

Archived Information

The Incidence of Crime on the
Campuses of U.S. Postsecondary
Education Institutions

A Report to Congress

U.S. Department of Education
Office of Postsecondary Education

January 18, 2001

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U.S. Department of Education
Richard W. Riley
Secretary

Office of Postsecondary Education
A. Lee Fritschler
Assistant Secretary

Policy, Planning and Innovation
Maureen A. McLaughlin
Deputy Assistant Secretary

January 2001

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INTRODUCTION

The Higher Education Amendments of 1998 require the Department of Education to collect, analyze, and report to Congress on the incidence of crime on campuses and facilities of postsecondary education institutions.

Institutions of postsecondary education that participate in the federal student financial assistance programs authorized by Title IV of the Higher Education Act of 1965 as amended (HEA) are required to make available to their students and employees and, upon request, to prospective students and employees, a campus crime report prepared by the institution. The purpose of the campus crime report is to help administrators at the nation's postsecondary institutions enhance campus safety.

The campus crime report must include statistics concerning the occurrence of certain crimes on campus, in or on non-campus buildings or property, and on nearby public property during the three most recent complete calendar years. An institution must include in these statistics the criminal offenses reported to campus security authorities or local police agencies. The criminal offenses that an institution must report are criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter and arson. An institution must also report on the number of arrests and persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession.

Finally, statistics on occurrences of hate crimes in which the victim was intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim are also required to be reported by the institution.

Legislative History

On November 8, 1990, the Student Right to Know and Campus Security Act of 1990 was signed into law. The act is now known as the "Clery Act" in memory of Jeanne Clery, a student murder victim attending a university in Pennsylvania. This act amended HEA Section 485, by adding campus crime statistics and security reporting provisions for postsecondary institutions. In 1992, the Campus Sexual Assault Victim's Bill of Rights further amended the security provisions, requiring schools to develop policies to deal with sexual assault on campus.

The Higher Education Amendments of 1998 most recently amended Section 485 of the HEA. The amendments require the Department of Education ("Department") to collect, analyze and report to Congress on the incidences of crime on college campuses. The amendments also expand the requirements of the Student Right to Know and Campus Security Act of 1990 that all institutions of higher education participating in the federal student aid programs must disclose to students, faculty, staff and, upon request, prospective students information regarding the incidence of crimes on campus as part of their campus security report.

The 1998 amendments also made several changes to the disclosure requirements. Among these changes were the addition of two crimes (arson and negligent manslaughter) and three locations (residence halls, non-campus buildings or property not geographically contiguous to the campus, and public property immediately adjacent to a facility that is owned or operated by the institution for education purposes) that schools must include in the reported statistics.

The provisions of the Higher Education Amendments of 1998 that outline the specific requirements for the Department's data collection effort are located in Appendix A.

Regulatory Framework

The Department issued regulations implementing the requirements of the Higher Education Act Amendments of 1998 on November 1, 1999. These regulations were effective July 1, 2000.

The Department developed regulations through negotiated rulemaking and published them in proposed form on August 10, 1999, in conformance with the consensus of the negotiated rulemaking committee. Under the committee's protocols, consensus meant that no member of the committee dissented from the agreed-upon language. The Department requested comments on the proposed regulations by September 15, 1999, and received 132 comments.

The regulations amended 34 CFR 668.46 regarding the disclosure of campus security information to:

- define certain terms (including campus, non-campus buildings or property, and public property);
- exclude pastoral or professional counselors from the definition of a campus security authority;
- add new categories of crimes to be reported and new policies to be disclosed;
- clarify how to compile and depict crime statistics, by changing the date for disclosure of the annual security report to October 1;
- require certain institutions to maintain a publicly available crime log; and
- require institutions annually to submit their crime statistics to the Department.

The Department published final regulations governing the consumer disclosure requirements on November 1, 1999. The full text of these regulations can be found in Appendix B.

Cautionary Notes

The institutions provided data presented in this report to the Department using a Web-based data collection tool. The statistics represent *alleged* criminal offenses *reported* to campus security authorities *or* local police agencies. ***Therefore, the data collected do not necessarily reflect prosecutions or convictions for crime.*** Because some statistics

are provided by non-police authorities, the data are not directly comparable to data from the FBI's Uniform Crime Reporting (UCR) system.

It is important for users of the data in this report and on the Department's public Web site to become knowledgeable about how to categorize and quantify the nature and extent of crime on college campuses in the United States. Valid comparisons are possible only with study and analysis of the unique conditions affecting each institution. The FBI has identified a number of factors associated with the causes and origins of crime. Some factors that are known to affect the volume and type of crime occurring from place to place are:

- Population density and degree of urbanization;
- Variations in composition of the population, particularly in the percentage of youth;
- Stability of population with respect to residents' mobility, commuting patterns and transient factors;
- Modes of transportation and highway systems;
- Economic conditions, including median income, poverty level and job availability;
- Cultural factors and educational, recreational and religious characteristics;
- Family conditions with respect to divorce and family cohesiveness;
- Climate;
- Effective strength of law enforcement agencies;
- Administrative and investigative emphases of law enforcement;
- Policies of other components of the criminal justice system (i.e., prosecutorial, judicial, correctional and probational);
- Citizens' attitudes toward crime; and
- Crime reporting practices of the citizenry.

The statistics presented in this report give a view of crime nationwide based on data provided by institutions of postsecondary education. *Enrollment as*, a measure of population size, is the ***only factor that the FBI has identified as associated with the causes or origins of crime that is utilized in this report.*** While the other factors listed above are of equal concern, no attempt is made in this report to relate them to the data presented.

Data Collection Process

The Department began collecting the statistics required by the 1998 amendments and the 1999 final regulations on August 17, 2000. Before data collection began, the Department mailed three letters to all institutions that (1) had been identified as postsecondary education institutions; and (2) participated in the federal student financial assistance programs. During the data collection period, the Department sent additional letters, made telephone calls to, and sent e-mail to all the institutions required to provide data. The data collection period was scheduled to end on October 17, 2000. However, the Department ultimately extended the deadline to October 24, 2000, after it experienced

significant problems with the data collection tool a few days before the data collection period was scheduled to end.

The Department selected this data collection period because it began after July 1, 2000, when the final regulations became effective and ended after October 1, 2000, the date on which institutions were required to disclose the campus crime statistics for calendar years 1997, 1998, and 1999 to students, faculty and staff.

The Department utilized a Web-based data collection tool that was developed specifically for the purpose of collecting campus crime statistics. The tool was designed to be compatible with the National Center for Education Statistics' Institution of Postsecondary Education Data System (IPEDS) data collection system. By using a compatible collection tool, the Department was able to assure easy public access to the data available in IPEDS.

At the mid-point of the data collection process, the Department began publishing the data collected to a public Web site – <http://ope.ed.gov/security>. The public Web site continues to provide easy access to campus crime data to students, prospective students, and their parents. This public site also allows access to the data available on the IPEDS College Opportunities On-Line (COOL) Web site. A sample of the screens in the display site can be found in Appendix C.

ANALYSIS OF DATA COLLECTED

The Department required institutions to report campus crime statistics based on the law and regulations appropriate to the period of time for which the data were being reported. The Department's effort was designed to collect three years of data (calendar years 1997, 1998 and 1999). The data required by the 1998 amendments to section 485 was reported in 1999. Only on-campus statistics for all crimes, including criminal homicides, forcible and non-forcible sex offenses, robberies, aggravated assaults, burglaries, and motor vehicle thefts are available for all three years. Statistics for these crimes occurring in or on non-campus buildings or property, and on public property are only available for 1999. Similarly, statistics on manslaughter and arson are only available for 1999.

The Department provided the opportunity for institutions to provide additional data for 1997 and 1998 if they had already collected it. Due to the lack of comparability across years, these data are not presented in this report. Institutions were permitted to create records for additional locations. Because the on-line reporting tool used to generate the data for report does not include data from these additional locations, they are not included.¹ These data are, however, available on the public Web site.

On-Campus Crimes

Data on on-campus crimes were reported for three years for the following categories of crimes: criminal homicide (murder and non-negligent manslaughter), forcible sex

offenses and non-forcible sex offenses, robbery, aggravated assault, burglary and motor vehicle theft. Arson and negligent manslaughter were required to be reported for only 1999. A summary table presenting these data is shown in Appendix D.

Criminal homicide (Table A)

A total of 11 criminal homicides occurred on campus in 1999, compared to 24 in 1998 and 18 in 1997. Of the 11 criminal homicides that occurred on campus in 1999, 6 occurred on the campuses of 4-year public colleges and universities, 4 on the campuses of 4-year private colleges and universities, and 1 on the campus of a 2-year public college.

The number of criminal homicides declined by 54 percent between 1998 and 1999. This decline was greatest at public colleges and is significantly greater than the overall decline in the criminal homicide rate in the United States of 8.5 percent.² It should be noted that this decline came after a 33 percent increase in the number of criminal homicides reported between 1997 and 1998.

Table A

On-Campus Criminal Homicide (Murder & Non-Negligent Manslaughter)			
	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>Public</i>	13	20	7
Less-than-2-year	0	0	0
2-year	3	6	1
4-year	10	14	6
<i>Private, non-profit</i>	5	3	4
Less-than-2-year	0	0	0
2-year	1	0	0
4-year	4	3	4
<i>Private, for-profit</i>	0	1	0
Less-than-2-year	0	1	0
2-year	0	0	0
4-year	0	0	0
Total	18	24	11

Another way to look at crime statistics is to compute a rate that takes into consideration the relevant population. Generally, crime rates are computed per 100,000 persons of a given population. Since it is difficult to define the population of postsecondary institutions, we will not present crime rates for all categories of crime. However, to illustrate, a crime rate was computed, using simple undergraduate enrollment counts³, for criminal homicide. This calculation shows that the overall rate for criminal homicide at postsecondary education institutions was 0.07 per 100,000 of enrollment in 1999.⁴ By comparison, in 1999 the criminal homicide rate in the United States was 5.7 per 100,000 persons overall and 14.1 per 100,000 for persons ages 17 to 29, making students on the campuses of postsecondary institutions significantly safer than the nation as a whole.⁵

The UCR defines criminal homicide (including both murder and non-negligent manslaughter) as the willful (non-negligent) killing of one human being by another.

Sex Offenses (Table B)

The total number of sex offenses reported in 1999 was 2,469 – an increase of 6 percent over the 2,337 reported in 1998. It should be noted that sex offenses, particularly rape, are the most underreported crime in America.⁶ As a result, the increase could reflect improvement in the rate of reporting, rather than an increase in the incidence of sex

offenses. Comparable national data on sex offenses are not available in the FBI's *Crime in the United States* publication. However, the incidence of forcible rape – one component of the total sex offenses – declined by 4.3 percent nationally between 1998 and 1999.⁷

Table B

**On-Campus Sex Offenses
(Forcible and Non-forcible)**

	Forcible			Non-forcible			TOTAL		
	1997	1998	1999	1997	1998	1999	1997	1998	1999
<i>Public</i>	1,081	1,138	1,126	336	386	423	1,417	1,524	1,549
Less-than-2-year	3	2	5	3	5	6	6	7	11
2-year	110	105	119	118	143	131	228	248	250
4-year	968	1,031	1,002	215	238	286	1,183	1,269	1,288
<i>Private, non-profit</i>	584	629	698	123	169	189	707	798	887
Less-than-2-year	0	0	1	0	0	0	0	0	1
2-year	6	8	11	9	12	18	15	20	29
4-year	578	621	686	114	157	171	692	778	857
<i>Private, for-profit</i>	3	5	18	13	10	15	16	15	33
Less-than-2-year	2	0	13	4	1	6	6	1	19
2-year	1	4	3	8	7	8	9	11	11
4-year	0	1	2	1	2	1	1	3	3
Total	1,668	1,772	1,842	472	565	627	2,140	2,337	2,469

The UCR data reporting system defines forcible sex offenses as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. "Forcible sex offenses" includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

"Non-forcible sex offenses" is defined as unlawful, non-forcible sexual intercourse. These offenses include incest (non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (non-forcible sexual intercourse with a person who is under the statutory age of consent).

Of the 2,469 sex offenses that were reported on campus in 1999, 52 percent occurred on the campus of 4-year public colleges and universities, 35 percent on the campuses of 4-year private colleges and universities, and 10 percent occurred on the campuses of 2-year

Definition Used for Forcible Sex Offenses

Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

public institutions. The other sectors of postsecondary education accounted for less than 5 percent of all sex offenses.

On a per student basis, the national rate of sex offenses was 14.8 per 100,000 students in 1999. This rate is substantially below the overall rate for sex offenses nationally where the rate for rapes alone 1999 exceeded 32.7 per 100,000 persons.⁸

Robbery (Table C)

The number of robberies increased over the three year period during which data was collected from 1,862 in 1998 to 1,997 in 1999. Between 1998 and 1999, the number of robberies increased by 7 percent. Significantly, the increase in robberies on the campuses of postsecondary education institutions is at odds with the national downward trend.⁹

Unlike sex offenses where increases were observed in nearly every type of postsecondary institution, there are significant differences in the incidence of robbery by type of postsecondary institution. Specifically, declines were noted at 2- and 4-year public institutions, while increases were noted everywhere else. However, the declines at 2- and 4-year public institutions were significantly less than the national downward trend.

On a per student basis, the national rate of robbery was 12.0 per 100,000 enrolled students in 1999. This rate is substantially below the overall national rate for robbery of 150.2 per 100,000 persons¹⁰ despite the national downward trend.

For the purpose of this data collection, robbery is defined as the taking of or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Table C

On-Campus Robbery			
	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>Public</i>	1,133	1,084	1,005
Less-than-2-year	19	40	38
2-year	395	419	354
4-year	719	625	613
<i>Private, non-profit</i>	565	639	733
Less-than-2-year	2	6	8
2-year	74	153	209
4-year	489	480	516
<i>Private, for-profit</i>	112	139	259
Less-than-2-year	62	85	164
2-year	43	52	78
4-year	7	2	17
Total	1,810	1,862	1,997

Aggravated Assault (Table D)

In 1999, the number of aggravated assaults on the campuses of postsecondary education institutions totaled 3,777. This was a decrease of 2 percent over the 3,856 aggravated assaults in 1998. Between 1998 and 1999, aggravated assaults declined nationally by 6.2 percent.

At public and most types of private, non-profit institutions, greater reductions were observed. At 4-year private non-profit institutions, aggravated assaults declined by 9 percent between 1998 and 1999 while at public institutions aggravated assaults declined by 2 percent. At the same time, the incidence of aggravated assaults at private, non-profit 2-year colleges increased significantly between 1997 and 1998 before declining slightly between 1998 and 1999. The data for less-than-2-year private, for-profit institutions accounts for most of the increase and may reflect underreporting in years prior to 1999.

Table D

On-Campus Aggravated Assault

	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>Public</i>	2,648	2,759	2,544
Less-than-2-year	122	140	133
2-year	681	707	666
4-year	1,845	1,912	1,745
<i>Private, non-profit</i>	1,055	1,021	1,000
Less-than-2-year	0	0	5
2-year	59	106	96
4-year	996	915	899
<i>Private, for-profit</i>	51	76	233
Less-than-2-year	12	14	182
2-year	30	49	45
4-year	9	13	6
Total	3,754	3,856	3,777

On a per student basis, the national rate of aggravated assaults was 22.6 per 100,000 students in 1999. By sector, the rate ranges from a low of 5.9 per 100,000 students at 4-year private, non-profit institutions to a high of 64.1 per 100,000 students at less-than-2-year public institutions. These rates are all substantially below the overall national rate for aggravated assaults of 336.1 per 100,000 persons in 1999.¹¹

The UCR defines aggravated assault as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (Table E)

Burglary is by far the crime most frequently reported to the Department under the Campus Security Act data collection, with a total of 26,035 burglaries reported in 1999. This represents a slight increase of 2 percent over 1998 when 25,685 burglaries occurred on the campuses of postsecondary education institutions.

The greatest decline in burglary was at public 4-year colleges and universities where 661 fewer burglaries occurred in 1999 than in 1998 for a decline of 5.6 percent. The greatest increase in burglary was at private 4-year colleges and universities where about 684 more burglaries occurred in 1999 than in 1998 for an increase of 8.3 percent. Nationally, burglaries declined by 10 percent.

Overall, burglary occurs significantly less frequently on the campuses of postsecondary education than in the general population. The burglary rate on the campuses of postsecondary education institutions is 156 per 100,000 enrolled students, compared to 770 per 100,000 inhabitants nationally.

Table E

On-Campus Burglary			
	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>Public</i>	16,642	15,748	15,173
Less-than-2-year	80	122	124
2-year	3,975	3,838	3,922
4-year	12,587	11,788	11,127
<i>Private, non-profit</i>	9,488	9,167	9,772
Less-than-2-year	1	5	28
2-year	630	895	793
4-year	8,857	8,267	8,951
<i>Private, for-profit</i>	627	770	1,090
Less-than-2-year	138	148	504
2-year	326	413	374
4-year	163	209	212
Total	26,757	25,685	26,035

For the purpose of this data collection, burglary is defined as the unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Motor Vehicle Theft (Table F)

Motor vehicle theft is second only to burglary in its occurrence on college campuses, with 6,201 motor vehicles being reported stolen in 1999. This represents an increase of 151 motor vehicle thefts on the campuses of postsecondary education institutions – or 2.5 percent – between 1998 and 1999. Nationally, the number of motor vehicles stolen declined by just under 8 percent between 1998 and 1999. The number of motor vehicle thefts at 4-year public institutions declined by 8 percent between 1998 and 1999.

Table F

On-Campus Motor Vehicle Theft			
	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>Public</i>	4,822	4,375	4,147
Less-than-2-year	15	17	23
2-year	1,505	1,383	1,386
4-year	3,302	2,975	2,738
<i>Private, non-profit</i>	1,714	1,465	1,496
Less-than-2-year	6	5	8
2-year	103	115	110
4-year	1,605	1,345	1,378
<i>Private, for-profit</i>	196	210	558
Less-than-2-year	55	70	404
2-year	98	96	105
4-year	43	44	49
Total	6,732	6,050	6,201

Hate Crimes (Table G)

Institutions of postsecondary education are required to disclose, and the Department is required to collect, data on crimes that are motivated by the offender’s bias. The term "hate or bias crime" is used to describe an offense against persons or property motivated by hate or bias against a victim based on race, ethnicity, national origin, religion, sex, disability or sexual orientation.

Hate crime data is a subset of the larger criminal offenses data. It is important to collect these data at an institutional level because violence motivated by hate or bias seriously threatens the values of the school and the larger community, as well as the physical safety and mental well-being of all of those affected.

The types of crimes included in this category are criminal homicide and non-negligent manslaughter, negligent manslaughter, forcible sex offenses, forcible rape, aggravated assault, simple assault, and arson.

In 1999, there were 2,067 hate crimes reported on campus across the nation. Assaults, both simple and aggravated, represent the majority of hate crimes that were reported on campus. There were 1,677 simple assaults and 232 aggravated assaults that occurred on campus, which (combined) represents 92 percent of all hate crimes on campus. Forcible sex offenses based on bias represent the third largest group, with 92 incidents occurring across the nation, or 4 percent of the hate crimes reported. Arson (32) and forcible rape (33) each represent 2 percent of the crimes that were reported.

Table G

On-Campus Hate Crimes			
	Total		
	<u>1997</u>	<u>1998</u>	<u>1999</u>
Murder/Non-negligent manslaughter	1	2	1
Negligent manslaughter	0	0	0
Forcible sex offenses	50	54	92
Forcible rape	27	19	33
Simple assault	1,175	1,192	1,677
Aggravated assault	52	96	232
Arson	7	11	32
TOTAL	1,312	1,374	2,067

Most of the increases in hate crimes is the result of increases at less-than-2-year for-profit postsecondary education institutions. Since these institutions generally do not have police or security officers, it is possible that these institutions have misreported some criminal offenses as hate crimes.

Crimes Reported At Other Locations (Table H)

Beginning in 1999, institutions were required to disclose, and the Department was required to collect, data on criminal activity that occurs on campus, in non-campus buildings or property and on public property. Specifically, an institution is required to disclose crime statistics for:

- Public property that is within the same reasonably contiguous geographic area of the institution or is immediately adjacent to a facility owned or controlled by the school and that is used by the school in a manner related to the institution's educational purpose; and
- Non-campus locations including any building (or property) owned or controlled by student organizations recognized by the school, and any building or property owned or controlled by the school, that is not adjacent to or within the same contiguous area.

Institutions are also required to disclose separately those on-campus crimes that occurred in residence halls.

The data collected suggest that students are safest while on campus. Students are more likely to be victims of crime while at non-campus locations and on public property within the campus or immediately adjacent to the campus. In 1999, only 19 percent of the crimes reported by institutions occurred on campus, compared to 73 percent that occurred on public property. About one-third of all crimes committed on campus occurred in residence halls.

Some crimes, however, are more likely to occur on campus, such as non-forcible sex offenses (42 percent occurred on campus) and arsons (63 percent occurred on campus). When on-campus, forcible sex offenses and arsons most often occurred in residence halls.

It is important to note that the crimes reported, whether on campus, at the non-campus locations or on the public property, may or may not involve students, faculty or staff.

Table H

Criminal Offenses by Location -- 1999

	Total		On-Campus		Non-Campus		Public Property		Total
	Number	% of row total	Number	% of on-campus total	Number	% of row total	Number	% of row total	
Murder/Non-negligent	11	1.6%	3	27.3%	93	13.1%	605	85.3%	709
Forcible sex	1,842	37.1%	1,202	65.3%	394	7.9%	2,726	54.9%	4,962
Non forcible sex	627	42.3%	218	34.8%	75	5.1%	780	52.6%	1,482
Robbery	1,997	7.7%	269	13.5%	1,822	7.0%	22,170	85.3%	25,989
Aggravated	3,777	11.9%	1,097	29.0%	2,641	8.3%	25,212	79.7%	31,630
Burglary	26,035	28.1%	10,472	40.2%	7,967	8.6%	58,714	63.3%	92,716
Motor vehicle	6,201	11.0%	373	6.0%	3,941	7.0%	46,031	81.9%	56,173
Arson	1,167	63.0%	623	53.4%	147	7.9%	538	29.0%	1,852
Negligent	10	22.2%	2	20.0%	5	11.1%	30	66.7%	45
TOTAL	41,667	19.3%	14,259	34.2%	17,085	7.9%	156,806	72.7%	215,558

On-Campus Arrests and Referrals for Disciplinary Actions (Table I)

The Department collects data on the number of arrests that occur on campuses. According to the UCR reporting requirements, an arrest is defined as a person being taken into custody, notified or cited. In 1999, the Department was also required to collect data on disciplinary actions and judicial referrals.

Nationwide, there was a 2 percent increase in the number of arrests that occurred on campus for criminal offenses from 1998 to 1999. These include arrests for liquor law and drug abuse violations, as well as weapons possessions. Arrests for liquor law violations increased 0.5 percent, while arrests for drug abuse violations increased 6 percent.

It is important to note that institutions are required to disclose only arrests and disciplinary actions and judicial referrals that are violations of laws concerning liquor, drugs and weapons and referrals only since 1999. For the purposes of this data collection, disciplinary actions and judicial referrals means the referral of any student to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Liquor law violations include only the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Drunkenness, underage drinking, and driving under the influence are, therefore, not included in this report.

Drug violations, on the other hand, include violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Weapons possession includes violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned offenses.

Arrests and Referrals for Disciplinary Action			
	<u>1997</u>	<u>1998</u>	<u>1999</u>
<i>On-Campus Criminal Offenses Arrests</i>	31,358	37,067	37,732
Liquor law violations	20,781	25,818	25,933
Drug abuse violations	9,185	9,906	10,482
Weapons possessions	1,392	1,343	1,317
<i>Disciplinary Actions/Judicial Referrals</i>	<i>Not Required</i>	<i>Not Required</i>	128,682
Liquor law violations	<i>Not Required</i>	<i>Not Required</i>	108,846
Drug abuse violations	<i>Not Required</i>	<i>Not Required</i>	18,466
Weapons possessions	<i>Not Required</i>	<i>Not Required</i>	1,370

ENFORCEMENT EFFORTS

After the close of data collection, the Office of Postsecondary Education determined that 246 institutions did not report any of the required crime data and referred those institutions to the Office of Student Financial Assistance Programs for enforcement action. Regional case management teams contacted these institutions during the week of November 13, 2000. As a result of this effort, 188 institutions came into compliance.

Those institutions still not in compliance were mailed a letter informing them that they had 15 days to produce the required crime data or be subject to a \$25,000 fine. As a result of this final demand notice, all remaining institutions provided the statistics required by the Act. The Department did not fine any institution for failing to provide the required campus crime statistics.

CONCLUSION

The campus crime statistics collected by the U.S. Department of Education suggest that our nation's college campuses are safe. In nearly every category of crime for which data were collected, college campuses showed lower incidence of crime than comparable data for the nation as a whole.

APPENDIX A – Statutory Authority

Sec. 1092. Institutional and financial assistance information for students

(a) Information dissemination activities

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 1232g of this title, together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe -

(A) the student financial assistance programs available to students who enroll at such institution;

(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(D) the rights and responsibilities of students receiving financial assistance under this subchapter and part C of subchapter I of chapter 34 of title 42;

(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(F) a statement of -

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 1091b of this title for the return of grant or loan assistance provided under this subchapter and part C of subchapter I of chapter 34 of title 42; and

(iii) the requirements for officially withdrawing from the institution;

(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, and (iii) the faculty and other instructional personnel;

(H) each person designated under subsection (c) of this section, and the methods by which and locations in which any

person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

(I) special facilities and services available to handicapped students;

(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 1091(a)(2) of this title;

(L) the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(M) the terms and conditions under which students receiving guaranteed student loans under part B of this subchapter or direct student loans under part D of this subchapter, or both, may -

(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service, and

(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) under (FOOTNOTE 1) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or, for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service;

(FOOTNOTE 1) So in original. Probably should be ''or under''.

(N) that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance; and

(O) the campus crime report prepared by the institution pursuant to subsection (f) of this section, including all required reporting categories.

(2) For the purpose of this section, the term ''prospective student'' means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e) of this section, a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph -

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling

or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(b) Exit counseling for borrowers

(1)(A) Each eligible institution shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 1078-2 of this title) of this subchapter or made under part C or D of this subchapter prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include -

(i) the average anticipated monthly repayments, a review of the repayment options available, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness; and

(ii) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest pursuant to sections 1078(b), 1087dd(c)(2), and 1087ee of this title.

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)(A) Each eligible institution shall require that the borrower of a loan made under part B, C, or D of this subchapter submit to the institution, during the exit interview required by this subsection -

(i) the borrower's expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower's expected employer after leaving the institution;

(iii) the address of the borrower's next of kin; and

(iv) any corrections in the institution's records relating the borrower's name, address, social security number, references, and driver's license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the

borrower to the guaranty agency indicated on the borrower's student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

(c) Financial assistance information personnel

Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a) of this section. The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this subchapter and part C of subchapter I of chapter 34 of title 42 at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) Departmental publication of descriptions of assistance programs

(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this subchapter and part C of subchapter I of chapter 34 of title 42. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the

Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(e) Disclosures required with respect to athletically related student aid

(1) Each institution of higher education which participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains -

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor

and coach.

(3) For purposes of this subsection, institutions may exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by -

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term "athletically related student aid" means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

(f) Disclosure of campus security policy and campus crime statistics

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning

the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including -

(i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and

(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available -

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;

(II) sex offenses, forcible or nonforcible;

(III) robbery;

(IV) aggravated assault;

(V) burglary;

(VI) motor vehicle theft;

(VII) manslaughter;

(VIII) arson; and

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including -

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall -

(A) review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

(i) The term "campus" means -

(I) any building or property owned or controlled by an

institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(ii) The term "noncampus building or property" means -

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iii) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding -

(i) such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses; and

(ii) the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.

(ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.

(iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal

sexual assault, and to whom the alleged offense should be reported.

(iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that -

(I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and

(II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

(v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.

(vi) Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.

(vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur -

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

(14)(A) Nothing in this subsection may be construed to -

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall

not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) This subsection may be cited as the ''Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act''.

(g) Data required

(1) In general

Each coeducational institution of higher education that participates in any program under this subchapter and part C of subchapter I of chapter 34 of title 42, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.

(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the

average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(2) Special rule

For the purposes of subparagraph (G), (FOOTNOTE 2) if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(FOOTNOTE 2) So in original. Probably should be ''paragraph (1)(G), ''.

(3) Disclosure of information to students and public

An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

(4) Submission; report; information availability

(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by April 1, 2000. The report shall -

(i) summarize the information and identify trends in the information;

(ii) aggregate the information by divisions of the National Collegiate Athletic Association; and

(iii) contain information on each individual institution of

higher education.

(C) The Secretary shall ensure that the reports described in subparagraph (A) and the report to Congress described in subparagraph (B) are made available to the public within a reasonable period of time.

(D) Not later than 180 days after October 7, 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information reported under subparagraph (B) and the information made available under paragraph (1), and how such information may be accessed.

(5) "Operating expenses" defined

For the purposes of this subsection, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

APPENDIX B – Regulations

Part IX

Department of Education

34 CFR Part 668

Student Assistance General Provisions; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1845-AA03

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: We amend the regulations governing the disclosure of institutional and financial assistance information under the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA programs). These programs include the Federal Pell Grant Program, the campus-based programs (Federal Perkins Loan, Federal Work-Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG) Programs), the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) Program, and the Leveraging Educational Assistance Partnership (LEAP) Program (formerly called the State Student Incentive Grant (SSIG) Program). These regulations implement statutory changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1998.

DATES: Effective Date: These regulations are effective July 1, 2000.

Implementation Date: The changes to certain sections, particularly Secs. 668.41 (b) and (c) and 668.46(c) (1)-(4) and (f), reflect changes made by Public Law 105-244 that already are in effect. Sections 668.41 (b) and (c) concern the distribution of information through electronic media and the distribution to enrolled students of a list of the

information to which they are entitled upon request. Sections 668.46(c) (1)-(4) and (f) concern the reporting of crime statistics and the maintenance of a crime log. You may use these regulations prior to July 1, 2000 as guidance in complying with the relevant statutory provisions. You can find the full text of Public Law 105-244 at <http://www.access.gpo.gov/nara/publaw/105publ.html>.

FOR FURTHER INFORMATION CONTACT: Paula Husselmann (Paula__Husselmann@ed.gov) or Lloyd Horwich (Lloyd__Horwich@ed.gov), U.S. Department of Education, 400 Maryland Avenue, SW, ROB-3, room 3045, Washington, DC 20202-5344. Telephone (202) 708-8242. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On August 10, 1999, we published a notice of proposed rulemaking (NPRM) for the Student Assistance General Provisions in the Federal Register (64 FR 43582). In the preamble to the NPRM, we discussed the following proposed changes:

Amending Sec. 668.41 to make the information disclosure process more understandable and less burdensome, to require institutions to provide enrolled students a list of the information to which the students are entitled upon request, and to provide for institutions' use of Internet and Intranet websites for the disclosure of information.

Amending Sec. 668.42 by incorporating it into Sec. 668.41.

Amending Sec. 668.43 to require institutions to disclose their requirements and procedures for a student to officially withdraw from the institution.

Amending Sec. 668.45 regarding the disclosure of completion/graduation and transfer-out rate information by implementing changes made by the 1998 Amendments, providing for a July 1 annual disclosure date, limiting the required disclosure of transfer-out rates to certain institutions, achieving greater consistency between term and nonterm-based institutions in establishing a cohort, and adding optional disclosures.

Amending Sec. 668.46 regarding the disclosure of campus security information to define terms (including campus, noncampus buildings or property, and public property), by excluding pastoral or professional counselors from the definition of a campus security authority, by adding new categories of crimes to be reported and new policies to be disclosed, by clarifying how to compile and depict crime statistics, by changing the date for disclosure of the annual security report to October 1, by requiring certain institutions to maintain a publicly available crime log, and by requiring institutions annually to submit their crime statistics to the Department.

Amending Sec. 668.47 by providing for the disclosure of additional data about revenues and expenses attributable to an institution's intercollegiate athletic activities, by clarifying the meaning of various terms, and by requiring institutions annually to submit their Equity in Athletics Disclosure Act (EADA) report to the Department.

Amending Sec. 668.48 to correspond with Sec. 668.45 concerning the disclosure of completion/graduation and transfer-out

rates.

Discussion of Student Financial Assistance Regulations Development Process

The regulations in this document were developed through the use of negotiated rulemaking. Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs under Title IV of the Act, we obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations, we must conduct a negotiated rulemaking process to develop the proposed regulations. All proposed regulations must conform to agreements resulting from the negotiated rulemaking process unless we reopen that process or explain any departure from the agreements to the negotiated rulemaking participants.

These regulations were published in proposed form on August 10, 1999, in conformance with the consensus of the negotiated rulemaking committee. Under the committee's protocols, consensus meant that no member of the committee dissented from the agreed-upon language. We invited comments on the proposed regulations by September 15, 1999, and 132 comments were received. An analysis of the comments and of the changes in the proposed regulations follows.

These regulations reflect the following changes to the proposed regulations in response to public comment:

In Sec. 668.43(a)(3), we clarified that the requirement that institutions disclose when a student must officially withdraw from the institution includes the disclosure of the procedures for a student to officially withdraw.

In Sec. 668.46(a) we revised the definition of a professional counselor to no longer require that the counselor be an employee of the institution. In addition, we revised the definition by replacing the term ``psychological counseling'' with the term ``mental health counseling.''

We moved the definition of ``prospective employee'' from Sec. 668.46(a) to Sec. 668.41(a).

We added Sec. 668.46(c)(2) to require institutions to record a crime statistic in their annual security reports for the calendar year in which the crime was reported to a campus security authority.

We discuss substantive issues under the sections of the regulations to which they pertain. Generally, we do not address technical and other minor changes and suggested changes the law does not authorize us to make.

Analysis of Comments and Changes

Subpart D--Institutional and Financial Assistance Information for Students

These regulations (1) retitle Subpart D from ``Student Consumer Information Services'' to ``Institutional and Financial Assistance Information for Students,''' to conform the title to that of section 485 of the HEA, and (2) renumber the sections.

These regulations remove current Sec. 668.42 and incorporate it into Sec. 668.41. Therefore, these regulations renumber current Secs. 668.43-49 as Secs. 668.42-48; the preamble to these regulations refers to the new section numbers.

Questions and Recommendations:

Commenters requested guidance on implementation of the requirements of this subpart and made recommendations concerning how we should interpret these regulations or apply them to particular circumstances. As these comments did not request any changes in the proposed regulations, we will provide separate guidance at a later date.

General Comments

The Secretary should clarify the record retention requirements that apply to these regulations.

Discussion: Section 668.24 of the Student Assistance General Provisions outlines the record retention requirements for the student financial assistance programs. Generally, a record must be maintained for three years following the end of the award year for which the record was established. With respect to the disclosure of institutional and financial assistance information provided under Subpart D of the Student Assistance General Provisions, the purpose is for the disclosure of certain information to students and other parties. Therefore, the institution must retain any record related to the disclosure for three years following the date of disclosure.

Using the campus security records as an example, an institution's annual security report to be disclosed on October 1, 2000 must include crime statistics for calendar years 1997, 1998, and 1999. The record retention regulations require the institution to retain records to substantiate the information in its 2000 report for three years from October 1, 2000. Therefore, calendar year 1997 records must be retained until October 1, 2003.

Changes: None.

Section 668.41 Reporting and Disclosure of Information

Comments: Section 668.41 should address any information institutions participating in Title IV, HEA programs are required to disclose by any Department of Education regulation, not just information institutions are required to disclose by these regulations (34 CFR Part 668, Subpart D).

Discussion: Section 668.41 only is intended to address information that institutions are required to disclose by section 485 of the HEA. We believe that including in Sec. 668.41 all information that institutions must disclose under any Department regulation is impractical and would be confusing.

Changes: None.

Comments: The Department should provide a chart listing all information that institutions must disclose under these regulations and the persons to whom they must disclose the information.

Discussion: We believe that Sec. 668.41 adequately provides the information sought by this comment. However, we will provide continuing technical assistance, including the requested chart, to institutions to help them understand and comply with these regulations.

Changes: None.

Comments: The Department should clarify the level of description of required information it expects institutions to provide in the various notices of the availability of information that are required by Sec. 668.41.

Discussion: As stated in the preamble to the NPRM (64 FR 43583), the description should be sufficient to allow students and others to understand the nature of the information and to make informed decisions about whether to request the information. We do not believe there is a

need to be more prescriptive in this area.

Changes: None.

Comments: Remove the word ``freshman'' from the definition ``first-time, freshman student'' in Sec. 668.41(a), which identifies those students that institutions must include in their cohorts for calculating completion or graduation rates, and if applicable, transfer-out rates.

Discussion: As described in Sec. 668.45, institutions must include in their cohorts first-time, certificate- or degree-seeking, full-time undergraduate students who never have attended any institution of higher education (including in the cohort those who enroll in the fall term having attended a postsecondary institution for the first time in the prior summer term or having earned college credit in high school) regardless of their class standing. As some members of the cohort may have advanced standing, we agree that the use of the word ``freshman'' in the definition could cause confusion.

Changes: The term ``first-time freshman student'' is replaced by the term ``first-time, undergraduate student'' wherever it appears in these regulations (Secs. 668.41(a), 668.45(a)(3)(iii), and 668.45(a)(4)(i)-(ii)).

Comments: The definition of ``notice'' in Sec. 668.41(a) should not require institutions, in providing the various notices of the availability of information required by Sec. 668.41, to provide the notices on a one-to-one basis to persons to whom the information need only be provided upon request.

Discussion: We do not believe that students and others entitled to the information will be adequately notified of its availability if the notification of its availability is made through means that do not ensure that each person who is entitled to the notification receives it. The regulation does not prescribe the method by which institutions must notify students and others of the information's availability; the regulation simply prescribes that the method used must provide individualized notice.

Changes: None.

Comments: Change Secs. 668.41(c) and (d) to include completion and graduation rates, and if applicable, transfer-out rates, for athletes under Sec. 668.48, among the required disclosures of information.

Discussion: Section 485(a)(1) of the HEA does not include completion and graduation rates of athletes in the list of information institutions must provide upon request to enrolled and prospective students. Although section 485(e) of the HEA only requires institutions to provide the report concerning athletes' graduation rates to prospective student-athletes and their parents, high school coaches, and guidance counselors, we encourage institutions to provide the report to others who request it.

Changes: None.

Comments: Rather than requiring institutions under Sec. 668.41(c) annually to provide all enrolled students a notice listing the information to which they are entitled upon request, allow institutions to tell students, at the time the institutions distribute the notice, how often they will publish the list and how students can obtain interim changes to the list.

Discussion: Section 485(a) of the HEA specifically requires that institutions provide the list annually to all enrolled students.

Changes: None.

Comments: The Department should clarify that Sec. 99.7, which is referenced in Sec. 668.41(c)(1), refers to the notification

requirements under the Family Educational Rights and Privacy Act of 1974 (FERPA).

Discussion: We agree.

Changes: Section 668.41(c)(1) is amended to include a reference to FERPA.

Comments: The requirement for disclosure of information about the terms and conditions of deferral of loan repayments for service under the Peace Corps Act, the Domestic Volunteer Service Act of 1973, or for comparable service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service should be moved from Sec. 668.41(d)(4) to Sec. 668.42 (Financial assistance information), which addresses, among other subjects, loan repayment.

Discussion: We agree with the commenters.

Changes: Section 668.41(d)(4) in the NPRM is moved to Sec. 668.42(c)(7).

Comments: If the purpose of the revised Sec. 668.41 is to put all of an institution's disclosure responsibilities under subpart D in a single section, the requirement that an institution must report its crime statistics to the Department should be moved from Sec. 668.46(g) to Sec. 668.41.

Discussion: We agree with the commenters.

Changes: Section 668.46(g) in the NPRM is moved to Sec. 668.41(e)(5).

Comments: The Department should clarify that the prohibition on using the Internet to provide the information required by Sec. 668.41(f)(1)(i) to prospective student-athletes and their parents does not prohibit a national collegiate athletic association from obtaining a waiver for its members under Sec. 668.41(f)(1)(ii) for providing the information to prospective student-athletes' high school coaches and guidance counselors by distributing the information to all secondary schools in the United States through the Internet or other electronic means.

Discussion: We did not intend the prohibition referred to above to address the means by which a national collegiate athletic association must provide the information to secondary schools in order to obtain a waiver under Sec. 668.41(f)(1)(ii). We would be pleased to work with any such association seeking a waiver for its members to determine whether the association's proposed method of providing the information to secondary schools is sufficient to qualify for a waiver.

Changes: None.

Section 668.43 Institutional and Financial Assistance Information

Comments: The requirement in Sec. 668.43(a)(2) and (4) that an institution disclose any refund policy with which the institution is required to comply should make clear that the requirement refers to any refund policy required by the institution's accrediting agency or State agency, not to the requirements for determining the amount of Title IV HEA program assistance that a student has earned upon withdrawal.

Discussion: Institutions are required to disclose any refund policy that requires the return of unearned funds to their source. This information includes the determination of amounts returned to the title IV programs and all other provisions of Sec. 668.22, as well as any refund policy required by the State or the school's accrediting agency, or any institutional refund policy.

Changes: None.

Comments: In addition to an institution's disclosure of when a

student must officially withdraw from the institution, the disclosure should include the institution's procedures for that withdrawal.

Discussion: Any disclosure of the requirements for withdrawal must necessarily include sufficient information for a student to know how to go about withdrawing from the institution.

Changes: We revised Sec. 668.43(a)(3) to clarify that the requirement that an institution disclose its requirements for withdrawal includes a requirement that an institution disclose the procedures a student must follow to officially withdraw.

Section 668.45 Information on Completion or Graduation Rates

Comments: Term-based institutions whose students enroll before September 1 of a given year should continue to include these students in their fall cohort for that year.

Discussion: These regulations do not change how a term-based institution establishes its fall cohort. A term-based institution may include in its fall cohort students who enroll for the fall term before September 1 of a given year, and continue to include students who attended the institution for the first time during the summer preceding the fall term.

Changes: We revised Sec. 668.45(a)(3)(i) to clarify that an institution's fall cohort must include all students who enter a term-based institution during the fall term, regardless of whether they enter before or after September 1.

Comments: Institutions should be allowed to disclose graduation or completion and, if applicable, transfer-out rates for their 1996 and 1997 cohorts based on a September 1 through August 31 year.

Discussion: We agree. The 1998 Amendments changed the year during which institutions must determine whether students for whom 150% of normal time for completion of their programs has elapsed have completed or graduated from the program from July 1 through June 30 to September 1 through August 31. These regulations reflect the statutory change.

Changes: None.

Comments: In determining its fall cohort, a term-based institution should be able to consider who is enrolled on another official fall reporting date other than October 15 or the end of the drop-add period to make the reporting date consistent with the Department's Integrated Postsecondary Education Data System's (IPEDS) Fall Enrollment (EF) report.

Discussion: We agree that a term-based institution's establishment of its fall cohort under this regulation should be consistent with the IPEDS data on fall enrollment.

Changes: We revised Sec. 668.45(a)(4) to include as an entering student a first-time, full-time, certificate or degree-seeking undergraduate who is enrolled on another official fall reporting date. Also, we added to Sec. 668.41(a) the definition of "official fall reporting date" used by the IPEDS EF report.

Comments: Transfer-out rates should be optional for all institutions for a number of reasons, including the greater regulatory burden placed on institutions that consider "substantial preparation" as part of their mission--for example, community colleges.

Discussion: The HEA requires institutions to report the rate at which students who receive substantial preparation transfer out of the institution. Therefore, the transfer-out rate cannot be made optional in all cases. These regulations limit the requirement to institutions that determine that their missions include providing substantial

preparation for their students to enroll in other eligible institutions. Institutions with substantial numbers of transfers-out may have a lower graduation and completion rate than other institutions and thus may find it desirable to report a transfer-out rate. We anticipate that the required transfer-out rate will not apply to most four-year institutions. Consistent with the treatment of

transfer-out students by IPEDS Graduation Rate Survey (GRS), an institution only is required to report on students whom the institution knows transferred to another institution.

Changes: None.

Comments: The Secretary should clarify that a student who leaves an undergraduate institution for study at a graduate institution is not a transfer-out under these regulations.

Discussion: For purposes of these regulations, a student who leaves an undergraduate program for study in a graduate program is not considered a transfer-out. Normally, such a student would have completed his or her program and be included in the institution's completion/graduation rate.

Changes: None.

Comments: A term-based institution should be defined as an institution at which more than fifty percent of the programs are term-based.

Discussion: Section 668.45(a)(3)(i) defines a term-based institution as an institution at which a predominant number of the programs are based on semesters, trimesters, or quarters.

Changes: None.

Comments: The Secretary should indicate that an institution's compliance with the IPEDS GRS ensures compliance with the methodological requirements of Sec. 668.45.

Discussion: We agree. An institution's compliance with the GRS constitutes compliance with the methodological provisions of Secs. 668.45 and 668.48.

Changes: None.

Section 668.46 Institutional Security Policies and Crime Statistics

Comments: Numerous commenters requested that we specifically exclude certain types of employees from the definition of a campus security authority--for example, lay counselors, dormitory rectors, physicians, access monitors, rape crisis counselors, doctoral counselor trainees, campus ombudsmen, and teaching faculty. Other commenters requested clarification about whether student security personnel organized by student governments and concert security employees who work for the institution are campus security authorities. Still other commenters asked us to define who is an "official" of the institution, and what "significant responsibility" for student and campus activities means.

Discussion: To determine if an institution must collect crime statistics from a particular employee or official, or provide a timely warning report based on crimes reported or known to the employee or official, an institution must first determine if that official is a campus security authority. In addition to campus law enforcement staff, a campus security authority is someone with "significant responsibility for student and campus activities." Absent this responsibility, an employee is not a campus security authority.

For example, a dean of students who oversees student housing, a

student center, or student extra-curricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also have significant responsibility for student and campus activities.

A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students are unlikely to have significant responsibility for student and campus activities. Also, clerical staff are unlikely to have significant responsibility for student and campus activities.

Since official responsibilities and job titles vary significantly from campus to campus, we believe that including a list of specific titles in the regulation is not practical. However, as stated above, we will provide additional guidance at a later date concerning interpretation of these regulations.

Changes: None.

Comments: The definition of campus security authority should include only individuals working for the institution's campus security office or expressly performing a campus security function at the institution's request.

Discussion: We believe that the new definition and guidance reflect the reality that on colleges campuses, officials who are not police officials or acting as event security at student or campus events nevertheless are responsible for students' or campus security. We also believe the new definition and guidance will better enable institutions to determine who is a campus security authority and thereby to comply with these regulations.

Changes: None.

Comments: Commenters asked a number of questions regarding our interpretation of the definitions of campus, noncampus building or property, and public property, such as what it means for an institution to ``control'' property, what ``adjacent to and accessible from the campus'' means, and whether remote classrooms or remote research stations are included in the definition of campus. Commenters also asked how different institutions that occupy the same general geographic area and different campuses of an institution should report crimes.

Discussion: We will respond to commenters' questions concerning implementation of the proposed regulations, and will post our answers on our Information for Financial Assistance Professionals (IFAP) website: <http://ifap.ed.gov>

Changes: None.

Comments: Generally, the commenters expressed much satisfaction with the compromises made during negotiated rulemaking regarding the definitions in Sec. 668.46(a). In particular, many commenters agreed with the negotiators' decision to exclude professional and pastoral counselors from being required to report crimes discussed with them in their role as counselor. Some commenters disagreed with this exclusion, on the belief that reporting a statistic cannot identify the victim. Other commenters believed that the process of reporting statistics and avoiding double-counting can lead to identification of the victim. Many commenters stressed the importance of ensuring that students' ability to obtain confidential counseling not be compromised.

Discussion: We agree with the commenters about the importance of victims' being able to obtain confidential counseling. We also agree

that although reporting a statistic is not likely, of itself, to identify the victim, the need to verify the occurrence of the crime and the need for additional information about the crime to avoid double-counting can lead to identification of the victim.

Representatives of psychological counselors informed us that counselors would, as a matter of professional obligation, be required to inform a patient at the beginning of any session that detailed information may be disclosed to other parties for statistical reporting purposes. In their experience, this disclosure has a chilling effect on access to professional counseling by causing a victim to decline or be wary of professional assistance. Given the importance of access to counseling, the availability of statistics from other sources on campus, and the provisions we included in this regulation concerning confidential reporting, we believe this regulation strikes the appropriate balance between individuals' need for counseling and the community's need for complete statistics.

Changes: None.

Comments: The definition of professional counselor should refer to mental health counseling instead of psychological counseling because the job description of a professional counselor other than a psychologist or psychiatrist might refer to mental health counseling or crisis counseling, but would be unlikely to refer to psychological counseling. This definition also should refer to independent contractors who perform professional counseling for institutions.

Discussion: We agree with the commenters that changing the definition to refer to mental health counseling rather than psychological counseling provides a clearer, more precise definition, but emphasize that the change does not expand the definition to include non-professional or informal counselors.

We believe that changing the definition by eliminating the reference to employee would clarify that the definition refers to the nature of the counselor, not the counselor's employment relationship with the institution.

Changes: We changed the definition of professional counselor in Sec. 668.46(a) to refer to mental health counseling and to exclude the requirement that a professional counselor be an employee of the institution.

Comments: The requirement that institutions provide notice of the availability of the annual security report to each prospective employee is overly burdensome as that term is defined (an individual who has contacted an eligible institution requesting information concerning employment with the institution). The definition should be limited to individuals who apply for employment. Also, the definition should be moved from Sec. 668.46 to Sec. 668.41, because it applies to both sections, and the definitions in Sec. 668.41 apply to the entire subpart, while those in Sec. 668.46 only apply to that section.

Discussion: We do not believe that the definition is unduly burdensome, especially given the importance of prospective employees being able to make fully informed choices. The requirement applies only when an individual requests information from an institution and the institution, presumably, either will mail the individual the information or tell the individual where to obtain the information. The institution simply can include in whatever information it provides the individual a brief notice of the availability of the annual security report.

We agree that the definition should be moved to Sec. 668.41.

Changes: The definition of prospective employee is moved from

Sec. 668.46(a) to Sec. 668.41(a).

Comments: Some commenters objected to the requirement in Sec. 668.46(b)(2)(ii) that institutions disclose their policies for preparing the annual disclosure of crime statistics and requested clarification of what this disclosure entails.

Discussion: This disclosure serves two important purposes. It informs the students about how and from what sources the report is prepared. Many students may not be aware that a formal police report or investigation is not needed in order for a crime report to be included in the statistics. This disclosure also requires an institution to consider what officials or offices must be canvassed in order to prepare a complete report. Incorrectly, some institutions believe that only formal police reports need be included; the disclosure allows the reader to conclude that all of the proper offices have been canvassed. The disclosure need only provide a general description of the process for preparing the report, including the offices surveyed. There is no requirement to disclose every detailed step in the report's preparation.

Changes: None.

Comments: The endorsement of anonymous crime reporting procedures is a valuable addition to the regulations. Although incomplete anonymous reports raise a number of statistical reporting questions, it is a valuable alternative for some crime victims. In some States confidential reporting of crime is illegal.

Discussion: Institutions should note that the regulations refer to confidential reporting, not anonymous reporting. The regulations do not require institutions to allow confidential reporting. Rather, Sec. 668.46(b)(2)(iii) and (4)(iii) require institutions to state whether they allow confidential reporting, and if so, to describe their procedures for that reporting, including whether the institution encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of those procedures. An institution prohibited by State law from allowing confidential reporting simply would be required to state that in its annual security report.

Changes: None.

Comments: Campus judicial processes do not determine whether a crime occurred, but rather determine only whether the accused person committed an act that violates the institution's rules, policies, or code of conduct. Therefore, the Secretary should clarify that referrals for alcohol, drug, and weapons law violations are limited to a breach of institutional policy, not law.

Discussion: The requirement that institutions report statistics for referrals for campus disciplinary action for alcohol, drug and weapons possession refers to violations of law only. For example, if a student of legal drinking age in the State in which an institution is located violates the institution's ``dry-campus'' policy and is referred for campus disciplinary action, that statistic should not be included in the institution's crime statistics. We believe that campus judicial officials and campus police are capable of determining whether a particular alcohol, drug, or weapons violation is a violation of law.

Changes: None.

Comment: Most commenters responded to our question regarding whether a crime should be recorded for the calendar year in which the crime was reported to the institution or the calendar year in which the crime occurred. The commenters were largely in favor of recording the crime on the date the crime was reported to the institution. The

commenters indicated that for statistical purposes the FBI collects crime data based on when crimes are reported to the police, not on the date crimes occur. One reason for this standard is that crimes generally are discovered after they occur, making the date of occurrence unknown or uncertain. The commenters explained that using the date of occurrence creates additional burden for institutions.

Discussion: We appreciate the responses to our solicitation for comment on this issue. We previously have required institutions to report crime statistics according to the year in which the crimes occurred. However, we are convinced by the weight of the comments that we would eliminate a considerable burden on institutions by making this reporting requirement consistent with FBI reporting practices, and that no crime statistics will go unreported as a result of this change.

Changes: Section 668.46(c)(2) is revised to require an institution to record crime data based on when the crime was reported to a campus security authority.

Comments: The problem with reporting which crimes are hate crimes is an institution's reliance on municipal police departments to provide this information. Hate crimes are often a political issue in municipalities, which may be reluctant to release information concerning hate crimes to an institution.

Discussion: We recognize that some institutions must rely on data, including hate crime data, from outside agencies. In complying with the statistical reporting requirements, an institution must make a reasonable, good-faith effort to obtain statistics from outside agencies. An institution that makes such an effort is not responsible for the agencies' failure to provide the statistics or for verifying the accuracy of statistics the agencies provide.

Changes: None.

Comments: The requirement that institutions report hate crimes related to ``any crime involving bodily injury'' is inconsistent with other statistical reporting requirements. To require an institution to search for every crime that may have involved personal injury is overly burdensome.

Discussion: The requirement that institutions report hate crimes related to any crime involving bodily injury is mandated by the HEA.

Changes: None.

Comments: The Secretary should clarify that institutions are not required to report statistics for public property that surrounds noncampus buildings or property.

Discussion: These regulations do not require an institution to report crime statistics for public property surrounding noncampus buildings or property.

Changes: None.

Comments: The commenters asked that the preamble make clear that an institution must use both the UCR definitions and standards when reporting crime.

Discussion: We reiterate the language of Sec. 668.46(c)(7) that requires an institution to use UCR guidance when defining and classifying crimes.

Changes: None.

Comments: The commenters strongly supported the use of a map to aid in the disclosure of crime statistics, and believe that a map would be very effective in indicating the areas to be considered in compiling these statistics. Some commenters believe that the Department will receive complaints or queries from the campus community that a map disclosed by an institution does not accurately depict the reporting

area of a campus and recommended that the Department establish a uniform review process for the review of maps so that questions can be handled in a timely and efficient manner.

Discussion: We agree with the commenters that using a map in disclosing crime statistics can be very helpful; students and others will be able to visualize the areas covered by an institution's annual security report. We will not establish a uniform process to review institutions' maps. Anyone who believes that an institution is not in compliance with the campus security regulations may contact the Office of Student Financial Assistance regional office for the State in which the institution is located. The addresses and telephone numbers for the regional Case Team Managers are at the following Internet address: <http://ed.gov/about.html>.

Changes: None.

Comments: The regulations should define what is meant, for purposes of crime log entries, by the nature, date, time and general location of each crime. The Department should emphasize that institutions may withhold this information only when it is absolutely necessary to prevent a breach of victim's confidentiality.

Discussion: We believe these terms are straightforward and there is no need for more prescriptive regulation. However, we emphasize that an institution may only withhold this information when it is sufficiently clear that the victim's confidentiality is in jeopardy.

Changes: None.

Section 668.47 Report on Athletic Program Participation Rates and Financial Support Data

Comments: Section 668.47 should include a separate audit requirement for the data it requires institutions to report.

Discussion: As discussed in the preamble to the NPRM (64 FR 43588-89), the primary change to the EADA made by the 1998 Amendments was the relocation of informational requirements concerning revenues and expenses attributable to institutions' intercollegiate athletic activities from section 487(a) of the HEA (Program Participation Agreements) to section 485(g). In relocating those requirements, Congress repealed the audit requirement under section 487(a). We believe Congress' intent is clear that there should not be a separate audit requirement for the data required by Sec. 668.47.

Changes: None.

Comments: Institutions annually submit an audited financial statement to the Department. The requirement in Sec. 668.47 to report intercollegiate athletics financial data separately requires reformatting the data, causes the data to appear differently than in the financial statement, and is administratively burdensome. The Department should consider whether the benefit to students, parents, and others from this report outweighs the cost to institutions.

Discussion: The requirements in Sec. 668.47 concerning the disclosure of intercollegiate athletics financial data are statutory requirements.

Changes: None.

Comments: When and to which office of the Department should institutions submit their EADA reports?

Discussion: We are developing a process for receiving the reports. When the process is complete, we will inform institutions on the Department's IFAP website: <http://ifap.ed.gov>. Institutions should have made the reports available to students and others by October 15, 1999.

Changes: None

Section 668.48 Report on Completion or Graduation Rates for Student-Athletes

Comments: Allow term-based institutions, in determining their athletic cohorts under Sec. 668.48(a), to include athletes who receive athletically related student aid at any time during the academic year in which their cohorts are established, rather than only allowing those institutions to include athletes who receive aid by the end of the institution's drop-add period or by October 15.

Discussion: We stated in the preamble to the NPRM (64 FR 43589) that institutions should include in their athletic cohorts students who receive athletically related student aid by the end of the institution's drop-add period or by October 15 because we believed that would lessen institutions' burden. However, based on the weight of the comments, and because the Department's Integrated Postsecondary Education Data System's (IPEDS) Graduation Rate Survey allows term-based institutions to use the entire academic year to determine their athletic cohorts, we now change the guidance we gave in the preamble to the NPRM and allow term-based institutions to use the entire academic year to determine their athletic cohorts.

Further, we clarify that "drop-add period," in this context, refers to institutions' fall drop-add periods.

Changes: None.

Executive Order 12866

We have reviewed these final regulations in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with these final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits--both quantitative and qualitative--of these final regulations, we have determined that the benefits of the regulations justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We summarized the potential costs and benefits of these final regulations in the preamble to the NPRM (64 FR 43589-43590).

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control numbers assigned to the collections of information in these final regulations at the end of the affected sections of the regulations.

Assessment of Educational Impact

In the NPRM, we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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(Catalog of Federal Domestic Assistance numbers: 84.007 Federal Supplemental Educational Opportunity Grant Program; 84.032 Consolidation Program; 84.032 Federal Stafford Loan Program; 84.032 Federal PLUS Program; 84.032 Federal Supplemental Loans for Students Program; 84.033 Federal Work-Study Program; 84.038 Federal Perkins Loan Program; 84.063 Federal Pell Grant Program; 84.069 LEAP; and 84.268 William D. Ford Federal Direct Loan Programs)

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Student aid, Reporting and recordkeeping requirements.

Dated: October 19, 1999.
Richard W. Riley,
Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668--STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for part 668 is revised to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1094, 1099c and 1141, unless otherwise noted.

2. The title of subpart D is revised to read as follows:

Subpart D--Institutional and Financial Assistance Information for

Students

3. Section 668.41 is revised to read as follows:

Sec. 668.41 Reporting and disclosure of information.

(a) Definitions. The following definitions apply to this subpart:

Athletically related student aid means any scholarship, grant, or other form of financial assistance, offered by an institution, the terms of which require the recipient to participate in a program of intercollegiate athletics at the institution. Other student aid, of which a student-athlete simply happens to be the recipient, is not athletically related student aid.

Certificate or degree-seeking student means a student enrolled in a course of credit who is recognized by the institution as seeking a degree or certificate.

First-time undergraduate student means an entering undergraduate who has never attended any institution of higher education. It includes a student enrolled in the fall term who attended a postsecondary institution for the first time in the prior summer term, and a student who entered with advanced standing (college credit earned before graduation from high school).

Normal time is the amount of time necessary for a student to complete all requirements for a degree or certificate according to the institution's catalog. This is typically four years for a bachelor's degree in a standard term-based institution, two years for an associate degree in a standard term-based institution, and the various scheduled times for certificate programs.

Notice means a notification of the availability of information an institution is required by this subpart to disclose, provided to an individual on a one-to-one basis through an appropriate mailing or publication, including direct mailing through the U.S. Postal Service, campus mail, or electronic mail. Posting on an Internet website or an Intranet website does not constitute a notice.

Official fall reporting date means that date (in the fall) on which an institution must report fall enrollment data to either the State, its board of trustees or governing board, or some other external governing body.

Prospective employee means an individual who has contacted an eligible institution for the purpose of requesting information concerning employment with that institution.

Prospective student means an individual who has contacted an eligible institution requesting information concerning admission to that institution.

Undergraduate students, for purposes of Secs. 668.45 and 668.48 only, means students enrolled in a bachelor's degree program, an associate degree program, or a vocational or technical program below the baccalaureate.

(b) Disclosure through Internet or Intranet websites. Subject to paragraphs (c)(2), (e)(2) through (4), or (g)(1)(ii) of this section, as appropriate, an institution may satisfy any requirement to disclose information under paragraph (d), (e), or (g) of this section for--

(1) Enrolled students or current employees by posting the information on an Internet website or an Intranet website that is reasonably accessible to the individuals to whom the information must be disclosed; and

(2) Prospective students or prospective employees by posting the information on an Internet website.

(c) Notice to enrolled students. (1) An institution annually must distribute to all enrolled students a notice of the availability of the information required to be disclosed pursuant to paragraphs (d), (e), and (g) of this section, and pursuant to 34 CFR 99.7 (Sec. 99.7 sets forth the notification requirements of the Family Educational Rights and Privacy Act of 1974). The notice must list and briefly describe the information and tell the student how to obtain the information.

(2) An institution that discloses information to enrolled students as required under paragraph (d), (e), or (g) of this section by posting the information on an Internet website or an Intranet website must include in the notice described in paragraph (c)(1) of this section--

(i) The exact electronic address at which the information is posted; and

(ii) A statement that the institution will provide a paper copy of the information on request.

(d) General disclosures for enrolled or prospective students. An institution must make available to any enrolled student or prospective student, on request, through appropriate publications, mailings or electronic media, information concerning--

(1) Financial assistance available to students enrolled in the institution (pursuant to Sec. 668.42);

(2) The institution (pursuant to Sec. 668.43); and

(3) The institution's completion or graduation rate and, if applicable, its transfer-out rate (pursuant to Sec. 668.45). In the case of a request from a prospective student, the information must be made available prior to the student's enrolling or entering into any financial obligation with the institution.

(e) Annual security report. (1) Enrolled students and current employees--annual security report. By October 1 of each year, an institution must distribute, to all enrolled students and current employees, its annual security report described in Sec. 668.46(b), through appropriate publications and mailings, including--

(i) Direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail;

(ii) A publication or publications provided directly to each individual; or

(iii) Posting on an Internet website or an Intranet website, subject to paragraphs (e)(2) and (3) of this section.

(2) Enrolled students--annual security report. If an institution chooses to distribute its annual security report to enrolled students by posting the disclosure on an Internet website or an Intranet website, the institution must comply with the requirements of paragraph (c)(2) of this section.

(3) Current employees--annual security report. If an institution chooses to distribute its annual security report to current employees by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current employees a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request.

(4) Prospective students and prospective employees--annual security report. The institution must provide a notice to prospective students and prospective employees that includes a statement of the report's

availability, a description of its contents, and an opportunity to request a copy. An institution must 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.

(5) Submission to the Secretary--annual security report. Each year, by the date and in a form specified by the Secretary, an institution must submit the statistics required by Sec. 668.46(c) to the Secretary.

(f) Prospective student-athletes and their parents, high school coach and guidance counselor--report on completion or graduation rates for student-athletes.

(1)(i) Except under the circumstances described in paragraph (f)(1)(ii) of this section, when an institution offers a prospective student-athlete athletically related student aid, it must provide to the prospective student-athlete, and his or her parents, high school coach, and guidance counselor, the report produced pursuant to Sec. 668.48(a).

(ii) An institution's responsibility under paragraph (f)(1)(i) of this section with reference to a prospective student athlete's high school coach and guidance counselor is satisfied if--

(A) The institution is a member of a national collegiate athletic association;

(B) The association compiles data on behalf of its member institutions, which data the Secretary determines are substantially comparable to those required by Sec. 668.48(a); and

(C) The association distributes the compilation to all secondary schools in the United States.

(2) By July 1 of each year, an institution must submit to the Secretary the report produced pursuant to Sec. 668.48.

(g) Enrolled students, prospective students, and the public--report on athletic program participation rates and financial support data.

(1)(i) An institution of higher education subject to Sec. 668.47 must, not later than October 15 of each year, make available on request to enrolled students, prospective students, and the public, the report produced pursuant to Sec. 668.47(c). The institution must make the report easily accessible to students, prospective students, and the public and must provide the report promptly to anyone who requests it.

(ii) The institution must provide notice to all enrolled students, pursuant to paragraph (c)(1) of this section, and prospective students of their right to request the report described in paragraph (g)(1) of this section. If the institution chooses to make the report available by posting the disclosure on an Internet website or an Intranet website, it must provide in the notice 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 on request. For prospective students, the institution may not use an Intranet website for this purpose.

(2) An institution must submit the report described in paragraph (g)(1)(i) of this section to the Secretary within 15 days of making it available to students, prospective students, and the public.

(Approved by the Office of Management and Budget under control number 1845-0004 and 1845-0010)

(Authority: 20 U.S.C. 1092)

4. Section 668.42 is removed, and Secs. 668.43 through 668.49 are redesignated as Secs. 668.42 through 668.48, respectively.

5. Newly redesignated Sec. 668.42 is amended by removing the word ``and'' at the end of paragraph (c)(5); by removing the period at the end of paragraph (c)(6), and adding, in its place, ``; and''; by adding a new paragraph (c)(7) and revising the OMB control number to read as follows:

Sec. 668.42 Financial assistance information.

* * * * *

(c) ***

(7) The terms and conditions under which students receiving Federal Family Education Loan or William D. Ford Federal Direct Loan assistance may obtain deferral of the repayment of the principal and interest of the loan for--

(i) Service under the Peace Corps Act (22 U.S.C. 2501);

(ii) Service under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951); or

(iii) Comparable service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service.

(Approved by the Office of Management and Budget under control number 1845-0022)

* * * * *

6. Newly redesignated Sec. 668.43 is revised to read as follows:

Sec. 668.43 Institutional information.

(a) Institutional information that the institution must make readily available upon request to enrolled and prospective students under this subpart includes, but is not limited to--

(1) The cost of attending the institution, including--

(i) Tuition and fees charged to full-time and part-time students;

(ii) Estimates of costs for necessary books and supplies;

(iii) Estimates of typical charges for room and board;

(iv) Estimates of transportation costs for students; and

(v) Any additional cost of a program in which a student is enrolled or expresses a specific interest;

(2) Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution;

(3) The requirements and procedures for officially withdrawing from the institution;

(4) A summary of the requirements under Sec. 668.22 for the return of title IV grant or loan assistance;

(5) The academic program of the institution, including--

(i) The current degree programs and other educational and training programs;

(ii) The instructional, laboratory, and other physical facilities which relate to the academic program; and

(iii) The institution's faculty and other instructional personnel;

(6) The names of associations, agencies or governmental bodies that accredit, approve, or license the institution and its programs and the procedures by which documents describing that activity may be reviewed under paragraph (b) of this section;

(7) A description of any special facilities and services available to disabled students;

(8) The titles of persons designated under Sec. 668.44 and information regarding how and where those persons may be contacted; and

(9) A statement that a student's enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment at the home institution for the purpose of applying for assistance under the title IV, HEA programs.

(b) The institution must make available for review to any enrolled or prospective student, upon request, a copy of the documents describing the institution's accreditation, approval or licensing.

(Approved by the Office of Management and Budget under control number 1845-0022)

(Authority: 20 U.S.C. 1092)

7. Newly redesignated Sec. 668.45 is revised to read as follows:

Sec. 668.45 Information on completion or graduation rates.

(a)(1) An institution annually must prepare the completion or graduation rate of its certificate- or degree-seeking, full-time undergraduate students, as provided in paragraph (b) of this section.

(2) An institution that determines that its mission includes providing substantial preparation for students to enroll in another eligible institution must prepare the transfer-out rate of its certificate- or degree-seeking, full-time undergraduate students, as provided in paragraph (c) of this section.

(3)(i) An institution that offers a predominant number of its programs based on semesters, trimesters, or quarters must base its completion or graduation rate and, if applicable, transfer-out rate calculations, on the cohort of first-time, certificate- or degree-seeking, full-time undergraduate students who enter the institution during the fall term of each year.

(ii) An institution not covered by the provisions of paragraph (a)(3)(i) of this section must base its completion or graduation rate and, if applicable, transfer-out rate calculations, on the group of certificate- or degree-seeking, full-time undergraduate students who enter the institution between September 1 of one year and August 31 of the following year.

(iii) For purposes of the completion or graduation rate and, if applicable, transfer-out rate calculations required in paragraph (a) of this section, an institution must count as entering students only first-time undergraduate students, as defined in Sec. 668.41(a).

(4)(i) An institution covered by the provisions of paragraph (a)(3)(i) of this section must count as an entering student a first-time undergraduate student who is enrolled as of October 15, the end of the institution's drop-add period, or another official reporting date as defined in Sec. 668.41(a).

(ii) An institution covered by paragraph (a)(3)(ii) of this section

must count as an entering student a first-time undergraduate student who is enrolled for at least--

(A) 15 days, in a program of up to, and including, one year in length; or

(B) 30 days, in a program of greater than one year in length.

(5) An institution must make available its completion or graduation rate and, if applicable, transfer-out rate, no later than the July 1 immediately following the 12-month period ending August 31 during which 150% of the normal time for completion or graduation has elapsed for all of the students in the group on which the institution bases its completion or graduation rate and, if applicable, transfer-out rate calculations.

(b) In calculating the completion or graduation rate under paragraph (a)(1) of this section, an institution must count as completed or graduated--

(1) Students who have completed or graduated by the end of the 12-month period ending August 31 during which 150% of the normal time for completion or graduation from their program has lapsed; and

(2) Students who have completed a program described in Sec. 668.8(b)(1)(ii), or an equivalent program, by the end of the 12-month period ending August 31 during which 150% of normal time for completion from that program has lapsed.

(c) In calculating the transfer-out rate under paragraph (a)(2) of this section, an institution must count as transfers-out students who by the end of the 12-month period ending August 31 during which 150% of the normal time for completion or graduation from the program in which they were enrolled has lapsed, have not completed or graduated but have subsequently enrolled in any program of an eligible institution for which its program provided substantial preparation.

(d) For the purpose of calculating a completion or graduation rate and a transfer-out rate, an institution may exclude students who--

(1) Have left school to serve in the Armed Forces;

(2) Have left school to serve on official church missions;

(3) Have left school to serve with a foreign aid service of the Federal Government, such as the Peace Corps;

(4) Are totally and permanently disabled; or

(5) Are deceased.

(e)(1) The Secretary grants a waiver of the requirements of this section to any institution that is a member of an athletic association or conference that has voluntarily published completion or graduation rate data, or has agreed to publish data, that the Secretary determines are substantially comparable to the data required by this section.

(2) An institution that receives a waiver of the requirements of this section must still comply with the requirements of Sec. 668.41(d)(3) and (f).

(3) An institution, or athletic association or conference applying on behalf of an institution, that seeks a waiver under paragraph (e)(1) of this section must submit a written application to the Secretary that explains why it believes the data the athletic association or conference publishes are accurate and substantially comparable to the information required by this section.

(f) In addition to calculating the completion or graduation rate required by paragraph (a)(1) of this section, an institution may, but is not required to--

(1) Calculate a completion or graduation rate for students who transfer into the institution;

(2) Calculate a completion or graduation rate and transfer-out rate for students described in paragraphs (d)(1) through (4) of this section; and

(3) Calculate a transfer-out rate as specified in paragraph (c) of this section, if the institution determines that its mission does not include providing substantial preparation for its students to enroll in another eligible institution.

(Approved by the Office of Management and Budget under control number 1845-0004)

(Authority: 20 U.S.C. 1092)

8. Newly redesignated Sec. 668.46 is revised to read as follows:

Sec. 668.46 Institutional security policies and crime statistics.

(a) Additional definitions that apply to this section.

Business day: Monday through Friday, excluding any day when the institution is closed.

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Campus security authority: (1) A campus police department or a campus security department of an institution.

(2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Noncampus building or property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is

functioning within the scope of that recognition as a pastoral counselor.

Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Referred for campus disciplinary action: The referral of any student to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

(b) Annual security report. An institution must prepare an annual security report that contains, at a minimum, the following information:

(1) The crime statistics described in paragraph (c) of this section.

(2) A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including--

(i) Policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in paragraph (c)(1) of this section;

(ii) Policies for preparing the annual disclosure of crime statistics; and

(iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purpose of making timely warning reports and the annual statistical disclosure. This statement must also disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures.

(3) A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(4) A statement of current policies concerning campus law enforcement that--

(i) Addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals;

(ii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and

(iii) 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.

(5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(6) A description of programs designed to inform students and employees about the prevention of crimes.

(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

(8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

(9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

(11) 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--

(i) A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;

(ii) Procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported;

(iii) Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel;

(iv) Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;

(v) Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;

(vi) Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that--

(A) The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

(B) Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused; and

(vii) 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.

(c) Crime statistics. (1) Crimes that must be reported. An institution must report 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 that are reported to local police agencies or to a campus security authority:

- (i) Criminal homicide:
 - (A) Murder and nonnegligent manslaughter.
 - (B) Negligent manslaughter.
 - (ii) Sex offenses:
 - (A) Forcible sex offenses.
 - (B) Nonforcible sex offenses.
 - (iii) Robbery.
 - (iv) Aggravated assault.
 - (v) Burglary.
 - (vi) Motor vehicle theft.
 - (vii) Arson.
 - (viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.
 - (B) Persons not included in paragraph (c)(1)(viii)(A) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.
- (2) Recording crimes. An institution must record a crime statistic in its annual security report for the calendar year in which the crime was reported to a campus security authority.
- (3) Reported crimes if a hate crime. An institution must report, by category of prejudice, any crime it reports pursuant to paragraphs (c)(1)(i) through (vii) of this section, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.
- (4) Crimes by location. The institution must provide a geographic breakdown of the statistics reported under paragraphs (c)(1) and (3) of this section according to the following categories:
- (i) On campus.
 - (ii) Of the crimes in paragraph (c)(4)(i) of this section, the number of crimes that took place in dormitories or other residential facilities for students on campus.
 - (iii) In or on a noncampus building or property.
 - (iv) On public property.
- (5) Identification of the victim or the accused. The statistics required under paragraphs (c)(1) and (3) of this section may not include the identification of the victim or the person accused of committing the crime.
- (6) Pastoral and professional counselor. An institution is not required to report statistics under paragraphs (c)(1) and (3) of this section for crimes reported to a pastoral or professional counselor.
- (7) UCR definitions. An institution must compile the crime statistics required under paragraphs (c)(1) and (3) of this section using the definitions of crimes provided in Appendix E to this part and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. For further guidance concerning the application of definitions and classification of crimes, an institution must use either the UCR Reporting Handbook or the UCR Reporting Handbook: NIBRS EDITION, except that in determining how to report crimes committed in a multiple-offense situation an institution must use the UCR Reporting Handbook. Copies of the UCR publications referenced in this paragraph are available from: FBI, Communications Unit, 1000 Custer Hollow Road, Clarksburg, WV 26306 (telephone: 304-625-2823).
- (8) Use of a map. In complying with the statistical reporting requirements under paragraphs (c)(1) and (3) of this section, an

institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.

(9) Statistics from police agencies. In complying with the statistical reporting requirements under paragraphs (c)(1) through (4) of this section, an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

(d) Separate campus. An institution must comply with the requirements of this section for each separate campus.

(e) Timely warning. (1) An institution must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are--

(i) Described in paragraph (c)(1) and (3) of this section;

(ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and

(iii) Considered by the institution to represent a threat to students and employees.

(2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

(f) Crime log. (1) An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. This log must include--

(i) The nature, date, time, and general location of each crime; and

(ii) The disposition of the complaint, if known.

(2) The institution must make an entry or an addition to an entry to the log within two business days, as defined under paragraph (a) of this section, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

(3)(i) An institution may withhold information required under paragraphs (f)(1) and (2) of this section if there is clear and convincing evidence that the release of the information would--

(A) Jeopardize an ongoing criminal investigation or the safety of an individual;

(B) Cause a suspect to flee or evade detection; or

(C) Result in the destruction of evidence.

(ii) The institution must disclose any information withheld under paragraph (f)(3)(i) of this section once the adverse effect described in that paragraph is no longer likely to occur.

(4) An institution may withhold under paragraphs (f)(2) and (3) of this section only that information that would cause the adverse effects described in those paragraphs.

(5) The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

(Approved by the Office of Management and Budget under control number 1845-0022)

(Authority: 20 U.S.C. 1092)

9. Newly redesignated Sec. 668.47 is revised to read as follows:

Sec. 668.47 Report on athletic program participation rates and financial support data.

(a) Applicability. This section applies to a co-educational institution of higher education that--

- (1) Participates in any title IV, HEA program; and
- (2) Has an intercollegiate athletic program.

(b) Definitions. The following definitions apply for purposes of this section only.

(1) Expenses.--(i) Expenses means expenses attributable to intercollegiate athletic activities. This includes appearance guarantees and options, athletically related student aid, contract services, equipment, fundraising activities, operating expenses, promotional activities, recruiting expenses, salaries and benefits, supplies, travel, and any other expenses attributable to intercollegiate athletic activities.

(ii) Operating expenses means all expenses an institution incurs attributable to home, away, and neutral-site intercollegiate athletic contests (commonly known as ``game-day expenses''), for--

(A) Lodging, meals, transportation, uniforms, and equipment for coaches, team members, support staff (including, but not limited to team managers and trainers), and others; and

(B) Officials.

(iii) Recruiting expenses means all expenses an institution incurs attributable to recruiting activities. This includes, but is not limited to, expenses for lodging, meals, telephone use, and transportation (including vehicles used for recruiting purposes) for both recruits and personnel engaged in recruiting, any other expenses for official and unofficial visits, and all other expenses related to recruiting.

(2) Institutional salary means all wages and bonuses an institution pays a coach as compensation attributable to coaching.

(3)(i) Participants means students who, as of the day of a varsity team's first scheduled contest--

(A) Are listed by the institution on the varsity team's roster;

(B) Receive athletically related student aid; or

(C) Practice with the varsity team and receive coaching from one or more varsity coaches.

(ii) Any student who satisfies one or more of the criteria in paragraphs (b)(3)(i)(A) through (C) of this section is a participant, including a student on a team the institution designates or defines as junior varsity, freshman, or novice, or a student withheld from competition to preserve eligibility (i.e., a redshirt), or for academic, medical, or other reasons.

(4) Reporting year means a consecutive twelve-month period of time designated by the institution for the purposes of this section.

(5) Revenues means revenues attributable to intercollegiate athletic activities. This includes revenues from appearance guarantees and options, an athletic conference, tournament or bowl games,

concessions, contributions from alumni and others, institutional support, program advertising and sales, radio and television, royalties, signage and other sponsorships, sports camps, State or other government support, student activity fees, ticket and luxury box sales, and any other revenues attributable to intercollegiate athletic activities.

(6) Undergraduate students means students who are consistently designated as such by the institution.

(7) Varsity team means a team that--

(i) Is designated or defined by its institution or an athletic association as a varsity team; or

(ii) Primarily competes against other teams that are designated or defined by their institutions or athletic associations as varsity teams.

(c) Report. An institution described in paragraph (a) of this section must annually, for the preceding reporting year, prepare a report that contains the following information:

(1) The number of male and the number of female full-time undergraduate students that attended the institution.

(2) A listing of the varsity teams that competed in intercollegiate athletic competition and for each team the following data:

(i) The total number of participants as of the day of its first scheduled contest of the reporting year, the number of participants who also participated on another varsity team, and the number of other varsity teams on which they participated.

(ii) Total operating expenses attributable to the team, except that an institution may report combined operating expenses for closely related teams, such as track and field or swimming and diving. Those combinations must be reported separately for men's and women's teams.

(iii) In addition to the data required by paragraph (c)(2)(ii) of this section, an institution may report operating expenses attributable to the team on a per-participant basis.

(iv)(A) Whether the head coach was male or female, was assigned to the team on a full-time or part-time basis, and, if assigned on a part-time basis, whether the head coach was a full-time or part-time employee of the institution.

(B) The institution must consider graduate assistants and volunteers who served as head coaches to be head coaches for the purposes of this report.

(v)(A) The number of assistant coaches who were male and the number of assistant coaches who were female, and, within each category, the number who were assigned to the team on a full-time or part-time basis, and, of those assigned on a part-time basis, the number who were full-time and part-time employees of the institution.

(B) The institution must consider graduate assistants and volunteers who served as assistant coaches to be assistant coaches for purposes of this report.

(3) The unduplicated head count of the individuals who were listed under paragraph (c)(2)(i) of this section as a participant on at least one varsity team, by gender.

(4)(i) Revenues derived by the institution according to the following categories (Revenues not attributable to a particular sport or sports must be included only in the total revenues attributable to intercollegiate athletic activities, and, if appropriate, revenues attributable to men's sports combined or women's sports combined. Those revenues include, but are not limited to, alumni contributions to the athletic department not targeted to a particular sport or sports,

investment interest income, and student activity fees.):

(A) Total revenues attributable to its intercollegiate athletic activities.

(B) Revenues attributable to all men's sports combined.

(C) Revenues attributable to all women's sports combined.

(D) Revenues attributable to football.

(E) Revenues attributable to men's basketball.

(F) Revenues attributable to women's basketball.

(G) Revenues attributable to all men's sports except football and basketball, combined.

(H) Revenues attributable to all women's sports except basketball, combined.

(ii) In addition to the data required by paragraph (c)(4)(i) of this section, an institution may report revenues attributable to the remainder of the teams, by team.

(5) Expenses incurred by the institution, according to the following categories (Expenses not attributable to a particular sport, such as general and administrative overhead, must be included only in the total expenses attributable to intercollegiate athletic activities.):

(i) Total expenses attributable to intercollegiate athletic activities.

(ii) Expenses attributable to football.

(iii) Expenses attributable to men's basketball.

(iv) Expenses attributable to women's basketball.

(v) Expenses attributable to all men's sports except football and basketball, combined.

(vi) Expenses attributable to all women's sports except basketball, combined.

(6) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, aggregately for men's teams, and aggregately for women's teams.

(7) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(8) The total amount of recruiting expenses incurred, aggregately for all men's teams, and aggregately for all women's teams.

(9)(i) The average annual institutional salary of the non-volunteer head coaches of all men's teams, across all offered sports, and the average annual institutional salary of the non-volunteer head coaches of all women's teams, across all offered sports, on a per person and a per full-time equivalent position basis. These data must include the number of persons and full-time equivalent positions used to calculate each average.

(ii) If a head coach has responsibilities for more than one team and the institution does not allocate that coach's salary by team, the institution must divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(10)(i) The average annual institutional salary of the non-volunteer assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the non-volunteer assistant coaches of women's teams, across all offered sports, on a per person and a full-time equivalent position basis. These data must include the number of persons and full-time equivalent positions used to calculate each average.

(ii) If an assistant coach had responsibilities for more than one

team and the institution does not allocate that coach's salary by team, the institution must divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(Approved by the Office of Management and Budget under control number 1845-0010)

(Authority: 20 U.S.C. 1092)

Sec. 668.48 [Amended]

10. Newly redesignated Sec. 668.48 is amended as follows:

A. In paragraph (a)(1), by removing ``By July 1, 1997, and by every July 1 every year thereafter, each'' and adding, in its place, ``Annually, by July 1, an''; by removing ``shall'' and adding in its place ``must''; and by removing ``an annual'' and adding, in its place ``a''.

B. In paragraph (a)(1)(iii), by adding ``, if applicable,'' before ``transfer-out''; and by removing ``Sec. 668.46(a)(1), (2), (3) and (4)'' and adding, in its place, ``Sec. 668.45(a)(1)'';

C. In paragraph (a)(1)(iv), by adding ``, if applicable,'' before ``transfer-out''; and by removing ``Sec. 668.46(a)(1), (2), (3) and (4)'' and adding, in its place, ``Sec. 668.45(a)(1)'';

D. In paragraph (a)(1)(v), by adding ``, if applicable,'' before ``transfer-out'' both times it appears; by removing ``Sec. 668.46(a)(2), (3), and (4)'' and adding, in its place, ``Sec. 668.45(a)(1)''; and by removing ``shall'' and adding, in its place, ``must'';

E. In paragraph (a)(1)(vi), by adding ``, if applicable,'' before ``transfer-out'' both times it appears; by adding after ``recent,'' ``completing or graduating''; by removing ``Sec. 668.46(a)(2), (3), and (4)'' and adding in its place ``Sec. 668.45(a)(1)''; and by removing ``shall'' and adding in its place ``must''; and

F. In paragraph (b), by removing ``Sec. 668.46'' and adding in its place ``Sec. 668.45''; by removing ``(a)(1)(iii), (a)(1)(iv), and (a)(1)(v)'' and adding in their place ``(a)(1)(iii) through (vi)''; and by adding ``, if applicable,'' before ``transfer-out.''

G. At the end of the section, by replacing the OMB control number ``1840-0719'' with the number ``1845-0004.''

11. Appendix E is amended by removing the definition of ``Murder,'' and by adding the following definitions before the definition of ``Robbery:''

Appendix E to Part 668--Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program

* * * * *

Crime Definitions From the Uniform Crime Reporting Handbook

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor

vehicle or aircraft, personal property of another, etc.

Criminal Homicide--Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide--Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

* * * * *

[FR Doc. 99-28273 Filed 10-29-99; 8:45 am]

BILLING CODE 4000-01-U

APPENDIX C – SAMPLE OF WEBSITE



The [OPE Campus Security Statistics Website](#) is your direct link to reported criminal offenses for over 6000 colleges and universities in the United States. If you are thinking of attending college in a large urban city, a small liberal arts college, a specialized college, or a community college you can find their security statistics here.

The OPE Campus Security Statistics Website is brought to you by the Office of Postsecondary Education of the U.S. Department of Education. It was authorized by Congress with the 1998 amendment to the Higher Education Act of 1965 (HEA) to help potential college students and their parents research criminal offenses on college campuses. The Department of Education is committed to assisting schools in providing students with a safe environment in which to learn and to keep parents and students well informed about campus security.

By October 1 of each year, a school that is Title IV eligible is required to publish and distribute an annual campus security report to all current students and employees. In addition to the required annual campus security report, schools are required to provide timely warning of the occurrences of crimes that are reported to campus security authorities and local police agencies. The timely warning information is to be provided in an appropriate manner so as to prevent similar crimes from occurring and to protect the personal safety of students and employees.

The OPE Campus Security Statistics Website is also linked to the National Center for Education Statistics [IPEDS COOL](#) (College Opportunities On-Line) website. The IPEDS COOL website is your way of researching the differences between colleges and how much it costs to attend college.

If you are not sure what colleges you want to see, the [OPE Campus Security Statistics Website](#) has the tools to help you search for a college. You can search for a college based on its location, program, size or degree offerings either alone or in combination. The more criteria you specify, the smaller the number of colleges that will fit your criteria. Once you've found some colleges of interest, you can obtain important and understandable security information on all of them.

[Other Campus Security Related Links](#)

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[OPE Program Data](#) | [Exploring Other Web Sites](#)



US DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

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Begin your College Search by selecting criteria in the form below.

Geographic region	
Any ▲ US Service schools ▲ New England - CT ME MA NH RI VT ▲ Mid East - DE DC MD NJ NY PA ▼	
State or outlying area	City
Any ▲ Alabama ▲ Alaska ▲ American Samoa ▼	<input type="text"/> ?
Type of institution ?	Instructional program ?
Any ▲ Public, 4-year or above ▲ Private not-for-profit, 4-year or above ▲ Private for-profit, 4-year or above ▼	Any ▲ Agricultural Business and Production ▲ Agricultural Sciences ▲ Conservation & Renew. Natural Resources ▼
Name of institution	Students enrolled
<input type="text"/> ?	<input type="text"/> Any ▼
<input type="checkbox"/> Title IV eligible ?	
<input type="button" value="Search"/>	

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Institution	City	State	Size
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OPE ID:

General Information

Security Officer Information

Security Officer:
Title:
Phone: (555) 555 5555

For more information about this institution, visit

Residence Halls:

This institution provides on-campus housing

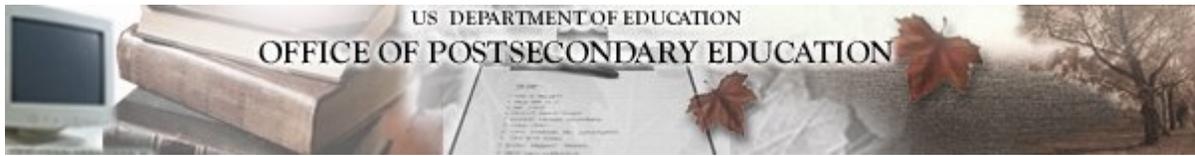
Local Crime Statistics:

Local statistics were not included with on-campus statistics

Definition set used by this institution:

FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) definitions.

[Criminal Offenses](#) | [Hate Offenses](#) | [Arrests](#) | [Institutional Characteristics](#) | [About NCES IPEDS COOL](#)



OPE ID:

Criminal Offenses - Main Campus

The following criminal offenses occurred.

On Campus	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
On-Campus, In Residence Halls	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Non Campus Buildings	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Public Property	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0

manslaughter			
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Local Statistics	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Non-police	1997	1998	1999
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses	0	0	0
Nonforcible sex	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor vehicle Theft	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0

[Institution Detail](#) | [Hate Offenses](#) | [Arrests](#)



OPE ID:

Hate Crimes - Main Campus

The following criminal offenses that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity and can be classified as Hate Crimes as prescribed by the Hate Crimes Statistics Act (28 U.S.C 534) occurred.

On Campus	1997	1998	1999
Murder/Non-negligent Manslaughter	0	0	0
Aggravated Assault	0	0	0
Forcible sex offenses	0	0	0
Forcible rape	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Simple Assault	0	0	0
On-Campus, In Residence Halls	1997	1998	1999
Murder/Non-negligent Manslaughter	0	0	0
Aggravated Assault	0	0	0
Forcible sex offenses	0	0	0
Forcible rape	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Simple Assault	0	0	0
Non Campus Buildings	1997	1998	1999
Murder/Non-negligent Manslaughter	0	0	0
Aggravated Assault	0	0	0
Forcible sex offenses	0	0	0
Forcible rape	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Simple Assault	0	0	0
Public Property	1997	1998	1999
Murder/Non-negligent Manslaughter	0	0	0
Aggravated Assault	0	0	0

Forcible sex offenses	0	0	0
Forcible rape	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Simple Assault	0	0	0
Local Statistics	1997	1998	1999
Murder/Non-negligent Manslaughter	0	0	0
Aggravated Assault	0	0	0
Forcible sex offenses	0	0	0
Forcible rape	0	0	0
Arson	0	0	0
Negligent Manslaughter	0	0	0
Simple Assault	0	0	0

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OPE ID:

Arrests - Main Campus

The following arrests and disciplinary actions/judicial referrals occurred.

On Campus Arrests	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0
Disciplinary Actions/Judicial Referrals On Campus	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0
On-Campus, In Residence Halls Arrests	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	6
Weapons Possession	0	0	0
Non Campus Buildings	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0
Disciplinary Actions/Judicial Referrals on Non Campus	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0
Public Property	1997	1998	1999
Liquor-law violations	Not Required	Not Required	0
Drug abuse Violations	Not Required	Not Required	0
Weapons Possession	Not Required	Not Required	0
Disciplinary Actions/Judicial Referrals on Public Property	1997	1998	1999
Liquor-law violations	Not Required	Not Required	0
Drug abuse Violations	Not Required	Not Required	0
Weapons Possession	Not Required	Not Required	0
Local	1997	1998	1999

Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0
Disciplinary Actions/Judicial Referrals on Local Statistics	1997	1998	1999
Liquor-law violations	0	0	0
Drug abuse Violations	0	0	0
Weapons Possession	0	0	0

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Campus Crime and Security Data

On-Campus Criminal Offenses

Less than 2-Year

	Public			Private, non-profit			Private, for-profit			Total		1999
	1997	1998	1999	1997	1998	1999	1997	1998	1999	1997	1998	
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	1	0	0	1	0
Forcible sex offenses	3	2	5	0	0	1	2	0	13	5	2	19
Non forcible sex offenses	3	5	6	0	0	0	4	1	6	7	6	12
Robbery	19	40	38	2	6	8	62	85	164	0	131	210
Aggravated Assault	122	140	133	0	0	5	12	14	182	134	154	320
Burglary	80	122	124	1	5	28	138	148	504	219	275	656
Motor vehicle theft	15	17	23	6	5	8	55	70	404	76	92	435
Arson	Not Required	Not Required	6	Not Required	Not Required	0	Not Required	Not Required	22	Not Required	Not Required	28
Negligent manslaughter	Required	Required	0	Required	Required	0	Required	Required	0	Required	Required	0

2-Year

	Public			Private, non-profit			Private, for-profit			Total		1999
	1997	1998	1999	1997	1998	1999	1997	1998	1999	1997	1998	
Murder/Non-negligent manslaughter	3	6	1	1	0	0	0	0	0	4	6	1
Forcible sex offenses	110	105	119	6	8	11	1	4	3	117	117	133
Non forcible sex offenses	118	143	131	9	12	18	8	7	8	135	162	157
Robbery	395	419	354	74	153	209	43	52	78	512	624	641
Aggravated Assault	681	707	666	59	106	96	30	49	45	770	862	807
Burglary	3,975	3,838	3,922	630	895	793	326	413	374	4,931	5,146	5,089
Motor vehicle theft	1,505	1,383	1,386	103	115	110	98	96	105	1,706	1,594	1,601
Arson	Not Required	Not Required	107	Not Required	Not Required	9	Not Required	Not Required	1	Not Required	Not Required	117
Negligent manslaughter	Required	Required	4	Required	Required	0	Required	Required	0	Required	Required	4

4-Year

	Public			Private, non-profit			Private, for-profit			Total		1999
	1997	1998	1999	1997	1998	1999	1997	1998	1999	1997	1998	
Murder/Non-negligent manslaughter	10	14	6	4	3	4	0	0	0	14	17	10
Forcible sex offenses	968	1,031	1,002	578	621	686	0	1	2	1,546	1,653	1,690
Non forcible sex offenses	215	238	286	114	157	171	1	2	1	330	397	458
Robbery	719	625	613	489	480	516	7	2	17	1,215	1,107	1,146
Aggravated Assault	1,845	1,912	1,745	996	915	899	9	13	6	2,850	2,840	2,650
Burglary	12,587	11,788	11,127	8,857	8,267	8,951	163	209	212	21,607	20,264	20,290
Motor vehicle theft	3,302	2,975	2,738	1,605	1,345	1,378	43	44	49	4,950	4,364	4,165
Arson	Not Required	Not Required	680	Not Required	Not Required	341	Not Required	Not Required	1	Not Required	Not Required	1,022
Negligent manslaughter	Required	Required	1	Required	Required	2	Required	Required	3	Required	Required	6

TOTAL

	Public			Private, non-profit			Private, for-profit			Grand Total		1999
	1997	1998	1999	1997	1998	1999	1997	1998	1999	1997	1998	
Murder/Non-negligent manslaughter	13	20	7	5	3	4	0	1	0	18	24	11
Forcible sex offenses	1,081	1,138	1,126	584	629	698	3	5	18	1,668	1,772	1,842
Non forcible sex offenses	336	386	423	123	169	189	13	10	15	472	565	627
Robbery	1,133	1,084	1,005	565	639	733	112	139	259	1,810	1,862	1,997
Aggravated Assault	2,648	2,759	2,544	1,055	1,021	1,000	51	76	233	3,754	3,856	3,777
Burglary	16,642	15,748	15,173	9,488	9,167	9,772	627	770	1,090	26,757	25,685	26,035
Motor vehicle theft	4,822	4,375	4,147	1,714	1,465	1,496	196	210	558	6,732	6,050	6,201
Arson	Not Required	Not Required	793	Not Required	Not Required	350	Not Required	Not Required	24	Not Required	Not Required	1,167
Negligent manslaughter	Required	Required	5	Required	Required	2	Required	Required	3	Required	Required	10

Endnotes

¹ The web-based reporting tool available did not allow for these data to be included in the analysis. For this reason only, the data are not presented in the report. These data, however, are available on the public website.

² Page 14; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.

³ Since individuals other than students can be the victim of a crime on the campus of an institution of postsecondary education, using undergraduate enrollment as a measure understates the size of postsecondary education institutions. Thus, it results in the rate being overstated. A more accurate measure would include the number of faculty and staff as well as the number of other frequent visitors to the campus. Since comparable data are not available for all types of postsecondary education institutions, the rates presented in this report use only the estimated full-year, unduplicated undergraduate enrollment. These estimates are derived from the most recent NPSAS data available that provides comparable enrollment data for all sectors of postsecondary education.

⁴ The variation in criminal homicide rate is between 0 and 0.16 at 4-year private non-profit colleges and universities.

⁵ Appendix A – 1997 Age-Specific Murder Rates; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.

⁶ Chapter 9, 1999; National Victim Assistance Academy; U.S. Department of Justice, Washington, DC, 20535.

⁷ Page 24; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.

⁸ Table 310, Crimes and Crime Rates, by Type: 1984-1994, Statistical Abstract of the United States, 1996.

⁹ Page 27; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.

¹⁰ Page 28; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.

¹¹ Page 28; Crime in the United States: 1999; Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC, 20535.