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AUGUST 2019 NEWSLETTER

In this edition of the DJA Monthly Newsletter, we remind you of upcoming deadlines that your school should be working toward at this point. The dates are listed to the left, but be sure to read the articles on each deadline to make sure you cover all your bases.

For example, noncompliance with the Annual Security Report regulations continue to be a frequent finding in program reviews, so take advantage of the information and resources provided on this topic to ensure that your school stays in compliance. It is critical that you are aware of the Clery/Campus Security Act requirements and the inclusion of the Violence against Women Act (VAWA) elements. And, although nothing in the Clery Act (as amended by VAWA) alters or changes a school’s obligations or duties under Title IX, keep in mind that if you receive federal student aid, your school is also subject to those requirements. The Clery Act requirements apply to many crimes other than those addressed by Title IX, however, for those areas in which the Clery Act and Title IX both apply, schools must comply with both laws.

Although GE was rescinded and early implementation offered, if your institution opted not to early implement (remember regulations state that if you opt to early implement you must document it internally) then your school will be required to report 18/19 GE data to NSLDS by October 1st.

As you will read in this publication, the most recent COD System Update included changes that will impact both HCM2 and Reimbursement Schools. If you are a school currently on HCM2 or Reimbursement, DJA provides financial aid servicing for both entities. If you are interested in learning about what DJA can do for your institution please contact our Director of Client Services, Kristi Cole at kcole@gotodja.com or by calling 1-800-242-0977.

And finally, don’t forget to plan ahead for Constitution Day in September. You’ll find some helpful links in this issue to assist you in meeting that requirement.

DJA will be closed Monday, September 2nd in observance of Labor Day. Have an all play, no work and very relaxing weekend!

Thank you and until next time, have fun!
Deborah John, President

Schools use the reallocation process to release unexpended portions of their 2018–19 allocations in the Federal Work-Study (FWS) and/or Federal Supplemental Educational Opportunity Grant (FSEOG) programs or to request supplemental 2019–20 FWS funds that will be used to employ students in community service jobs.

Each school should carefully examine its current expenditures under the FWS and FSEOG programs to determine whether there will be any unexpended funds available from 2018–19 allocations. Schools that will have unspent funds should complete the Campus-Based Reallocation Form as described below. Unexpended 2018–19 funds will be used to provide supplemental FWS and/or FSEOG funds in 2019–20 to other eligible schools, but only if unexpended funds are reported by the deadline.

As announced in the Federal Register notice, “2019-2020 Award Year Deadline Dates for the Campus-Based Programs,” the deadline date by which a school must electronically submit its 2018–19 Campus-Based Reallocation Form is Monday, August 12, 2019.

Completing the Campus-Based Reallocation Form

The Campus-Based Reallocation Form must be completed if

- A school does not intend to spend its entire 2018–19 FWS or FSEOG allocation; or
- A school wants to request supplemental 2019–20 FWS funds that will be used only for the purpose of employing students in community service jobs and the school had an FWS fair share shortfall as shown on line 28 of the school's 2018–19 final funding worksheet.

The "Campus-Based Reallocation Form” and "Campus-Based Reallocation Form Instructions” are attached for reference only. The Campus-Based Reallocation Form must be submitted electronically via the COD Web Site, once it becomes available. To submit the Campus-Based Reallocation Form:

1. Log into the COD Web Site.
2. From the “School” tab, select “Campus-Based Syst” from the left navigation menu.
3. Select “Forms and Waivers” from the left navigation menu, then click “Manage Application.”
4. Click the “Create” button next to the Campus-Based Reallocation Form to begin to edit and submit.

Reallocation Process and Impact to Minimum Seven Percent Community Service Expenditure of the FWS Federal Funds

FWS federal funds released on the Campus-Based Reallocation Form by the deadline date will not be included in the calculation of the requirement to spend at least seven percent of the FWS allocation to pay the federal share of compensation to students employed in community service positions.
For additional information about the Campus-Based Reallocation Form or process, contact the COD School Relations Center at 1-800-848-0978. You may also email CODSupport@ed.gov.

DJA completes the Campus-Based Reallocation Form for our clients. We will be following up with those institutions with unused authorization left in 18/19 so that we may file this form on time.

**FINAL FISAP FORM, INSTRUCTIONS, DESK REFERENCE, AND TECHNICAL REFERENCE PUBLISHED FOR FISAP DUE OCTOBER 1, 2019**

The Fiscal Operations Report for 2018–19 and Application to Participate for 2020–21 (FISAP) has been approved by the Office of Management and Budget (OMB) and has been posted to the IFAP website. The FISAP will be made available on the Common Origination and Disbursement (COD) Web Site by the month of August.

The Technical Reference for the 2020–21 FISAP that provides the technical specifications and record layouts for schools or other organizations who wish to design custom software systems has also been posted.

The date by which a school must submit its 2020–21 FISAP electronically and mail in the required signature page is *Tuesday, October 1, 2019*.

These documents and the reminders below will assist schools in completing the 2020–21 FISAP.

**Check Access to FISAP on the Web**

If it has been more than 90 days since a user has logged on to the COD Web Site, the user’s password will need to be reset. Information on how to reset a password, register a Destination Point Administrator, and contact information for assistance is provided in the Desk Reference. All users should ensure their access to this website application is functional before needing to enter data to file the FISAP.

**Changes to the FISAP**

In addition to award year and date references, the following FISAP fields have been updated and/or added:

- **Part I, Section A, Field 5**: Two new data fields have been added to Field 5 to include the Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS) amounts allocated to each additional eligible institution for the 2018–19 reporting year.
- **Part III, Section B, Fields 1–8**: Fields 1–8 have been updated to no longer allow for data entry on new loans due to the expiration of the authority to award new or disburse Federal Perkins Loans (Perkins Loans).
- **Part III, Section B, Fields 12 & 13**: Fields 12 and 13 have been added to collect data on permissible servicing costs and cancellation reimbursement, if applicable, respectively.
• **Part VI, Section A, Fields 1a–26a & 1b–26b:** Federal Perkins Loan Recipients (column a) and amount of funds (column b) fields have been updated to no longer allow for data entry due to the expiration of the authority to award new or disburse Perkins Loans.

**Changes to FISAP Instructions**

In addition to updates to the annual award year, date references, acronyms, and hyperlinks, the following changes have been made to the FISAP Instructions:

• **All:** Updates have been made throughout the instructions to address the expiration of the authority to award new or disburse Perkins Loans and all impacted fields that will no longer allow for data entry as a result.

• **Introduction to the FISAP:** The due date for the FISAP has been updated to Tuesday, October 1, 2019, and the correction deadline has been updated to December 13, 2019. Clarification has been added on the requirements around reporting for additional eligible institutions on a single FISAP (Part I, field 5).

• **Part I, Identifying Information, Certification and Warning:** Clarification has been added about FISAP signature submission requirements. Instructions have been added for new data fields required in Part I, Section A, field 5 when reporting for additional eligible institutions.

• **Part III, Section B:** Clarification has been added on the loan assignment process for cases of total and permanent disability. Instructions have been added for the new Fields 12 and 13, to report servicing costs and loan cancellation reimbursements received.

• **Parts IV & V:** Removed paragraphs about reporting prior year recoveries on the FISAP, so as not to repeat or conflict with previous guidance.

• **Parts VI, Section B:** Clarification has been added around claiming and reporting administrative cost allowance (ACA).

If you are a DJA client we will complete and file the FISAP for you. If you are interested in contracting with DJA to save yourself the headache of completing the FISAP, please contact our Director of Client Services, Kristi Cole at kcole@gotodja.com.

**ADDITIONAL COD SYSTEM IMPLEMENTATION FOR 2019-2020 AWARD YEAR**

During the final week of July, the Department implemented additional Common Origination and Disbursement (COD) System functionality that supports the Campus-Based programs and the processing of Federal Pell Grant (Pell Grant), Iraq and Afghanistan Service Grant, Teacher Education Assistance for College and Higher Education (TEACH) Grant, and William D. Ford Federal Direct Loan (Direct Loan) awards for the 2019–20 Award Year.

With this update comes the following changes:

• Changes Impacting HCM2 and Reimbursement Schools
• Changes Impacting the Campus-Based Programs
Changes Impacting the Direct Loan Program

**Changes Impacting HCM2 and Reimbursement Schools**

The following changes will impact the COD System processing of Federal Pell Grant (Pell Grant), Iraq and Afghanistan Service Grant, Teacher Education Assistance for College and Higher Education (TEACH) Grant, and William D. Ford Federal Direct Loan (Direct Loan) awards and requests for Campus-Based funds.

**Processing Changes for Funding and Reporting Disbursements for HCM2 and Reimbursement Schools**

For schools under certain Department of Education-mandated funding methods, Heightened Cash Monitoring (HCM) 2 and Reimbursement, additional data and documents are required to be submitted to the Federal Student Aid Payment Analysts for an internal review process before disbursements are approved for payment.

With this implementation, COD Web Site was updated to streamline the submission of payment request claims and processing and allow Payment Analysts and schools to exchange documentation electronically via a file submission process. Authorized schools and third-party servicer users will use the COD Web Site to initiate and submit claims and then upload required documentation for those claims. Users are also able to search and filter for specific claims. The changes increase the efficiency and timeliness of the process as well as create a more secure method of handling students’ personally identifiable information (PII).

More detailed information about the processing changes, including operational guidance and training, will be provided directly to impacted schools in the near future.

**Changes Impacting the Campus-Based Programs:**

**Addition of 2020–21 Award Year Cycle for Campus-Based Programs**

With this release the 2020–21 processing cycle has been added to the COD System. All Campus-Based Program forms and instructions and Campus-Based processes are updated in the COD System for the 2019–20 Award Year and were available to view and edit beginning on August 1, 2019.

**Changes Impacting the Direct Loan Program**

**Enhancements to the Evaluation of Loan Data for Subsidized Usage Calculations**

With the implementation, changes were made to how the COD System uses information from the National Student Loan Data System (NSLDS®) for 150% Subsidized Loan Limit calculations; these changes improve the accuracy of the calculations. More information about this change will be provided in a forthcoming announcement posted on the IFAP website.

COMPLIANCE WITH THE 2016 STATE AUTHORIZATION REGULATIONS

On December 19, 2016, the Department of Education published in the Federal Register final regulations concerning state authorization and other related matters. 81 Fed. Reg. 92,232. The original effective date for these regulations, July 1, 2018, was delayed by the Department until July 1, 2020, but by order of the U.S. District Court for the Northern District of California in the case NEA v. DeVos, Case No. 18-cv-05173-LB, the 2016 Final Regulations took effect on May 26, 2019. https://ifap.ed.gov/fregisters/attachments/FR072919.pdf

The Department of Education plans on publishing Questions and Answers pertaining to this topic on an ongoing basis as they arise. Recently in an Electronic Announcement they included the following Question/Answer regarding the 2016 Regulations.

Requirements for Out of State Institutions Providing Distance Education, 34 CFR § 600.9(c)

- Documentation of State Complaint Process

Q1: Does the documentation requirement in 34 CFR § 600.9(c)(2) still apply if the State in question lacks its own complaint process and does not participate in a State authorization reciprocity agreement?

A1: Yes, the documentation requirement in 34 CFR § 600.9(c)(2) applies regardless of whether the State in question has a complaint process. If an institution of higher education offers distance education or correspondence courses to students residing in a State, and the institution is not physically located in that State, the institution must document that the State has a process for reviewing and taking appropriate action on complaints against the institution by those students (or that the State participates in a State authorization reciprocity agreement which addresses the issue). If the State does not have such a complaint process applicable to that institution (or participate in an appropriate reciprocity agreement), the institution will be unable to document that the State has such a process. As a result, if the State does not have a complaint process that applies to an out-of-State institution providing distance education to students in that State (or participate in an appropriate reciprocity agreement), the institution cannot comply with the requirement with regard to those students. This same interpretation was offered in the 2016 Final Regulation. See Program Integrity and Improvement, 81 Fed. Reg. 92,232, at 92,238 (Dec. 19, 2016) (“if a State does not provide a complaint process as described in a State where an institution's enrolled students reside, the institution would not be able to disburse Federal student aid to students in that State.”).

The Department has been informed that the State of California has a registration process for out-of-state for-profit institutions that provide distance education programs, but does not have a process to manage complaints for out-of-state public or non-profit institutions serving students at a distance in the State. Further, the State of California does not participate in a State authorization reciprocity agreement which addresses the issue. As a result, until California establishes such a process for out-of-state public and non-profit institutions or enters into an appropriate reciprocity agreement, those institutions will be unable to comply with the now-effective 2016
regulation if they provide distance education or correspondence courses to students residing in California. Thus, under the 2016 regulation now in effect, students residing in California receiving distance education or correspondence courses from out-of-state public or non-profit institutions are ineligible for title IV programs until such time as the State of California provides those institutions with an appropriate complaint process or enters into a reciprocity agreement.

The Department has since reconsidered the policy of requiring a documentation of a complaint process in such situations—based on the harm it will cause to students and institutions alike in conjunction with nonconforming State policies—and has proposed a new regulation based on a consensus reached during negotiated rulemaking that eliminates the complaint documentation requirement. See Student Assistance General Provisions, the Secretary’s Recognition of Accrediting Agencies, the Secretary’s Recognition Procedures for State Agencies, 84 Fed. Reg. 27,404, at 27,413 (June 12, 2019). The Department intends to investigate and pursue all possible options including in court to seek and obtain protection for students in California. However, until a new regulation is implemented or the Court rules otherwise, the 2016 regulation applies as written.

It is critical that each institution reviews the Federal Register listed above to review the requirements unique to each state. The following regulations apply to ALL institutions who offer a long distance education program.

Regulations:

With this action by the Court, the final regulations, published December 19, 2016 (81 FR 92236), listed below took effect.

- Section 600.2 Definitions “State authorization reciprocity agreement.”
- Section 600.9(c) State authorization.
- Section 668.2 Definitions “Distance Education.”
- Section 668.50 Institutional disclosures for distance or correspondence programs.


NOTICE OF THE UPDATED DRAFT 2020-21 FEDERAL STUDENT AID APPLICATION MATERIALS

Draft versions of the proposed 2020-21 Free Application for Federal Student Aid (FAFSA®) form, the Student Aid Report (SAR) and the SAR Acknowledgement are available for public comment. The comment period is an opportunity for the community to provide feedback and input on the information that is collected on the FAFSA form. Only comments regarding the FAFSA form and related forms should be submitted during this comment period. Comments related to topics such as the FSA ID or the verification process should not be submitted using this process.
Comments submitted during the 60-day comment period have been reviewed by the Department of Education and compiled into a single document that includes the Department’s responses. This document can be found here.

The FAFSA form, SAR and SAR Acknowledgement are used by individuals applying for federal student aid. The federal student aid application process is required to collect and process the data necessary to determine a student’s eligibility to receive Title IV, HEA program assistance. The process begins with an applicant submitting a FAFSA form to the Department of Education. After submitting the FAFSA form, the applicant receives a SAR, which is a summary of the data provided on the FAFSA form. The applicant reviews the SAR for accuracy and if necessary, makes corrections or updates to the submitted FAFSA data.

The updated draft documents are available for review. Included in the posted documentation are:

- The updated draft of the 2020-21 FAFSA form;
- The updated draft of the 2020-21 SAR;
- The updated draft of the 2020-21 SAR Acknowledgement;
- The updated Paper Summary of Enhancements to the 2020-21 Free Application for Federal Student Aid;
- The updated Student Electronic Entry Summary of Enhancements to the 2020-21 Free Application for Federal Student Aid;
- The 2020-21 Data Elements Justification, which provides an explanation for every question on the FAFSA form; and
- The Supporting Statement for the 2020-21 FAFSA form

All documents can be viewed by clicking this link: https://www.regulations.gov/docket?D=ED-2019-ICCD-0039. Once the Web page opens, click on “Supporting Statements (30D FRN)” or “Forms and Instructions (30D FRN)” and each of the “DOC” or “PDF” icons to open the documents.


There have been some changes made to the application as a result of comments received during the 60-day comment period. These changes are explained in the FAFSA Enhancements Summary documents, which can be found here https://www.regulations.gov/document?D=ED-2019-ICCD-0039-0068. To open the document, click on the “DOC” icon next to either the Paper Summary of Enhancements or the Student Electronic Entry Summary of Enhancements.


GE REPORTING DEADLINE – OCTOBER 1, 2019
Despite GE being rescinded, if your institution failed to participate in the early implementation offered (remember regulations state that if you opt to early implement you must document it internally) then your school will be required to report 18/19 GE data to NSLDS by October 1st. Institutions must report data on all Title IV students enrolled in GE programs for the 2018-2019 award year. The Gainful Employment Information Page on the IFAP Web site contains publications and resources on GE as well as Frequently Asked Questions (FAQs). If you have a question about the GE regulations that has not already been addressed in the FAQ section of the Gainful Employment Information Page, please submit the question to ge-questions@ed.gov.

Should you have any questions on what is needed to participate in early implementation, read our July newsletter or visit the electronic announcement at https://ifap.ed.gov/eannouncements/062819GEAnnounce122EarlyImpofRescissionGERule.html.

**CHECKING THE VALIDITY OF A STUDENT’S HIGH SCHOOL COMPLETION**

The Department of Education recently published an Electronic Announcement reviewing the obligations institutions have in ensuring the validity of a student’s high school diploma. Final regulations published on October 29, 2010 (Program Integrity Issues, 75 Fed. Reg. 66831) require institutions to develop and follow procedures to evaluate the validity of a student’s high school completion if the institution or the Secretary has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

If an institution establishes and follows a process to evaluate the validity of a student’s high school completion that includes (1) receiving documentation from the secondary school that confirms the validity of the student’s diploma, and (2) confirming with or receiving documentation from the relevant department or agency in the state in which the secondary school is located that the secondary school is recognized as a provider of secondary school education, then the institution is in compliance with 34 CFR 668.16(p).

Although institutions may satisfy the requirements of 34 CFR 668.16(p) by establishing and following a process that meets this description, they may also satisfy the requirements of 34 CFR 668.16(p) in other ways that do not meet this description. In order to satisfy 34 CFR 668.16(p) an institution need only “develop and follow procedures to evaluate the validity of a student’s high school completion if the institution or the Secretary has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.” The Department clarifies today that a process that meets the two-part description above satisfies this requirement, and also clarifies that other approaches used by institutions are still valid to the extent they comply with the language of 34 CFR 668.16(p).

For example, the Department recognizes that this safe harbor provision will not apply to students who completed high school at a secondary school that is not required to be recognized by the relevant department or agency in the state in which the school is located. The Department encourages institutions to consider alternative processes for checking the validity of high school completion for such students.
Nothing in this electronic announcement shall be construed as providing a safe harbor for an institution or an individual involved in this process against claims of fraud or prosecution for criminal activity.

**ANNUAL SECURITY REPORT AND STATISTICS REQUIREMENTS**

**Annual Security Report (ASR)**

The Annual Security Report is due October 1 every year. The report must be mailed or delivered to each enrolled student and employee or made available on an Internet or intranet website. Prospective students and prospective employees must also receive notice of the report and can receive it upon request. On an annual basis an institution must provide enrolled students with a list of the information (which includes this item) that it is required to provide under HEA §485 to students and with a statement of how to get the information.

The annual security report must contain the following:

- The crime statistics described in the report section.
- Policies regarding the procedures for students and others to report criminal actions or other emergencies occurring on campus and regarding the institution’s response to these reports, including policies for making timely warnings to members of the campus community, policies for preparing the annual disclosure of crime statistics, a list of the titles of each person to whom individuals should report criminal offenses, and policies and procedures for victims and witnesses to report crimes on a voluntary and confidential basis.
- Policies concerning security of and access to campus facilities, including residence halls.
- Policies concerning campus law enforcement that: address the enforcement authority and jurisdiction of security personnel; address the working relationship of campus security personnel with state and local law enforcement agencies, including whether those security personnel have the authority to make arrests and any agreements between the institutions and such agencies; encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and describe procedures, if any, that encourage counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary and confidential basis.
- A description of the type and frequency of programs designed to inform students and employees about campus security procedures and to encourage them to be responsible for their own security and the security of others.
- A description of programs designed to inform students and employees about the prevention of crimes.
- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at non-campus locations of student organizations officially recognized by the institution, including those organizations with non-campus housing facilities.
- The policy on the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.
- The policy on the possession, use, or sale of illegal drugs and enforcement of federal and state drug laws.
- A description of any drug or alcohol-abuse education programs.
- A statement on dating violence, domestic violence, sexual assault, and stalking and the procedures the school will follow when one of these crimes is reported. The statement must include:
a description of the institution’s educational programs and campaigns to prevent these crimes and promote awareness of them;
procedures victims should follow if such a crime has occurred, including the importance of preserving evidence, how and to whom the alleged offense should be reported, options about the involvement of law enforcement and campus authorities, and, where applicable, the rights of victims and the school’s responsibilities for orders (of protection, “no-contact,” restraining, or similar) issued by a court or the school;
information about how the institution will protect the confidentiality of victims and other necessary parties, including how the school will complete publically available recordkeeping without using identifying information about the victim and will keep confidential any protective measures provided to the victim as long as that confidentiality does not impair the school’s ability to provide those measures;
a statement that the school will provide written notification to students and employees about its counseling, health, and other assistance programs available for victims;
a statement that the institution will provide written notification to victims about options for academic, living, transportation, and working situations or protective measures,
an explanation of the procedures for institutional disciplinary action in cases of these alleged crimes,
a statement that when students or employees report that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, the school will provide them a written explanation of their rights and options.
  ❖ A statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.
  ❖ The policy on emergency response and evacuation procedures.
  ❖ The policy on missing student notification procedures.

Annual Security Statistics
To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Violence Against Women Act, an institution must report to the Department and disclose in its annual security statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography* and that are reported to local police agencies or to a campus security authority:

1. Primary crimes, including criminal homicide: murder, non-negligent manslaughter, and negligent manslaughter; sex offenses: rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson;
2. Arrests and referrals for disciplinary actions, including arrests for liquor law violations, drug law violations, and illegal weapons possession and persons not arrested for liquor law violations, drug law violations, and illegal weapons possession but who were referred for campus disciplinary action for one of those offenses;
3. Hate crimes, including the number of each type of primary crime listed above that is determined to be a hate crime; the number of the following that are determined to be hate crimes: larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property;
4. Dating violence, domestic violence, and stalking.
Annual security statistics are due by the date in a letter that USDE sends to the school in the summer. The information is transmitted to the USDE at https://surveys.ope.ed.gov/security

**Handbook for Campus Safety and Security Reporting**
This handbook is a resource created by the Department to help institutions comply with the requirements of the Clery Act. The most recent version of the handbook contains information for institutions regarding compliance with the new VAWA requirements. Other sections of the handbook have also been updated to reflect the Department’s current guidance.

This handbook reflects the USDE’s interpretations and guidance and was written to assist you, in a step-by-step and readable manner, in understanding and meeting the various HEA requirements. It is intended for use by the USDE’s program reviewers who are responsible for evaluating an institution’s compliance with the requirements as well as postsecondary institutions and outside reviewers. The handbook does not supplant or replace the HEA. The HEA and its regulations take precedence if there are any differences between them and the handbook. Your institution is responsible for ensuring that it complies with any changes made to them.

Please take the time to review the information and many examples in this handbook. It is a valuable resource for making sure you are in compliance and your policies and procedures include all of the required elements to meet the regulations.

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**COMPLIANCE CORNER**

**CLERY ACT, VIOLENCE AGAINST WOMEN ACT (VAWA), TITLE IX TRAINING REQUIREMENTS & RESOURCES**

**Clery/Campus Security Act**
The full title of the Clery Act is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It has been amended several times, most recently by the Violence Against Women Reauthorization Act of 2013 (VAWA) enacted March 7, 2013. Among other provisions, VAWA requires institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies, including incidents of sexual assault, domestic violence, dating violence, and stalking. These crime statistics must be reported to the Department through the web-based data collection. Schools must also include certain policies, procedures, and programs pertaining to these crimes in their annual security reports. Final regulations to implement these statutory changes to the Clery Act were published on October 20, 2014, and went into effect on July 1, 2015. The federal register can be found at: https://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf

Dear Colleague Letter (DCL) GEN-15-15 issued July 22, 2015, summarizes the final regulations implementing statutory changes to the Clery Act.
Under VAWA, new students and new employees must be offered “primary prevention and awareness programs” that promote awareness of rape, acquaintance rape, and domestic violence, dating violence, sexual assault, and stalking.

The training programs must include:

A. A statement that the institution prohibits those offenses.

B. The definition of those offenses in the applicable jurisdiction.

C. The definition of consent, with reference to sexual offenses, in the applicable jurisdiction.

D. “Safe and positive” options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations.

E. Recognition of signs of abusive behavior and how to avoid potential attacks.

F. Ongoing prevention and awareness campaigns for students and faculty on all of the above.

The final rule also requires that disciplinary proceedings used by an institution must be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

VAWA Tools and Training Resources

The White House Task Force to Protect Students from Sexual Assault, has released and continues to develop guidance and model policies for institutions to use in working to comply with the Clery Act and title IX. Task Force resources and materials, previously accessible at NotAlone.gov, are now accessible on https://www.justice.gov/ovw/protecting-students-sexual-assault. The Department of Justice website http://changingourcampus.org/ is an online clearinghouse of resources addressing sexual assault, domestic violence, dating violence, and stalking. This site provides information on regulations and policy, including policy documents.

The Department of Education also has an online list of resources that might help schools with their sexual assault training and prevention: https://www2.ed.gov/documents/press-releases/suggested-resources.pdf

The Clery Act and Title IX

As a reminder to institutions, the changes made to the Clery Act by VAWA did not affect in any way Title IX of the Education Amendments of 1972 (Title IX), its implementing regulations, or associated guidance issued by the Department’s Office for Civil Rights (OCR). Nothing in the Clery Act, as amended by VAWA, alters or changes an institution’s obligations or duties under Title IX. For information regarding compliance with Title IX, please reach out to OCR.
Institutions of higher education that participate in the federal student financial aid programs are subject to the requirements of the Clery Act as well as Title IX. The Clery Act requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies. The Clery Act requirements apply to many crimes other than those addressed by Title IX. For those areas in which the Clery Act and Title IX both apply, the institution must comply with both laws. For additional information about the Clery Act and its regulations, please see http://www2.ed.gov/admins/lead/safety/campus.html

Title IX

All institutions receiving federal funds must comply with the procedural requirements outlined in the Title IX implementing regulations. Schools that violate the law can lose federal funding or be referred to the U.S. Department of Justice for further action.

Specifically, schools must:

(A) Disseminate a notice of nondiscrimination;
(B) Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX; and
(C) Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.

These requirements apply to all forms of sexual harassment, including sexual violence, and are important for preventing and effectively responding to sex discrimination. Schools need to examine their current policies and procedures on sexual harassment and sexual violence to determine whether those policies comply with the requirements articulated in the Dear Colleague Letter released by the USDE Office for Civil Rights. Find detailed guidance at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf

To gain a complete understanding of the legal requirements and recommendations, please read the Q&A Guidance issued on April 29, 2014 in full at http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf.

In a Dear Colleague letter issued on April 24, 2015, the USDE Office for Civil Rights (OCR) reminds all institutions receiving Federal financial assistance that they must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators. Information on training and resources can be found at the following links:

Dear Colleague Letter: Title IX Coordinators http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf

Letter to Title IX Coordinators http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf
CONSTITUTION DAY - MONDAY, SEPTEMBER 17, 2019

This day commemorates the September 17, 1787 signing of the United States Constitution. Educational institutions that receive federal funds are required to hold an educational program pertaining to the U.S. Constitution on September 17 of each year.

The U.S. Department of Education does not mandate or prescribe particular curricula or lesson plans. Check out these links for valuable information as well as fun unique ideas for programs. These examples of resources contain links to learning resources created and maintained by other public and private organizations. This information is provided for your convenience and as examples of resources on Constitution Day that you might find helpful.

CONSTITUTIONFACTS.COM
https://www.constitutionfacts.com/index.cfm
https://www.constitutionday.cc/

AMERICAN DEMOCRACY PROJECT
Constitution Day Planning Guide

http://www.constitutionday.com/

DJA CALENDAR

Monthly DJA Webinar: Entrance and Exit Counseling —Wednesday, August 7, 2019 at 11 a.m. CDT

NOTE: There may be a difference between DJA local time and your time zone. To determine your time zone equivalent, click on this link to view a time zone map: http://www.worldtimezone.com/time-usa12.php

Webinars are free to clients. There is a $45 fee for all others who may be interested in joining us for these presentations. Invitations are automatically sent to all clients, however if you do not receive an invitation, email
Andrew Packard at apackard@gotodja.com. After registering, you will receive the log-in information. Questions can be directed to Andrew by email or by calling toll free at 1-800-242-0977.

2019 DJA MONTHLY WEBINAR SCHEDULE

AUG 7    Entrance and Exit Counseling
SEPT 4    Cash Management
OCT 2     Enrollment Reporting Using NSLDS
NOV 6     Program Integrity (Audits, Program Review)
DEC 4     1098-T Reporting

2019 FEDERAL STUDENT AID (FSA) TRAINING CONFERENCE

Registration and housing for the 2019 FSA Training Conference are now open at http://fsaconferences.ed.gov/.

The date & location of the FSA Training Conference:
December 3-6, 2019
Reno, Nevada

Monday, December 2, 2019
Foreign Schools Preconference

Reno Sparks Convention Center at Atlantis Hotel
3800 S. Virginia St.
Reno, NV 89502

Program and session information will be posted in the coming months.

Disclaimer: The information presented in this Newsletter is provided as a service and represents our best efforts to assist institutions with federal student aid regulations. We have collected information we believe to be important in finding and obtaining the resources for administering federal student aid; however, we assume no liability for the use of this information. The information in this newsletter does not constitute, and should not be construed as, legal advice.