

COMMON PROBLEMS SCHOOLS HAVE WORKING WITH TITLE IV

TRACS ANNUAL CONFERENCE
MEETING A HIGHER STANDARD

FAME

Trusted Solutions for Higher Education

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OVERVIEW

- Clery Act-VAWA
 - Return of Title IV Funds
 - Distance ED
 - Reporting Requirements
 - Competency Based Programs
 - 150% Subsidized Loan Eligibility
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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 Clery 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”
- New website for victims: www.Notalone.gov
- 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**
<https://www.notalone.gov/assets/evidence-based-strategies-for-the-prevention-of-sv-perpetration.pdf>

PREVENTING SEXUAL ASSAULT

- **More effective responses to assaults**

<https://www.notalone.gov/assets/reportingconfidentiality-policy.pdf>


- **Comprehensive sexual misconduct policy**

<https://www.notalone.gov/assets/checklist-for-campus-sexual-misconduct-policies.pdf>

- **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
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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

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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
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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
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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)**

<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

- **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**](mailto: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
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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>
 - 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 pf 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
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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?
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REFERENCES

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