general and administrative overhead, must be included only in the total expenses for all sports.

5. total recruiting expenses aggregately for (a) all men’s teams and (b) all women’s teams, and
6. total annual revenues for (a) all sports combined, (b) all men’s teams, (c) all women’s teams, (d) football, (e) men’s basketball, (f) women’s basketball, (g) all men’s sports other than football and basketball, and (h) all women’s sports other than basketball.

A school may also report by individual teams these revenues:

1. the average annual institutional salary of non volunteer head coaches for all offered sports of (a) men’s teams and (b) women’s teams – this must include the number of persons and full-time equivalent positions used to calculate each average;<sup>2</sup>
2. the average annual institutional salary of non volunteer assistant coaches for all offered sports of (a) men’s teams and (b) women’s teams. This must include the number of persons and full-time equivalent positions used to calculate each average.
3. a listing of the varsity teams that competed in intercollegiate athletic competition and for each team, the following data:
  - a. total number of participants as of the day of the first scheduled contest of the reporting year for the team, number of those who participated on more than one varsity team, and number of other varsity teams on which they participated;
  - b. total operating expenses (expenditures on lodging and meals, transportation, officials, uniforms, and equipment) attributable to the team;<sup>3</sup>

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2. If a head coach had responsibility for more than one team and a school does not allocate that coach’s salary by team, the school must divide the salary by the number of teams for which the coach had responsibility and allocate the salary among the teams on a basis consistent with the coach’s responsibilities for the different teams.

3. A school also may report those expenses on a per capita basis for each team and may report combined expenditures attributable to closely related teams, such as track and field or swimming and diving. Those combinations must be reported separately for men’s and women’s teams.

- c. gender of the head coach (including any graduate assistant or volunteer who served as head coach) and whether he or she was assigned on a full-time or part-time basis, and if assigned on a part-time basis, whether he or she was a full-time or part-time employee of the school,
- d. number of male assistant coaches (including any graduate assistants or volunteers who served as assistant coaches) and whether each was assigned on a full-time or part-time basis, of those assigned on a part-time basis, the number who were full-time and part-time employees of the school,
- e. number of female assistant coaches (including any graduate assistants or volunteers who served as assistant coaches) and whether each was assigned on a full-time or part-time basis, and of those assigned on a part-time basis, the number who were full-time and part-time employees of the school; and
- f. an unduplicated head count of the individuals who were listed as participants on at least one varsity team, by gender.

### ***Definitions***

*Recruiting expenses* are all expenses schools incur for recruiting activities, including, but not limited to, expenditures for transportation, lodging, and meals for both recruits and institutional personnel engaged in recruiting, all expenditures for on-site visits, and all other expenses related to recruiting.

*Institutional salary* is all wages and bonuses a school pays a coach as compensation attributable to coaching.

In addition to teams that are designated as *varsity* by the school or an athletic association, varsity teams include any team that primarily competes against other teams that are designated as varsity.

*Participants* on varsity teams include not only those athletes who take part in a scheduled contest but also any student who practices with the team and receives coaching as of the day of the first scheduled intercollegiate contest of the designated reporting year. This includes junior varsity team and freshmen team players if they are part of the overall varsity program. Schools should also include all students who receive athletically related student aid, including redshirts, injured student athletes, and fifth-year team members who have already received a bachelor's degree.

*Operating expenses* are expenditures on lodging and meals, transportation, officials, uniforms, and equipment.

*Athletically related student aid* is any scholarship, grant, or other form of financial assistance offered by the school, the terms of which require the recipient to participate in a program of intercollegiate athletics at the school in order to be eligible to receive such assistance.

*Prospective students* are individuals who have contacted the school to inquire about enrolling at the school or who have been contacted directly by the school or indirectly through general advertising about enrolling at the school. Nature of Educational Program Cite

## LOAN COUNSELING

Before a Federal Perkins, FFEL, or Federal Direct Loan borrower takes out a loan, the school must counsel that borrower, individually or in a group with other borrowers. The school must give the borrower general information on the average anticipated monthly repayments on the loan, available repayment options, and advice on debt management planning to facilitate repayment, deferment/cancellation provisions, if applicable, and other terms and conditions. This loan counseling must also be provided before the borrower completes his or her course of study or otherwise leaves the school. For a complete discussion of loan counseling requirements, please see *Volume 5 — Perkins Loans*, and *Volume 8 — Direct Loan and FFEL Programs*.

## DRUG AND ALCOHOL ABUSE PREVENTION INFORMATION

A schools that participates in the campus-based programs must provide information under the Drug-Free Workplace Act of 1988 (Public Law 101-690), including a notice to its employees of unlawful activities and the actions the school will take against an employee who violates these prohibitions. In addition, the Drug-Free Schools and Communities Act (Public Law 101-226) requires a school that participates in any SFA program to provide information to its students, faculty, and employees to prevent drug and alcohol abuse.

### *Information to be included in drug prevention materials*

A school must provide the following in its materials:

- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on the school's property, or as part of the school's activities;
- a description of the sanctions under local, state, and federal law for unlawful possession, use, or distribution of illicit drugs and alcohol;
- a description of any drug and alcohol counseling, treatment, or rehabilitation programs available to students and employees;
- a description of the health risks associated with the use of illicit drugs and alcohol; and

- a clear statement that the school will impose sanctions on students and employees for violations of the standards of conduct (consistent with local, state, and federal law) and a description of these sanctions, up to and including expulsion, termination of employment, and referral for prosecution.

The Appendices and Comments and Responses sections of the August 16, 1990, regulations provide additional guidance and information for schools to use in developing these materials.

### ***Distribution of Materials to All Students and Employees***

The school may include this information in publications such as student or employee handbooks, provided that these publications are distributed to each student and employee. Merely making drug prevention materials available to those who wish to take them is not sufficient. The school must use a method that will reach every student and employee, such as the method used to distribute grade reports or paychecks. The school must distribute these materials annually. If new students enroll or new employees are hired after the initial distribution for the year, the school must make sure that they also receive the materials. (For more information on antidrug abuse requirements, see chapter 2.)

## **MISREPRESENTATION**

The General Provisions regulations permit the Department to fine a school, or limit, suspend, or terminate the participation of any school that substantially misrepresents the nature of its educational program, its financial charges, or the employability of its graduates.

### ***Definition of Misrepresentation***

*Misrepresentation* is any false, erroneous, or misleading statement made to a student or prospective student, to the family of an enrolled or prospective student, or to the Department. This includes disseminating testimonials and endorsements given under duress.

*Substantial Misrepresentation* is any misrepresentation on which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

Misrepresentation of the educational program includes false or misleading statements about the school's accreditation or the school's size, location, facilities, or equipment. Misrepresentation of financial charges includes false or misleading statements about scholarships provided for the purpose of paying school charges. To be considered a scholarship, a grant must actually be used to reduce tuition charges made known to the student before the scholarship was offered to the student. (The tuition charges must be charges that are applied to all students whether or not they are receiving a scholarship.) It is also considered misrepresentation if the school gives false or misleading

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Misrepresentation Cite:  
*34 CFR Subpart F*

information as to whether a particular charge is a customary charge for that course at the school.

Misrepresentation includes making any false or misleading statements about the employability of the school's graduates

The regulatory provisions concerning misrepresentation are given in detail below.

### *Nature of Educational Program*

Misrepresentation by an institution of the nature of its educational program includes, but is not limited to, false, erroneous, or misleading statements concerning:

- the particular types, specific sources, nature, and extent of its accreditation;
- whether a student may transfer course credits earned at the institution to any other institution;
- whether successful completion of a course of instruction qualifies a student for acceptance into a labor union or similar organization or receipt of a local, state, or federal license or a nongovernment certification required as a precondition for employment or to perform certain functions;
- whether its courses are recommended by vocational counselors, high schools, or employment agencies, or by governmental officials for government employment;
- its size, location, facilities, or equipment;
- the availability, frequency, and appropriateness of its courses and programs to the employment objectives that it states its programs are designed to meet;
- the nature, age, and availability of its training devices or equipment and their appropriateness to the employment objectives that it states its programs and courses are designed to meet;
- the number, availability, and qualifications, including the training and experience, of its faculty and other personnel;
- the availability of part-time employment or other forms of financial assistance;
- the nature and availability of any tutorial or specialized instruction, guidance and counseling, or other supplementary assistance it will provide its students before, during, or after the completion of a course;

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Misrepresenting Educational Program Cite  
*34 CFR 668.72*

- the nature and extent of any prerequisites established for enrollment in any course; or
- any matters required to be disclosed to prospective students under 34 CFR 668.44 (institutional information) and 34 CFR 668.47 (campus security information).

### ***Nature of Financial Charges***

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Misrepresenting Financial Charges Cite  
34 CFR 668.73

Misrepresentation by an institution of the nature of its financial charges includes, but is not limited to, false, erroneous, or misleading statements concerning

- offers of scholarships to pay all or part of a course charge, unless a scholarship is actually used to reduce tuition charges that are applied to all students whether or not receiving a scholarship and are made known to the student in advance; or
- whether a particular charge is the customary charge at the institution for a course.

### ***Employability of Graduates***

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Employability of Graduates Cite  
34 CFR 668.74

Misrepresentation by an institution regarding the employability of its graduates includes, but is not limited to, false, erroneous, or misleading statements

- that the institution is connected with any organization or is an employment agency or other agency providing authorized training leading directly to employment;
- that the institution maintains a placement service for graduates or will otherwise secure or assist its graduates to obtain employment, unless it provides the student with a clear and accurate description of the extent and nature of this service or assistance; or
- concerning government job market statistics in relation to the potential placement of its graduates.

## **CAMPUS SECURITY**

### ***General Information***

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Campus Security Cite  
Sec. 485(f)  
34 CFR 668.46

The Department of Education is committed to assisting schools in providing a safe environment for students to learn and staff to work, and in keeping parents and students well informed about campus security. To this end Dear President letter ANN-96-5, issued jointly by the Department of Education, the Justice Department, and the Department of Health and Human Services in September 1996, provides suggestions to schools for use in developing and implementing a comprehensive policy to combat violence against women on campus.

The letter lists the following Web sites as possible resources:

- Department of Justice Violence Against Women Office

[www.ojp.usdoj.gov/vawo/](http://www.ojp.usdoj.gov/vawo/)

- Department of Education World Wide Web site on campus safety

[www.ed.gov/offices/ope/ppi/security.html](http://www.ed.gov/offices/ope/ppi/security.html)

- Higher Education Center for Alcohol and other Prevention World Wide Web site

[www.edc.org/hec/](http://www.edc.org/hec/)

**The Department is strongly committed to enforcing the provisions of the Campus Security Act of 1990 requiring a school to compile an annual campus security report.**

The Amendments of 1998 made several changes to the campus security and disclosure requirements. General changes include:

- The portion of the law that addresses campus security issues is now called the *Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act*.
- The identification of victims or of persons accused of committing crimes included in the campus crime report is prohibited.
- The campus security requirements may not be construed to require the reporting or disclosure of a victim's confidential information.
- The Department must report to Congress any school that the Department determines not to be in compliance with the campus crime reporting requirements.
- The Department must impose a civil penalty up to \$25,000 if the Department determines that a school has substantially misrepresented the statistical information required to be reported.
- The Amendments clarify that these provisions do not cause a liability for a school or its employees or establish a standard of care.
- Evidence of compliance or noncompliance with the provisions is not admissible as evidence except for actions enforcing these requirements.

The changes resulting from negotiated rule making were published as final regulations on November 1, 1999. They are discussed below.

### *Distribution of the Campus Crime Report*

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Distribution Cite  
*34 CFR 668.41(e)*

By October 1 of each year, a school must publish and distribute its annual campus security report.

It must be distributed to all **enrolled students and current employees** directly by publications and mailings, including: direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail.

If the school chooses to fulfill this requirement by posting the crime report on an Internet or Internet Web site, an **individual notice must be distributed to each student and current employee** that includes:

- a statement of the report's availability,
- a list and brief description of the information contained in the report,
- the exact electronic address (URL) of the Internet or Internet Web site at which the report is posted, and
- a statement saying the school will provide a paper copy upon request.

If the school chooses to fulfill this requirement by posting the crime report on an Internet or Internet Web site, the notice described above must also contain:

- the exact electronic address (URL) at which the report is posted, and
- a statement that the school will provide a paper copy of the report upon request.

**Upon request, a school must provide its annual campus security report to a prospective student or prospective employee.**

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Annual Submission Cite  
*34 CFR 668.41(e)(5)*

Schools are required to submit the statistical section of their Annual Crime Report to the Department on an annual basis. To comply with the emerging requirements to communicate electronically with the public whenever possible, the survey data is collected through the Department's Campus Crime and Security Web site.

[surveys.ope.ed.gov/security](http://surveys.ope.ed.gov/security)

The use of an electronic format will eliminate mailing and processing paper questionnaires, significantly reduce the reporting burden, and improve the timeliness of the data from institutions.

## Definition of campus

Requirements regarding the campus security report must be met individually for each separate *campus*. The Amendments of 1998 have broken the former general definition of campus into three more specific categories: campus, non-campus buildings or property, and public property. The campus crime requirements must now be met for any location that meets one of these three definitions.

*Campus* includes

- any building or property (including residence halls) owned or controlled by a school within the same reasonably contiguous geographic area and used by the school in direct support of or in a manner related to its educational purposes.
- property within the same reasonably contiguous area that is owned by the school but controlled by another person, frequently used by students, and supports the school's purposes (such as a food or other retail vendor) (this portion of the definition was added by the Amendments of 1998).

The Amendments define the term *non-campus building or property* to mean

- any building or property owned or controlled by a student organization officially recognized by the school; and
- any building or property (other than a branch campus) owned or controlled by the school, that is **not** within the same reasonable contiguous area, is used in direct support of or in relation to the school's educational purpose, and is frequently used by the students (this portion was added by the Amendments).

The term *public property* means all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the same campus or immediately adjacent to and accessible from the campus. This would not include, for example, highways that are adjacent to the campus, but that are separated from the campus by a fence or other man-made barrier. A school may use a map to visually illustrate the areas included in the definition of its campus.

## Timely Warning

In addition to the required annual campus security report, schools are required to provide timely warning to the campus community of any occurrences of the following crimes that are reported to campus security authorities or local police agencies and are considered to represent a continuing threat to students and employees, including:

- criminal homicide including, (a) murder and nonnegligent manslaughter, and (b) negligent manslaughter;

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Definition of a Campus Cite  
34 CFR 668.46(a)

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Timely Warning Cite  
34 CFR 668.46

- forcible and nonforcible sex offenses;
- robbery;
- aggravated assault;
- burglary;
- motor vehicle theft; and
- arson;
- separately by category of prejudice, each crime listed above and any other crime involving bodily injury reported to local police agencies or to a campus security authority that shows evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity or disability;
- arrests for violations of drug law violations, and illegal weapons possession; and
- persons not arrested but referred for campus disciplinary action for liquor, drug, and weapons law violations.

A school is not required to provide timely warning with respect to crimes reported to a pastoral or professional counselor.

**Note:** A school must also include statistical and policy information related to these same crimes in its campus security report; see the discussion that begins on page 2-198.

### *Campus Security Authority*

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Campus Security Authority Cite  
34 CFR 668.46(a)

The following are campus security authorities:

1. a campus law enforcement unit;
2. any individual or individuals who have responsibility for campus security but who do not constitute a campus security department, such as an individual who is responsible for monitoring entrance into school property (e.g. an access monitor);
3. an individual or organization specified in a school's campus security statement as the individual or organization to which students and employees should report criminal offenses; and
4. an official of a school who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

The definition of campus security authority includes others in addition to those individuals working for the school's campus security office or expressly performing a campus security function at the school's request. An official who has significant responsibility for student and campus activities is a campus security authority. For example, a dean of students who oversees student housing, a student center, or student extracurricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also have significant responsibility for student and campus activities.

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## Disciplinary action or proceeding

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The investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

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## Law enforcement unit

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Any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or noncommissioned security guards, that is officially authorized or designated by that agency or institution to

- enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself, or
  - maintain the physical security and safety of the agency or institution.
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## Professional and pastoral counselors excluded from reporting requirements

Of itself, reporting a statistic is not likely to identify a victim. However, the need to verify the occurrence of a crime and the need for additional information about a crime to avoid double counting can lead to the identification of the victim. Therefore, in order to ensure that victims have access to confidential counseling, professional and pastoral counselors, as defined in the regulations are **not** required to report crimes discussed with them in their roles as counselors. Moreover, a school is not required to report statistics relating to crimes that are reported to a pastoral counselor or a professional counselor who is functioning within the scope of his or her license or certification. Other confidential reporting options are encouraged to obtain statistical data without infringing on an individual's expectation of confidentiality.

A *pastoral counselor* is a person who is associated with a religious order or denomination and who is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning as a pastoral counselor.

A *professional counselor* is a person whose official responsibilities include providing mental health counseling to members of the school's community and who is functioning within the scope of his or her license or certification.

## FERPA

The provisions of the Family Educational Rights and Privacy Act (FERPA) do not prohibit a school from complying with the campus security regulations. First, FERPA does not generally prohibit the disclosure of statistical, non-personally identifiable information. Second, as a matter of law, FERPA does not preclude a school's compliance with the timely warning requirement. The Department has concluded that as a later enacted, more specific statute, the Campus Security Act trumps FERPA's requirements against the release of personally identifiable information from a student's education record. Thus, institutions may make a timely warning report to the campus community on criminal activity, and even if the school discloses the identity of an individual, the school has not violated the requirements of FERPA.

Records created and maintained by a campus law enforcement unit are not education records and may be disclosed without a student's consent. In contrast, records of a disciplinary action or proceeding are considered education records of a student, and cannot be made available to the public without the consent of the student. FERPA does allow, however, a postsecondary institution to disclose the final results of disciplinary proceedings to a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense, regardless of the outcome. In addition, FERPA was recently amended to permit a postsecondary institution to disclose (to anyone) the final results of a disciplinary proceeding in which the institution concludes that a student violated school policy with respect to a crime of violence or a nonforcible sex offense. The offenses that apply to this permissible disclosure are listed in the FERPA regulations.

Institutions may seek additional guidance on FERPA by writing the Family Policy Compliance Office (FPCO) at FERPA@ED.Gov. The FPCO's Web site contains helpful information. Its address is: [www.ed.gov/offices/OM/fpc](http://www.ed.gov/offices/OM/fpc).

There are two different FERPA provisions concerning the release of records relating to a *crime of violence*. One concerns the release to the *victim* of any *outcome* involving an *alleged* crime of violence. This is found in section 99.31(a)(13) of the latest FERPA regulations. A separate provision, 99.31(a)(14), permits a

postsecondary institution to disclose to anyone the final results of any disciplinary hearing against an alleged perpetrator of a crime of violence where that student was *found in violation* of the institution's rules or policies with respect to such crime or offense.

A school is not relieved of compliance with the reporting requirements of the campus security regulations when the school refers a matter to a disciplinary committee, rather than to the school's law enforcement unit or directly to the local authorities.

### *Daily Crime Log*

The Amendments of 1998 require schools that maintain a campus police or security department to make, keep, and maintain daily logs of any crime that occurred within the patrol jurisdiction of the campus police or the campus security department designated by the institution. The logs must be written in a manner that is easily understood. The school must record by date the crime was reported, the nature, date, time, and general location of each crime, and the disposition of the complaint, if known. The logs must be made public, except where prohibited by law or when disclosure would jeopardize the confidentiality of the victim. Schools are required to update logs with new information when available, but no later than two business days after the information is received, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. The school must disclose any information withheld once the adverse effect described is no longer likely to occur.

Often time passes between when a crime is committed and when it is discovered, making the date of occurrence unknown or uncertain. In addition, for statistical purposes, the FBI collects crime data based on when crimes are reported to the police. Therefore, **an institution should report crime data based on when the crime was reported to campus police or security authorities.**

The school must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The school must make any portion of the log older than 60 days available within two business days of a request for public inspection.

A school may withhold information if (and as long as) the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to evade detection, or result in the destruction of evidence. A school may withhold only the information that would cause the aforementioned adverse effects.

### *The Annual Security Report*

The annual security report, due October 1, must contain the required crime statistics for the three calendar years preceding the year in which the report is disclosed. The crime report due October 1, 2001 must include statistics for the 1998, 1999, and 2000 calendar years. **Schools must retain records used to create their campus**

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**Crime Log Cite**  
*34 CFR 668.46(f)*

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**Security Report Cite**  
*34 CFR 668.46(b)*

**security reports for three years after the due date of the report.** Schools must maintain the information used in compiling the 2001 report and make the report available until September 30, 2004.

### *Policies and Procedures for Reporting Crimes*

The annual security report provides information regarding campus security policies and campus crime statistics. With limited exceptions, the campus security requirements do not prescribe policies and procedures for schools to follow. Rather, schools are required to make disclosures concerning the policies and procedures implemented by the school.

All schools must compile the required crime statistics in accordance with the definitions used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) system, Hate Crime Data Collection Guidelines and the Training Guide for Hate Crime Collection. For further guidance concerning the application of definitions and classification of crimes a school must use either the *UCR Reporting Handbook* or the *UCR Reporting Handbook: NIBRS Edition*.

Except when determining how to report crimes committed in a multiple offence situation, a school must use the hierarchy rule found in the *UCR Reporting Handbook*. Copies of these publications are available from: FBI Communications Unit, 1000 Custer Hollow Road, Clarksburg, WV 26306 (telephone: 304-625-2823). Schools are encouraged but not required to participate in the FBI's UCR program.

The statistics required in the annual security report may not include the identification of the victim or the person accused of committing the crime.

A school must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or state police agency. A school making a good faith effort will not be held responsible for the failure of local and state police agencies to supply the required statistics.

At a minimum, the annual security report must include the following:

1. the required institutional crime statistics, including:
  - a. criminal homicide, including (1) murder and nonnegligent manslaughter, and (2) negligent manslaughter
  - b. sex offenses, including (1) forcible sex offenses, and (2) nonforcible sex offenses
  - c. robbery
  - d. aggravated assault

- e. burglary
- f. motor vehicle theft
- g. arson
- h. separately by category of prejudice, each crime listed above and any other crime involving bodily injury reported to local police agencies or to a campus security authority that shows evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity or disability
- i. arrests for violations of drug law violations, and illegal weapons possession; and
- j. persons not arrested but referred for campus disciplinary action for liquor, drug, and weapons law violations.

The Amendments require schools to report crime statistics by means of separate categories:

- on campuses;

**Note:** Crimes that occur in dormitories or other residential facilities for students are reported as a subset of crimes on campus.

- in or on a non-campus building or property; and
- on public property.

2. a statement of current campus policies regarding procedures for reporting crimes and other emergencies occurring on campus and the policies for the school's response to these reports, including:
  - a. policies for making timely reports of the above described crimes to members of the campus community;
  - b. policies for preparing the annual disclosure of crime statistics; and
  - c. a list of the titles of each person or organization to whom the criminal offenses described above should be reported for the purpose of making timely warning reports and the annual statistical disclosure.

This statement must also describe any institutional policies or procedures that allow voluntary or confidential reports made by victims or witnesses to be included in the annual disclosure of crime statistics.

3. a statement of the school's policies concerning the security of, and access to, all campus facilities, including residences, and security considerations used in the maintenance of campus facilities,
4. a statement of the school's policies concerning campus law enforcement, including
  - a. the enforcement authority of campus security personnel, their working relationship with state and local police and other law enforcement agencies, and whether the security personnel have the authority to arrest individuals; and
  - b. policies that encourage accurate and prompt reporting of crimes to campus police and the appropriate police agencies; and
  - c. procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform their clients of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. descriptions of the type and frequency of programs that
  - a. inform students and employees about campus security procedures and practices; and
  - b. encourage students and employees to be responsible for their own security and the security of others.
6. a description of institutional crime prevention programs;
7. a statement of the policies concerning the monitoring and recording (through local police agencies) of student criminal activity at off-campus locations of student organizations recognized by the school, including student organizations with off-campus housing facilities (see the definition of a *campus* on page 2-201);
8. the policies concerning the possession, use, and sale of alcoholic beverages, including the enforcement of state underage drinking laws;
9. a statement of institutional policies concerning the possession, use, and sale of illegal drugs including the enforcement of state and federal drug laws;
10. a description of the drug and alcohol-abuse education programs available to students and employees, as required under section 120(a) through (d) of the Higher Education Act;

11. a statement of the sexual assault prevention programs available and the procedures to be followed when a sex offense occurs, including:
  - a. a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;
  - b. procedures a student should follow if a sex offense occurs (who to contact and how to contact them, the importance of preserving evidence for proof of a criminal offense);
  - c. options for the notification of local law enforcement officials (including on-campus and local police) and a statement that school personnel will assist the student in notifying these authorities, if requested by the student;
  - d. availability of on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
  - e. notice to students that the school will change a victim's academic and living situations after the alleged sex offense and of the options for changes, if changes are requested by the victim and are reasonably available,
  - f. procedures for campus disciplinary actions in cases of an alleged sex offense, including a clear statement that both the accuser and the accused
    - are entitled to the same opportunities to have others present during a disciplinary proceeding, and
    - will be informed of the school's final determination any school disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed against the accused,
  - g. sanctions the school may impose following a final determination of a school disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses.

The final regulations published on November 1, 1999 made the following changes to a school's annual security report.

1. The list of crimes that an institution must disclose in its annual security report has changed as follows:
  - a. An additional category of manslaughter, broken into two sub categories, nonnegligent and negligent manslaughter, is added to the category of murder. *Murder and nonnegligent manslaughter* is the willful (nonnegligent) killing of one

human being by another. *Manslaughter by negligence* is the killing of another person through gross negligence. The new regulations incorporate manslaughter into the regulations by adding nonnegligent manslaughter to the current murder category and adding a new negligent manslaughter category. Collectively the two categories are referred to as *criminal homicide* consistent with the FBI's definitions.

- b. The category of arson is added to the crime disclosure list. Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
2. The period for which liquor-law, drug-law and weapons possession violations must be reported has changed from the most recent year to the most recent three years. In addition, the school must disclose not only the number of arrests for these crimes but also the unduplicated number of persons who were referred for campus disciplinary action for these activities.

**Institutions should not include students referred for campus disciplinary action for alcohol, drug, and weapons possession unless those violations were also violations of law.** For example, if a student of legal drinking age in the state where the institution is located violates the institution's *dry campus* policy and is referred for disciplinary action, that statistic should not be included in the institution's crime statistics. If a student was both arrested and referred for campus disciplinary action for the same violation, the new regulations require that the institution report the statistic only under arrests.

3. The hate crime disclosure requirement now requires a school to disclose, by category of prejudice, the number of hate crimes among all the crimes it is required to report and any other crimes involving bodily injury reported to a local police agency or a campus security authority. In addition, schools must use the UCR standard of evidence of prejudice to assist in determining if a hate crime occurred.
4. A school must provide a geographic breakdown for the required crime statistics according to the following categories:
  - a on campus,
  - b non-campus building or property,
  - c public property, and
  - d dormitories or other residential facilities for students on campus. (Dormitories and other residential facilities are a subset of the campus category.)

5. Crimes must be reported for the calendar year in which the crime was reported to a campus security authority rather than the calendar year in which the crime occurred.
6. Schools are specifically prohibited from identifying the victim or the alleged perpetrator of the crime in the school's disclosure of its crime statistics.
7. A school must disclose the previous three calendar years' crime statistics for the required statistical disclosures.
8. Schools were required to begin collecting statistics using the new categories effective calendar year 1999. A school's 2001 report — which will include statistics for calendar years 1998, 1999, and 2000 — must include statistics for calendar years 1999 and 2000 using the new categories. Schools may continue to report statistics for calendar years 1998 using the previously applicable categories, except that a school must use the new categories for those years if the data are available.
9. A school is not required to report statistics related to crimes that are reported to a pastoral counselor or a professional counselor, as defined in the regulations, who is functioning within the scope of his or her license or certification.
10. A school may rely on statistical information supplied by local and state police agencies, as long as the school makes a reasonable, good-faith effort to obtain these statistics.
11. The school must disclose its annual security report by October 1 of each year.
12. The definition of a campus security authority was broadened.
13. A school with a campus police or campus security department of any kind must maintain a daily, written crime log of any crime reported to that department that occurred on campus, in or on a non-campus building or property, or on public property.
14. Each school must annually submit the statistical section of its security report to the Department of Education. There is no requirement that a school submit statistical information in the crime log to the Department. The school must maintain campus security records to document the information included in its annual security report.

### ***Complaints against schools***

When a complaint is filed against a school alleging noncompliance with the campus security regulations, the Department will assess the complaint and determine the appropriate response.

Technical assistance to schools in administering the campus security regulations is available from the Department's Customer Support Branch at 1-800-433-7327.

## INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS

Who Receives the Information	What They Receive	How It Must Be Provided	When It Must Be Provided
Currently enrolled students and current employees	The institution's annual campus security report in its entirety (pursuant to 668.46)	Through publications, mailings or electronic media sent directly to individuals. If a school chooses to post its annual security report to a Web site it must send each individual a notice through U.S. mail, campus mail, or directly to an E-mail address that <ol style="list-style-type: none"> <li>1. identifies the information required to be disclosed;</li> <li>2. provides the exact electronic Web site address;</li> <li>3. states that, upon request, the individual is entitled to a paper copy; &amp;</li> <li>4. informs the individual how to request a paper copy.</li> </ol>	The institution must prepare and make available its security report annually by October 1.
Currently enrolled students	<p>Notice about the availability of the following</p> <ol style="list-style-type: none"> <li>1. information on financial assistance available to students enrolled in the institution (pursuant to 668.42);</li> <li>2. information on the institution (pursuant to 668.43);</li> <li>3. the institution's completion or graduation rate, and, if applicable, its transfer-out rate (pursuant to 668.45);</li> <li>4. information about students' rights under FERPA (pursuant to 99.7); and</li> <li>5. information about athletic program participation rates and financial support (EADA) (pursuant to 668.47).</li> </ol> <p>The notices must be sufficiently detailed to allow students to understand the nature of the disclosures and make an informed decision whether to request the full reports.</p>	<p>A school must provide <b>direct individual notice</b> to each person. A school may provide the required notice through direct mailing to each individual through the U.S. Postal Service, campus mail, or electronically directly to an E-mail address.</p> <p>The individual notice provided to students must</p> <ol style="list-style-type: none"> <li>1. identify the information required to be disclosed;</li> <li>2. provide the exact electronic Web site address where the information can be found;</li> <li>3. state that upon request the student is entitled to a paper copy; and</li> <li>4. inform the student how to request a paper copy.</li> </ol>	<p>Annually, a school must provide notice to each enrolled student. Immediately, upon request, the institution must provide the full reports.</p> <p>The institution must prepare its completion or graduation rate, and, if applicable, its transfer-out rate report by July 1, immediately following the point in time at which the 150% point for the cohort has elapsed.</p> <p>Institutions should prepare and make available information about athletic program participation rates and financial support (EADA) by October 15.</p> <p>Information on the institution and its financial assistance programs must be current.</p>
The general public	An institution that <ol style="list-style-type: none"> <li>1. participates in any Title IV, HEA program and</li> <li>2. has an intercollegiate athletic program</li> </ol> must provide a report on athletic program participation rates and financial support (EADA) (pursuant to 668.47).	Through appropriate publications, mailings or electronic media.	Annually for the preceding year the institution must prepare the report and make it available by October 15.

## INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS (CONTD)

Who Receives the Information	What They Receive	How It Must Be Provided	When It Must Be Provided
Prospective students	<ol style="list-style-type: none"> <li>1. Information on financial assistance available to students enrolled in the institution (pursuant to 668.42).</li> <li>2. Information on the institution (pursuant to 668.43).</li> <li>3. Information about students' rights under FERPA.</li> <li>4. Notice about the availability of the institution's annual campus security report (pursuant to 668.46). The notice must include:               <ol style="list-style-type: none"> <li>a. a list of the information in the report;</li> <li>b. brief descriptions of the required disclosures that are sufficient to allow students to understand the nature of the disclosures and make an informed decision whether to request the full report; (Please see the NPRM of 8/10/99 page 43583 for an example) and                   <ol style="list-style-type: none"> <li>c. an opportunity to request a copy.</li> </ol> </li> <li>5. The institution's completion or graduation rate, and, if applicable, its transfer-out rate (pursuant to 668.45).</li> <li>6. Information about athletic program participation rates and financial support (pursuant to 668.47).</li> </ol> </li> </ol>	<p>Directly to prospective students through appropriate publications, mailings, or electronic media an institution must provide individual notice of the availability of items 1 through 6.</p> <p>Upon request, institutions must provide their complete report on completion, graduation and, if applicable, transfer-out rates.</p> <p>Upon request, an institution must provide a copy of its full annual security report to a prospective student.</p> <p>If provided electronically, notices and reports must be sent directly to an E-mail address.</p>	<p><b>Prior</b> to a prospective student's enrolling or entering into any financial obligation with an institution, the institution must provide its report on completion, graduation and transfer rates.</p> <p>Notice about the availability of the other reports should be included in the materials an institution provides to prospective students.</p> <p>Immediately, upon request, the institution must provide its security report on a direct, individual basis.</p>
Prospective student-athletes and their parents, <ol style="list-style-type: none"> <li>1. high school coaches, &amp;</li> <li>2. high school coaches, &amp;</li> <li>3. guidance counselors</li> </ol>	<p>An institution that is attended by students receiving athletically related student aid must produce a report on the completion and graduation rates of student athletes pursuant to 668.48.</p>	<p>The information must be provided <b>directly</b> to the respective parties. It may be provided in writing (on paper) or through electronic mail but <b>not</b> simply by posting it to a Web site.</p> <p>If an institution's completion and graduation rates of student athletes are provided by the NCAA to high school coaches and counselors, the institution is deemed to be in compliance with that portion of this requirement.</p>	<p>The institution must provide the report <b>at the time it makes an offer of athletically related student aid</b> to a prospective student.</p> <p>Annually by July 1, institutions that are attended by students receiving athletically related student aid must produce the report and make it available.</p>

## INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS (CONTD.)

Who Receives the Information	What They Receive	How It Must Be Provided	When It Must Be Provided
Currently enrolled students and current employees	The institution's annual campus security report in its entirety (pursuant to 668.46)	Through publications, mailings or electronic media sent directly to individuals. If a school chooses to post its annual security report to a Web site it must send each individual a notice through U.S. mail, campus mail, or directly to an E-mail address that <ol style="list-style-type: none"> <li>1. identifies the information required to be disclosed;</li> <li>2. provides the exact electronic website address;</li> <li>3. states that, upon request, the individual is entitled to a paper copy; &amp;</li> <li>4. informs the individual how to request a paper copy.</li> </ol>	The institution must prepare and make available its security report annually by October 1.
Currently enrolled students	<p>Notice about the availability of the following –</p> <ol style="list-style-type: none"> <li>1. information on financial assistance available to students enrolled in the institution (pursuant to 668.42);</li> <li>2. information on the institution (pursuant to 668.43);</li> <li>3. the institution's completion or graduation rate, and, if applicable, its transfer-out rate (pursuant to 668.45);</li> <li>4. information about students' rights under FERPA (pursuant to 99.7); and</li> <li>5. information about athletic program participation rates and financial support (EADA) (pursuant to 668.47).</li> </ol> <p>The notices must be sufficiently detailed to allow students to understand the nature of the disclosures and make an informed decision whether to request the full reports.</p>	<p>A school must provide <b>direct individual notice</b> to each person. A school may provide the required notice through direct mailing to each individual through the U.S. Postal Service, campus mail, or electronically directly to an E-mail address.</p> <p>The individual notice provided to students must</p> <ol style="list-style-type: none"> <li>1. identify the information required to be disclosed;</li> <li>2. provide the exact electronic Web site address where the information can be found;</li> <li>3. state that upon request the student is entitled to a paper copy; and</li> <li>4. inform the student how to request a paper copy.</li> </ol>	<p>Annually, a school must provide notice to each enrolled student. Immediately, upon request, the institution must provide the full reports.</p> <p>The institution must prepare its completion or graduation rate, and, if applicable, its transfer-out rate report by July 1, immediately following the point in time at which the 150% point for the cohort has elapsed.</p> <p>Institutions should prepare and make available information about athletic program participation rates and financial support (EADA) by October 15.</p> <p>Information on the institution and its financial assistance programs must be current.</p>
The general public	An institution that <ul style="list-style-type: none"> <li>▪ participates in any Title IV, HEA program and</li> <li>▪ has an intercollegiate athletic program</li> </ul> must provide a report on athletic program participation rates and financial support (EADA) (pursuant to 668.47).	Through appropriate publications, mailings or electronic media.	Annually for the preceding year the institution must prepare the report and make it available by October 15.

