

August 15, 2011

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Sent via U.S. Mail & Email
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Re: Program Review Report Response
PRCN 201040827298

Dear Ms. Susman:

On behalf of Robert O. Kelley, President of the University of North Dakota (University/UND), I am pleased to provide you with the University's response to the Department of Education's (ED) Program Review Report (Report), dated April 26, 2011. Enclosed please find a copy of the response and supporting documentation—Appendices A through M.

As I indicated in my interim response, a working group (Group) was brought together, comprised of key individuals responsible for providing data and making decisions impacted by the *Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act (Clery)*. Its charge was to address issues of concern as articulated in the Report as well as review UND's policies and procedures to ensure *Clery* compliance. Having this Group meet and share their questions, concerns, and expertise has engendered greater clarity of *Clery* requirements within UND. While it is never good to have to respond to an audit, I believe that in doing so, the Group has learned much about how to better communicate and coordinate regarding the Act, and the outcome has been positive.

Also during this response time period, the University has undergone several internal reorganizations. In an effort to be as current as possible, the policies and procedures have been edited to be responsive to the changes that have occurred; however, that reorganization is on-going. The University is cognizant of the need to review our Annual Security Report as well as our policies and procedures to conform with any further changes that might occur.

The University has a concern about the privacy of its students. The enclosed response and appendices include many student names that are protected by the Family Educational Rights and Privacy Act. As you know, the ED may not re-disclose these names without permission. It is my understanding from our conversation during the exit interview that ED will redact these names if the

University's response is released to the public. Please let me know immediately if my understanding is incorrect. We would be happy to provide a response using pseudonyms if requested.

Finally, thank you again for granting an extension of time to respond to this audit. I believe that we have used that additional time well.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Julie Ann Evans
General Counsel

Enclosure



**UNIVERSITY OF NORTH DAKOTA
CAMPUS SECURITY PROGRAM REVIEW REPORT RESPONSE
FINAL RESPONSE TO PROGRAM REVIEW REPORT*
WRITTEN NARRATIVE & SUPPLEMENTAL DOCUMENTS
AUGUST 15, 2011**

**PRCN 201040827298*

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Overview:

The University of North Dakota (UND/University) was audited by the Department of Education (ED) regarding federal compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. The audit took place September 14 – 16, 2010, and was conducted by Fran Susman and James Moore (Auditors). The University received the preliminary program review report (*PRCN 201040827298*) (Report) on April 29, 2011, and was granted an extension until August 15, 2011, to respond to the report findings, provided UND submitted a status report no later than July 15, 2011. The University of North Dakota provided a timely interim report on July 15, 2011, which was acknowledged by the ED as received. This document and the information herein meet the response requirements and provide a corresponding narrative about the actions taken to address the findings and issues of noncompliance regarding the *Clery Act*.

The University established a *Clery Working Group* (Group) to coordinate the University's response to the ED. This Group included representatives from University Police Department (UPD), Dean of Students Office (DOS), Housing (a unit of Residence Services), Emergency Management and Public Safety, Office of Vice President for Finance and Operations, the Office of Affirmative Action, and the Office of General Counsel. It is anticipated that this Group will remain intact as a measure to ensure UND's future compliance with the *Clery Act*.

Finding 1:

Failure to Properly Classify & Disclose Crime Statistics

A. Improper Crime Classifications

According to the Report, UND was cited for Improper Crime Classifications in accordance with *Clery Act's* crime categories. This determination referred specifically to case #200931055, which was classified as a "Simple Assault." The Auditors determined that, based on information listed on the incident report, the crime should have been reported as an "Aggravated Assault."

B. Inaccurate Disciplinary Referral Statistics

The Report also noted that UND failed to disclose accurate disciplinary referral statistics for the 2009 calendar year, specifically Residence Services Report (RSR) #090520. The Auditors also noted that UND incorrectly reported the 2008 disciplinary referrals by incidents instead of reporting by the number of individuals referred for disciplinary action.

Required Action:

"UND must correct all errors in its crime statistics. This requirement applies to the exceptions noted above and any other errors identified during the preparation of the response. UND must reclassify the crimes and violations identified above and correct the errors in its crime statistics as published in the Annual Security Report (ASR) and as submitted to the online database administered by the Department. . . . UND must also make all necessary corrections to the audit trail provided to the review team.

A copy of the 2009 audit trail must accompany the University's response.

UND must provide an audit trail for on-campus liquor law violation disciplinary referral statistics for calendar year 2008." (PRCN 201040827298, pg. 6)

UND RESPONSE:

The UPD originally entered and classified the incident (case #200931055) as Simple Assault according to North Dakota Century Code (N.D.C.C. § 12.1-17-01) (N.D.C.C.) (see Appendix A). Under North Dakota law, the action described in the report would be classified as "Simple Assault"; however, the use of mace is specified in the federal reporting process as an identifier for Aggravated Assault. Thus, UND concurs that for purposes of *Clery*, the incident was incorrectly classified.

The audit trail to discover the correct classification involved a review of the incident report, victim statements, and verification of the N.D.C.C. by the Chief of Police, Duane Czapiewski. Chief Czapiewski contacted UND's General Counsel, Julie Evans, and informed her of the incorrect classification. UND's Director of Emergency Management and Public Safety, Terry Sando, and UPD's Administrative Officer, Diane Fore, will update the classification and correct the crime statistics in UND's 2009 ASR.

In order to ensure that crimes will be appropriately classified pursuant to *Clery*, UPD developed guidelines for reviewing data to determine those criminal incidents relative to *Clery* compliance and reporting. Initially, investigative officers are responsible for classification of criminal incidents according to the N.D.C.C. After classification is made pursuant to North Dakota law, administrative staff review all of the reports to determine whether or not a reclassification should be made for purposes of *Clery* reporting. A final review is then completed by the Chief of Police before it is entered into *Clery* data.

As indicated previously, RSR #090520 (dated November 25, 2009) was not included in the original material provided to the ED Auditors. In preparation for the Auditors' visit, the RSR's absence from the preparatory document was discovered. The University informed the Auditors of this omission when the audit was occurring. Please note that the following information and information contained in the appendices contains student names protected by the Family Educational Rights and Privacy Act (FERPA). They cannot be re-released under law. Based on Fran Susman's response during the exit interview, these names will be redacted should the report be released to the public.

When this incident was documented, a total of eleven students were cited as being involved in this violation of alcohol and noise. Eight students lived in a residence hall at the time of the incident, of these, four—[REDACTED]—met with a Student Conduct Administrator, [REDACTED] and received sanctions under the *Code of Student Life (Code)* on December 7, 2009. Four other students listed in the Report were also UND residence hall students; however, they were not present at the time of the documentation of the violations. As per Housing practice, all residents who lived in a room/suite where a violation was documented would be included in the documentation. It was recognized that these four students were not present at the time; therefore, they were not given a conduct referral and not counted.

Based on this incident, four students were counted in the Housing *Clery* reporting and four were not counted.

The three remaining individuals were forwarded to DOS for review and adjudication. These names were forwarded per a long-standing jurisdictional agreement between Housing and the DOS Office. DOS adjudicates cases of non-resident students and of incidents that occur outside of residences. Of the three names provided, one person was determined to be a student residing off-campus, one was determined to be a non-student, and one person did not have a last name listed on RSR #090520.

The audit trail conducted by DOS Student Services Officer, [REDACTED] found that two people, [REDACTED]¹, were listed in the original audit information provided by the DOS Office to ED (see Appendix B, Exhibit 1). The ED Auditors were provided with this documentation during their visit. As shown in the document, [REDACTED] was a non-student and is noted as such in the last column (Student? / 'No') and [REDACTED] was a student enrolled at UND. Forms completed by DOS also correctly indicated [REDACTED] as a non-student and [REDACTED] as a student (see Appendix B, Exhibit 2). In accordance with the *Code*, [REDACTED] was sent a letter by DOS Student Services Officer, [REDACTED] and participated in a hearing about the alcohol violation. A copy of the letter and associated documents about the hearing are posted in Appendix B, Exhibit 3.

The third referred person, or the eleventh person in total, involved in the incident was originally reported without a last name; however, after further investigation this person appears to have been a student at the time. The person was originally listed as "[REDACTED]" The error made by DOS is that this person was not entered into the DOS database; accordingly, she was absent from the original count. By using variations of the name and the address provided, the DOS Office can now assert it is likely that the third person involved was [REDACTED]³, as identified by the student bio screen print of information (see Appendix B, Exhibit 4).

The University disclosed to the Auditors that its 2008 *Clery* report, non-arrest discipline referral numbers were generated by incident rather than by student. There was also a concern that the statistics representing one or more students listed on RSR #090520 may not have been included in the 2008 *Clery* report to UPD. In response, Housing conducted a complete and thorough review of all RSRs for the 2008 and 2009 reporting years. The audit revealed various expectations and assumptions that were made during the preparation of *Clery* reports of the recent past. For example, in calendar year (CY) 2008 and 2009 it was expected that all incidents regarding student discipline would have been entered into Judicial

¹ Students covered by FERPA.

² Student covered by FERPA.

³ Student covered by FERPA.

Officer (JO), a new (at that time) software database that allowed for the tracking and reporting of mandated information related to the *Clery Act*. A further assumption made by Housing staff was as follows:

Students who were documented in an incident occurring in the residence halls, but did not live in the residence halls at the time, were forwarded to the DOS Office for review. It was assumed that those discipline referrals would have been counted by the DOS office in their numbers, and therefore were not counted during the Housing Office review.

In the matter of RSR #090520, the named persons who had been referred to DOS [REDACTED] demonstrate the validity of this assumption. The 2009 master list demonstrates other students were referred from Housing and their cases were adjudicated by DOS. As noted above, such a referral is consistent with a long-standing jurisdictional agreement between Housing and DOS. This report has already indicated the University's compliance with the ED audit in accepting that one student was erroneously omitted from the DOS database.

Conversations between Housing and DOS related to a desire for parallel and congruent disciplinary experiences, improved reporting mechanisms, and common protocols occurred before and as a result of the ED audit. Issues identified and resolved in these conversations include:

1. Beginning in 2008-2009, UND Housing transitioned from using a Microsoft database to the current electronic software system, JO. During both years in question, much of the day-to-day work with disciplinary matters relied on paper files. These paper files (hard files) were still available from the 2008 and 2009 years and were used in the audit process. These hard files of information include conduct cards and/or RSRs, supportive documents used in hearings, and other documents.

The transition from the Microsoft database to JO was hastened by the greater North Dakota University System (NDUS) moving to PeopleSoft software. PeopleSoft has been adopted by all NDUS campuses. This migration required the adoption of modular software capable of integrating with PeopleSoft to maintain student records. Housing adopted the JO module to track disciplinary incidents. At the time of implementation, Housing was the primary unit to test the functionality and capacity of JO.

2. Although Housing records for disciplinary referral were in JO, DOS continued to rely on their own independent database to track disciplinary referrals and incidents.
3. Prior to the announcement that UND would be audited, Housing and DOS agreed, in August 2009, that DOS would adopt the JO software. This transition was completed in January 2010. The specific goal in this transition was to provide the institution with a unified database for tracking and reporting disciplinary referrals. The ED audit involved reviewing incidents during the 2009 timeframe when DOS and Housing were still transitioning from two separate tracking systems to a unified reporting tool.
4. The software conversion caused both Housing and DOS to re-examine practices and improve protocols for inputting, tracking, identifying, and maintaining control by the responsible office of reported incidents, and reporting data related to the *Clery Act*.
5. In January 2008, the Associate Director of Housing, who had been responsible for collecting the *Clery* data for UND Housing, left her position after more than twenty years with the department. The staff member's departure was compounded by other administrative support staff vacancies. The new Associate Director, who would assume the responsibilities of tracking and reporting *Clery* data, worked in tandem with several other Housing staff to ensure that incidents were

continuously tracked and entered into the new JO software. However, it is apparent that the staffing transitions did impact the under-reporting of RSR #090520. While staffing changes do not excuse the error, it did reveal the need for Housing to have depth and redundancy in the management and oversight of disciplinary incidents that directly impact *Clery* reporting.

6. Housing revised its system of training Campus Security Authorities (CSA) and its system of oversight to ensure accurate *Clery* reporting by behavior and location. Changes in protocol will contribute to increased accuracy in the Housing contribution to the non-arrest, disciplinary referral statistics. A heightened awareness of the critical nature of this reporting lent itself to the in-depth training on the *Clery* reporting process to all staff levels and the newly implemented review process redundancies (see procedures 3, 4, 5 and 6 on page 10).

PROCEDURES FOR COLLECTING & REPORTING CORRECTED 2008 AND 2009 CLERY CRIME DATA:

Housing decided on corrective procedures to collect data for *Clery* Reporting in 2008 and 2009:

Practices used by Housing staff in Summer 2011, for the purposes of auditing CY 2008 disciplinary referrals and to check for accuracy of these crime statistics

An initial report was created in JO by sorting incidents in JO, occurring between the dates January 1, 2008, and December 31, 2008. The hard files were identified as the most reliable source of information for reference purposes. The practice of the department during these years was to create a separate hard file for each individual student. The files may have had, as their originating document, either a conduct card—used between January and July 2008 (inclusive) — or an RSR document — used between August and December 2008 (inclusive).

Review

Each hard file was inspected to see if it contained information regarding incidents occurring in 2008. Specific information sought was:

1. Date of incident occurring during CY 2008.
2. Was the action documented *Clery* reportable?
3. Was one of the following primary behaviors noted?
 - a. Alcohol
 - b. Drugs/Paraphernalia
 - c. Weapons
 - d. Sexual Assault
 - e. Housing Rules Violation
 - f. Noise Disturbance
 - g. Assault
 - h. Burglary/Theft
4. Was there a police report or indication of a police report?

Record

1. A “Detail,” a customizable field within JO, was created, such that it could be used to classify by student/by incident the appropriate *Clery* classification.
2. If a police report or an indication of a police report existed, the police report case number was noted.
3. After finishing the review of the hard files, information was cross-referenced with information in JO. If the incident was found in both JO and hard files, the following information was reviewed and, if necessary, updated in JO:
 - a. Agency information when applicable

- i. If it was determined that UPD was involved in an incident, it was noted and a police report number was entered when available.
- b. UND Primary Behavior associated with the incident
- c. *Clery* Status:
 - i. “No – Not a Reportable Offense”: a determination the documented behavior is not a *Clery* reportable incident.
 - ii. “No – UPD”: a determination that UPD was involved and filed a report for this incident.
 - iii. “Yes – Categories 1 and 2”: a determination that the incident is *Clery* reportable for both campus and student housing reporting numbers.
4. If an incident was found in a hard file but not in JO, the following actions were taken:
 - a. If the incident was *Clery* reportable, the necessary incident information was added into JO following the above guidelines.
 - b. If the incident was not *Clery* reportable, no further audit procedure occurred.
5. If an incident was in JO, but there was not a correlating hard file, then:
 - a. A search was performed in ImageNow, a document storage software.
 - i. If documentation was found, a review was performed and JO was updated as noted above.
 - ii. If documentation was not found, the information available in JO was reviewed. The incident’s *Clery* reportable status was updated as noted above and a notation was made in the incident log indicating that no further documentation was found.
6. After all information was updated in JO, a review was done for ages of students at the date of incident.
7. For those students who were over the age of 21 at the time of an alcohol incident, the *Clery* Status for that incident was updated to “No – Not a reportable offense.”

Statistical Generation

A final report was exported from JO into a Microsoft Excel spreadsheet. Auto-count fields were established to give a count of incidents sorted by *Clery* Location Category and Primary Behavior.

Practices used by Housing staff in Summer 2011, for the purposes of auditing CY 2009 disciplinary referrals and to check for accuracy of these crime statistics

An initial report was created to sort incidents in JO, occurring between the dates January 1, 2009, and December 31, 2009. The hard files were identified as the most reliable source of information to use as there was no other central location where incidents were maintained.

Review

Each hard file was inspected to see if it contained information regarding incidents occurring in 2009. Specific information sought was:

1. Date of incident occurring during CY 2009.
2. Was the action documented *Clery* reportable?
3. Was one of the following primary behaviors noted?
 - a. Alcohol
 - b. Drugs/Paraphernalia
 - c. Weapons
 - d. Sexual Assault
 - e. Housing Rules Violation
 - f. Noise Disturbance
 - g. Assault
 - h. Burglary/Theft

4. Was there a police report or indication of a police report?

Record

1. If a police report or an indication of a police report existed, the police report case number was noted.
2. After finishing the review of the hard files, information was cross-referenced with information in JO. If incident was found in both JO and hard files, the following information was reviewed and, if necessary, updated in JO:
 - a. Agency information when applicable
 - i. If it was determined that UPD were involved in an incident, it was noted and a police report number was entered when available.
 - b. UND Primary Behavior associated with the incident
 - c. *Clery* Status:
 - i. “No – Not a Reportable Offense”: a determination the documented behavior is not a *Clery* reportable incident.
 - ii. “No – UPD”: a determination that UPD was involved and filed a report for this incident.
 - iii. “Yes – Categories 1 and 2”: a determination that the incident is *Clery* reportable for both campus and student housing reporting numbers.
3. If an incident was found in a hard file but not in JO, the following actions were taken:
 - a. If the incident was *Clery* reportable, the necessary incident information was added into JO following the above guidelines.
 - b. If the incident was not *Clery* reportable, no further audit procedure occurred.
4. If an incident was in JO, but there was not a correlating hard file, then:
 - a. A search was performed in ImageNow.
 - i. If documentation was found, a review was performed and JO was updated as noted above.
 - ii. If documentation was not found, the information available in JO was reviewed. The incident’s *Clery* Reportable status was updated as noted above and a notation was made in the incident log indicating that no further documentation was found.
5. After all information was updated in JO, a review was done for ages of students at the date of incident.
6. For those students who were over the age of 21 at the time of an alcohol incident, the *Clery* Status for that incident was updated to “No – Not a Reportable Offense.”

Statistical Generation

A final report was exported from JO into a Microsoft Excel spreadsheet. Auto-count fields were established to give a count of incidents sorted by *Clery* Location Category and Primary Behavior.

Practices used by DOS Staff in Summer 2011, for the purposes of auditing CY 2009 disciplinary referrals and to check for accuracy of these crime statistics

Concurrent to the Housing staff review, DOS disciplinary referrals were reviewed. The source document used was the master list of 2009 disciplinary referrals to DOS as recorded in the database for that year. During their visit, ED Auditors received a copy of this master list of 2009 referrals to DOS.

Changes to 2008 and 2009 crime statistics as a result of the audit process

Crime statistics for the 2008 and 2009 calendar years have been modified (see Appendix C).

2008

The statistics in Categories 1 and 2 increased as a result of review by Housing after the ED audit. This action corrects the undercount resulting from the by-incident count disclosed by the University.

Diane Fore called the ED Help Desk on June 29, 2011, to inquire about how to update the 2008 and 2009 statistics in the ED online database, as required by the Report (*PRCN 201040827298, pg. 6*). The Help Desk representative said that changes could not be made to any of the 2008 crime statistics. This was confirmed in an email from Fran Susman: “it is true that the data is locked; however, [UND] can put the corrected information as a caveat. . . . in a separate box The numbers won’t change in the chart, but below the numbers will be a box that will show whatever [UND types] in. . . .” (Susman email dated 8/2/11). The University agrees to amend the 2008 crime statistics in the online database by adding the data as a caveat and to produce the chart that is distributed to the campus community with the amended 2008 statistics.

2009

1. An aggravated assault incident was added to Category 4 based on reclassification. This number was previously 0.
2. The statistics in Categories 1 and 2 (non-arrest, alcohol law violations) changed by 87, a nearly 15 percent overall decrease, as a result of review by Housing and DOS after the ED audit.
3. Specifically the statistics in Categories 1 and 2 (non-arrest, alcohol law violations) related to RSR #090520 increased by one as a result of review by DOS after the ED audit as discussed above.
4. The statistics in Category 3 (non-arrest, alcohol law violations) increased by 2 as a result of the DOS review of records. This number was previously 0.
5. The statistics in Category 4 (non-arrest, drug violation) decreased by 1 as a result of the DOS review of records. Through the audit process a previously counted non-arrest situation was matched to a UPD report. Accordingly, its count in the non-arrest category would constitute a double count; therefore, the reported number in the non-arrest category is reduced by one.

The University is required to amend the 2009 crime statistics on August 15, 2011; however, the online database will not be available until August 17, 2011. Per Fran Susman’s email, the University will enter its amended 2009 data into the database when all campuses are granted access to the online database to enter 2010 statistics. This response will be supplemented with the date that the 2009 amended statistics are entered (Susman email dated 8/2/11).

Required Action:

“UND must examine and improve its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to [UPD], non-law enforcement campus security authorities, and other local law enforcement agencies are properly classified and included in UND’s ASR, which will have to be amended and re-distributed” (PRCN 201040827298, pg. 6)

UND RESPONSE:

The UPD is identified as the collector and reporter to the ED for the annual crime statistics.

Both Housing and the DOS Office provide statistics to UPD to assist in the annual crime statistics. The long-standing protocol used on campus is that the UPD, per its state-granted authority, is the primary source of law enforcement for the campus district. That office collects its own statistics, and accepts supplemental numbers from recognized Student Conduct Administrators (SCA) and other non-law enforcement CSAs (see Appendix D) in their subordinate reporting roles.

DESCRIPTION OF CONTEMPORARY STATISTICAL COLLECTION MEASURES:

UPD Process for Crime Statistics Reporting

1. Reports are generated by UPD officers. The officer is provided with a report number by the central dispatch center (PSAP – Public Service Answering Point) enabling UPD to enter the report into the records management system (CISCO). Since 2009, Grand Forks County PSAP has used the CISCO system. UPD is recognized by PSAP in the CISCO system as a remote location user. UPD has its own agency number in the system (the fifth digit of the report number is a “3”), and each subscribing agency’s records are kept separately.
2. UPD administrative staff members (UPD staff) scan reports and associated information daily into ImageNow. Original documents are filed in the UPD records storage area.
3. UPD staff run monthly CISCO reports. These reports are reconciled with all UPD generated reports.
4. Minor in Possession citations and *Clery Act* locations are added to the CISCO report manually. Manual recording of Minor in Possession citations and *Clery Act* locations occurs because the current version of CISCO available to UPD does not auto-report these crimes. The Grand Forks County PSAP controls the CISCO software and UND is a secondary party in this shared software arrangement. The University is negotiating with Grand Forks County PSAP to activate and provide the appropriate permissions such that CISCO can provide automated reporting for required *Clery* categories.
5. The revised and reconciled CISCO reports are used by UPD to generate the appropriate crime statistics counts.
6. In April-May of the following year, statistics are gathered for the upcoming ED survey, which usually opens the third week of August for data input. The UPD staff generate the following reports to provide the statistics needed for *Clery Act* reporting: Offense Activity by Disposition, Arrest Count by Offense, and Citations by Offenses.
7. UPD seeks information from Housing and the DOS Office to complete the disciplinary referrals sections.
8. UPD annually requests statistical information from the appropriate law enforcement agencies for non-campus operations. Relevant crime data received from these agencies are included in UND’s submission to the ED, as well as distributed and posted on campus. The Group has recognized properties identified for non-campus operations. UPD will use this list as a base for review of non-campus operations and supplement appropriately (see page 12 for additional processes).

9. ED sends a notification, along with a specific password, to the President's Office. The notice specifies the dates for the submission on the ED site. The President's Office forwards the information to UPD. The requested information is then submitted by UPD and the survey locked.

Housing Process for Crime Statistics Reporting

1. A Housing employee, such as an RA, enters an incident into JO to generate an RSR.
2. The RSR and supplemental incident information, if necessary, is reviewed by Housing supervisory staff and assigned a category under "UND Descriptor Indicator," a new JO detail created for this purpose. The behaviors included in this Detail are in priority congruent with the reporting hierarchy (murder, negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations; additionally, referrals for disciplinary action, review questions and non-*Clery* reportable).
3. Weekly, Assistant Directors review all incidents entered into JO and assign a *Clery* reporting Status as follows:
 - a. Yes – *Clery* Reportable Category 1 and 2
 - b. No – UPD Reportable
 - c. No – Not *Clery* Reportable
 - d. Status Review necessary
4. The Assistant Director updates the Status in JO on the General tab under the Location Category.
5. A monthly review of incidents is initiated by the Associate Director of Housing to ensure that proper reporting and categorization is done.
6. At the end of the academic calendar year, the *Clery* report is generated.
 - a. A *Clery* report from Housing is reviewed with DOS and UPD to ensure there is no duplication of counts.
 - b. The report is then given to Director of Residence Life and Education for review.
7. The *Clery* report is then submitted to UPD, or designated *Clery* reporting authority, for inclusion in the ASR.

DOS Process for Crime Statistics Reporting

1. DOS receives an incident report from Housing, UPD or other law enforcement agencies, and enters it into JO.
2. DOS has adopted the *Clery* details described in Housing items 2 and 3 above. In addition to the four responses used by Housing to describe location—Categories 1 and 2; UPD reportable; Not *Clery* reportable; or Status review necessary (in which a lower level employee defers the categorization to her/his supervisor),—DOS has additional categories for location. This broader use of categories is congruent with DOS's broader geographical scope of responsibility. The categories include:
 - a. Yes – Category 1 only
 - b. Yes – Category 3
 - c. Yes – Category 4
 - d. No – Location exceeds boundaries
3. The compliance with these categories is monitored by a SCA on a bi-weekly basis.

TRAINING MEASURES:

The Group identified individuals responsible for documenting and reporting incidences related to student discipline and subordinate *Clery* reporting. In addition to reviewing and documenting the procedures taken by the UPD, Housing, and DOS to report crime statistics for *Clery Act* compliance, the Group also outlined the procedures to be followed for other individuals responsible for documenting and reporting incidents related to student discipline and reportable incidents. SCAs are trained on JO discipline software and when activated in January 2012, Conduct Coordinator software, so incidents can be accurately recorded and captured when compiling crime statistics for the *Clery Act*. This training occurs annually—typically in July and August. A draft of these training resource documents can be reviewed in Appendix E, Exhibits 1, 2 and 3.

INTERNAL / EXTERNAL CONTROLS:

The University has a long-standing, positive relationship with the Grand Forks' community and its affiliated law enforcement agency (GFPD). Since 1983, the University has entered into a Memorandum of Agreement for Law Enforcement Cooperation (MOA) with the City of Grand Forks. The current MOA is valid through June 30, 2014. A signed copy of the MOA is attached (see Appendix F).

The MOA identifies the areas where concurrent law enforcement authority exists and provides the UPD with the ability to enforce City of Grand Forks ordinance violations both on- and off-campus. Additionally, the agreement establishes the responsibilities for each department regarding requests for assistance by the respective agencies, the coordination of vehicle pursuit situations that begin or progress through campus, the procedure for accident and homicide investigations, and the method for interagency communication.

The MOA also provides that the UPD will report major crimes to the GFPD that include, but are not limited to, all felonies, uniform controlled substance violations, and other matters that may affect the safety of Grand Forks residents. The agreement requires the periodic sharing of statistical crime data between the law enforcement agencies to assist with any crime reporting requirements.

Finally, to help maintain an open dialogue between the agencies, and to add flexibility to respond to issues of mutual concern, UPD and GFPD are required to annually review the MOA.

EXAMINATION AND IMPROVEMENT OF POLICIES & PROCEDURES:

Finding #1 details a change to UPD-generated *Clery* reported numbers for 2009 related to a crime reclassification, and a comprehensive audit and corrected non-arrest disciplinary referrals by the Housing staff (CYs 2008 and 2009) and DOS (CY 2009).

The Group determined that *Clery* reporting was historically carried out by staff in the respective records' sites in individualized efforts. The persons who participated in the Group are in agreement that a benefit of this ED audit process has been increased attention and concern to the *Clery* reporting process. Specific to Housing and the DOS Offices, a higher level of coordination related to the inputting of data is evidenced beginning in August 2009 with a decision to join together in a common database. Concerns raised by ED have resulted in formulating agreed upon protocols to provide a coordinated and better communicated institutional response.

In their role as subordinate data collectors to the UPD, this increased coordination between the Housing and DOS Offices is not specifically policy based. Its evidence is reflected in the (1) common training and increased attention to *Clery*-reportable data, as demonstrated by the training documents in Appendix E; (2) agreed-upon addition of the managerial staff attention to *Clery* data classification of student records; and (3) use of the common installation and utilization of the "*Clery* Reporting Detail" and "*Clery* Location

Detail,” both customizable fields within JO established and used by student/by incident to classify each student record into its appropriate *Clery* classification.

The Group identified the steps taken to record *Clery* findings. These steps are included previously, and they will inform the ongoing practices of the Group on behalf of UPD, DOS and Housing to assure future compliance with *Clery* reporting requirements.

Finding 2:

Failure to Report Crimes for Non-Campus Buildings/Property

A. Crime Data for Non-Campus Buildings/Property

According to the Report, UND failed to include crime statistics for certain non-campus sites, as listed in the Eligibility and Certification Approval Report, and other non-campus properties for 2009 *Clery Act* compliance. The Auditors also noted that affiliated Interactive Video Network (IVN) sites throughout North Dakota, which includes locations where UND students attend classes, were not reported in the 2009 crime statistics.

Required Action:

“UND must conduct a review of all real estate and land parcels that it owns or controls, determine the use(s) of each holding, and apply the definition of “campus” in 34 CFR §668.46(a) to each building or property.

... UND must then request, compile, and publish crime statistics for the locations in the chart above and any other buildings and properties that fall under any part of the definition of campus.

... UND must attempt to obtain statistics of incidents of crime reported to local law enforcement as occurring at these locations and disclose such statistics in the manner required by the Clery Act.

... UND must provide the review team with an explanation and supporting documentation detailing its efforts to obtain the statistics.

... UND 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. UND should evaluate the extent to which some of its buildings and properties may constitute separate campuses.” (PRCN 201040827298, pg. 8)

UND RESPONSE:

REAL ESTATE REVIEW OF NON-CAMPUS PROPERTY:

The Group completed an exhaustive review of all of its campus buildings, public property, and other locations to determine which facilities meet the definition of non-campus buildings or property and must be included in *Clery* reporting. The Group also requested data from the appropriate law enforcement agencies where it was determined that UND had buildings/real estate that met the definition of non-campus buildings. The Group also reviewed locations submitted by the ED Auditors.

To determine what non-campus properties and locations must be included in UND’s crime statistics and affiliated ASR, the Group conducted a thorough review of its property by looking at the following data:

1. UND building list(s);
2. Insurance schedules of property for non-campus locations;
3. Workers Compensation insurance policies for out-of-state-employees;
4. Financial aid data;
5. Off-campus locations where distance education classes (via IVN or face-to-face delivery); and
6. Off-campus locations owned by UND, even if students do not access the building regularly.

In terms of students at off-campus locations, UPD requests UND’s Online & Distance Education Department to generate a report detailing what classroom space – including dates the spaces were

occupied by UND students – was used during the previous calendar year. UPD makes this request at the beginning of each calendar year. These sites are classified as non-campus property and vary year-to-year based on the University's program and outreach activities.

From this information review, a comprehensive list of potential properties/locations was developed. This list was then evaluated by the Group to determine whether the properties met the *Clery Act* definition of non-campus property and whether the properties should be included in UND's crime statistics (see Appendix G and H for examples of documentation used to make this determination).

All buildings meeting the criteria of non-campus property were then compared to ED's Eligibility and Certification Approval Report and the seven non-campus sites specifically referenced in the Report (*PRCN 201040827298, pg. 7*). Based on the comparison, the Group concluded the following sites should have been considered and included in the 2009 crime statistics and noted in UND's ASR:

1. Bismarck State College: Schafer Hall, 1500 Edwards Avenue, Bismarck, ND 58506¹
2. Bismarck State College: Vo-Tech Center, 1200 College Drive, Bismarck, ND 58506¹
3. Turtle Mountain Community College: Admin Bldg., 10145 BIA Road 7, Belcourt, ND 58622¹
4. Bismarck State College: National Energy Center of Excellence, 1200 Shafer Street, Bismarck, ND 58506²
5. St. Cloud State University: Centennial Hall, 201 8th St. S., St. Cloud, MN 56301²
6. Skills and Technology Training Center: 1305 19th Ave. N, Fargo, ND 58102²
7. Bennett Elementary School: 2000 58th Ave. S, Fargo, ND 58104²
8. Casper College: 125 College Drive, Casper, WY 82601²
9. Mayo Clinic: Stable Building, Room 3-31, 200 1st St. SW, Rochester, MN 55904²
10. Minot Center for Family Practice: 1201 11th Ave SW, Minot, ND 58702³
11. Bismarck Family Practice Center: 515 East Broadway, Bismarck, ND 58501³
12. Fargo VA Hospital/UND Medical Education: 1919 Elm Street, Fargo, ND 58102³
13. Belfield Anthropology Building: 107 2nd Street SW, Belfield, ND 58622³
14. Altru Hospital Property: Altru Health System: 1200 South Columbia Rd, Grand Forks, ND 58201³
15. Aurora Medical Park: Pathology Dept., 1451 44th Ave S., Grand Forks, ND 58201³
16. Space Studies Observatory: Oakville Observatory Site, 1652 23rd St NE, Emerado, ND 58228³⁺
17. Airport Leased Building: Grand Forks Int'l Airport, 2787 Airport Dr. Grand Forks, ND 58203³⁺
18. Dakota Hall: 1050 North 43rd Street, Grand Forks, ND 58203³⁺
19. Ralph Engelstad Arena: One Ralph Engelstad Arena Drive, Grand Forks, ND 58203⁴⁺
20. Alerus Center: 1200 S. 42nd St., Grand Forks, ND 58201⁵
21. Apollo Park: 2511 17th Ave S., Grand Forks, ND 58201⁵

¹ Indicates an IVN site where classes were held and routinely accessed by UND students for the 2009 reporting period. UND has agreements with these locations to host courses on these campuses as part of NDUS, but are not permanently owned or controlled by UND.

² Indicates a distance education site where UND hosted a course(s) in 2009, and thus the site was accessed by UND students for a specific amount of time. However, these sites may not be included every year in the crime statistics/ASR because they may not be utilized in a calendar year due to course offerings at that site, and therefore UND students do not access the property. In the calendar years where UND students do not access the property for classes, the site listed is NOT owned or controlled by UND.

³ Indicates a property permanently owned or controlled by UND, and therefore will always be reported in UND's *Clery* statistics and affiliated ASR.

⁴ Indicates a privately owned facility situated on University-owned property, and rented for UND-affiliated events.

⁵ Indicates a city-owned facility rented for UND-affiliated events.

+ UPD is the primary responder for these locations; however, this property is adjacent to another law enforcement jurisdiction. Letters were sent to these agencies to ascertain if reports of crimes were not previously reported to UPD.

Two of the locations specifically mentioned in the Report (*PRCN 201040827298, pg. 7*) are not included in the above list. They are: Continuing Education Outreach in Fargo, North Dakota (OPE # 00300507) and Simle Middle School in Bismarck, North Dakota (OPE # 00300514). These two sites do not have agreements for UND's ownership or control of the space, nor were these spaces utilized in 2009 by students to access classes or programs affiliated with UND. These spaces were utilized in 2008 by UND students, which – the Group believes – is why these locations would have appeared on the ED Eligibility and Certification Approval Report.

The Report also references that UND did not report crime statistics for IVN and its ten sites throughout the state of North Dakota where students attend UND classes (*PRCN 201040827298, pg. 8*). The listing above does include the IVN sites where UND students accessed classes and these sites will now be included in the revised crime statistics reported for *Clery* in 2009. The remaining IVN sites throughout North Dakota (Bottineau, Devils Lake, Fargo, Mayville, Minot, Valley City, Wahpeton, Williston, and Jamestown), some of which are listed on the Eligibility and Certification Approval Report, were not utilized by UND students during 2009 and are not owned or controlled by UND otherwise, and therefore are not included in the *Clery* crime statistics for 2009. UND recognizes that if an IVN site is used in the future for UND programs or classes, the locations would be included in that year's reporting to the ED for *Clery*.

OBTAINING CRIME STATISTICS FROM OTHER LAW ENFORCEMENT AGENCIES:

Once the non-campus properties were identified, letters were drafted and sent to the law enforcement agency having jurisdiction for the location. The letters requested crime statistics for 2009 and were sent by UPD Police Chief Duane Czapiewski on June 30, 2011. A listing of the law enforcement agencies contacted, and locations affiliated with the requested crime data, is posted in Appendix I. Copies of the letters sent are available in Appendix J. Responses received to date can be found in Appendix K. The gathered data has been incorporated into the annual crime statistics and ASR.

REVIEW AND REVISION OF POLICY & PROCEDURE REGARDING CRIME DATA:

To ensure that UND is compliant in the future, this process is being documented as the policy/procedure for ensuring that crime statistics are gathered and reported for appropriate non-campus activities. The UPD is responsible for gathering the crime statistics for non-campus activities. They have already identified and developed a working relationship with those entities on campus responsible for non-campus sites. For example, it has been agreed that the Distance Education Department will routinely provide a copy of their sites to the UPD in January of the following year.

Finding 3:

Lack of Adequate Policy Statements

A. Failure to Provide Required Policy Statements in UND's Annual Security Report (ASR)

As specified in the Report, UND did not have adequate policy statements according to the regulations set by the *Clery Act* or various sections of the Higher Education Act (HEA). It was also noted that UND's ASR and associated policies were not contained in a single, separate part of UND's website.

B. Specific Deficiencies Identified by ED Regarding UND's ASR

- a. Although UND has a comprehensive timely warning policy, UND's ASR does not include that policy. The ASR Timely Warning Policy must include circumstances for which a warning will be issued; the individual or office responsible for issuing a warning; and the manner in which a warning will be disseminated.
- b. UND's ASR does not provide a policy for preparing the annual disclosure of crime statistics. More specifically, the policy must address who prepares the report, how and from what sources crime statistics are collected.
- c. UND's ASR fails to describe the type and frequency of programs designed to inform students and employees about campus security procedures and practices.
- d. UND's ASR lacks a policy statement concerning whether the institution works with local police agencies to monitor and record criminal activity involving recognized student organizations with off-campus housing facilities.

Required Action:

"UND must review and revise its ASR to ensure that it includes all required statements of campus security policy and procedure. . . . all required information regarding crime prevention and programming must be accurate, complete, and sufficient to give actual notice to all readers of the ASR.

UND must provide a copy of the revised document with its response.

. . . UND also must ensure that the ASR is published and distributed as a single, comprehensive document. Once the modified ASR is reviewed for accuracy and completeness, UND will be directed to distribute it to all current students and employees." (PRCN 201040827298, pg. 10)

UND RESPONSE:

The Group examined the list of existing UND policies and compared it to the checklist of required policies listed in Appendix E of the Campus Safety and Security Reporting Handbook (Handbook). It has:

1. Identified the gaps or missing policies needed to be in federal compliance,
2. Created sub-committees/teams to develop any necessary policies or edit existing policies,
3. Established the communication and distribution channels to notify the campus community about new or amended policies, and
4. Documented the process of policy development and included it in the audit response to the ED.

The Group conducted an exhaustive review of all University policies affiliated with the *Clery Act*, as well as campus safety and security programs that are to be included in the ASR. The Group agreed that all University policies should follow a common format, a change from previous practice; and agreed that the

Group should continue to meet throughout the year to discuss and review the policies with an emphasis on making sure that the policies' procedures are workable, consistent, and follow best practices.

Specific deficiencies identified in the Report from ED regarding UND's ASR were:

1. Timely Warnings
2. Annual Disclosure of Crime Statistics
3. Security Procedures and Practices
4. Student Organizations with Off-Campus Housing Facilities

These deficiencies have been reviewed; the University believes that the policies and procedures are in compliance, and that the Annual Disclosure of Crime Statistics is accurate. The Timely Warning policy and procedure is located at Appendix L, Exhibit 4. The Security Awareness and Crime Prevention Programs for Students and Employees information is located at Appendix L, Exhibit 13. The Addressing Criminal Activity Off-Campus policy and procedure is located at Appendix L, Exhibit 14.

Additionally, the following list of policies and procedures specifies which were pre-existing and which are new; all policies have been compared with *Clery* criteria and edited accordingly:

Pre-Existing/Revised

1. Law Enforcement Authority
2. Access to and Security of Campus Facilities
3. Missing Student Notification
4. Timely Warnings
5. How to Report a Criminal Offense
6. Disclosure to Alleged Victims
7. Alcohol and Drugs
8. Preventing and Responding to Sex Offenses
9. Sex Offender Registration

New

10. Accurate and Timely Reporting of Criminal Offenses
11. Emergency Response and Evacuation
12. Preparation and Disclosure of Crime Statistics
13. Security Awareness and Crime Prevention Programs\
14. Addressing Criminal Activity Off-Campus
15. Substance Abuse Education Programs

Policies were either drafted or revised by the Group in accordance with the Handbook. Not only did the Group consider the *Clery* requirements, it also considered Title IX issues raised in ED's "Dear Colleague" Letter distributed this year. The Group ensured the University's sexual violence protocols were addressed and congruent with safety issues addressed in the ASR. For all of the policies and procedures see Appendix L, Exhibits 1 through 15.

The Group reviewed the *Checklist for the Various Components of Campus Safety & Security Compliance* (Appendix E of the Handbook) to ensure that all required policies, procedures, and crime statistics were included in UND's ASR. Additionally, UND has in place programs designed to inform students and employees about campus safety and security procedures and practices. Compilation of these programs, statistics, policies, and protocols into the ASR complies with ED audit expectations (see Appendix M).

The Group revised the ASR with all updated policies, procedures, and crime statistics, as well as prevention and training programs, which will be published and maintained on an annual basis. After reviewing many ASRs, the Group decided on a format that contained the appropriate information and was easy to read. This revised ASR is part of the final report response. The amended ASR will be re-distributed to the campus community and made available electronically on UND's website.

Finally, the placement of the ASR on UND's website has been determined based on the goal of making it the most accessible to all members and potential members of the University community. The University has identified the following sites on its website where the ASR will appear: UND's Home Page, Future Students, Current Students, UPD, Housing, DOS, Emergency Management, Environmental Health and Safety, Human Resources and Payroll Services, Families, Admissions, Affirmative Action, and Student Life. One click at any of these sites will bring the inquirer to the ASR. Also note that the ASR has a clickable table of contents so the inquirer does not have to go through multiple pages to obtain the information that they are seeking.

The University is ready to distribute the 2009 ASR. Various methods of distribution have been identified. Depending on the final length of the ASR, it may be placed in total in the University directory. Within the week, it will appear on the website, as discussed above. It is available upon request from UPD.

The University believes that the completed ASR is accurate, comprehensive, and sufficient to give actual notice to all who seek the information contained therein.

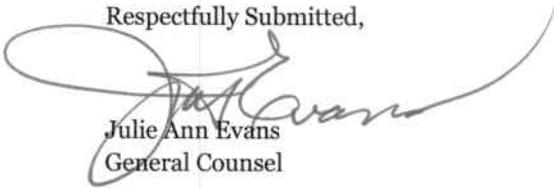
Conclusion:

I believe that the information the University has provided above and in the Appendices is responsive to the concerns and findings of the preliminary audit. As a consequence of this audit, the University has gained a greater understanding of *Clery* requirements and the University's obligations under the *Act*. While UND has reviewed its policies and procedures to make sure that they comply with *Clery*, it has also had the opportunity to assess them by considering other criteria relevant to the University.

Please address any questions or concerns that you may have to me in the Office of General Counsel. I can be reached at 701-777-2378 or the Office of General Counsel, O'Kelly Hall Room 104, 221 Centennial Drive Stop 8196, Grand Forks, ND 58202-8196.

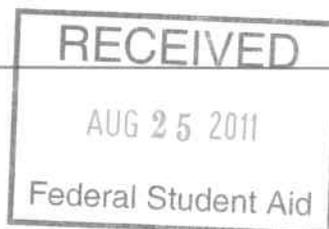
Finally, thank you again for granting an extension of time to respond to this audit. I believe that we have used that additional time well.

Respectfully Submitted,



Julie Ann Evans
General Counsel

August 22, 2011



OFFICE OF GENERAL COUNSEL
 O'KELLY HALL ROOM 104
 221 CENTENNIAL DRIVE STOP 8196
 GRAND FORKS ND 58202-8196
 (701) 777-6345
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Ms. Fran Susman
 U.S. Department of Education
 Federal Student Aid
 1244 Speer Boulevard, Suite 201
 Denver, CO 80204-3518

Sent via U.S. Mail & Email
Fran.susman@ed.gov

Re: Program Review Report Response-- Update and Change Data
 PRCN 201040827298

Dear Ms. Susman:

Based on your questions and our review of the documents, I offer the following for your review:

1. Changes were made to the Crime Statistics on page 12 of the Annual Security Report (ASR). There were four categories that were printed with inaccurate statistics.
 - i) 2008 Burglary arrest, Public Category – this item is properly reported as – 0 –.

This category was reported to the Department of Education (ED) in the “Crime Statistics Survey” as– 0 – and does not require an on-line change. It was printed, however, in the 2009-2010 and 2010-2011 *Code of Student Life (Code)* and in the 2008 Crime Statistics at police.und.edu website as being a “1.”

Explanation: This item was originally listed as “1” in printed form, and refers to an incident documented in a private house in the UPD jurisdiction. Private homes (including rental homes) are exempt from reporting to ED, even in the UPD district. After the 2008 statistics were reported to the Dean of Students Office for the purpose of printing in the *Code*, this event was properly excluded from the *Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act (Clery)* count by the University Police

Department (UPD). The resulting report in the ED Crime Statistics Survey was

– 0 –.

For this item, there is no change required in the online “Crime Statistics Survey,” but a change was made in the CY 2009 ASR. Because this item was listed as a “1” in past, printed information, the new – 0 – in this category has been bolded to indicate a change.

- ii) 2009 Liquor Law Arrest, Campus Category. The spreadsheet contains the number 93; 83 is the correct number. That is the number that was reported to ED in the “Crime Statistics Survey” and is the number printed in the 2010-11 *Code* and on the und.edu website.

Explanation: It is probable that the wrong number (93) was entered in error on the spreadsheet. There is no change required in the online “Crime Statistics Survey,” and the wrong number was corrected in the 2009 ASR. Because the availability of the ASR has not been advertised, the document has been available for less than a week, and it appears to be a localized mistake, the number is not bolded.

- iii) 2008 Drug Violations, Non-Arrest, Campus and Campus Residence categories. In the 2008 audit, Housing reported two drug violations that were not provided in their original statistics. When the report of their audit was transferred into the spreadsheet, this number was omitted. (Reminder, Campus Residence is a subset of Campus; that when two Campus Residence violations are added, it by default changes the Campus category.) A caveat explaining the addition was made in the CY 2010 ED “Crime Statistics Survey” (the website prohibits modification of 2-year old data), and the data have been changed CY 2009 ASR. The new number has been bolded to indicate a change.

- 2. Since the University of North Dakota (UND) submitted its response to *PRCN 201040827298*, UND received crime statistics from Casper PD in Casper, Wyoming. The statistics related to Casper College and the on-site UND Occupational Therapy program. While the data were in categories

usable under the Clery definitions, they were also for the entire city. Diane Fore, Administrative Assistant for UPD contacted the person who sent the statistics, and Casper PD will not provide data that are specific to the location UND uses at Casper College.

Because the data are for the city and are too expansive, the following decision was made:

- i) Remove Casper College from Figure 3. They have responded.
 - ii) Add Casper College to Figure 2. They have responded. Insert a note in place of the data that would normally be in the table indicating that the data are not usable.
3. The “Skills and Technology Training Center” in Fargo, ND, was removed from Figure 3. The center was not used in 2009, and no data were requested for CY 2009. A letter requesting 2010 data has been sent to this location.
 4. The National Energy Center at Bismarck State College (#4 on page 14 of UND’s Response document) and Aurora Medical Park (#15) were not used in 2009.
 - i) Despite the footnote “2” for the National Energy Center, the space was not used in 2009.
 - ii) Despite the footnote “3” indicating permanent UND ownership, this facility was under construction in 2009, thus there are no data to report.

Accordingly, both were absent from Figure 3. They should not have been listed in the response document. No further action is required.

5. Page 149 of 228 is a letter from the Bismarck, North Dakota, Police Department, and page 155 of 228 is a printout received as an attachment from Bismarck PD, responding to UND’s inquiry about three locations, including the UND Family Practice Center. UND has corrected the figures indicating the lack of response from these locations, has:
 - i) Removed Family Practice Center from Figure 3. Bismarck PD has responded.
 - ii) Add Family Practice Center to Figure 2. They have responded. The “row” of data will be all zeros, indicating no reportable crime occurred at this location.

6. Crime statistics data relating to:

14. Altru Hospital Property: Altru Health System: 1200 South Columbia Rd, Grand Forks, ND 582013;

17. Airport Leased Building: Grand Forks Int'l Airport, 2787 Airport Dr. Grand Forks, ND 582033+;

18. Dakota Hall: 1050 North 43rd Street, Grand Forks, ND 582033+;

19. Ralph Engelstad Arena: One Ralph Engelstad Arena Drive, Grand Forks, ND 582034+;

20. Alerus Center: 1200 S. 42nd St., Grand Forks, ND 582015; and

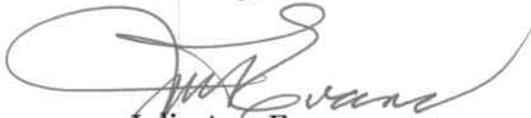
21. Apollo Park: 2511 17th Ave S., Grand Forks, ND 582015,

had not been requested of the Grand Forks Police Department. The staff member responsible for this had a meeting scheduled to hand deliver the letter with the request. The meeting was cancelled; the request was not made. The request letter was delivered today to the Grand Forks Police Department. A copy of which will be sent by email to you tomorrow.

Additionally, the ASR has been updated to include all necessary changes. It has been uploaded to the UND website and can be found at Discover UND, which is on every page of the website. It also will be found under the following headings: Future Students; Current Students; Housing; Dean of Students; Emergency Management; Environmental Health and Safety; Human Resources and Payroll Services; Families; Admissions; Affirmative Action; and Student Life.

Thank you for your attention to this matter. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Julie Ann Evans
General Counsel

cc: Robert O. Kelley, President

Enclosure (ASR)

September 2, 2011

OFFICE OF GENERAL COUNSEL
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Sent via U.S. Mail & Email: Fran.susman@ed.gov

Ms. Fran Susman
U.S. Department of Education
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, CO 80204-3518

Re: Program Review Report Response—PRCN 201040827298

Dear Ms. Susman:

In response to your email of August 29, 2011, in which you inquired about: (A) the Grand Forks Police Department (GFPD) response; (B) notification to students regarding the availability of the 2009 ASR; and (C) submission to the Department's on-line database, please see below.

A. The University of North Dakota (UND/University) received the GFPD response on August 30, 2011. The University requested crime statistics representing both specific locations and, when appropriate, specific times. Records Supervisor Patty Johnson indicates, on page 2 of the GFPD response, that "I am unable to provide crime statistics for a radial mile surrounding the campus district. I am unable to provide crime statistics for the specific addresses listed." See letter from Penny Johnson to Duane Czapiewski dated 8/26/11. These citywide statistics are not usable; however, they have been made a part of the ASR. The following changes were made to the ASR before notice to the community that the links were available:

1. Figure 1 on pages 12 and 13 remains the same. The statistics within are unchanged.
2. Figure 2 (Crime statistics from IVN and other distance sites for which we have statistics) has been changed to Figure 4. The statistics within the table are unchanged.
3. The "old" Figure 3 has become Figure 2. This is the list of sites from which UND requested statistics but did not receive a response. Because GFPD provided citywide statistics, the following entities were removed from the list of non-reporting sites: Alerus Center, Altru Health Systems, Apollo Park, Dakota Hall, and GF International Airport.

4. Finally, a new Figure was created and identified as Figure 3. In it, UND indicates the report of statistics as provided from GFPD. Because the categories used by GFPD in the creation of the statistics table are different from Department of Education (ED) categories, UND did not display these data within Table 1. Further, because the statistics are for the entire community, the data could not be divided in such a way as to demonstrate crime occurring within the campus district, or beyond it into the rest of the city.

5. See UND ASR at: <http://www.und.edu/annual-security-report>

For your information, the 2009 statistics presented in the 2010-11 *Code of Student Life* informs the reader city crime statistics are available at the Grand Forks Website. While inclusion of this data in the ASR provides more accessible information, the data was already available and advertised to interested parties.

B. Regarding notification to students of the ASR, the University specified during your visit that it would send an email to all @und.edu email addresses on the first business day following the last day to add/drop without record. This date assures that UND has the highest and most accurate identifier of students for the semester. The notification occurred yesterday. It was sent to the University community: students, faculty, and staff. See email from Jan Orvik, Subject U Community alerted to Code of Life, security policies, dated 9/1/11.

Finally, there are some Web pages within the UND series of pages on which we have requested that a "hot link" be applied, directing students, employees, prospective students and employees, and the family members of these four groups to read the ASR. This set of links went live today. See email from Amanda Hvidsten regarding ASR links, dated 9/2/11. As noted in the email, there are still a few that will be added when individual departments handle their own links.

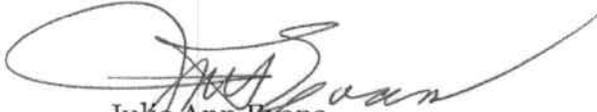
C. While the data from the GFPD are incorporated into the printed and online ASR, they were not considered usable for purposes of the ED online database. While submission to the ED online database had occurred before the arrival of this data, it was inconsequential since the GFPD statistics did not require a change.

I believe that this is the last of the information for which you were waiting. I appreciate your help with this process.

Ms. Fran Susman
September 2, 2011
Page 3

Thank you for your attention to this information. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Ann Evans". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Julie Ann Evans
General Counsel

JAE:kwh
11-0815
Enclosures

cc: Robert O. Kelley, President, University of North Dakota (with enclosures)