



MAR 08 2011

Elson S. Floyd, Ph.D.
President
Washington State University, Pullman
French Administration Building, Room 422
1 Southeast Stadium Way
Pullman, WA 99164-1048

Certified Mail
Return Receipt Requested
7007 0710 0001 0560 4686

RE: **Final Program Review Determination**
OPE ID: 00380000
PRCN: 200940926978

Dear Dr. Floyd:

The U.S. Department of Education's (Department) School Participation Team – San Francisco/Seattle issued a program review report on July 6, 2010 covering Washington State University's (WSU) administration of 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), for the calendar year 2007. WSU's final response was received on August 11, 2010. A copy of the program review report (and related attachments) and WSU's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by WSU 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:

A final determination has been made concerning the outstanding findings in the program review report. The purpose of this letter is to notify WSU of the Department's determination and to close the program review. Due to the serious nature of the finding, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible administrative action pursuant to 34 C.F.R. Part 668, Subpart G. Such action may include a fine, and/or the limitation, suspension or termination of the eligibility of the institution. If AAASG initiates an action, the institution will be notified under separate cover of that action. AAASG's notification will also include information regarding the institution's appeal rights and procedures on how to contest that action.

U. S. Department of Education, Federal Student Aid, School Participation Team–San Francisco/Seattle
50 Beale Street, San Francisco, CA 94105
www.FederalStudentAid.ed.gov

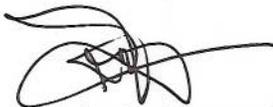
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Record Retention:

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)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Marcia Clark at 415-486-5602.

Sincerely,



Martina Fernandez-Rosario
Area Case Director

Enclosures:

Final Program Review Determination
Institution's Response to the Program Review Report
Program Review Report

cc: Mr. Richard Heath, Senior Associate Vice President for Business and Finance
Mr. Bill Gardner, Vice President for Business and Finance
Dr. Sandra Elman, Northwest Commission on Colleges and Universities

Prepared for
Washington State University



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Prepared by:
U.S. Department of Education
Federal Student Aid
School Participation Team – San Francisco/Seattle

Final Program Review Determination

March 8, 2011

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A. Institutional Information

Washington State University, Pullman
French Administration Building
1 Southeast Stadium Way
Pullman, WA 99164-1048

Type: Public

Highest Level of Offering: Doctorate Degree

Accrediting Agency: Northwest Commission on Colleges and Universities

Current Student Enrollment: 17,750 (2008-2009)

Title IV, HEA Program Participation (Source: Postsecondary Education Participation System):

	2007-2008 Award Year
Federal Pell Grant	\$ 14,394,000
Academic Competitiveness Grant (ACG)	\$ 480,112
National Science and Mathematics Access to Retain Talent Grant (SMART)	\$ 804,931
Federal Family Education Loan (FFEL), Subsidized	\$ 44,403,189
Federal Family Education Loan (FFEL) , Unsubsidized	\$ 41,274,781
FFEL PLUS	\$ 23,655,840
FFEL Graduate PLUS	\$ 993,888
Federal Perkins Loan	\$ 4,150,667
Federal Supplemental Educational Opportunity Grant	\$ 1,618,260
Federal Work Study	\$ 819,595

Default Rate FFEL:	2006	2.0%
	2005	2.3%
	2004	3.2%

Default Rate Perkins:	2006	6.0%
	2005	8.0%
	2004	7.8%

Washington State University, Pullman (WSU), founded in 1890, is a land-grant institution that offers more than 200 undergraduate, graduate, and professional degrees. The WSU Police Department (WSU Police/WSUPD) consists of 17 commissioned officers who possess the same enforcement and arrest powers as any police officer commissioned in the state of Washington. The WSU Police are on campus 24 hours a day, seven days a week, providing police services by vehicle, bicycle, and on foot. The WSUPD enjoys a close working relationship with the City of Pullman Police Department, as well as other local agencies including the Whitman County Sheriff's Office and the Washington State Patrol. The WSUPD also works closely with the Quad Cities Drug Task Force and the Washington State Liquor Control Board.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at WSU from July 21, 2009 through July 23, 2009. The review was conducted by Marcia Clark and Frank Reyes of the School Participation Team – San Francisco/Seattle, James Moore of the School Participation Team – Philadelphia and Clifton Knight of the School Participation Team – Dallas.

The focus of the review was to evaluate WSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act is included in § 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 §§ 668.41-668.46. WSU was selected 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 included an examination of WSU's police incident reports, arrest records, student conduct violation records, and policies and procedures related to the Clery Act. The reviewers also interviewed relevant WSU staff.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Service (CJIS) Audit Unit conducted at WSU. The Department is partnering with the CJIS Audit Unit (CAU) to ensure 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 postsecondary institutions. The CAU reviewed a sample of 50 Part I Offenses and 50 Part II Offenses that were recorded from January 1, 2008 through December 31, 2008. A copy of the CJIS report was included as an appendix to the program review report.

The Department reviewed a sample of 170 campus police incident reports and arrest reports, and 57 student conduct violation reports from the calendar year 2007. The files were selected randomly from a list of all incidents of crime reported to the WSUPD, arrest records for forcible sexual crimes reported by the Pullman Police Department, and from listings of student conduct violation records including all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances, and weapons offenses 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 program review report concerning WSU'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 WSU of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Findings with Final Determinations

At the conclusion of each finding is a summary of WSU's response to the finding, and the Department's final determination for that finding. A copy of the Program Review Report (PRR) issued on July 6, 2010 is attached as Appendix B.

Finding 1: Failure to Properly Disclose Forcible Sex Crime Statistics and Accurately Classify Offenses

Citations: *Institutions participating in the federal student financial aid programs under Title IV of the HEA are required to prepare an Annual Security Report that contains the crime statistics as described in 34 C.F.R. § 668.46(c) for the three most recent calendar years. 34 C.F.R. § 668.46(b). Crimes that must be included are: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose arrests and disciplinary actions related to violations of federal or state drug, liquor and weapons laws. 34 C.F.R. § 668.46(c)(1).*

Noncompliance: *WSU failed to properly include two forcible sex offenses in the crime statistics for the calendar year 2007.*

The first incident occurred on August 31, 2007. An individual called the WSUPD and reported an incident which was recorded as incident report #07-W3421. The WSUPD was dispatched and followed up on the incident which was coded as a "Domestic Dispute." On September 14, 2007, a supplemental narrative report was filed by a WSUPD officer, and it stated: On 090907 at about 1700hrs, {the victim} brought a written statement to the police department saying much of what she had verbally said on 083107. She added a few things saying that her husband might have given her sleeping pills. She also said that her husband confessed to her that one of his friends had raped her while she was asleep.

The WSUPD failed to follow up on the victim's statement and failed to properly code this crime as a forcible sex offense. Further, the WSUPD improperly retained the incident in its records as a Domestic Dispute, and failed to include the incident as a forcible sex offense in its Clery Act crime statistics report for calendar year 2007.

The second incident occurred on January 27, 2007. A residence hall director reported to the WSUPD that a rape had occurred in one of the residence halls. A WSUPD officer followed up with the victim at the residence hall. The officer coded the crime as a rape, and reported the incident as #07-W0425. Subsequent to filing the report, the incident was improperly unfounded by a records manager causing it to be removed from the crime statistics. Incident #07-W0425 was determined to be unfounded by the WSUPD's

records manager. WSUPD's records manager had no authority to determine that a reported crime is unfounded. Only sworn or commissioned law enforcement personnel may "unfound" a crime. WSUPD failed to include the incident as a forcible sex offense in its Annual Clery Act crime statistics report for the calendar year 2007.

As noted in Section B-Scope of Review of this program review report, this program review was planned and conducted as part of the Department's partnership with the FBI's CJIS Audit Unit. The CAU identified five instances of inaccurate classification in the 50 Part I Offenses reviewed (Appendix A). Incident #08-W4239 was classified as Motor Vehicle Theft-Autos; it should have been classified as Motor Vehicle Theft-Trucks and Buses. Incidents #s 08-W4745, 08-W4773, and 08-W4814 were all classified as All Other Larceny; they all should have been classified as Theft From Building. The last incident, #08-W4396, was classified as Aggravated Assault-Knife or Cutting Instrument; it should have been classified as Aggravated Assault-Hands, Fists, or Feet.

Required Action: *As a result of this finding, WSU was required to correct any errors in its crime statistics for calendar year 2007, and provide proof in its response that the required corrections had been made to the Office of Postsecondary Education Campus Crime Statistics Website, WSU's Campus Security Website, and any publications including the Cougar Safety Guide that were used to report WSU's Clery Act statistical disclosures to the campus community. WSU was further required to provide proof that the corrected crime statistics were redistributed.*

WSU was required to re-examine its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to the police or a non-law enforcement campus security authority were included in the Clery Act statistical disclosures as required. WSU was instructed to provide its revised policies, procedures, internal controls, and/or training materials in its response to the program review report (PRR).

The PRR noted that at the time of the site visit, the new WSU Chief of Police (Chief) was in the process of strengthening the report writing skills of the officers of the WSUPD, establishing a quality control process where sergeants check the incident reports submitted by police officers, and establishing standards for follow up on reported incidents. The Department required that the Chief submit, in response to the report, a brief summary of any findings and proposals for change and/or improvement as related to WSU's compliance with the Clery Act.

With regard to the discrepancies noted by the FBI's CAU in the QAR, WSU was encouraged to correct the discrepancies noted in the QAR. The PRR further instructed that of all the incidents noted by the QAR, only Incident #08-W4396 was reportable for Clery Act purposes. Therefore, WSU was advised that it should have corrected this discrepancy prior to reporting crimes for Clery Act purposes to the Department for

calendar year 2008. WSU was required to include this incident in its count of Aggravated Assaults for calendar year 2008.

WSU's Response: In addition to its specific response to Finding 1, WSU stated that it had utilized the general conclusions provided at the exit interview to make changes in the university and police processes which it believed had enhanced its effectiveness. WSU further noted that it had benefited from the guidance and information provided during the program review process.

Corrections to Crime Statistics

Crime statistics reported to the Office of Postsecondary Education Campus Crime Statistics Website (item 1), to WSU's Campus Security Website (item 2), to the Spillman Law Enforcement Records System (item 3), and to the 2009-2010 Security/Fire Report (formerly the Cougar Safety Guide) (item 4) have been corrected and distributed by the WSU Police Department and via the Security/Fire Report.

With respect to the two 2007 sexual offenses noted by the Department, WSU has investigated those coding errors and offers the following additional information:

Regarding the August 31, 2007, incident: The call was received under the category "Domestic Dispute," and it was determined during the initial investigation that no crime had been committed. The victim was referred to local assistance resources appropriate to the circumstances. After the initial investigation, the victim submitted a written statement including a new allegation that a friend of her husband had sexually assaulted her. The officer had attempted to re-contact the victim, but was unable to do so and determined that they had left the area, which later turned out to be incorrect. The incident was improperly left coded only as a domestic dispute. The coding and the annual crime statistics have been corrected, and the updated statistics reported to the appropriate agencies. As explained in detail below, WSU has implemented additional officer training to prevent these types of errors in the future.

Regarding the January 27, 2007, incident: This incident was correctly reported and coded as a sexual assault, but because the victim did not wish to provide substantiating information it was unfounded (by records personnel). The original coding remains correct and the disposition has been changed from unfounded. The statistical reporting has been amended. In addition, a resultant change in procedure now requires that investigating officers explain the disposition of criminal investigations within the body of their reports and that investigations can only be closed or unfounded on the recommendation of the investigating officer and the authorized reviewer (however, the actual entry into the Spillman system may be done by records personnel).

FBI Quality Assurance Report Discrepancies

Although WSUPD was found to meet guidelines in all ten review areas of the FBI's Quality Assurance Review, five coding discrepancies were noted. The discrepancy in case # 08-W4239 appears to be a data entry error and has been corrected. Three discrepancies (case numbers 08-W4745, 08-W4773 and W4814) were the result of misclassification based on lack of training and have been corrected. These types of errors were highlighted in officer training during late 2008 and early 2009.

The discrepancy in case number 08-W4396 appears to be the result of an inadvertent mistake. The incident was investigated and clearly involved a simple assault with minor injuries that were originally (and properly) coded as a "hands, fist, feet" assault. The UCR statistics were submitted correctly reflecting the incident as a simple assault, not an aggravated assault. Subsequently, several incidents, including 08-W4396, were investigated to determine if they were hate crimes. Coding was changed to reflect the new information. WSUPD believes, although it is uncertain, that this incident was inadvertently re-coded at that time. The report has been reviewed to confirm that it was a simple assault and that it was properly reported to UCR. Therefore, it should not be added to the calendar year 2008 Clery statistics in the aggravated assault category.

As a result of this incident, WSUPD's records staff will begin to "lock down" reports so that changes after the initial review are only possible through an administrative process and cannot be made inadvertently.

Final Determination:

WSU's response to this finding is satisfactory. However, it is important to note that while WSU provided a satisfactory response, the corrective measures taken by WSU do not diminish the seriousness of this finding. Failure to properly disclose forcible sex crime statistics and accurately classify offenses deprives current and prospective students and employees of crime statistics, which the Jeanne Clery Act requires participating institutions to disclose.

Finding 2. Failure to Include Required Statements in Annual Security Report

Citation: Under the Clery Act, an institution must include, within its Annual Security Report, a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. The statement must include required policies regarding security procedures and policies. 34 C.F.R. § 668.46(b). Such required policies include:

- A statement of current policies for preparing the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(2)(i).

- *A statement of current policies that describe procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(4)(iii).*
- *A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.*
 - *The statement must include, among other procedures and policies, the procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that –*
 - *The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and*
 - *Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense, and*
 - *The statement must include the sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses. 34 C.F.R. § 668.46(b)(II)(vi) and (vii).*

The Annual Security Report must be distributed to all enrolled students and current employees by October 1 of each year. 34 C.F.R. § 668.41(e)(4).

Noncompliance: *WSU provides its Annual Security Report under the title the Cougar Safety Guide. While WSU does have a policy regarding preparation of the crime statistics, this policy is found in the WSU Police Department Manual which is not generally available to the campus community.*

WSU has a written procedure that encourages professional counselors, if and when they deem it appropriate, on a voluntary and confidential basis, to report crimes. This policy is also not included in the Cougar Safety Guide. WSU's policy regarding professional counseling is included in a publication available at the WSU Counseling Services.

WSU's Disciplinary Procedures for Sexual Assault fail to include the sanctions that WSU may impose following a final determination of an institutional disciplinary proceeding, regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

Required Action: *WSU was required to revise and provide with its response its Annual Security Report which was required to comply with the Clery Act requirements regarding:*

- *Its policy for preparing the annual disclosure of crime statistics;*
- *Its policy regarding professional counselors, and*

- *The sanctions that WSU may impose following a final determination of an institutional disciplinary proceeding, regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.*

WSU's Response: The 2010-2011 Security/Fire Report has been updated to include the following:

1. A statement of WSU's policy for preparing the annual disclosure of crime statistics;
2. A statement of WSU's policy encouraging professional counselors to inform clients of any procedures to report crimes on a voluntary and confidential basis for inclusion in the annual disclosure of crime statistics;
3. A statement of WSU's policies regarding sexual assault prevention programs, procedures to follow when a sexual assault occurs, and sanctions imposed by WSU's disciplinary board with respect to sex offenses.

Final Determination:

WSU's response to this finding is satisfactory. However, it is important to note that while WSU provided a satisfactory response, the corrective measures taken by WSU do not diminish the seriousness of this finding.

D. Appendices

Appendix A: Washington State University's Response to the Program Review Report

Appendix B: Washington State University Program Review Report

Appendix A

Washington State University's Response to the Program Review Report

August 10, 2010

Marcia Clark
School Participation Team – San Francisco/Seattle
U.S. Department of Education
50 Beale Street, Suite 9800
San Francisco, CA 94105

RECEIVED
AUG 11 2010
DOE/FLA/SPI/PC
SAN FRANCISCO TEAM

RE: Response to Program Review Report
OPE ID: 00380000
PRCN: 200940926978

Dear Ms. Clark,

Washington State University received your preliminary Program Review Report on July 13, 2010, and we have assembled the following response. Further, as a result of general conclusions you provided to us at the exit interview, we made several changes in university and police processes that have enhanced our effectiveness.

We very much appreciate your efforts and approach regarding this audit, and the guidance and information you provided when you were here. We have benefited from the relationship that grew out of the audit process.

The following represents our response.

RE: Finding 1: Disclosure and Classification

Corrections to Crime Statistics

Crime statistics reported to the Office of Postsecondary Education Campus Crime Statistics Website (item 1), to the WSU's Campus Security Website (item 2), to the Spillman Law Enforcement Records System (item 3), and to the 2009-2010 Security/Fire Report (formerly the Cougar Safety Guide) (item 4) have been corrected and distributed by the WSU Police Department and via the Security/Fire Report.

With respect to the two 2007 sexual offenses noted by the Department, WSU has investigated those coding errors and offers the following additional information:

- Regarding the August 31, 2007, incident: The call was received under the category "Domestic Dispute," and it was determined during the initial investigation that no crime had been committed. The victim was referred to local assistance resources appropriate to the circumstances. After the initial investigation, the victim submitted a written statement including a new allegation that a friend of her husband had sexually assaulted her. The officer had attempted to re-contact the victim, but was unable to do so and determined that they had left the area, which later turned out to be incorrect. The incident was improperly left coded only as a domestic dispute. The coding and the annual crime statistics have been corrected, and the updated statistics reported to the appropriate agencies. As explained in detail below, WSU also has implemented additional officer training to prevent these types of errors in the future.
- Regarding the January 27, 2007, incident: This incident was correctly reported and coded as a sexual assault, but because the victim did not wish to provide substantiating information it was unfounded (by records personnel on unknown authority). The original coding remains correct and the disposition has been changed from unfounded. The statistical reporting has been amended. In addition, a resultant change in procedure (see below) now requires that investigating officers explain the disposition of criminal investigations *within the body of their reports* and that investigations can only be closed or unfounded on the recommendation of the investigating officer and the authorized reviewer (however, the actual data entry into the Spillman system may be done by records personnel).

Policy, Training, and Internal Control Revisions

WSU began the process of improving records and report writing processes well before the current audit of 2007 was conducted. Early in May of 2008 the new police chief issued a preliminary directive to officers (item 5) requiring more detail in the reports and accurate coding by officers and reviewing sergeants. The directive also had the effect of reducing the responsibility of records personnel with respect to correcting and re-coding officers' reports. The promise of a clear policy and re-training was made at the time the directive was issued.

Between May 2008 and August 2008 the new police chief conducted an assessment of the physical records on file, the processes and policies in place, and the existing report writing and reviewing expertise within the department. As a result, he directed more training on the Spillman system and its associated coding system.

In August 2008 an interim policy on report writing and report review was issued (items 6 & 7). The policy provided a timeframe for completion of reports. It also required that each report include an accurate and complete description of each incident, the criminal elements present, any necessary justifications for police actions, all necessary completed forms and correspondence, and all coding (including disposition coding added only by sergeants) and associated involvement screens used by the Spillman Records System.

At the same time, the chief added an additional level of review to be conducted by a lieutenant with extensive proficiency in report writing and review. When reports were sent back to sergeants for corrections, the lieutenant provided training as needed.

The new records manager (also extensively proficient in the Spillman System and with UCR data) was instructed to review report coding as a third internal control and report mistakes to the Lieutenant. The manager also added new code options to the Spillman System to generate and track Clery data (item 8).

The department created a detailed instruction manual (item 9) designed to teach officers and sergeants how to complete and review a report in the Spillman System and to be used as a resource for atypical reports. The training included one mass session in February 2009 (Item 10), followed by individual sessions for all commissioned personnel and included a block on how UCR and Clery data are populated in Spillman. In addition, selected reports are examined twice monthly at supervisors' meetings as ongoing in-service training for sergeants and corporals.

In August of 2009 the police chief issued a temporary mandate to officers (item 11) requiring some level of follow up for every documented incident, no matter how insignificant. This mandate produced complete and detailed reports. Officers were required to think about possible follow up that would enhance the quality of their reports and the information available. Several examples are attached (item 12 a-d). The mandate by design was short lived, but has had the long term effect of reducing the number of cases being returned to officers for follow up.

Follow up training for report reviewers has occurred regularly since the February 2009 training. Sergeants are now required to take a primary role in completing each month's UCR (or NIBRS) report to the FBI and State with assistance from the records manager. In doing this, sergeants are exposed to coding errors and completeness issues and are becoming "the experts" on UCR, NIBRS, and Clery questions. A police lieutenant has been designated as the coordinator responsible for ensuring Clery compliance campus-wide and receives ongoing advanced training.

The results of the policy revision and re-training have been positive. Annual self-assessments modeled after the Clery and UCR/NIBRS audits began this summer. In addition, both the lieutenant and records manager conduct random weekly spot checks of different parts of the report writing and review system. The number of UCR coding errors discovered each quarter has been reduced and fewer cases requiring follow up are being submitted by officers.

FBI Quality Assurance Report Discrepancies

Although WSU PD was found to meet guidelines in all ten review areas of the FBI's Quality Assurance Review, five coding discrepancies were noted. The discrepancy in case number 08-W4239 appears to be a data entry error and has been corrected (item 13). Three discrepancies (case numbers 08-W4745, 08-W4773, and 08-W4814) were the result of misclassification based on lack of training and have been corrected (item 14 a-c). These types of errors were highlighted in officer training during late 2008 and early 2009.

The discrepancy in case number 08-W4396 appears to be the result of an inadvertent mistake. The incident was investigated and clearly involved a simple assault with minor injuries that originally (and properly) had been coded as a "hands, fist, feet" assault. The UCR statistics were submitted correctly reflecting the incident as a simple assault, not an aggravated assault. Subsequently, several incidents, including 08-W4396, were investigated to determine if they were hate crimes. Coding was changed to reflect the new information. We believe, although we cannot be certain, that this incident was inadvertently re-coded at that time (item 15). The report has been reviewed to confirm that it was a simple assault and that it was properly reported to UCR (item 16). Therefore, it should not be added to the calendar year 2008 Clery statistics in the aggravated assault category.

As a result of this incident, our records staff will begin to "lock down" reports so that changes after the initial review are only possible through an administrative process and cannot be made inadvertently.

RE: Finding 2: Security Report Requirements

Annual Security Report Revision

The 2009-2010 version of the Security/Fire Report included information similar to your current recommendations with respect to the below three areas (item 4, pp. 5, 8, 8, respectively), however wording drafted for the most recent iteration conforms more closely to your findings.

A draft of the 2010-2011 Security/Fire Report (item 17) has been updated to include the following:

1. A statement of WSU's policy for preparing the annual disclosure of crime statistics;
2. A statement of WSU's policy encouraging professional counselors to inform clients of any procedures to report crimes on a voluntary and confidential basis for inclusion in the annual disclosure of crime statistics;
3. A statement of WSU's policies regarding sexual assault prevention programs, procedures to follow when a sexual assault occurs, and sanctions imposed by WSU's disciplinary board with respect to sex offenses.

These statements will be included in WSU's 2010-2011 Fire/Security Report, which will be distributed prior to October 1, 2010.

RE: Recommendations

Number 1 Designate a Single Clery Compliance Coordinator

As noted above, we accepted this recommendation and have designated a police department lieutenant as the single Clery Compliance Coordinator. Because this is an important responsibility and will require significant work outside the police department, additional police administrative assistance may be necessary to ensure that remedies put in place over the last two years remain effectual and that a third level of report review as recommended by the FBI remains in place. A new position of Administrative Sergeant is being proposed as a measure to replace some of the lieutenant's former duties related to report oversight.

Number 2 Uniform Report Writing Training

As noted with respect to Finding 1 above, and in the DOE report, training in police report writing was significantly enhanced in mid-2008, and is ongoing. The designated Clery Compliance Coordinator will develop an extension of that training to be provided to other university personnel with Clery Act responsibilities and will be responsible for making the training available.

Through an existing police outreach program (Police Face-to Face Forums) we will offer basic sessions on the Clery Act for interested students, either annually or each semester as demand dictates.

Number 3 Timely Warning and Ongoing Reporting

A revised policy on formulation and distribution of timely warnings and emergency warnings (item 18) was developed prior to receipt of the draft audit and is nearly completed. The revised policy will authorize police personnel at the on-duty supervisor level and above to formulate and distribute emergency warnings without delay, and includes example warnings for specific situations. Timely warnings may be distributed by police in conjunction with university administration when the situation is non-emergent. On-going training for all personnel with authority to distribute warnings is required by the policy.

With respect to the use of abbreviations in the daily log, that practice has been discontinued. The log generated by the police records software is edited to eliminate abbreviations, acronyms, and police jargon. It is available on line at <http://police.wsu.edu/DailyLog> (item 19).

Again, thank you for your review and guidance. If there is any additional information you would like prior to finalizing your report, please let me know.

Sincerely,



Richard A. Heath
Senior Associate Vice President Business and Finance
Washington State University

Cc: Elson S. Floyd, Ph.D., President
Roger Patterson, Vice President for Business and Finance
Bill Gardner, Police Chief

Appendix B

Washington State University
Program Review Report



JUL 06 2010

Dr. Elson S. Floyd, President
Washington State University
French Administration Building, Room 422
1 Southeast Stadium Way
Pullman, WA 99164-1048

Certified Mail
Return Receipt Requested
7007 0710 0000 5715 2471

RE: **Program Review Report**
OPE ID: 00380000
PRCN: 200940926978

Dear Dr. Floyd:

From July 21, 2009 through July 23, 2009, Marcia Clark and Frank Reyes of the School Participation Team - San Francisco/Seattle, James Moore of the School Participation Team - Philadelphia and Clifton Knight of the School Participation Team - Dallas conducted a review of Washington State University's (WSU) 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. (HEA). The review focused solely on WSU'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 WSU. The response should include a brief, written narrative for each finding that clearly states WSU's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, WSU 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 (PPRD).

U.S. Department of Education, Federal Student Aid, School Participation Team – San Francisco/Seattle
50 Beale Street, Suite 9800, San Francisco CA 94105
www.FederalStudentAid.ed.gov

- 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.

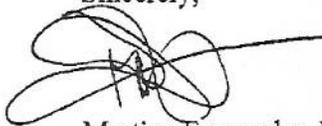
For purposes of attaching a copy of the institution's response, the Department considers the institution's response to be the institution's written narrative. Any supporting documentation submitted with the institution's written response will not be attached to the final program review determination (FPRD). 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 Marcia Clark of this office within 30 calendar days of receipt of this letter.

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 Marcia Clark at 415-486-5602 or Marcia.Clark@ed.gov.

Sincerely,



Martina Fernandez-Rosario
Team Leader

cc: Mr. Bill Gardner, Chief of Police, WSU
Rich Heath, Senior Associate Vice President, Business and Finance

Prepared for
Washington State University, Pullman



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Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Team – San Francisco/Seattle

Program Review Report

July 6, 2010

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A. Institutional Information

Washington State University, Pullman
French Administration Building
1 Southeast Stadium Way
Pullman, WA 99164-1048

Type: Public

Highest Level of Offering: Doctorate Degree

Accrediting Agency: Northwest Commission of Colleges and Universities

Current Student Enrollment: 17,750 (2008-2009)

Title IV Participation Source: Postsecondary Education Participation System

2007-2008 Award Year

Federal Pell Grant	\$ 14,394,000
Academic Competitiveness Grant (ACG)	\$ 480,112
National Science and Mathematics Access to Retain Talent Grant (SMART)	\$ 804,931
Federal Family Education Loan (FFEL), Subsidized	\$ 44,403,189
Federal Family Education Loan (FFEL), Unsubsidized	\$ 41,274,781
FFEL PLUS	\$ 23,655,840
FFEL Graduate PLUS	\$ 993,888
Federal Perkins Loan	\$ 4,150,667
Federal Supplemental Opportunity Grant	\$ 1,618,260
Federal Work Study	\$ 819,595

Default Rate FFEL:	2006	2.0%
	2005	2.3%
	2004	3.2%

Default Rate Perkins:	2006	6.0%
	2005	8.0%
	2004	7.8%

Washington State University, Pullman (WSU), founded in 1890, is a land-grant institution that offers more than 200 undergraduate, graduate, and professional degrees. The WSU Police Department (WSU Police/WSUPD) consists of 17 commissioned officers who possess the same enforcement and arrest powers as any police officer commissioned in the state of Washington. The WSU Police are on campus 24 hours a day, seven days a week, providing police services by vehicle, bicycle, and on foot. The WSUPD enjoys a close working relationship with the City of Pullman Police Department, as well as other local agencies including the Whitman County Sheriff's Office and the Washington State Patrol. The WSUPD also works closely with the Quad Cities Drug Task Force and the Washington State Liquor Control Board.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at WSU from July 21, 2009 through July 23, 2009. The review was conducted by Marcia Clark and Frank Reyes of the School Participation Team – San Francisco/Seattle, James Moore of the School Participation Team – Philadelphia and Clifton Knight of the School Participation Team – Dallas.

The focus of the review was to evaluate WSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act is included in § 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 §§ 668.41-668.46. WSU was selected from a sample of institutions of higher education with sworn police departments and the review was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of WSU's police incident reports, arrest records, student conduct violation records, and policies and procedures related to the Clery Act. Staff interviews were also conducted.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Service (CJIS) Audit Unit conducted at WSU. The Department is partnering with the CJIS Audit Unit (CAU) to ensure 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 postsecondary institutions. The CAU reviewed a sample of 50 Part I Offenses and 50 Part II Offenses that were recorded from January 1, 2008 through December 31, 2008. A copy of the CJIS report is attached as Appendix A.

The Department reviewed a sample of 170 campus police incident reports and arrest reports, and 57 student conduct violation reports from the calendar year 2007. The files were selected randomly from a list of all incidents of crime reported to the WSUPD, arrest records for forcible sexual crimes reported by the Pullman Police Department, and from listings of student conduct violation records including all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances, and weapons offenses 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 program review report concerning WSU'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 WSU of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

While this program review report reflects the initial findings of the Department, they are not final. The Department will issue a Final Program Review Determination (FPRD) letter at a later date.

With regard to the discrepancies noted in the QAR, the exit briefing packet provided by the CAU in its exit briefing addressed the finding(s) and WSUPD's compliance with the UCR guidelines. Unless specified in Section C of this program review report, no further action is required as it relates to the QAR.

C. Findings

During the program review, the following incidents of noncompliance were noted. The findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by WSU to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1: Failure to Properly Disclose Forcible Sex Crime Statistics and Accurately Classify Offenses

Citations: Participating institutions are required to prepare an Annual Security Report that contains the crime statistics as described in 34 C.F.R. § 668.46(c) for the three most recent calendar years. 34 C.F.R. § 668.46(b). Crimes that must be included are: homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the institution is required to disclose arrests and disciplinary actions related to violations of federal or state drug, liquor and weapons laws. 34 C.F.R. § 668.46(c)(1)

Noncompliance: WSU failed to properly include two forcible sex offenses in the crime statistics for the calendar year 2007.

The first incident occurred on August 31, 2007. An individual called the WSUPD and reported an incident which was recorded as incident report #07-W3421. The WSUPD was dispatched and followed up on the incident which was coded as a "Domestic Dispute." On September 14, 2007, a supplemental narrative report was filed by a WSUPD officer, and it stated: *On 090907 at about 1700hrs, {the victim} brought a written statement to the police department saying much of what she had verbally said on 083107. She added a few things saying that her husband might have given her sleeping pills. She also said that her husband confessed to her that one of his friends had raped her while she was asleep.*

The WSUPD failed to follow up on the victim's statement and failed to properly code this crime as a forcible sex offense. Further, the WSUPD improperly retained the

incident in its records as a Domestic Dispute, and failed to include the incident as a forcible sex offense in its Clery Act crime statistics report for calendar year 2007.

The second incident occurred on January 27, 2007. A residence hall director reported to the WSUPD that a rape had occurred in one of the residence halls. A WSUPD officer followed up with the victim at the residence hall. The officer coded the crime as a rape, and reported the incident as #07-W0425. Subsequent to filing the report, the incident was improperly unfounded by a records manager causing it to be removed from the crime statistics. Incident #07-W0425 was determined to be unfounded by the WSUPD's records manager, not by a police officer. WSUPD's records manager had no authority to determine that a reported crime is unfounded. WSUPD failed to include the incident as a forcible sex offense in its Annual Clery Act crime statistics report for the calendar year 2007.

As noted in Section B-Scope of Review of this program review report, this program review was planned and conducted as part of the Department's partnership with the FBI's CJIS Audit Unit. The CAU identified five instances of inaccurate classification in the 50 Part I Offenses reviewed (Appendix A). Incident #08-W4239 was classified as Motor Vehicle Theft-Autos; it should have been classified as Motor Vehicle Theft-Trucks and Buses. Incidents #s 08-W4745, 08-W4773, and 08-W4814 were all classified as All Other Larceny; they all should have been classified as Theft From Building. The last incident, #08-W4396, was classified as Aggravated Assault-Knife or Cutting Instrument; it should have been classified as Aggravated Assault-Hands, Fists, or Feet.

Required Action: WSU must correct any errors in its crime statistics for calendar year 2007, and provide proof in its response that the required corrections have been made to the Office of Postsecondary Education Campus Crime Statistics Website, WSU's Campus Security Website, and any publications including the Cougar Safety Guide that are used to report WSU's Clery Act statistical disclosures to the campus community. Proof that the corrected crime statistics have been redistributed must also be provided with its response to this finding.

WSU must re-examine its policies, procedures, internal controls, and training programs to ensure that all incidents of crime reported to the police or a non-law enforcement campus security authority are included in the Clery Act statistical disclosures as required. A copy of WSU's revised policies, procedures, internal controls, and/or training material must be provided with WSU's response to this program review report.

At the time of the site visit, the new WSU Chief of Police (Chief) was in the process of strengthening the report writing skills of the officers of the WSUPD, establishing a quality control process where sergeants check the incident reports submitted by police officers, and establishing standards for follow up on reported incidents. The Department requests that the Chief submit in response to this report a brief summary of any findings

and proposals for change and/or improvement as they may relate to WSU's compliance with the Clery Act.

With regard to the discrepancies noted by the FBI's CAU in the QAR, WSU was encouraged, to correct the discrepancies noted in the QAR. Of all the incidents noted by the QAR, only Incident #08-W4396 was reportable for Clery Act purposes. Therefore, WSU should have corrected this discrepancy prior to reporting crimes for Clery Act purposes to the Department for calendar year 2008. In its response to this report, WSU must show that this incident was included in its count of Aggravated Assaults for calendar year 2008.

Based on an evaluation of all information, including WSU's response, the Department will determine appropriate additional actions and advise WSU accordingly in the FPRD letter.

Finding 2: Failure to Include Required Statements in Annual Security Report

Citation: Under the Clery Act, an institution must include within its Annual Security Report, a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. The statement must include required policies regarding security procedures and policies. 34 C.F.R. § 668.46(b). Such required policies include:

- A statement of current policies for preparing the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(2)(i).
- A statement of current policies that describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(4)(iii).
- A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.
 - The statement must include, among other procedures and policies, the procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that —
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. and
 - The statement must include the sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance

rape, or other forcible or nonforcible sex offenses. 34 C.F.R. §§ 668.46(b)(11)(vi) and (vii).

The Annual Security Report must be distributed to all enrolled students and current employees by October 1 of each year. 34 C.F.R. § 668.41(e)(1). An institution must also provide its Annual Security Report, upon request, to a prospective student or prospective employee. If the institution chooses to provide its Annual Security Report to prospective students and prospective employees by posting the disclosure on an internet website, the notice described in this paragraph must include the exact electronic address at which the report is posted, a brief description of the report, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(4).

Noncompliance: WSU provides its Annual Security Report under the title the Cougar Safety Guide. While WSU does have a policy regarding preparation of the crime statistics, this policy is found in the WSU Police Department Manual which is not generally available to the campus community. The policy regarding preparation of the Annual Security Report is not included in the Cougar Safety Guide which is distributed to the campus community.

WSU has a written procedure that encourages professional counselors, if and when they deem it appropriate, on a voluntary and confidential basis, to report crimes. This policy is also not included in the Cougar Safety Guide. WSU's policy regarding professional counseling is included in a publication available at the WSU Counseling Services.

WSU's Disciplinary Procedures for Sexual Assault fail to include the sanctions that WSU may impose following a final determination of an institutional disciplinary proceeding, regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

Required Action: WSU is required to revise and provide with its response its Annual Security Report which must comply with the above cited Clery Act requirements regarding:

- its policy for preparing the annual disclosure of crime statistics;
- its policy regarding professional counselors; and
- the sanctions that WSU may impose following a final determination of an institutional disciplinary proceeding, regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

D. Recommendations

The Department's objective in conducting the program review was to evaluate WSU's implementation and administration of the Clery Act. The detection of the compliance violations identified in this report and the development of specific corrective actions needed to bring WSU into compliance are a major part of our oversight duties. The Department also takes very seriously its charge to assist the WSU toward full compliance with the Clery Act. For this reason, the Department offers the following recommendations. These recommendations are based on the documents examined, interviews, and other testing conducted during the site visit. The recommendations are intentionally brief and broad in scope. All recommendations are merely advisory and are offered for WSU's consideration to ensure compliance with Clery Act regulations. WSU is encouraged to comment on these matters in its program review response as appropriate.

- 1. Designate a single administrator with the appropriate authority, knowledge and resources as the Clery Compliance Coordinator (CCC)**

Clery Act compliance is an institutional responsibility. It requires the involvement and cooperation of many officials and the entire campus community. Compliance errors and omissions are more likely to occur when there is no single person charged with ensuring adherence to the Clery Act's requirements. The CCC would be responsible for overseeing the compilation and computation of crime statistics and the development and implementation of required policies and programs, as well as the preparation, publishing and distribution of the Annual Security Report

- 2. Provide Clery Act training and establish uniform standards for report writing**

An on-going training program on Clery Act requirements, UCR standards, and incident report writing should be developed and delivered to key staff. The training program should emphasize the importance of documenting the operative facts and constructing an accurate and complete narrative free of opinion. The training should be developed by the WSUPD in consultation with other institutional officials with Clery Act responsibilities. The training should be offered to all personnel with responsibilities for policing and security, judicial and student affairs, housing athletics, Greek organizations, etc. Over the longer term, training should be offered to all WSU personnel with responsibilities for student life. A basic session on the Clery Act would also be beneficial for interested students.

During the document review, the team observed that many of the calendar year 2007 incident reports were inconsistent and did not adhere to a prescribed format. Several reports examined by the review team contained little or no narrative about the incident itself or the victims, suspects, or witnesses. The codes used for similar incidents varied

considerably suggesting that additional rigor in the writing, coding, and the supervisory review of incident reports may be needed.

3. Possible Improvement regarding Timely Warning and Ongoing Reporting Requirements

Institutions must issue timely warnings regarding ongoing threats to students and employees. Each school must develop, implement, and publish a policy stating precisely how it will meet this requirement. Based on its review, the Department advises WSU to review its policy and ensure that it accurately describes precisely how timely warnings are formulated and distributed. We also recommend that WSU carefully consider expanding the WSUPD's role in both the preparation and issuance of these warnings.

All participating institutions must maintain a daily crime log. The log must contain all required fields, be open to the public, and be prepared in plain language. WSU maintains a crime log that substantially complies with this requirement. However, the log does use acronyms in the disposition field. For example, "UTL" is used for "unable to locate" and CAA is used for "cleared by adult arrest." The purpose of the log is to provide up-to-date information about all crimes occurring in the WSUPD's patrol jurisdiction. A layperson should be able to look at the log and decipher it easily. As such, the Department recommends that the disposition field be modified to be free of abbreviations and acronyms or that at a minimum an easy-to-understand key of the codes be added to the log.

WSU's response should be sent directly to Marcia Clark of the School Participation Team -- San Francisco/Seattle within 30 calendar days of receipt of this letter.

Based on an evaluation of all available information including the WSU's response, the team will determine appropriate additional actions and advise the University of them in the FPRD.

Questions and requests for recommendations and technical assistance should be directed to the review team. WSU may wish to review the Department's Handbook for Campus Crime Reporting available online at www.ed.gov/admins/lead/safety/handbook.pdf.