



State University of New York

Memorandum to Presidents

Date: August 2, 1991 Vol. 91 No. 3

From: Offices of University Counsel and Vice Chancellor
for Legal Affairs and Vice Chancellor for Student
Affairs and Special Programs

Subject: Federal Student Right-to-Know and
Campus Security Act

To: Presidents, State-operated Campuses
Presidents, Community Colleges

New Federal legislation relating mainly to student consumer rights requires all State University campuses to collect and publish additional statistics and other information for prospective and current students as early as August 1, 1991. The information-gathering requirements are contained in legislation known as the Student Right-to-Know and Campus Security Act ("Act") as amended by the Higher Education Technical Amendments of 1991 (20 U.S.C §1092).

The Act is composed of two principal titles which impose different reporting obligations on all colleges and universities participating in Federal student assistance programs under Title IV of the Higher Education Act of 1965. These titles, summarized below, are discussed more fully in Attachments A and B. Additional detail will be forwarded to the campus officers responsible for implementing these requirements when regulations or other guidance are issued by the appropriate Federal agency.

Title I - Student Right-to-Know Act

Title I requires that, beginning July 1, 1993, institutions must annually provide to current and prospective students certain data concerning the institution's undergraduate completion or graduation rates. Although campuses must disclose information to students, they are not obligated to report it to the U.S. Department of Education ("DOE").

Institutions that provide athletically-related student aid, on the other hand, must annually disclose statistical data on athlete completion or graduation rates to DOE, as well as to students to whom it offers such aid. The State-operated campuses are generally prohibited from awarding grants-in-aid to student athletes, except in accordance with an intercollegiate athletic program plan approved by the Chancellor under strict guidelines promulgated by the Board of Trustees (Resolutions 86-104 and

86-105, adopted May 28, 1986). Only those campuses with approved plans must therefore comply with the additional reporting and disclosure requirements.

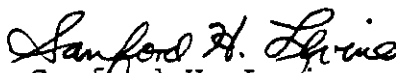
Title II - Crime Awareness and Campus Security Act

Title II requires campuses, beginning August 1, 1991, to collect certain information annually relating to campus crimes and their own security policies. Beginning September 1, 1992, this information must be published in an annual security report for dissemination to all current students and employees of the campus and to applicants for enrollment or employment, upon request. The types of information to be contained in the report are outlined in Attachment B.

Title II also amends the Family Educational Rights and Privacy Act ("FERPA" or "Buckley Amendment") to allow campuses to disclose to an alleged victim of a violent crime the results of any disciplinary proceeding conducted by a campus against the alleged student perpetrator of that crime.

In view of the University's current policies on personal safety as described in Memorandum to Presidents, Vol. 90, No. 15, dated December 21, 1990, it is suggested that campus personal safety committees review the requirements outlined in Attachment B as part of the ongoing assessment of personal safety policies, practices and procedures on campus.

Questions about compliance with Title I of the Act may be directed to Thomas M. Freeman, Associate Vice Chancellor for Policy and Planning, at (518) 443-5645 or Tommy Annas, Assistant Vice Chancellor for Institutional Research, at (518) 443-5639. Questions about Title II of the Act should be directed to William Murabito, Assistant Vice Chancellor for Student Affairs, at (518) 443-5121 or R. Bruce McBride, Executive Director for University Public Safety, at (518) 443-5116.


Sanford H. Levine


Frank G. Pogue

Attachment

cc: Chief Student Affairs Administrators
Directors of Public Safety
Institutional Research Officers

Copies for information only sent to:
Deans, Statutory Colleges
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ATTACHMENT A

TITLE I
STUDENT RIGHT-TO-KNOW ACT
(P.L. 101-542; 20 U.S.C. §1092(a) & (e))

This new law requires campuses to compile and release annually institutional undergraduate completion or graduation rates of certificate or degree-seeking full time students to all current and prospective students. In addition, those institutions which award athletically-related student aid must annually disclose detailed information relating to graduation rates of student athletes to the U.S. Department of Education and to those students to whom athletic aid is offered.

Completion/Graduation Rates

Under the new law, the graduation rates must be made available beginning July 1, 1993 and "shall cover the one year period ending June 30 of the preceding year," which is the 1991-92 academic year. A student is considered to have completed or graduated if he or she fulfills the program's requirements within 150 percent of the normal time allotted for the program. Institutions may also augment these completion rates with information concerning students who left the institution prior to completion and "enrolled in any program for which the prior program provides substantial preparation." Information and advice regarding the latter will be disseminated following issuance of guidelines from the U.S. Department of Education.

Certain measures must be taken by State University campuses as early as possible to meet the July 1, 1993 reporting date. However, in order to minimize the impact of this legislation on campus workload, current plans call for this data to be generated by the Central Administration Office of Planning and Policy Analysis from the automated Student Data File (SDF) and the Automated Degree File (ADF), through which the campuses now meet their statistical reporting obligations to the University and external State and Federal agencies. Campuses will be required to have completed their Automated Degree file submission by November 30 for the graduating class of the preceding year (e.g., November 30, 1991 for graduates of the 1990-91 academic year).

Upon such submission, completion, graduation, retention and attrition rates will be calculated (from this file and the Student Data Files of the preceding terms) for the entering class for which 150 percent of the "normal" completion time has elapsed, i.e., six years for baccalaureate programs and three years for associate degree programs. These graduation rates will be sent in turn to the campuses in time for them to be made available to prospective

students in the admissions process for the following fall term. Information for spring admissions will be the most recent available.

For institutions currently operational on the SDF and ADF no new reporting will be required to meet the requirements described above. The few institutions not yet operational on either of these systems will receive separate communications concerning their participation in these systems.

Athlete Graduation Rates

Each institution attended by students receiving athletically-related student aid shall annually submit a report to the Secretary of Education and disclose the information contained therein to prospective student athletes to whom it offers such aid. The report must consist of the following:

1. the number of students who received athletically-related student aid by race and gender in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;
2. the total student enrollment by race and gender;
3. the completion or graduation rate for students who received athletically-related aid by race and gender in the sports referenced above;
4. the completion or graduation rate of all students by race and gender;
5. the average completion or graduation rate for the four most recent completing or graduating classes of students who receive athletically-related student aid by race and gender in the sports referenced above; and
6. the average completion or graduation rate for the four most recent completing or graduating classes of all students by race and gender.

ATTACHMENT B

TITLE II
CRIME AWARENESS AND CAMPUS SECURITY ACT
(P.L. 101-542; 20 U.S.C. §1092(f))

This law requires campuses to collect and publish crime statistics and security policies, and to inform the campus community about serious criminal incidents.

Crime Statistics and Warnings

Collection of statistics and security (public safety) policies is to begin August 1, 1991. Campuses are to gather, for the most recent calendar year and the two preceding calendar years, if available, crime statistics relating to reported incidents on campus of murder, rape, robbery, aggravated assault, burglary and motor vehicle theft, as defined in the F.B.I. Uniform Crime Report guidelines. Statistics are also to be collected of the number of arrests for liquor law, drug abuse and weapons violations occurring on campus.

A campus is defined, under the law, as any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to, its educational purposes. It also includes any building or property owned or controlled by student organizations recognized by the institution. Offenses and arrests at off-campus facilities such as field stations, classrooms and residence halls should be reported under main campus statistics. Campuses with geographically distinct branches must also compile this information separately for each branch campus.

State-operated campuses are collecting most of this statistical information for purposes of existing reporting requirements to the State Division of Criminal Justice Services and the U.S. Department of Justice. This new federal legislation, however, will require additional information-gathering in order to allow the reporting of crimes and arrests at off-campus locations owned or controlled by recognized student organizations, such as fraternities. Campuses will need to implement procedures which ensure reporting to campus administrators by student organizations of their off-campus property, including leased "houses." Arrangements also should be made with local police agencies having jurisdiction over these off-campus properties for notification of criminal incidents at these locations. Statistics maintained under Title II of the Act should distinguish between those occurring on-campus and those occurring at student-controlled off-campus sites.

Beginning September 1, 1991, campuses are also required to make timely reports to their campus community when specific criminal incidents are considered to be a threat to the lives and safety of students and employees. Campus safety committees are urged to review current notification procedures in order to establish a warning system which might include press releases, special bulletins and posted notices.

Campus Security Report

On September 1, 1992, and each year thereafter, each campus must publish and distribute to all students and employees, and to any applicant for enrollment or employment upon request, an annual security (public safety) report. The format of this report is not restricted as long as the material is presented in a single document.

The report must contain the following information:

1. A statement of current campus policies regarding procedures and facilities for students and others to report criminal incidents and emergencies on campus and policies concerning the institution's response to these reports.
2. A statement of current policies concerning security and access to campus facilities, such as residence halls, and security considerations related to maintenance programs.
3. A statement of current policies regarding campus law enforcement, including enforcement authority, the working relationship with State and local police, and a statement of campus policies which encourages prompt reporting of all crimes to the campus law enforcement entity or off-campus police.
4. A description of the type and frequency of programs designed to inform students and employees about security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
5. A description of programs designed to inform students and employees about the prevention of crimes.
6. Statistics concerning campus crime for the most recent calendar year and for the preceding two calendar years on the following on-campus incidents: murder, rape, robbery, aggravated assault, burglary and motor vehicle theft.
7. 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."

8. Statistics concerning the number of arrests for liquor law violations, drug abuse violations, and weapons possession occurring on campus.

9. A statement of policy regarding the possession, use, and sale of alcoholic beverages as well as a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of Federal and State drug laws. A description of any drug or alcohol abuse education program available on campus is also required.

Disclosure to Victims of Violent Crimes

This Act also amends the Family Educational Rights and Privacy Act ("FERPA" or "Buckley Amendment") to allow campuses to disclose to an alleged victim of a violent crime the results of any disciplinary proceeding conducted by a campus against the alleged student perpetrator of that crime. Disclosure is not required. Campuses are urged, however, to consider the ramifications of disclosing this information and establish a consistent policy based upon those considerations.

Training

A training program on this statute will be scheduled in Fall 1991 to assist campuses with Title II compliance.