COMMON PROBLEMS SCHOOLS HAVE WORKING WITH TITLE IV
PRESENTER

Sally Samuels
Director of Regulatory Compliance

FAME
6451 N Federal Hwy
Suite 501
Fort Lauderdale, FL 33308
Phone: (800) 327-5772
www.FAMEinc.com
OVERVIEW

- Clery Act-VAWA
- Return of Title IV Funds
- Distance ED
- Reporting Requirements
- Competency Based Programs
- 150% Subsidized Loan Eligibility
CLERY ACT

- **Section 485(f) of the Higher Education Act; 34 CFR 668.46**

- **Background**
  - Jeanne Clery, a freshman at Lehigh University, was raped & murdered in her dorm in 1986
  - 38 violent crimes had taken place in the prior 3 years
    - Another student was her killer
    - In 1990, believing this incident could have been avoided if Ms Cleary had been better informed, Congress passed the Jeanne Clery Act
CLERY ACT

- Possible consequences of review findings:
  - Fines – up to $35,000 per offense (recently increased)
  - Limitation, suspension, or termination of the eligibility for student financial aid programs; denial of recertification or revocation of a pro
CLERY ACT-VIOLENCE AGAINST WOMEN ACT

(RON HOLT, DUNN DAVISON)

- WH Task Force issued guidelines on 4-29-14 as to how colleges can identify, prevent & respond to sexual assaults: training officials
- Encourages colleges to take “climate surveys”
- DOE issued notice 5-1-14 that 55 colleges are under investigation concerning Title IX/Clery Act sexual violence complaints: transparency goal
- List to be updated periodically. Available to public by request to OCR@ed.gov
PREVENTING SEXUAL ASSAULT

- WH Task Force Guidelines: “Not Alone”
  http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf

- Identify scope of problem: climate surveys
  http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf

- Better assault prevention strategies
PREVENTING SEXUAL ASSAULT

- More effective responses to assaults
  
  https://www.notalone.gov/assets/reportingconfidentiality-policy.pdf

- Comprehensive sexual misconduct policy
  

- Information, guidance, & reference tabs
  
  https://surveys.ope.ed.gov/security
RETALIATION

- OCR letter in April 2013 warned colleges to ensure no retaliation against students alleging sexual assault or acts of discrimination
- Significant portion of complaints last few years
- OCR might award monetary relief to victim
VAWA

- **Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4)**
  - Enacted March 7, 2013
  - Amended Clery Act
  - Requires institutions to compile statistics for certain crimes reported to campus security authorities or local police agencies
  - Requires institutions to include certain policies, procedures, and programs about these crimes in their annual security reports
VAWA

- Affects ASRs and crime statistics reported to ED beginning fall 2014
- NPRM June 20, 2014
- Until final regulations are issued, institutions must make a good faith effort to comply with the statute
  - October 2014 – ASR/report to ED in good faith
  - Final Regs published by 11-1-14, effective 7-1-15
  - October 2015 – ASR/report statistics to ED under final regulations
VAWA

- New requirements
  - Additional statistics
    - Sexual assault
    - Domestic violence
    - Dating violence
    - Stalking
  - Prevention programs and awareness campaigns
  - Victim’s bill of rights
  - Revises requirements around institutional disciplinary proceedings
VAWA

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VAWA

- **Prevention Programs**
  - Promote prevention and awareness
    - Rape
    - Acquaintance rape
    - Domestic violence
    - Dating violence
    - Sexual assault
    - Stalking
VAWA

- **Prevention Programs**
  - New and prospective students and employees
  - Policy content must assert school’s prohibition of above offences
  - Define what offenses mean in school’s local jurisdiction
  - Define “consent” for sexual activity in local jurisdiction
VAWA

**Prevention Programs**
- Description of safe and positive options for by-stander intervention
- Provide list of options for reducing risks
  - Warning signs of abusive behavior
  - How to avoid potential attacks
- New and prospective students and employees
- On going prevention and awareness program campaign for current students and employees
VAWA

Additional Requirements

- Possible sanctions or protective measures the school may impose after offense occurred
- Procedures must be provided in writing to victims regarding:
  - Steps to take to preserving evidence
  - To whom incidents should be reported
  - Victims option to report to local law enforcement, allow campus authorities to assist with notification, or option to decline notifying authorities
  - Standard of evidence that will be used
- Written explanation of the rights of the victims and the institutions responsibilities regarding
VAWA-ADDITIONAL REQUIREMENTS

- Identify who is responsible for drafting policy
- Who or what agency is doing the training
- Who is going to be trained
- VAWA Policy
  - Introduction
  - Scope of Policy
  - Options for Assistance Following an Incident of Sexual Misconduct
  - Title IX Coordinator’s Role in Response
VAWA POLICY

- Role of Title IV Coordinator
- Definitions
- Reporting Policies & Protocols
- Investigation Procedures & Protocols
- Grievance/Adjudication Procedures
- Prevention and Education
- Training
REFERENCES

ED Campus Safety website (includes a training video)
  • http://www2.ed.gov/admins/lead/safety/campus.html

Federal Student Aid Self-Assessment of Clery Compliance
  • http://ifap.ed.gov/qahome/qaassessments/consumerinformation.html

Federal Student Aid Data Center – Clery Act Reports (see compliance reviews)
  • http://federalstudentaid.ed.gov/datacenter/cleryact.html
REFERENCES

- The Handbook for Campus Safety and Security Reporting (revised February 2011)

- Handbook Help Desk
  - Clarifications – see 3/26/12 communication
    https://surveys.ope.ed.gov/security/HelpDeskEmailView.aspx
  - 1-800-435-5985 or HandbookQuestions@ed.gov
REFERENCES

- Electronic Announcement-May 29, 2013
- DCL-Gen 14-13 Implementation of Changes to the Jean Clery Act made by the Violence Against Women Reauthorization of 2013 Act
- Notice of Proposed Rulemaking, June 20, 2014
RETURN OF TITLE IV FUNDS (R2T4)

- Term Based Modular Programs
  - Required Pell recalculations
    - Student withdraws or stops attending before attempting all of the courses within the term
    - The student does not have to officially withdraw
    - Determine the enrollment status, return unearned Pell Grant, used revised Pell in the R2T4 Calculation
R2T4 TERM BASED MODULAR PROGRAMS

- **Length of Enrollment Period**
  - If student officially withdraws prior to the start of another module, use only the days completed in the numerator and the days in the mods attempted in the denominator.
  - If student unofficially withdraws use the days completed in the numerator and the days in the whole term as the denominator.
R2T4 TERM BASED MODULAR PROGRAMS

- **Required Attendance**
  - If taken and tracked, it is required
  - Not required can use 50% but still need to know if Pell recalculation is required
  - Documented meetings, comments in students files can be a problem if notes indicate no attendance, disconnected phone numbers, no way to contact after several attempts
DISTANCE EDUCATION

- Tracking activity verses tracking attendance
- What constitutes acceptable attendance?
  - Logging in
  - Completing assignments
  - Threaded activity
  - Interaction with instructors
REPORTING REQUIREMENTS

- **Reporting to COD**
  - 15 days from disbursing funds
  - 15 days from date R2T4 has been completed
  - Change in loan period dates as a result of drop
REPORTING REQUIREMENTS

- **V4 and V-5 Verification Status Results**
  - FA Access to CPS
  - Report the result, even if student never starts
    - [https://faaaccess.ed.gov](https://faaaccess.ed.gov)
    - Only for students selected by ED in V4 and V5
    - Electronic Announcement dated 11/13/13
      - Step by step instructions
REPORTING REQUIREMENTS

- V-4 Custom Verification
  - High School Validation
  - Identity/statement of educational purpose
  - Snap
  - Child support paid
REPORTING REQUIREMENTS

- **V-5 Aggregate Verification Group**
  - High School Validation
  - Identity/statement of educational purpose
  - Also everything required for V-1, Standard verification
REPORTING REQUIREMENTS

- Enrollment Reporting
  - Changed from 30 to 15 days from receipt of roster
  - Must report ASAP, not wait for end of term
    - Every 60 days from (10/14/14)
**NSLDS**

- **Additional COD Reporting**
  - Enrollment Status by term
    - Program Credential
    - Program Classification of Instructional Program Code (CIP Code)
    - Published Program Length (years, months, or weeks)
    - Number of weeks in Program’s Title IV Academic Year
    - Date student Began Enrollment in Program
    - Special Program indicator
COMPETENCY BASED PROGRAMS

• Do you have courses or programs that students could accelerate in?
• Could the program cost less to deliver?
• Do you have staff that can deliver the course material effectively?
• What would the transcript look like?
• How is financial aid delivered?
REFERENCES

- NSLDS Enrollment Reporting Guide
- DCL-GEN 14-07
- DCL-ANN 14-16
- GEN 13-13
- 2014-15 FSA Handbook
- 2013 FSA Conference