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June 10, 2009

Dr. F. Dominic Dottavio
President
Tarleton State University
1333 West Washington
Stephenville, TX 76401

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No. 7007 3020 0000 2587 9039

RE: **Final Program Review Determination**
OPE ID: 00363100
PRCN: 200830626734

Dear Dr. Dottavio:

The U.S. Department of Education's (Department's) School Participation Team - Dallas issued a program review report on February 18, 2009, covering Tarleton State University's (TSU's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The findings of that review are presented in the enclosed final program review determination (FPRD).

Purpose:

Final determinations have been made concerning the outstanding finding of the program review report. The purpose of this letter is to: (1) close the review, and (2) notify TSU of a possible adverse administrative action. This FPRD is being referred to the Administrative Actions and Appeals Division (AAAD) for consideration of possible adverse administrative action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution pursuant to 34 C.F.R. Part 668, Subpart G. If AAAD initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or 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).

Federal Student Aid, School Participation Team - Dallas
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817
www.FederalStudentAid.ed.gov

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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 Mr. Jesus Moya at (214) 661-9472.

Sincerely,



Patrick B. Kennedy
Area Case Director

Enclosure

cc: Mr. Justin Williams, Chief of Police, Tarleton State University Police Department
Mr. David Linkletter, Texas Higher Education Coordinating Board
Dr. Belle S. Wheelan, President, Southern Association of Colleges and Schools
Commission on Colleges
Ms. Carol Lindsey, Vice President of Policy and Compliance, Texas Guaranteed Student
Loan Corporation

Prepared for

Tarleton State University



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Prepared by:

U.S. Department of Education

Federal Student Aid

School Participation Team - Dallas

Final Program Review Determination

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1999 Bryan Street, Suite 1410
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A. Institutional Information

Tarleton State University
1333 West Washington
Stephenville, TX 76401

Type: Public

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

Accrediting Agency: Southern Association of Colleges and Schools Commission on Colleges

Current Student Enrollment: 8,922 (2007-08)

% of Students Receiving Title IV: 49.7% (2007-08)

Title IV Participation

	2007-08
Federal Pell Grant Program	\$ 7,360,551
Federal Supplemental Educational Opportunity Grant Program (FSEOG)	\$ 339,496
Federal Work-Study Programs (FWS)	\$ 124,891
Federal Family Education Loan Program (FFEL)	\$38,568,635

Default Rate FFEL/DL:	2006	5.2%
	2005	4.1%
	2004	5.4%

Default Rate Perkins:	2007	12.5%
	2006	5.0%
	2005	24.1%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Tarleton State University (TSU) from April 21-25, 2008. The review was conducted by Mr. Jesus Moya and Mr. Michael Rhodes of the Dallas School Participation Team, and Mr. James Moore of the Philadelphia School Participation Team.

The focus of the review was TSU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). The review consisted of an examination of TSU's crime statistics for calendar years 2005 and 2006.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning TSU'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 TSU of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Resolved Finding with Comments

The following program review finding has been resolved by the institution, and may be considered closed. This finding is included solely for the purpose of discussing resolution of the finding. The program review report finding, as it was written in the Department's February 18, 2009 Program Review Report, is quoted verbatim below in italics.

Finding 1. Failure to Accurately Report Crime Statistics

Citation: *Institutions are required to publish and distribute, by October 1 of each year, an annual security report that contains required crime statistics, as well as required statements and policies, to its current students and employees. Institutions must also inform prospective students and employees of the report's availability and provide a copy upon request.*

The annual security report must report crime statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of the following offenses:

- *Murder and nonnegligent manslaughter;*
- *Negligent manslaughter*
- *Sex offenses (forcible sex offenses and nonforcible sex offenses);*

- *Robbery;*
- *Aggravated assault;*
- *Burglary;*
- *Motor vehicle theft;*
- *Arson;*
- *Arrests for liquor law violations, drug law violations, and illegal weapons possession; and*
- *Persons not included in the above category who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.*

34 C.F.R. § 668.46 (the implementing regulations of the The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act)

Noncompliance: *TSU failed to report several crime incidents in the crime statistics it published in its 2006 annual security report.*

TSU published its 2006 annual security report on September 1, 2006. That report contained the following statistics for the 2003, 2004, and 2005 calendar years:

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
<i>Murder/Non-negligent manslaughter</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Negligent manslaughter</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Sex offenses - Forcible</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Sex offenses - Non-forcible</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Aggravated assault</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Robbery</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Burglary</i>	10/13/6	7/6/4	0/0/0	0/0/0
<i>Motor vehicle theft</i>	0/0/4	0/0/4	0/0/0	0/0/0
<i>Arson</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Any other crime</i>	0/0/0	0/0/0	0/0/0	0/0/0
<i>Arrests for liquor law violations</i>	0/0/0	27/12/26	0/0/0	10/3/8
<i>Arrests for drug law violations</i>	7/11/2	5/6/1	0/0/0	0/0/0
<i>Arrests for illegal weapons possession</i>	0/0/0	0/0/0	0/0/0	3/1/8
<i>Referrals for liquor law violations</i>	20/9/30	19/6/26	0/0/0	0/0/0
<i>Referrals for drug law violations</i>	2/2/2	2/2/2	0/0/0	0/0/0
<i>Referrals for illegal weapons possession</i>	0/0/0	0/0/0	0/0/0	0/0/0

On April 12, 2007, two articles were published by the J-TAC, TSU's university paper. These articles stated that TSU had underreported forcible sex offense and burglary crime statistics for several years.

On May 22, 2007, TSU published a revised version of its 2006 annual security report. The revised report contained the following revised crime statistics for the 2003, 2004, and 2005 calendar years:

	2003 / 2004 / 2005			
	On Campus	Residence Halls	Non-Campus	Public Property
<i>Murder/Non-negligent manslaughter</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Negligent manslaughter</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Sex offenses - Forcible</i>	0 / 1 / 2	0 / 1 / 2	0 / 0 / 0	0 / 0 / 0
<i>Sex offenses - Non-forcible</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Aggravated assault</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Robbery</i>	1 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Burglary</i>	21 / 32 / 11	19 / 30 / 8	0 / 0 / 1	0 / 0 / 0
<i>Motor vehicle theft</i>	0 / 0 / 4	0 / 0 / 4	0 / 0 / 0	0 / 0 / 0
<i>Arson</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Any other crime</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
<i>Arrests for liquor law violations</i>	33 / 15 / 39	27 / 12 / 21	0 / 0 / 0	10 / 3 / 8
<i>Arrests for drug law violations</i>	7 / 11 / 2	5 / 6 / 1	0 / 0 / 0	5 / 1 / 0
<i>Arrests for illegal weapons possession</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	3 / 1 / 2
<i>Referrals for liquor law violations</i>	20 / 9 / 30	19 / 6 / 26	0 / 0 / 0	2 / 0 / 0
<i>Referrals for drug law violations</i>	2 / 3 / 2	2 / 2 / 2	0 / 0 / 0	0 / 0 / 0
<i>Referrals for illegal weapons possession</i>	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0

During the program review, TSU officials and police department personnel stated that their understanding of Clery Act requirements was incomplete when the crime statistics for the 2006 annual security report were compiled, but that the crime statistics were revised after learning more about the Clery Act reporting requirements.

TSU's revised 2006 annual security report contained three (3) forcible sex offenses (discussed below), one (1) robbery and 35 burglaries that had not been previously reported. In addition, the number of arrests for liquor and drug law violations increased from 86 to 108.

Although TSU's revised 2006 annual security report had more accurate and complete crime statistics than the original report, the Department's review identified additional reportable incidents.

Sex Offenses – Under-reporting

TSU's original 2006 annual security report did not contain any forcible sex offenses for calendar years 2003, 2004, or 2005. When TSU revised its statistics for the 2006 annual security report, one (1) forcible sex offense was included for the 2004 calendar year, and two (2) forcible sex offenses were included for the 2005 calendar year. These three (3) offenses correspond to the following incident reports.

20041113-01332
20050122-01446
20050129-01464

Burglary – Under-reporting

The revised 2005 calendar year statistics contained 12 burglaries (11 on campus and one (1) on non campus). However, the Department identified 16 burglaries in the following crime incident reports:

20050106-01415
20050118-01439
20050218-01506
20050404-01561
20050416-01581
20050428-01598
20050429-01600
20050429-01603
20050505-01607
20050517-01613
20050531-01619
20050721-01659
20050713-01751
20051006-01754
20051119-01845
20051121-01848

Drug Law Violation Arrests – Under-reporting

The revised 2005 calendar year statistics contained two (2) drug law violation arrests. However, the Department identified eight (8) drug law violation arrests in the following crime incident reports:

20050221-01509	2 arrests
20050517-01614	1 arrests
20050915-01716	1 arrests

20051204-01860 3 arrests
20051212-01877 1 arrests

Drug Law Violation Referrals – Under-reporting

The revised 2005 calendar year statistics contained two (2) referrals for drug law violation. However, the Department identified four (4) referrals for drug law violation in the following crime incident report:

20050907-01703 4 referrals

It appears that TSU used incident report 20050221-01509 for its count of two (2) referrals for drug law violations. However, both offenders mentioned in that report were arrested for drug law violations and, therefore, would not count toward referrals also.

Liquor Law Violation Arrests - Possible Over-reporting

TSU may have over-reported arrest crime statistics for liquor law violations.

TSU listed 37 arrests for its 2005 liquor law violations. However, the Department identified only 34 arrests:

<i>Incident Report</i>	<i>Arrests</i>
20050113-01430	1
20050123-01448	1
20050123-01449	1
20050123-01450	1
20050205-01476	1
20050206-01479	1
20050225-01522	1
20050330-01553	4
20050616-01636	1
20050729-01666	5
20050713-01651	1
20050828-01683	1
20050902-01694	1
20050902-01695	1
20050912-01711	1
20050917-01721	1
20050919-01722	2
20050924-01732	1
20051007-01756	2
20051102-01810	2
20051114-01833	1

20051201-01857	1
20051209-01874	1
20051229-01889	1
Total	34

It appears that TSU's over-reporting is due to the following:

20051012-01767

Three minors were arrested for minors in possession. However, this incident did not occur in any location for which TSU must report.

Liquor Law Violation Referrals - Possible Over-reporting

TSU may have over-reported referral crime statistics for liquor law violations.

TSU listed eight (8) referrals for disciplinary action for its 2006 liquor law violations. However it appears that TSU may have over-reported two (2) referrals:

20060303-01972

Two minors were arrested. One was cited for driving under the influence and the other for public intoxication. Both were also referred for disciplinary action. Neither driving under the influence or public intoxication are Clery-reportable violations, for arrests or for disciplinary action referrals.

Drug Law Violation Arrests and Referrals - Possible Over-reporting

TSU listed nine (9) arrests and seven (7) disciplinary action referrals for its 2006 drug law violations. However, it appears that TSU may have over-reported one (1) arrest and (1) referral. The Department identified the following arrests and referrals:

<i>Incident Report</i>	<i>Arrests</i>	<i>Referrals</i>
20060119-01911	0	4
20060220-01955	1	0
20060222-01960	0	1
20060227-01965	2	0
20060306-01977	1	0
20060525-02057	0	1
20061003-02159	3	0
20061212-02225	1	0
Total	8	6

It appears that TSU's over-reporting is due to the following:

