



October 3, 2011

Dr. Mary Sue Coleman
President
University of Michigan
2074 Fleming Administration Building
503 Thompson Street
Ann Arbor, Michigan 48109-1340

Certified Mail
Return Receipt Requested
#7008 0150 0003 0159 2308

RE: **Final Program Review Determination**
OPE ID: 00232500
PRCN: 201030827233

Dear Dr. Coleman:

The U.S. Department of Education's (the Department's) Chicago/Denver School Participation Team issued a program review report on December 27, 2010, covering the University of Michigan's (the U of M's; the University's) compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)* which is included in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f) and the Department's implementing regulations at 34 C.F.R. §§ 668.41 and 668.46. The U of M's response was received on February 7, 2011, and a supplemental response was received on May 16, 2011. Copies of the program review report (and related attachments) and the U of M's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by the U of M upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the violations and weaknesses identified during the program review and are detailed in the attached FPRD. The purpose of this letter is to notify the U of M of the final determinations.

Federal Student Aid, Chicago/Denver School Participation Team
1244 Speer Boulevard, Suite 201, Denver, CO. 80204
www.FederalStudentAid.ed.gov

Record Retention:

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

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the U of M officials have any questions regarding this letter, please contact Ms. Fran Susman on (303) 844-3682.

Sincerely,



Douglas A. Parrott
Area Case Director
Chicago/Denver School Participation Team

cc: Mr. Kenneth Magee, Executive Director, Department of Public Safety
Ms. Diane Brown, Public Information Officer, Department of Public Safety
Ms. Royster Harper, Vice President Student Affairs
Ms. Laura Blake Jones, Dean of Students
North Central Association of Colleges and Schools
Michigan Higher Education Assistance Authority



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Prepared for:

University of Michigan

OPE ID: 00232500

PRCN: 201030827233

Prepared by:

U.S. Department of Education

Federal Student Aid

Chicago/Denver School Participation Team

Final Program Review Determination

October 3, 2011

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A. Institutional Information

University of Michigan
503 Thompson Street
Ann Arbor, Michigan 48109-1340

Type: Public

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

Accrediting Agency: North Central Association of Colleges and Schools

Current Student Enrollment: 41,764

% of Students Receiving Title IV: 69%

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

2008-2009 Award Year

Federal Family Education Loan Program	\$ 228,129,356
Federal Pell Grant Program	\$ 11,174,889
Federal Perkins Loan Program	\$ 8,802,884
Federal Work-Study Program	\$ 5,851,292
Federal Supplemental Education Opportunity Grant Program	\$ 3,427,264
National SMART Grant	\$ 896,499
Academic Competitiveness Grant	\$ 751,445
TEACH Grant	\$ 20,000
Total Title IV	\$259,053,629

FDL Cohort Default Rate:

2008 – 1.4%
2007 – 1.2%
2006 – 1.5%

Perkins Default Rate:

6/30/2009 – 4.0%
6/30/2008 – 3.4%
6/30/2007 – 2.0%

The University of Michigan (the U of M; the University) is a coeducational research university that offers more than 200 programs and hundreds of majors. The U of M Police Department consists of 56 sworn officers that patrol the campus 24 hours a day, 7 days a week. The U of M Police Department maintains a mutual aid agreement with the Ann Arbor Police Department to assist off campus, and to be assisted on campus, when necessary to render law enforcement and operational assistance to each other in dealing with emergencies and law enforcement matters.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a campus security program review at the U of M from June 22, 2010 to June 24, 2010. The review was conducted by Ms. Fran Susman and Ms. Linda Shewack.

The objective of the review was to evaluate the U of M's compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. The *Clery Act* is in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. § 1092(f). The Department's implementing regulations are at 34 C.F.R. §§ 668.41 and 668.46. The U of M was selected for review from a listing of all institutions of higher education in Michigan with sworn police departments. The review was not the result of any specific complaint or allegation of non-compliance. The review included an examination of the U of M's catalog and written agreements, police incident reports, arrest records and disciplinary files, as well as policies, practices and procedures related to the *Clery Act*. The review also included a comparison of the campus statistics submitted by the U of M to the Department and reported to students and employees. The reviewers also interviewed institutional officials with Clery Act responsibilities.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at the U of M. The Department is partnering with the CJIS Audit Unit (CAU) to ensure more accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program.

The results of the QAR are shared with the Department for a comparative analysis of crime statistics reported by participating institutions. The CAU reviewed a sample of 45 incident reports for Group A Offenses and 42 incident reports for Group B Arrests reported to the U of M Police Department during calendar year 2009. The CAU identified no errors in its report.

The Department reviewed a total of 106 campus police incident reports and disciplinary referral reports from calendar year 2008. The file sample was selected on a judgmental basis from a list of all incidents of crime reported to the U of M Police Department and/or other campus security authorities and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances and weapons during 2008. A program review report was issued on December 27, 2010.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the U of M's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices

and procedures. Furthermore, it does not relieve the U of M of its obligation to comply with all of the statutory or regulatory provisions governing Title IV, HEA participation.

C. Findings and Final Determinations

Findings with Final Determinations

The program review report findings requiring further action are summarized below. At the conclusion of each finding is a summary of the U of M's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on December 27, 2010, is attached as Appendix A.

Finding #1: Failure to Properly Disclose Crime Statistics

Citation:

All institutions participating in the federal student financial aid programs under Title IV of the HEA are required to make available to students, employees, future students and employees, and the Department statistical information relating to certain reported crimes, as well as statistics relating to arrests and/or campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (including a breakdown of those which occurred in dormitories/residential facilities), in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. 34 C.F.R. § 668.46(a), 668.46(c)(1)-(c)(4).

Noncompliance:

After the U of M was notified of the program review and prior to the on-site visit by the Department, the University reviewed its audit trail that represented crime statistics for calendar year 2008. The U of M identified discrepancies in reported numbers for the categories of aggravated assaults, illegal weapons arrests, and liquor law arrests.

In addition, during the program review, the U of M was unable to provide a clear audit trail for the disciplinary referrals for both alcohol and drug violations. The lack of documentation appears to be due, in part, because of the shared database utilized by the University's housing department and the Office of Student Conflict Resolution (OSCR). During calendar year 2008, the housing department was responsible for reporting any community living standard violations that also constituted a Clery Act reportable offense and OSCR was responsible for reporting any actions that violated the University's statement of student rights and responsibilities and also constituted a Clery Act reportable offense. To further complicate the issue, the U of M changed its tracking system for disciplinary referrals mid-year in 2008. These policies forced the U of M to manually review case reports for January through June 2008 to determine whether those cases met the requirement to be included as reportable Clery Act offenses. Although the U of M had a system in place to compare statistics between the housing department and

OSCR, numerous discrepancies were discovered when the U of M prepared the audit trail for the review team.

The U of M failed to disclose accurate crime statistics for the 2008 calendar year as follows:

- (1) Aggravated Assault: The U of M reported a total of 20 aggravated assaults on campus property for calendar year 2008. One of the aggravated assaults (report number 08-4202) was determined by a court of law to be unfounded; therefore, this aggravated assault should not be included in the reportable numbers for calendar year 2008.
- (2) Illegal Weapons Arrests: The U of M reported a total of 2 illegal weapons arrests on campus property for calendar year 2008. Five additional arrests for weapons violations were identified after reviewing the audit trail records and the incident reports. The 7 illegal weapons arrests are report numbers 08-0880, 08-1603, 08-1614, 08-2188, 08-2386, 08-2024, and 08-2374.
- (3) Liquor Law Arrests: The U of M reported a total of 550 liquor law arrests on campus for calendar year 2008. Of the 550 liquor law arrests, 42 were classified as 'Operating While Intoxicated' (OWI) arrests. Operating While Intoxicated violations are not reportable liquor law violations under the Clery Act.
- (4) Disciplinary Actions – Liquor Law Violations: The U of M reported a total of 526 disciplinary actions for liquor law violations. The audit trail records indicated a total of 519 disciplinary actions for liquor law violations.
- (5) Disciplinary Actions – Drug Law Violations: The U of M reported a total of 57 disciplinary actions for drug law violations. The audit trail records indicated a total of 98 disciplinary actions for drug law violations.

Required Action:

In response to this finding, the U of M may provide any additional documentation that would support the statistics it originally reported. Otherwise, the U of M must correct its 2008 Campus Crime Statistics, both on the Department's Web site database and on the annual security report provided to students and staff. Additionally, the U of M must distribute the modified campus security report to all students and employees.

Finally, the U of M must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are properly disclosed on all subsequent campus security reports.

The U of M's Response:

In its response, the U of M generally agreed with the assessment of the review team regarding the misreporting of statistics. The U of M corrected its 2008 campus crime statistics on the Department's campus security Web site database and on its annual security report.

The U of M disagreed that the inclusion of Report Number 08-4202 in the 2008 Annual Security Report should be cited as a failure to properly disclose crime statistics. Although the reported crime was included in the 2008 statistics, the crime was not determined to be unfounded until January 2010. The U of M removed this reported crime from its next on-line campus crime statistics report submitted to the Department in October 2010.

The U of M reported it had revised its practices to compile, review and analyze audit trails for not only the University's Department of Public Safety (DPS), but also each of the reporting units, to ensure accurate statistics reporting. In addition, with respect to disciplinary referrals, DPS took several specific initiatives, including a new software system (*Simplicity's Advocate*) as of June 2010, to ensure the Office of Student Conflict Resolution (OSCR) and Housing Student Conduct and Conflict (HSCC) accurately classify and report crimes. The U of M also reported that it will continue to engage in dialogue with OSCR and HSCC regarding classification of crimes. In addition, OSCR and HSCC are calculating alcohol and drug violations by reference to each unit's particular policies and with respect to their individual jurisdictions so that the statistics reported are unique and not duplicative.

Final Determination:

The U of M corrected its 2008 campus crime statistics on the Department's Web site campus security database and on its annual security report based on the corrections noted in this finding. The Department agrees with the U of M that Report Number 08-4202 was determined to be unfounded January 2010 and was correctly reported on the next campus crime report in October 2010. This part of the finding may be considered closed.

The U of M provided information on its revised procedures to ensure that crime statistics are compiled, reviewed, analyzed and reported correctly. This part of the finding may be considered closed.

Finding 2: *Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Buildings or Property*

Citation:

An institution must include within its annual campus security report reportable crimes that occur in certain geographical locations associated with the institution. One of those areas is "non-campus buildings or property." 34 C.F.R. § 668.46(c)(4)

A non-campus building or property is defined as "any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution." 34 C.F.R. § 668.46(a)

An institution must comply with the Clery Act requirements for each separate campus. 34 C.F.R. § 668.46(d)

If an institution's campus consists solely of rented classroom space on the campus of another institution, the institution must disclose crimes that occur in the classroom space while it is occupied by its students. If an institution has multiple campuses, each located in different geographically separate buildings that are rented or leased by the institution, compliance requirements must be met separately for each location.

Noncompliance:

The U of M's annual security report for calendar year 2008 did not include crime statistics from certain non-campus sites where classes are held. The non-campus sites are located at the Kalamazoo Valley Community College campus in Kalamazoo, Michigan and Northwestern Michigan College in Traverse City, Michigan.

Required Action:

The U of M is required to obtain and report crime statistics for any locations that meet the definition of a non-campus building or property in 34 C.F.R. § 668.46(a). If any or all of the locations met the definition of a non-campus building for the calendar year 2008, the U of M must attempt to obtain statistics on the numbers of crimes reported to local law enforcement as occurring at these locations and disclose such statistics in the manner required by the Clery Act. Specifically, the U of M is required to correct its 2008 campus crime statistics on its Web site and in the Department's on-line database. The U of M must also distribute the modified campus security report to all students and employees.

If the U of M is unable to obtain statistics for any of these locations for 2008, the U of M must provide the review team with an explanation and supporting documentation detailing the attempts made to obtain the statistics.

Finally, the U of M must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are gathered and reported for non-campus properties.

The U of M should carefully evaluate the extent to which some additional locations may constitute separate campuses. If a location meets the definition of a campus and is not reasonably contiguous to the main campus, a separate statistical disclosure is required for that location. Please see the Department's "Handbook for Campus Reporting" located at the following Web site for additional information on this and other Clery Act requirements: www.ed.gov/admins/lead/safety/handbook.pdf

The U of M's Response:

The U of M, in its response, agreed with the assessment of the review team regarding the failure to correctly report crime statistics for two non-campus sites, Kalamazoo Valley Community College in Kalamazoo, Michigan, and Northwestern Michigan College in Traverse City, Michigan. The U of M further stated it is working with the law enforcement agencies with jurisdiction over the two locations to request crime statistics for 2008 and 2009.

In a supplemental response to the Program Review Report, the U of M provided documentation from the Traverse City Police Department, the Grand Traverse Sheriff Department, and the Kalamazoo Department of Public Safety stating that there were no reportable Clery crimes for the calendar years 2008, 2009, and 2010 for the two non-campus sites.

The U of M indicated in its response that it has revised its data collection practices to include a review of all non-campus properties in order to request applicable crime statistics.

Final Determination:

Since there were no Clery reportable crimes for the two non-campus sites, the U of M is not required to make corrections to its 2008 and 2009 crime statistics. However, the U of M must include these locations in its 2010 crime statistics (due October 1, 2011) showing that there were no Clery reportable crimes for the locations. This part of the finding may be considered closed.

The U of M has provided information on its revised data collection practices as it relates to a review of all non-campus properties. This part of the finding may be considered closed.

UNIVERSITY OF MICHIGAN
DEPARTMENT OF PUBLIC SAFETY
1239 KIPKE DRIVE
ANN ARBOR, MICHIGAN 48109-2036
734 763-3434 FAX: 734 763-2939

Feb. 4, 2011

Harry C. Shriver, Jr.
Area Case Director
Federal Student Aid, School Participation Team – Denver
U.S. Department of Education
1244 Speer Boulevard, Suite 201
Denver, CO 80204

RE: Program Review Report Response
OPE ID: 00232500
PRCN: 201030827233

Dear Mr. Shriver:

This letter is prepared in response to the letter and preliminary program review report dated Dec. 27, 2010, from the Department of Education (DOE) to Mary Sue Coleman, president of the University of Michigan (University), regarding the University's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act).

We appreciate the opportunity to respond to the preliminary report. The program review that was conducted, including the on-site visit from June 22nd to June 24th, was a helpful experience for our staff. Below you will find our response to each of the two findings in the preliminary report.

Finding 1: Failure to Properly Disclose Crime Statistics

We generally accept the DOE's conclusions under this finding, and note that the University itself proactively discovered and disclosed to the DOE site visit team several of the reporting issues identified in the preliminary program review report. The University has corrected its statistical reporting as required by DOE. We also will send a revised chart of 2008 statistics to all students, staff and faculty within 30 days of receiving the additional statistics needed to comply with the DOE's requirements under Finding 2.

In addition, the University has undertaken several steps to further enhance its Clery Act compliance. First, three staff members from the University's Department of Public Safety (DPS), including the records manager who coordinates statistical compilation for the Clery Act, attended a Clery Act training session on July 19-20, 2010, to ensure that we remain current with respect to the law and its requirements. Second, we have adjusted our practices to require that we compile, review and analyze audit trails for DPS and each of the reporting units in order to ensure accurate statistics reporting.

Finally, with respect to disciplinary referrals, we have taken several specific initiatives to ensure that the Office of Student Conflict Resolution (OSCR) and Housing Student Conduct and Conflict (HSCR) accurately classify and report crimes. First, to promote consistency, OSCR and HSCR will continue to engage in robust dialogue with DPS regarding their classification of crimes in advance of their submission of crime data to DPS. In addition, OSCR and HSCR now are calculating alcohol and drug violations solely by reference to each unit's particular policies (the *Statement of Student Rights and Responsibilities* in the case of OSCR, and the *Community Living Standards* in the case of HSCR) and solely with respect to their individual jurisdictions, and are reporting their own Clery data directly to DPS; in this way, the alcohol and drug violations identified should be unique and not duplicative. Also, as of June 2010, OSCR and HSCR now utilize Symplicity's *Advocate*, a web-based software system, to capture an electronic copy of case file information, which can be accessed by each unit in its gathering of crime statistics and which can thus promote ease of reporting.

We would like to note, however, that we do not believe the University's inclusion of Report Number 08-4202 in our 2008 Annual Security Report should be cited as a failure to properly disclose crime statistics. Although it is true that a judge later determined that the reportee lied in filing that report, that determination was not made until January 2010, two years after the initial report was filed and disclosed. When we learned of that judicial determination, we took the following actions: revised the status of that report to Unfounded, made the statistical change in our next online crime statistics submission to DOE in October 2010, revised our published crime statistics -- both online and in our next published Annual Security Report (dated October 1, 2010) -- and proactively disclosed this issue to the DOE program reviewers during the on-site visit. However, since the status change for this report did not occur until 2010, we believe that the *initial* disclosure in the 2008 Annual Security Report was reasonable and thus should not be considered a failure to properly disclose crime statistics.

Finding 2: Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Building or Property

We accept the DOE's finding and have taken the actions detailed in the preliminary program review determination. We have been working with the law enforcement agencies with jurisdiction for the two programs that were held in 2008 and 2009 at the Kalamazoo Valley Community College Campus and Northwestern Michigan College to request crime statistics. Upon receipt of the statistics, we will revise our 2008 and 2009 crime chart, including to make the revisions noted above in connection with Finding 1, will post the revised charts on our department Web site, and will reissue the information to all students and employees. We note that the program in Kalamazoo ended in December 2009 and in Traverse City in July 2010.

Additionally, we have revised our annual Clery Act data collection practices to ensure that a review of all sites is conducted in order to request applicable crime statistics for non-campus properties.

Thank you again for the opportunity to respond to the DOE's preliminary program review report. We trust that our response has demonstrated that the University has taken all necessary action to resolve the findings noted in the preliminary report. If you have any additional questions, please let us know.

Sincerely,



Diane L. Brown
Public Information Officer
Department of Public Safety
University of Michigan



December 27, 2010

Dr. Mary Sue Coleman, President
University of Michigan
2074 Fleming Administration Building
503 Thompson Street
Ann Arbor, Michigan 48109-1340

Certified Mail
Return Receipt Requested
Domestic Return Receipt 70081300000242550214

RE: **Program Review Report**
OPE ID: 00232500
PRCN: 201030827233

Dear Dr. Coleman:

From June 22, 2010 through June 24, 2010, Fran Susman and Linda Shewack conducted a review of the University of Michigan's (the U of M) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs). The review focused solely on the U of M's compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by the U of M. The response should include a brief, written narrative for each finding that clearly states the U of M's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, the U of M must provide supporting documentation as required in each finding.

Please note that pursuant to section 498A(b) of the HEA, the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report¹ and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –

¹ A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

- a. A written statement addressing the institution's response;
- b. A written statement of the basis for such report or determination; and
- c. A copy of the institution's response.

For purposes of attaching a copy of the institution's response, the Department considers the institution's response to be the written narrative and any supplemental responses. Any supporting documentation submitted with the institution's written response will not be attached to the final program review determination (FPRD), although it will be retained. Copies of the program review report, the institution's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and may be provided by the Department to other entities with oversight responsibility over the University after the FPRD is issued.

The institution's response should be sent directly to Fran Susman of this office within 30 calendar days of receipt of this letter.

Record Retention:

Program records relating to the period covered by the program review must be retained until the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Fran Susman at (303) 844-3682 or via e-mail at fran.susman@ed.gov.

Sincerely,



Harry C. Shriver, Jr.
Area Case Director

cc: Mr. Kenneth Magee, Executive Director, Department of Public Safety
Ms. Diane Brown, Public Information Officer, Department of Public Safety
Ms. Royster Harper, Vice President Student Affairs
Ms. Laura Blake Jones, Dean of Students

Enclosure:
Protection of Personally Identifiable Information

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for

University of Michigan



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FEDERAL STUDENT AID™

OPE ID: 00232500

PRCN: 201030827233

Prepared by

U.S. Department of Education

Federal Student Aid

School Participation Team - Denver

Program Review Report

December 27, 2010

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A. Institutional Information

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Ann Arbor, Michigan 48109-1340

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Arbor to assist off campus, and to be assisted on campus, when necessary to render law enforcement and operational assistance to each other in dealing with emergencies and law enforcement matters.

B. Scope of Review

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The focus of the review was to examine the U of M's compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. The *Clery Act* is in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. § 1092(f). The Department's implementing regulations are at 34 C.F.R. §§ 668.41 and 668.46. The U of M was selected for review from a sample of institutions of higher education with sworn police departments. The review was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of the U of M's catalog and written agreements, police incident reports, arrest records and disciplinary files, as well as policies, practices and procedures related to the *Clery Act*. Staff interviews of institutional officials with *Clery Act* responsibilities were also conducted.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at the U of M. The Department is partnering with the CJIS Audit Unit (CAU) to ensure more accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program. The results of the QAR are shared with the Department for a comparative analysis of the annual security report data received from participating institutions. The CAU reviewed a sample of 45 incident reports for Group A Offenses and 42 incident reports for Group B Arrests reported to the U of M Police Department during calendar year 2009. The CAU identified no errors in its report. A copy of the CJIS report is attached as Appendix A.

The Department reviewed a total of 106 campus police incident reports and disciplinary referral reports from calendar year 2008. The file sample was selected on a judgmental basis from a list of all incidents of crime reported to the U of M Police Department and/or other campus security authorities and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances and weapons during the same calendar year.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the U of M's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve the U of M of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

While this report reflects initial findings of the Department, they are not final. The Department will issue a Final Program Review Determination Letter at a later date.

C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by the U of M to bring operations into compliance with the statutes and regulations.

Finding 1: Failure to Properly Disclose Crime Statistics

Citation:

All institutions participating in the federal student financial aid programs under Title IV of the HEA are required to make available to students, employees, future students and employees, and the Department statistical information relating to certain reported crimes, as well as statistics relating to arrests and/or campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (including a breakdown of those which occurred in dormitories/residential facilities), in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. ³⁴ *C.F.R. § 668.46(a), 668.46(c)(1)-(c)(4).*

Noncompliance:

After the U of M was notified of the program review and prior to the on-site visit by the Department, the University reviewed its audit trail that represented crime statistics for calendar year 2008. The U of M identified discrepancies in reported numbers for the categories of aggravated assaults, illegal weapons arrests, and liquor law arrests.

In addition, during the program review, the U of M was unable to provide a clear audit trail for the disciplinary referrals for both alcohol and drug violations. The lack of

documentation appears to be due, in part, because of the shared database utilized by the University's housing department and the Office of Student Conflict Resolution (OSCR). During calendar year 2008, the housing department was responsible for reporting any community living standard violations that also constituted a *Clergy Act* reportable offense and OSCR was responsible for reporting any actions that violated the University's statement of student rights and responsibilities and also constituted a *Clergy Act* reportable offense. To further complicate the issue, the U of M changed its tracking system for disciplinary referrals mid-year in 2008. These policies forced the U of M to manually review case reports for January through June 2008 to determine whether those cases met the requirement to be included as reportable *Clergy Act* offenses. Although the U of M had a system in place to compare statistics between the housing department and OSCR, numerous discrepancies were discovered when the U of M prepared the audit trail for the review team.

The U of M failed to disclose accurate crime statistics for the 2008 calendar year as follows:

- (1) Aggravated Assault: The U of M reported a total of 20 aggravated assaults on campus property for calendar year 2008. One of the aggravated assaults (report number 08-4202) was determined by a court of law to be unfounded; therefore, this aggravated assault should not be included in the reportable numbers for calendar year 2008.
- (2) Illegal Weapons Arrests: The U of M reported a total of 2 illegal weapons arrests on campus property for calendar year 2008. Five additional arrests for weapons violations were identified after reviewing the audit trail records and the incident reports. The 7 illegal weapons arrests are report numbers 08-0880, 08-1603, 08-1614, 08-2188, 08-2386, 08-2024, and 08-2374.
- (3) Liquor Law Arrests: The U of M reported a total of 550 liquor law arrests on campus for calendar year 2008. Of the 550 liquor law arrests, 42 were classified as 'Operating While Intoxicated' (OWI) arrests. Operating While Intoxicated violations are not reportable liquor law violations under the *Clergy Act*.
- (4) Disciplinary Actions – Liquor Law Violations: The U of M reported a total of 526 disciplinary actions for liquor law violations. The audit trail records indicated a total of 519 disciplinary actions for liquor law violations.
- (5) Disciplinary Actions – Drug Law Violations: The U of M reported a total of 57 disciplinary actions for drug law violations. The audit trail records indicated a total of 98 disciplinary actions for drug law violations.

Required Action:

In response to this finding, the U of M may provide any additional documentation that would support the statistics it originally reported. Otherwise, the U of M must correct its 2008 Campus Crime Statistics, both on the Department's Web site database and on the annual security report provided to students and staff. Additionally, the U of M must distribute the modified campus security report to all students and employees.

Finally, the U of M must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are properly disclosed on all subsequent campus security reports.

Based on an evaluation of all available information, including the U of M's response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.

Finding 2: Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Buildings or Property

Citation:

An institution must include within its annual campus security report reportable crimes that occur in certain geographical locations associated with the institution. One of those areas is "non-campus buildings or property." 34 C.F.R. § 668.46(c)(4)

A non-campus building or property is defined as "any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution." 34 C.F.R. § 668.46(a)

An institution must comply with the *Clery Act* requirements for each separate campus. 34 C.F.R. § 668.46(d)

If an institution's campus consists solely of rented classroom space on the campus of another institution, the institution must disclose crimes that occur in the classroom space while it is occupied by its students. If an institution has multiple campuses, each located in different geographically separate buildings that are rented or leased by the institution, compliance requirements must be met separately for each location.

Noncompliance:

The U of M's annual security report for calendar year 2008 did not include crime statistics from certain non-campus sites where classes are held. The non-campus sites are located at the Kalamazoo Valley Community College campus in Kalamazoo, Michigan and Northwestern Michigan College in Traverse City, Michigan.

Required Action:

The U of M is required to obtain and report crime statistics for any locations that meet the definition of a non-campus building or property in 34 C.F.R. § 668.46(a). If any or all of the locations met the definition of a non-campus building for the calendar year 2008, the U of M must attempt to obtain statistics on the numbers of crimes reported to local law enforcement as occurring at these locations and disclose such statistics in the manner required by the *Clery Act*. Specifically, the U of M is required to correct its 2008 campus crime statistics on its Web site and in the Department's on-line database. The U of M must also distribute the modified campus security report to all students and employees.

If the U of M is unable to obtain statistics for any of these locations for 2008, the U of M must provide the review team with an explanation and supporting documentation detailing the attempts made to obtain the statistics.

Finally, the U of M must review and revise its policies and procedures for preparing its campus security report to ensure that crime statistics are gathered and reported for non-campus properties.

The U of M should carefully evaluate the extent to which some additional locations may constitute separate campuses. If a location meets the definition of a campus and is not reasonably contiguous to the main campus, a separate statistical disclosure is required for that location. Please see the Department's "Handbook for Campus Reporting" located at the following Web site for additional information on this and other *Clery Act* requirements: www.ed.gov/admins/lead/safety/handbook.pdf

Based on an evaluation of all available information, including the U of M's response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.



IBR Exit Briefing Local Agency Review

University of Michigan DPS Ann
Arbor



Quality Assurance Review

*Shared Management
Shared Responsibility
Shared Success*

A Partnership in Criminal Justice

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Local Agency Review Process

To adequately conduct a state Uniform Crime Reporting (UCR) Program Quality Assurance Review (QAR), the CJIS Audit Unit (CAU) reviews local agencies that contribute to the national Program through their respective state Programs. This helps evaluate the crime reports as they relate to data submission to the national UCR Program via the state UCR Program. The CAU staff contact these agencies through a designated Point of Contact (POC) approximately 45 days prior to the scheduled Review to gather information regarding the flow of reports from the time an incident is reported, to its classification, scoring, and submission to the national UCR Program. During the initial contact call, the auditors discuss logistics pertaining to the on-site Review with the agency POC and make preliminary plans regarding the Review. The CAU staff then follows up with written confirmation of the scheduled QAR to the Chief/Sheriff and UCR POC that will give general information concerning the QAR process.

The local agency QAR consists of three phases:

- Administrative Interview
- Data Quality Review
- Exit Briefing

Administrative Interview

During the administrative interview, CAU staff learn how an agency manages crime reports and whether the data submitted to the national UCR Program comply with national definitions and guidelines or, if not, how the data are converted to national UCR Program standards prior to submission to the national UCR Program.

The interview is based on the agency's policies and procedures concerning the national UCR Program's standards, definitions and information requirements. Topics covered during the interview include:

- Duties and responsibilities of the UCR POC
- Records management system
- Classification and Scoring
- Arrests
- Clearances
- Jurisdiction
- Property Values
- Offenders
- Hate Crime
- Law Enforcement Officers Killed or Assaulted (LEOKA)
- Updating/Quality Assurance
- State Program Services

Data Quality Review

During the data quality review, the CAU staff reviews a predetermined number of Group A and Group B incidents based on a statistical sampling method used at the state level. Record counts are distributed to agencies based on their Return A record counts. Case files, including the officer's narrative and supplemental information, are then compared to data reported to the national UCR Program to determine if the standards and definitions were appropriately applied. The CAU staff then determine if the offenses were appropriately classified into the Group A and Group B offense categories for NIBRS reporting as defined by the national UCR Program. The following error/discrepancy categories are considered when reviewing the incidents for accuracy:

- Overreported - Information reported was not documented in the case file.
- Underreported - Additional information is available in the case file and was not reported.
- Inaccurate – Information reported did not match the case report.

CAU staff compare agency documentation with a NIBRS printout that encompasses the 56 data elements displaying offense, offender, property, victim and arrestee data reported to the national UCR Program.

Overreported, underreported and inaccurate offenses discovered in data element 6 are scored as classification errors when they do not meet the national UCR Program definitions. Other data element discrepancies discovered in the remaining 55 data elements (excluding classification data element 6 errors) are provided for information only to identify systemic technical issues or areas where additional training may be needed.

Classification errors and data element discrepancies are documented for evaluation and discussion with local agency personnel and/or the state UCR Program manager.

Additionally, the CAU staff reviews incidents to ensure Hate Crimes and LEOKA data are reported according to the national standards and definitions for NIBRS.

Exit Briefing

The CAU staff provides an exit briefing packet to the local agency that summarizes the findings based on the administrative interview and the data quality review. The exit briefing packet contains a brief description of all the topics covered during the administrative interview and documents local agency compliance with UCR guidelines. During the exit briefing, the CAU staff will review/discuss each of the classification errors and data element discrepancies with the local agency UCR Point of Contact to verify the auditor's findings. The CAU will answer any questions the agency may have.

Data Quality Classification Results - Group A/B

The data quality portion of this QAR will help assess the state concerning conformance to policy, definitions and information requirements. Requirement One, NIBRS handbook page 2 "The state Program must conform to the national UCR Program's standards definitions and information requirements."

Month(s) Jan - Dec 2009
Reviewed: _____

Total Group A
Offenses Reviewed: _____ 45

Offense / Definition Classification

Indicates data element 6 (UCR Offense Code) scored as classification errors when they do not meet the national UCR Program definitions.

Overreported

Underreported

Inaccurate

Total Group B
Records Reviewed: _____ 42

Total underreported Group A offenses
found in Group B Arrest Reports:

Total Classification Errors:

LEOKA

Overreported

Underreported

Hate Crime

Total Hate
Crime Reviewed: _____

Overreported

Underreported

Inaccurate

Inaccurate
from Data
Element 8A

Administrative Interview Results

The administrative interview portion of this QAR will help assess the state concerning conformance to policy, definitions and information requirements. Requirement One, NIBRS handbook page 2 "The state Program must conform to the national UCR Program's standards definitions and information requirements."

Scoring

1. For counting purposes, the agency:

a. Counts one offense for each victim of a "Crime Against Persons" (UCR Handbook, NIBRS Edition, 1992, p. 29)

Meets UCR Guidelines

b. Counts one offense for each distinct operation or attempt for "Crime Against Property" except motor vehicle theft, where one offense is counted for each stolen vehicle. (UCR Handbook, NIBRS Edition, 1992, p.29)

Meets UCR Guidelines

c. Counts one offense for each "Crime Against Society" (UCR Handbook, NIBRS Edition, 1992, p.29)

Meets UCR Guidelines

Comments:

Arrests

2. "Arrestee data is to be reported for all persons apprehended for the commission of Group A or Group B Crimes (except Justifiable Homicide). The arrestee data to be reported describes the arrestee (e.g., his/her age, sex, race, etc.) and the circumstances of the arrest." (UCR Handbook, NIBRS Edition, 1992, p. 55)

Meets UCR Guidelines

Comments:

Administrative Interview Results

Clearances

3. In order to clear an offense by exceptional means, each of the following four conditions must be met (UCR Handbook, NIBRS Edition, 1992, p. 34)

1. "The investigation must have clearly and definitely established the identity of at least one offender."
2. "Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender."
3. "The exact location of the offender must be known so that an arrest could be made."
4. "There must be a reason outside the control of law enforcement which prevents the arrest."

Meets UCR Guidelines

4. "The administrative closing of a case or the "clearing" of it by departmental policy does not permit exceptionally clearing an offense." (UCR Handbook, NIBRS Edition, 1992, p. 34))

Meets UCR Guidelines

Comments:

Jurisdiction

5. "To be certain that data is not reported more than once by overlapping jurisdictions:" (UCR Handbook, NIBRS Edition, 1992, p. 6)

- a. "Agencies report only those offenses committed within the . . . boundaries. . ."

Meets UCR Guidelines

- b. "The recovery of property is reported only by the agency that first reported it missing and/or stolen, regardless of who or what agency recovered it." (UCR Handbook, NIBRS Edition, 1992, p. 6).

Meets UCR Guidelines

- c. "Agencies report only those arrests made for offenses committed within their own boundaries/jurisdictions." (UCR Handbook, NIBRS Edition, 1992, p. 6)

Meets UCR Guidelines

Comments:

Administrative Interview Results

Property Values

6. "Property information is to be submitted separately for each type of property loss. . ." (UCR Handbook, NIBRS Edition, 1992, p. 41)

Meets UCR Guidelines

7. Agency considers the following guidelines in the evaluation of property: (UCR Handbook, NIBRS Edition, 1992, p. 43 - 44)

- a. "Use fair market value..."
- b. "Use cost to the merchant (wholesale cost)..."
- c. "Use victim's evaluation..."
- d. "Use replacement cost or actual cash cost..."
- e. "When the victim obviously exaggerates the value of stolen/destroyed/damaged property for insurance or other purposes, common sense and good judgment will dictate a fair market value to be placed on the stolen items by law enforcement."

Meets UCR Guidelines

8. "The theft of nonnegotiable instruments such as traveler's checks, personal checks, money orders, stocks, bonds, food stamps, etc., should be scored but no value recorded." (UCR Handbook, NIBRS Edition, 1992, p. 44) "Nonnegotiable instruments, documents requiring further action to become negotiable, e.g., unendorsed checks and unendorsed money orders..." (NIBRS, Volume 1: Data Collection Guidelines, 2000, p. 84)

Meets UCR Guidelines

9. "If the value is unknown, one dollar (\$1.00) which means unknown, i.e., I=Unknown should be entered." (NIBRS, Volume 1: Data Collection Guidelines, 2000, p. 86)

Meets UCR Guidelines

10. "...in order to obtain some measure of the drug problem, the 'estimated quantity' of seized drugs or narcotics is to be reported." (UCR Handbook, NIBRS Edition, 1992, p. 45)

Meets UCR Guidelines

11. "...when drugs are involved in other types of crime (e.g., they were stolen in a burglary or burned in an arson) their value is to be reported" (UCR Handbook, NIBRS Edition, 1992, p. 43)

Meets UCR Guidelines

Administrative Interview Results

Offenders

12. "Offender data include characteristics (age, sex, and race) of each offender (up to 99) involved in a crime incident whether or not an arrest has been made." (UCR Handbook, NIBRS Edition, 1992, p. 53)

Meets UCR Guidelines

Comments:

Hate Crime

13. "The types of bias to be reported to the FBI's UCR Program are limited to those mandated by the enabling Act and its subsequent amendments, i.e., bias based on race, religion, disability, sexual orientation, or ethnicity." (UCR , Hate Crime Data Collection Guidelines, Revised October 1999, p. 2)

Meets UCR Guidelines

14. "Incidents which do not involve any facts indicating biased motivation on the part of the offender are to be reported as None" (88) (UCR Handbook, NIBRS Edition, 1992, p. 38)

Meets UCR Guidelines

15. "Incidents involving ambiguous facts (i.e., where some facts are present but are not conclusive) are to be reported as Unknown" (99) (UCR Handbook, NIBRS Edition, 1992, p. 38)

Meets UCR Guidelines

Comments:

Administrative Interview Results

Law Enforcement Officers Killed or Assaulted (LEOKA)

- Any questions regarding LEOKA, call CSMU 5-4831.
- (UCR Handbook, NIBRS Edition, 1992, p. 61 - 65)

16. "The form entitled 'Law Enforcement Officers Killed or Assaulted' (LEOKA) is to be used by agencies to report line-of-duty felonious or accidental killings of and assaults on sworn law enforcement officers." (UCR Handbook, NIBRS Edition, 1992, p. 61)

Meets UCR Guidelines

17. "Officers Killed" relates to sworn officers with full arrest powers killed in the line of duty. The number of officers slain by felonious acts and those killed by accident or negligence should be entered (on this form, LEOKA)." (UCR Handbook, NIBRS Edition, 1992, p. 61)

Meets UCR Guidelines

18. "All assaults on officers with or without injuries should be included on this form (LEOKA)." (UCR Handbook, NIBRS Edition, 1992, p. 63)

Meets UCR Guidelines

Comments:

Updating / Quality Assurance

19. "Updated information is to be reported to the national program on discovery of an additional unreported offense, victim, and/or offender; a subsequent arrest or exceptional clearance; discovery of a significant amount of unreported property loss; the recovery of stolen property; or the incorrect entry of important data, such as the offense code, the victim's or arrestee's sex or race, etc." (NIBRS Volume 1: Data Collection Guidelines, 2000, p. 18)

Meets UCR Guidelines

Comments:

Administrative Interview Results

State Program Services

20. Submission frequency:

Monthly

Comments:

