



Institutional Federal Compliance Report

- Please read *Verification of Compliance with Accreditation-Relevant Federal Regulations*.
- Institutions must use this *Institutional Federal Compliance Report* for submission, which is available at www.msche.org.
- Institutions should provide evidence that will best demonstrate the institution's compliance.
- Documentation of policies and/or procedures must be (1) in writing, (2) approved and administered through applicable institutional processes, (3) accessible to constituents, and (4) reflect current practice.
- In the event one or more of these regulations do not apply to an institution, the institution shall indicate that fact and provide an explanation in the space provided. Otherwise, all applicant, candidate, and accredited institutions are expected to provide documentation for each of the requirements.
- The *Institutional Federal Compliance Report* and supporting evidence should be combined into a single, bookmarked, PDF file. A hard copy of the report is not required and will not be accepted.
- Institutions must upload this *Institutional Federal Compliance Report* in conjunction with all other self-study materials, no later than six weeks prior to the scheduled On-Site Evaluation Visit.
- For technical support with this form or its submission, contact support@msche.org. For all other questions, contact compliance@msche.org.

Please type the following information.

Institution: Lehman College

Report completed by: Donald Sutherland, Institutional Effectiveness Coordinator

Date: February 14, 2019

1. Student Identity Verification in Distance and Correspondence Education

	<u>Evidence to Demonstrate Compliance:</u>
1. Policies and/or procedures used to ensure student identity verification in distance or correspondence education courses	<p>Students in online education offered through CUNY use a secure log-in system that generates a unique access code for each enrolled student. The secure log-in and password-protected portal permits access only to registered CUNY users. Within this secure environment, students can only access the courses for which they have been registered by the <u>CUNYFirst</u> tool. This assures the instructor that the students are legitimate, properly registered, and that their presence has been certified by complete admission/registration procedures.</p> <p>Lehman College uses Blackboard as its Learning Management System (LMS) and follows the security protocols established by CUNY for student identity verification. Blackboard access is limited to users who have a log onto the <u>CUNY Portal with a user name and password</u> with a user name and password or <u>Blackboard/Degree Works landing page with a user name and password</u>. User names and passwords are available only to registered students, faculty, and staff. Student identity does not use Social Security numbers. There is no unprotected or unsecure access to Blackboard. Students are only given access to the courses in which they are enrolled or which they have completed in good standing. Students who are removed from the official roster of enrolled students for a class cannot access the course(s) from which they have been removed. Instructors' ability to grant access to students not in their courses is limited to those not excluded from the class or the college by the Registrar. The policies regarding access to a Blackboard hosted class site are the same as those to an instructor's classroom: access is controlled by the instructor in compliance with college and union policies of allowing auditors and peer observers. Blackboard maintains a robust security infrastructure. Wider access to student work is only possible in cases where Blackboard's design or the course design encourages the sharing of work on a broader basis. In no case, however, is this work available to students or any individuals who are not enrolled in the course with the appropriate permission, role, or function.</p>

	<p>Faculty can evaluate student artifacts by using embedded tools such as <i>Turnitin</i> or <i>SafeAssign</i> to ensure that student work is their own and it has not been plagiarized from others.</p>
<p>2. Policies and/or procedure(s) regarding the protection of privacy (i.e. FERPA) for students enrolled in distance and correspondence courses or programs, including password verification</p>	<p>Secure password-protected, multiple-level authentication provides the only means by which students can gain access to the College’s online learning system.</p> <p>Lehman College also adheres to the CUNY Privacy Policy, (which discusses information storage, log and network monitoring, information collected by e-mail/online transactions, disclosure of information, and records retention. Lehman College adheres to CUNY Computer User Policy, which details acceptable use of computer resources, including student privacy.</p> <p>Additional CUNY Information Security policies to which Lehman College complies can be found on CUNY’s Security Policies & Procedures webpage.</p> <p>Lehman College’s student record privacy policy is described on the Registrar’s FERPA page.</p>
<p>3. Procedure(s) for notifying students about any projected additional charges associated with student identity verification. Evidence should include URLs, catalogs, student handbooks, and other locations of any alternative institutional website documenting required disclosures</p>	<p>Not applicable. Lehman College has no additional charges associated with student identity verification.</p>

Explanation if a compliance requirement is not relevant for your institution:

2. Transfer of Credit Policies and Articulation Agreements

	<u>Evidence to Demonstrate Compliance:</u>
<p>1. Policies and procedures for making decisions about the transfer of credits earned at other institutions (regardless of modality). *Demonstrate public disclosure of policy by URL, catalog, or other public location</p>	<p>Lehman College’s policies and procedures about the transfer of credits earned at other institutions (regardless of modality) can be found on its Information for Transfer Students webpage. The College’s transfer credit policies are also described in its Undergraduate Bulletin.</p> <p>Under the CUNY Pathways framework, courses passed for credit at any CUNY college transfer for credit to Lehman College; Courses that fulfill a Required Common Core requirement at any CUNY college transfer for Required Common Core credit; Courses that fulfill a Flexible Common Core requirement at any CUNY College requirement transfer for Flexible Common Core credit; Courses that fulfill a College Option requirement at any CUNY College transfer College Option credit; and, Courses that are designated as “Gateway” courses into a major transfer for major credit.</p>
<p>2. Demonstrate public disclosure of the list of institutions with which the institution has established an articulation agreement by URL and other publication locations, if applicable</p>	<p>Lehman College provides a comprehensive list of links to its articulation agreements on the Special Academic Sessions webpage. That link can also be accessed from the College’s Student Achievement/Consumer Information/Right to Know webpage.</p>

**If possible, institutions should use same URL as the institution uses for Student Right to Know. The URL provided here should match what is submitted for the Student Achievement Webpage as reported in the Annual Institutional Update (AIU).*

Explanation if a compliance requirement is not relevant for your institution:

3. Title IV Program Responsibilities

	<u>Evidence to Demonstrate Compliance:</u>
1. Title IV Student loan Cohort Default Rates for the most recent three years. If applicable, submit reports on compliance from the USDE in regard to the cohort default rate, including any default reduction plans	<p>School default rates for the last three years were:</p> <p>FY 2013: 6.5% FY 2014: 6.7% FY 2015: 6.6%</p> <p>The data can be found in Appendix 1.</p>
2. Composite ratios for the three most recent years (<i>Private and for-profit institutions only</i>)	Not applicable.
3. Notification from state or other governmental agency confirming status as public institution (<i>Public institutions only</i>)	<p>Lehman College’s status as a public institution can be confirmed from its being listed as part of the public City University of New York (CUNY) system on the New York State Education Department’s Office of Higher Education’s webpage.</p> <p>Lehman College’s status as part of the public CUNY system can be demonstrated from its Documents of Governance (Appendix 2). The introduction to its Documents of Governance states:</p> <p><i>The Bylaws of the Board of Trustees of the City University of New York (BOT) provide the continuing framework for governance within the City University of New York. When initially approved by the Board of Higher Education, (the predecessor to the BOT), the Governance Charter of Lehman College was effective wherever it was in conflict with the Board’s Bylaws. In subsequently arising conflicts, the Board’s Bylaws prevail.</i></p>
4. Most recent USDE report on review of Title IV program, including institutional response	<p>Lehman College had a Title IV program review on March 14-15, 2016. Initial findings were provided to Lehman College on May 27, 2016. Those initial findings concerned nine areas of potential non-compliance: 1) Inadequate determination of student enrollment; 2)</p>

	<p>Satisfactory academic progress deficiencies (incomplete grades); 3) Incorrect return of Title IV calculations; 4) Ineligible disbursement of federal direct loan (not enrolled); 5) Conflicting information in students file (undeclared major); 6) Verification violations; 7) Ineligible Pell Grant disbursement (adjustment required); 8) Student enrollment reporting untimely; and, 9) Direct loan exit counseling deficiencies.</p> <p>Lehman College contested findings #2, #3, #4, #5, #6, #7, #8, and #9. It conducted a review into the first finding and developed a corrective action plan to ensure proper monitoring of students' enrollment status. Following an ongoing dialogue with the College, the USDE narrowed the scope of Finding #5 related to undeclared majors to Non-TAP, Title IV recipients for 2014-15 and 2015-16 only. The College submitted its file review related to this finding under protest. It also developed an online process (<i>iDeclare</i>) to automate the paper-based process related to identifying and assisting students who are close to completing 60 credits.</p> <p>The USDE issued a final determination on May 14, 2018 that assigned Lehman College a total liability of \$366,220 associated with Findings #1, #3, and #5. Findings #2, #4, #6, #7, #8, and #9 were resolved and closed.</p> <p>Lehman College appealed Finding #1 on June 26, 2018. Since then, Lehman College received an uncontested extension of time to file its legal brief. That extension was granted on October 29, 2018</p> <p>All of the relevant documentation can be found in Appendix 3.</p>
<p>5. OMB Circular A-133 audit on federal programs for the most recent three years</p>	<p>Lehman College does not have its own A-133 audit report. The three most recent OMB Circular A-133 audit reports are included in the following appendices to this report:</p> <p>Appendix 4: FY 2015 A-133 Appendix 5: FY 2016 A-133 Appendix 6: FY 2017 A-133</p>

<p>6. Relevant correspondence from the USDE such as any actions to limit, suspend, or terminate the institution's eligibility to participate in Title IV, including institutional response, if applicable</p>	<p>Lehman College remains eligible to participate in the Federal Student Financial Aid Program. The most recent Program Participation Agreement with the updated Eligibility and Certification Approval Report was awarded in January 2019 (Appendix 7).</p>
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Explanation if a compliance requirement is not relevant for your institution:

4. Institutional Records of Student Complaints

	<u>Evidence to Demonstrate Compliance:</u>
1. Policy and/or procedures for student complaints	<p>Lehman College’s procedures for addressing complaints about faculty conduct in academic settings can be found in its Undergraduate Bulletin and Graduate Bulletin. These procedures are governed by CUNY’s Manual of General Policy (Policy 5.20).</p> <p>In general, written complaints are filed with the department chair (or other person designated by the College President if the Chair is the subject of the complaint). That person is the "Fact Finder." The Fact Finder sends prompt notice that informs the subject that a complaint has been made with additional disclosures that the complaint is an allegation and that no reprisals can be undertaken against the student making the complaint. The Fact Finder shall meet with the parties, separately or together, to discuss and attempt to resolve the complaint. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer, and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative, or attorney) present during the initial meeting, the interview, and any post-investigation meeting. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in</p>

	<p>question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer, and the chief student affairs officer. Either party may appeal the Fact Finder's conclusions. An Appeals Committee reviews the findings and recommendations in the Fact Finder's report. It may accept, modify, or overturn the findings.</p> <p>Lehman College's Grade Appeals process can be found in its Undergraduate Bulletin and Graduate Bulletin. Grade appeals-related information and an appeals form can also be found on the Office of Academic Standards & Evaluation webpage.</p> <p>Students may also file complaints against fellow students. These complaints can be submitted to the Division of Student Affairs or Office of Public Safety. The process for addressing student complaints against other students is governed by CUNY's Student Disciplinary Procedures as set forth in Article XV, Section 15.4 of CUNY's Bylaws.</p>
<p>2. Public location of contact information that the institution provides enrolled and prospective students for filing complaints with the institution's accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint</p>	<p>Enrolled and prospective students have direct links by which they can file complaints to the Middle States Commission on Higher Education and the New York State Education Department on Lehman College's Student Achievement/Consumer Information/Student Right to Know webpage.</p>

Explanation if a compliance requirement is not relevant for your institution:

5. Required Information for Students and the Public

	<u>Evidence to Demonstrate Compliance:</u>
<p>1. URLs, catalogs and student handbooks, and other public locations of any alternative institutional website documenting required disclosures of graduation, completion, licensure pass rate and other data required by <i>Student Right to Know</i>*, as well as policies on Student Academic Progress (SAP), withdrawal, leave of absence, and attendance</p>	<p>Required disclosures can be found on:</p> <p><u>Lehman College’s Student Achievement/Consumer Information/Student Right to Know webpage.</u></p> <p>Lehman College’s annual <u>Fact Book.</u></p> <p>The Division of Student Affairs’ <u>Student Handbook.</u></p> <p>Lehman College’s <u>website (Academics section, Admissions section, Campus Life section, and Certificates section .</u></p> <p>Attendance-related disclosures can be found in the <u>Undergraduate Bulletin</u> and <u>Graduate Bulletin.</u></p>
<p>2. Documents and URLs for advertising and recruitment materials that are available to current and prospective students that show the accreditation status with the Commission and any other USDE approved agencies</p>	<p>Current and prospective students can learn of Lehman College’s accreditation status on its <u>Accreditation webpage.</u></p>
<p>3. Provide an explanation for how the institution verifies that the posted student outcomes data are accurate.</p>	<p>Lehman College is a senior college within the CUNY system. All student outcomes data is collected centrally and stored within <i>CUNYFirst</i>. Lehman College matches data from its internal systems and records against the data provided by CUNY Central to identify and address possible errors and ensure that the publicly-reported student outcomes data is accurate.</p>

**Many institutions create a single portal page on the institution’s web site that provides hyperlinks to disclosure information (Consumer Information Page, Student Right to Know, HEOA, Fast Facts, At A Glance, etc.). This is the recommended approach as it facilitates the review by the Commission since it consolidates the information in one place and meets multiple accountability requirements at one time.*

Explanation if a compliance requirement is not relevant for your institution:

6. Standing with State and Other Accrediting Agencies

	<u>List of Evidence to Demonstrate Compliance:</u>
1. Names of other accreditors, program(s) it accredits, and year of next review	The list of other accreditors, program(s) accredited, and year of next review can be found on Lehman College's Accreditation webpage .
2. Documents and URLs available to current and prospective students that show the licensing or accreditation status with the state or other USDE approved agencies	All licensing and accreditation status information can be found on: Lehman College's Student Achievement/Consumer Information/Student Right to Know webpage . Lehman College's Accreditation webpage .
3. Report from State or other accreditor if institution has been found noncompliant (including institutional response) within the last five years	Not applicable.

Explanation if a compliance requirement is not relevant for your institution:

8. Assignment of Credit Hour

	<u>Evidence to Demonstrate Compliance:</u>
<p>1. Policy and procedures for assignment of Credit Hour for all types of courses, disciplines, programs, credential levels, formats, regardless of modality)</p>	<p>All courses taken for credit at Lehman College toward the completion of a degree or certificate conform to federal and New York State regulations regarding the assignment of credit hour.</p> <p>Under the <u>U.S. Department of Education’s rules</u>, a credit our is defined as follows:</p> <p><i>Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—</i></p> <p><i>(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or</i></p> <p><i>(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.</i></p> <p>Under <u>New York State’s Codes, Rules and Regulations of the State of New York, Title 8—Education Department, Chapter II-Regulations of the Commissioner, Subchapter A-Higher and Professional Regulations, Part 50-General Section 50.1:</u></p> <p><i>Semester hour means a credit, point, or other unit granted for the satisfactory completion of a course which requires at least 15 hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, except as otherwise provided pursuant to section 52.2(c)(4) of this Subchapter. This basic measure shall be</i></p>

	<i>adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credit granted for study during the two semesters that comprise an academic year.</i>
2. Course or program review procedures and sample approval documentation, as they relate to credit hour	<p>Lehman College’s practices related to the assignment of credit hours is defined in its Undergraduate Bulletin and Graduate Bulletin.</p> <p>Lehman College’s policy related to courses with credit equivalent hours are found in its Undergraduate Bulletin and Graduate Bulletin.</p>
3. Process the institution utilizes to verify length of academic period and compliance with credit hour requirements through course scheduling	<p>CUNY sets credit hour assignment in accordance with New York State’s credit hour guidelines.</p> <p>All new courses must go through a process that entails CUNY’s approval.</p>

Explanation if a compliance requirement is not relevant for your institution:

Appendix 1: Cohort Default Rates



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School Default Rates FY 2015, 2014, and 2013

Record 1 of 1

OPE ID	School	Type	Control	PRGMS		FY2015	FY2014	FY2013
007022	CUNY LEHMAN COLLEGE 250 BEDFORD PARK BOULEVARD WEST BRONX NY 10468-1589	Master's Degree or Doctor's Degree	Public	Both (FFEL/FDL)	Default Rate	6.6	6.7	6.5
					No. in Default	113	123	105
					No. in Repay	1,707	1,810	1,610
					Enrollment figures	16,020	15,708	16,286
					Percentage Calculation	10.6	11.5	9.8

ENROLLMENT: To provide context for the Cohort Default Rate (CDR) data we include enrollment data (students enrolled at any time during the year) and a corresponding percentage (borrowers entering repayment divided by that enrollment figure). While there is no direct relationship between the timing of when a borrower entered repayment (October 1 through September 30) and any particular enrollment year, for the purpose of these data, we have chosen to use the academic year ending on the June 30 prior to the beginning of the cohort year (e.g., FY 2015 CDR Year will use 2013-2014 enrollment).

Current Date : 01/30/2019

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Appendix 2: Documents of Governance

DOCUMENTS OF GOVERNANCE

LEHMAN COLLEGE
OF THE CITY UNIVERSITY OF NEW YORK



DOCUMENTS OF GOVERNANCE

TABLE OF CONTENTS

Governance Structure of Lehman College Approved by the Board of Higher Education, February 22, 1971 and amended by the Board of Trustees on June 24, 2002 and September 29, 2003 and April 26, 2010, and June 26, 2017.....	5
Bylaws of the Lehman College Senate Adopted December 22, 1971 Last Amended January 30, 2014	13
Bylaws of the Faculty Adopted February 9, 1972 Last Amended May 25, 1988.....	23
Constitution of the Campus Association for Student Activities (CASA) Adopted March 25, 1970 Last Amended May 25, 1988	37
Bylaws of the Student Conference of Lehman College Senate Adopted March 16, 1971 Last Amended October 23, 1974.....	49

INTRODUCTION

This booklet contains the basic governance documents of Lehman College as of May 2004. These documents are subject to amendment as provided for separately and thus at any subsequent date the material contained herein may be incomplete.

The Bylaws of the Board of Trustees of the City University of New York (BOT) provide the continuing framework for governance within the City University of New York. When initially approved by the Board of Higher Education, (the predecessor to the BOT), the Governance Charter of Lehman College was effective wherever it was in conflict with the Board's Bylaws. In subsequently arising conflicts, the Board's Bylaws prevail.

GOVERNANCE STRUCTURE OF LEHMAN COLLEGE

Approved by the Board of Higher Education, February 22, 1971

And amended by the Board of Trustees on June 24, 2002, September 29, 2003,
April 26, 2010, and June 26, 2017

I. The Lehman College Senate

A. General Statement

The Lehman College Senate shall replace the existing Faculty Council. The Senate shall be a unicameral body, representing the faculty, students, administration, and non-teaching instructional staff (delineated in article 1.C.3) of the College, presided over by the President of the College.

B. Functions of the Senate

Subject to the authority and the Bylaws of the Board of Trustees, the College Senate shall be responsible for the formulation of academic policy and for legislative and advisory functions related to the programs, standards, and goals of the College.

1. Policy Functions

It shall have the power to formulate policy, to make policy recommendations, and to review the implementation of policy concerning

- a) Academic affairs, including the development of curricula; degree requirements; inter-disciplinary programs; admission and grading practices and standards; and the awarding of credits, degrees and honors;
- b) Long-range planning to achieve the overall goals of the College, within The City University and the College community, including responsibility for the continued development of the College;
- c) Campus life and activities which promote the total educational program, including ancillary services within the College; student organizations; alumni and community relations;
- d) Practices and procedures for protection of academic freedom, the rights and liberties of each member of the Lehman College community, and the equitable settlement of internal campus problems.

2. Advisory Functions

It shall have the following advisory functions:

- a) To advise on the appointment of the President of the College and all Full Deans;
- b) To propose amendments to, and revisions of, the Bylaws of the Board of Trustees, and to recommend action to other bodies with jurisdiction over The City University;
- c) To assist the College Personnel and Budget Committee in the determination of budgetary priorities within the College;
- d) To advise the President, Deans, and Department Chairs concerning the procedures for faculty appointments, reappointments, promotions, tenure awards, and dismissal.

3. Legislative Functions

It shall have the following legislative responsibilities:

- a) To carry out by legislation the aforestated policy functions;
- b) To take such other recommending actions as the Senate may wish.

C. Composition of the Senate

The Senate shall consist of representatives of the faculty, the students, the non-teaching instructional staff (delineated in article 1.C.3) and the administration of the College, with a total membership of 102 senators.

1. Representation of Faculty

- a) Department Representation.
One representative with at least two years of full-time service shall be elected from each department by and from those members eligible to vote in that department.
- b) At-Large Representation.
The number of faculty senators elected at-large shall be adjusted to maintain the total number of department representatives and at-large faculty senators at 51.

c) Apportionment of Faculty Elected At-Large.

Faculty Senators elected at-large shall be elected by and from the full-time members of the instructional staff acting as a single electorate. At-large Senators shall be apportioned in the following manner: Group A, consisting of all full professors, all associate professors, and all assistant professors with tenure; and Group B, consisting of all assistant professors without tenure, all instructors, and all lecturers full-time at the time of the election. At least one-third of the at-large seats shall be assigned to Group A faculty, and at least one-third to Group B faculty.

d) Representation of Part-Time Faculty

Three part-time faculty Senators shall be elected from those part-time members of the instructional staff who teach at least six semester hours per week. They shall be elected by all part-time members of the instructional staff.

e) Floor and Voting Rights

All faculty representatives in the Senate, whether departmental or at-large, part-time or full-time, shall have full floor rights and voting rights.

2. Administration Representatives

The President, Vice-Presidents, and Full Deans, shall be members of the Senate with full voting and floor rights. Prior to the first Senate meeting of the academic year, the President shall appoint additional administration representatives for one year terms with full voting and floor rights so that the total number of administrators in the Senate, including ex-officio representatives, shall equal twelve. If the President, the Vice Presidents, and the Full Deans total more than twelve, the President shall designate prior to the first Senate meeting of the academic year which twelve of them shall serve as administration representatives for the year.

3. Non-Teaching Instructional Staff Representatives

There shall be five representatives, elected by and from the Higher Education Officer and College Laboratory Technician series. They shall serve with full voting and floor rights.

4. Student Representatives

For purposes of Senate composition "student" shall be defined as matriculated students.

a) Number of Students.

There shall be 34 students comprising the total student membership of the Senate.

b) Election of Students.

Student Senators shall be elected at-large. Graduate students shall receive at least one guaranteed seat.

D. Length of Service in the Senate

1. At-large Faculty and Non-Teaching Instructional Staff Representatives. All full-time and part-time faculty elected at-large, and non-teaching instructional staff representatives elected to the Senate shall serve two-year terms and shall be eligible for re-election.

2. Departmental Representatives.

Departmental Representatives shall be elected at times coinciding with regular departmental elections for Chair and departmental Personnel & Budget committees, shall serve for a term of three years, and shall be eligible for re-election.

3. Student Representatives.

Students shall be elected annually, shall serve for a term of one year, and shall be eligible for re-election.

4. Vacancies.

(a) Senate seats shall be considered vacant when a senator is no longer employed by or matriculated at the College, or when a senator resigns from the Senate.

(b) Vacancies in seats designated for Faculty at-large, Non-Teaching Instructional Staff, and Student Representatives shall be filled by the person who received the next highest vote total in the most recent election for such seats. If there are no eligible individuals remaining on the list from the previous election, a special election shall be held.

E. Organization of the Senate

The Senate shall establish the necessary offices, committees, and procedures to carry out its responsibilities, and take other necessary actions for the implementation of its aforesaid powers, with the following qualifications:

1. A joint faculty/student/administration committee shall establish procedures and mechanisms for the first election of the Senate, in conformity with the provisions stated under "Composition of the Senate." The faculty and administration members of the committee shall be chosen by Faculty Council. Student members shall be chosen by the student legislature. The committee shall provide for election of at-large student members proportional to the full-time equivalent registration of the Undergraduate and Graduate sessions. Thereafter the Senate itself shall establish procedures and mechanisms for its own elections.
2. As a general policy, membership in committees of the Senate shall include faculty, students, and administrators, and shall be open to nonmembers of the Senate.
3. Meetings of the Lehman College Senate shall be open to all members of the Lehman College community. Floor rights may be granted to nonmembers by vote of the Senate at the request of a member of the Senate.

II. Nullification of Senate Action

Enactment of Legislation By Referendum

A. Nullification of Senate Action

The General Faculty and the Student Body shall have the power to nullify any Senate decision or action in the following manner:

1. Initiation of an action to nullify a Senate decision or action shall be by petition of 20 percent of the faculty or 10 percent of the student body. The petition shall be directed to the Senate.
2. The Senate shall conduct separate referenda of the General Faculty and the Student Body within 20 class days of submission of a petition to nullify a decision or action, except that when the summer interim intervenes, the referenda shall be conducted within 20 class days of the commencement of the fall semester. Such actions to nullify must be completed by the conclusion of the first full semester following the Senate decision or action in question.
3. Nullification of a Senate decision or action shall require a two-thirds majority vote of both the General Faculty and the Student Body in the separate referenda, provided that 60 percent of the faculty and 30 percent of the student body vote in such referenda.

4. In any action to nullify, should a simple majority of either 60 percent of the faculty or 30 percent of the student body approve the proposal to nullify, the Senate will automatically reconsider the decision or action in question.

B. Enactment of Legislation By Referendum

The General Faculty and the Student Body shall have the power to enact legislation in the following manner:

1. Initiation of legislation shall be by petition of 20 percent of the faculty or 10 percent of the student body. The petition, stating the proposed legislation, shall be directed to the President of Lehman College.
2. The President shall submit the proposed legislation to separate referenda of the General Faculty and the Student Body within 20 class days of submission of petition to enact legislation, except that when the summer interim intervenes, the referenda shall be conducted within 20 class days of the commencement of the fall semester.
3. Enactment of legislation shall require a 75 percent majority vote of both the General Faculty and the Student Body in the separate referenda, provided that 60 percent of the faculty and 30 percent of the student body shall vote in such referenda.

III. Departments

Department functions and structures shall be retained with the following qualifications:

- A. The Department Chair shall be elected except as otherwise specified in the Bylaws of the Board of Trustees, for a period of three years by members of the instructional staff of the department who hold faculty rank or faculty status.
- B. Student participation on department committees shall be as follows:
 1. Personnel and Budget Committees.
Subject to the authority of the Professional Staff Congress/CUNY contract with the Board of Trustees: Students shall serve the departmental Personnel and Budget Committees in advisory capacity, with the method of service and number of students to be determined by the respective departments.
 2. Other Standing Committees.
Students shall have full voting rights on all departmental standing committees, other than Personnel and Budget Committees, with the number of students and the method of election to be determined by the respective departments.

IV. Personnel and Budget

The current Personnel and Budget Committee structures and functions on both the department and college-wide levels shall be retained, with the following qualifications:

A. Departments

1. Eligibility to Serve

Members of the instructional staff with full-time appointments in titles of Professor, Associate Professor and Assistant Professor may serve as members of the Personnel and Budget Committees of their departments; four of the five members of the committee must be tenured, unless there are fewer than four tenured faculty members in the department.

2. Eligibility to Vote

All full-time members of the instructional staff may vote for members of the Personnel and Budget Committees of their departments.

3. Promotion to Full Professor

Nominations for promotion to full professor shall be forwarded to the College Committee on Faculty Personnel and Budget by the chairperson of the department when there is a positive recommendation of the departmental Committee on Personnel and Budget.

B. College-wide Personnel and Budget Committee

1. Student Representation

Subject to the authority of the Professional Staff Congress/CUNY contract with the Board of Trustees: Students shall serve the College-wide Personnel and Budget Committee in an advisory capacity, with the method of service and number of students to be determined by the Committee.

V. General Faculty

A. Composition of the General Faculty

The General Faculty of Lehman College shall be composed of all full-time members of the instructional staff, and all others who teach at least six semester hours per week. All such members shall be entitled to full voting and floor rights at any meeting of the General Faculty, and may vote in any election or referendum in which the General Faculty participates. Other members of the instructional staff shall have full floor rights in meetings of the General Faculty.

B. Functions of the General Faculty

The General Faculty may:

1. consider any matter related to the interests or welfare of Lehman College;
2. take positions on College issues;
3. deal with any matter related exclusively to faculty interests or welfare, not specifically assigned to another body;
4. make recommendations to the Lehman College Senate and to any agent, department, committee, or organization of the College, and review actions taken in pursuance to its recommendations;
5. elect at-large Senators to the Lehman College Senate, as provided in appropriate sections of Article I;
6. elect by secret ballot faculty representatives to the University Faculty Senate, and other bodies or committees as requested;
7. and shall act through referendum in the process of Nullification of Senate Actions, in the procedure for Enactment of Legislation By Referendum.

VI. Student Body

A. Composition

The Student Body of Lehman College shall consist of all matriculated students, and all non-matriculated students.

B. Functions

The Student Body shall:

1. elect student representatives to the Lehman College Senate and, upon request, to other bodies and committees;
2. act through referendum in the process of Nullification of Senate Actions and in the procedure for Enactment of Legislation By Referendum.

3. Any student or group of students may make recommendations to the Senate and to any agent, department, committee, or organization of the College.

C. Student Conference

1. Composition

The student members of the Senate shall constitute the Student Conference.

2. Functions

- a) Shall provide a forum for discussion of, and taking positions on, College issues;
- b) Shall hold monthly meetings, open to the Lehman College community, to ascertain opinion on matters which are the concern of the Senate.
- c) After consideration by the Student Conference, any item may be placed on the Agenda of the Senate.

D. Student Governance

An organization to administer student affairs shall be established by student referendum.

VII. Amendment Procedure

This document may be amended in the following manner:

A. Proposal of an Amendment

1. Proposal of an amendment to this document shall be in the following method:

A written proposal signed by 25 faculty and students, including at least 10 from each group, shall be considered as a proposed amendment to this governance document. All such proposed amendments shall be referred to the Senate Governance Committee. The Governance Committee will review the proposed amendment and recommend an appropriate course of action to the Senate.

B. Adoption of an Amendment

1. Procedure for adoption of amendments to this document shall be as follows:
A 75% affirmative vote of Senators present shall be required to adopt an amendment to this governance document, provided that at least 2/3 of all Senators are present for such vote.
2. Amendments adopted by the procedure above shall be presented for approval to the Board of Trustees.

Adopted by the Board of Higher Education on February 22, 1971, Cal. No. 20, and February 28, 1972, Cal. No. 2.B; and amended by the Board of Trustees on June 24, 2002, Cal. No. 6.E.; September 29, 2003, Cal. No. 5.A; and April 26, 2010, Cal. No. 5.C.

BYLAWS OF THE LEHMAN COLLEGE SENATE

Adopted December 22, 1971

Last Amended January 30, 2014

Article I. Functions of the Senate

(As established in the "Governance Structure of Lehman College," approved by the CUNY Board of Trustees)

Subject to the authority and the Bylaws of the CUNY Board of Trustees, the College Senate shall be responsible for the formulation of academic policy and for legislative and advisory functions related to the programs, standards, and goals of the College.

Policy Functions

Section 1. Policy Functions

It shall have the power to formulate policy, to make policy recommendations, and to review the implementation of policy concerning:

- a) Academic affairs, including the development of curricula; degree requirements; interdisciplinary programs; admission and grading practices and standards; and the awarding of credits, degrees and honors;
- b) Long-range planning to achieve the overall goals of the College, within The City University and the College community, including responsibility for the continued development of the College;
- c) Campus life and activities which promote the total educational program, including ancillary services within the College, student organizations; alumni and community relations; without regard to race, ethnicity, religion, gender, sexual orientation, age, physical impairment, political and economic differentiations;
- d) Practices and procedures for protection of academic freedom, the rights and liberties of each member of the Lehman College community, and the equitable settlement of internal campus problems.

Advisory

Section 2. Advisory Functions

It shall have the following advisory functions:

- a) To advise on the appointment of the President of the College and all full Deans;

- b) To propose amendments to, and revisions of, the Bylaws of the CUNY Board of Trustees and to recommend action to other bodies with jurisdiction over The City University;
- c) To assist the College Personnel and Budget Committee in the determination of budgetary priorities within the College;
- d) To advise the President, Deans, and Department Chairmen concerning the procedures for faculty appointments, reappointments, promotions, tenure awards, and dismissal.

Legislative Functions

Section 3. Legislative Functions

It shall have the following legislative responsibilities:

- a) To carry out by legislation the aforesaid policy functions;
- b) To take such other recommending actions as the Senate may wish.

Article II. Organization of the Senate

Composition

Section 1. Composition

The Senate shall be constituted and members elected or appointed as provided for in the "Governance Structure of Lehman College."

Conduct of Elections

Section 2. Conduct of Elections

Faculty-at-large, Part-time faculty representatives, and Non-Teaching Instructional Staff elections shall be conducted by the Committee on Governance. The elections for Student Representatives shall be conducted by the Student Elections Board.

Election of Faculty at-large and Non-Teaching Instructional Staff Representatives and Senate committees shall be completed no later than the last Senate meeting of the academic year.

Non-members at Meetings

Section 3 Non-members

- a) There shall be no substitutes or proxies in place of absent members.
- b) Meetings of the Lehman College Senate shall be open to all members of the Lehman College community. Floor

rights may be granted to non-members by majority vote of the Senate at the request of a member of the Senate.

c) Chairs of Senate Committees shall be entitled to floor rights to present their reports.

Officers

Section 4 Officers

a) Chairperson

The Senate shall elect by majority vote from among its members a Chairperson who shall preside in the absence of the President. The Chairperson shall be elected for a one-year term at the first meeting of the Senate each academic year.

b) Vice-Chairperson

The Vice-Chairperson shall be the Chairperson of the Student Conference who shall preside in the absence of the President and Chairperson. In the absence of the President, Chairperson and Vice Chairperson, the Chairperson of the Committee on Governance shall preside.

c) Secretary

A recording Secretary shall be appointed by the President.

d) Parliamentarian

A Parliamentarian shall be appointed by the President.

Article III. Meetings Stated

Section 1. Stated Meetings

Stated meetings of the Senate shall be held once a month during the academic year, the times and dates to be announced at the beginning of each academic year.

Special

Section 2. Special Meetings

Special meetings shall be held on the call of the President or Chairperson, on resolution of the Senate, or on the written request of fifteen members of the Senate. Such meetings shall be held within seven weekdays from the call for such meeting.

Agendas

Section 3. Agendas and Calls to Meeting

a) Items for inclusion on the agenda of a stated meeting, including items for new business, shall be delivered in writing to the Chairperson of the Senate no less than eight calendar days before the meeting in order to appear on the published agenda. Items for new business shall be

presented in the order received. For special meetings, the agenda shall accompany the call for a meeting.

b) The full agenda (including all attachments) for each meeting shall be mailed to each member of the Senate at least one week before the meeting. Published agendas shall be posted on appropriately designated bulletin boards (with full agenda, including all attachments, available in the Lehman Library) at least one week before the meeting. Senators are to be privileged to pick up copies of the full agenda with attachments at designated campus offices.

Rules of Order

Section 4. Rules of Order

In all matters not covered by these Bylaws, the Senate shall be governed by parliamentary rules and usage as set forth in Robert's Rules of Order, latest edition, with the exceptions that the motion to lay on the table shall require a three fifths, rather than a simple majority for passage, and no motion "to reconsider and enter on the minutes" shall be entertained.

Quorum

Section 5. Quorum

A quorum for both stated and special meetings shall consist of a majority of the members of the Senate.

Minutes

Section 6. Minutes

Minutes of each meeting shall be distributed to the members of the Senate as soon as practicable after the meeting, but in no case later than seven calendar days following the meeting. Copies of the minutes shall be available to interested members of the Lehman College community at designated places.

Article IV. Committees

Functions and Membership

Section 1. Functions and Membership

a) The primary function of a Senate Committee shall be to study the subjects referred to it by these bylaws or by the specific action of the Senate, to formulate appropriate policies thereon, and to propose such policies to the Senate for action. A standing committee shall maintain a continuing review of policies affecting its area of concern.

b) Attendance at Committee Meetings: Any interested member of the Lehman College community has the right to be

present at any meeting of any committee. Also, interested persons may request from the committee the right to speak to the order of business of the committee.

c) As a general policy, membership in committees of the Senate shall include faculty (including part-time faculty), students, and administrators, and shall be open to nonmembers of the Senate. The membership of all standing and ad hoc committees shall have an equal number of faculty and students. Representatives of the administration serving on Senate committees shall be voting members and shall be appointed by the President. As a general principle, individuals may serve on not more than one standing committee of the Senate.

All members of standing and ad hoc committees present shall participate fully in the deliberations and balloting procedures involved in discharging the duties assigned. Every reasonable effort shall be exerted to see that all committee members receive adequate notice of all meetings.

Standing Committees

Section 2. Standing Committees

Members of the Committee on Governance shall be elected at the first Senate meeting of the fall semester. Members of all other standing committees, as hereafter specified, shall be elected by the Senate from nominations received from the Committee on Governance and from the floor; such elections shall be completed no later than the last Senate meeting of the academic year, with the term beginning at the start of the following Fall semester.

Faculty members shall be elected for staggered terms of two years. Student members shall be elected for a term of one year. Members of committees shall be eligible for re-election.

In the event more nominations are received than there are positions to be filled, election to standing committees shall be by majority vote. Each member of the Senate shall vote for a number of candidates up to the number of positions to be filled. In the case of ties, there shall be a runoff election.

Ad hoc Committees

Section 3. Ad hoc Committees

Ad hoc committees may be created by action of the Senate for specific purposes. Ad hoc committees shall be elected or appointed as the Senate may decide in each instance.

Officers Section 4. Officers

Each committee shall elect its chair by secret ballot at its first meeting of the academic year. The chair of the previous year's committee shall convene the first meeting. If necessary, the Committee on Governance shall designate a convener to call the first meeting.

Sub-Committees Section 5. Sub-Committees

Any committee of the Senate, standing or ad hoc, may establish subcommittees for specific purposes. Members of such a sub-committee need not be members of the parent committee. The establishment and membership of each sub-committee shall be reported to the Senate.

Reports Section 6. Reports

Each standing committee shall meet at least once each semester and shall report at least once during each academic year. Such reports may be presented to the Senate orally or in writing. Each special committee shall report at least once during its term of service. A standing committee may be required to report to the Senate at any time by the request of fifteen Senate members.

Committee on Governance Section 7. Committee on Governance

a. Membership:

Eleven senators as follows: five elected faculty; five elected faculty; five elected students; and one administrator.

b. Functions:

- i. Serves as the Executive Committee of the Senate;
- ii. Sets the agenda, prepares the calendar of the Senate meetings and consults with the President concerning Senate business;
- iii. Reviews the operation of and recommends changes to the Senate committee system;
- iv. Reviews and makes recommendations on all proposed changes to Senate Bylaws;
- v. Resolves questions of committee jurisdiction;
- vi. Nominates candidates to committees, soliciting nominations and presenting slates of nominations to the Senate no later than the last Senate meeting of the academic year;
- vii. Administers the election of the at-large faculty and Non-

Teaching Instructional Staff representatives to the Senate.

Committee on Admissions, Evaluation and Academic Standards

Section 8. Committee on Admissions, Evaluation and Academic Standards

a) Membership:

Thirteen members as follows: six elected faculty members, six elected students; and one administrator.

b) Functions:

- i. Reviews and recommends policies and procedures regarding: undergraduate admission, readmission, and retention;
- ii. Reviews and recommends policies and procedures regarding; the evaluation of undergraduate student academic progress including the evaluation of transfer credits; academic advisement; course equivalencies, waivers, and grade appeals; degree requirements, certification, academic requirements;
- iii. Hears appeals from individual students, taking care to safeguard the confidentiality of individual cases.

Undergraduate Curriculum Committee

Section 9. Undergraduate Curriculum Committee

a) Membership:

Thirteen members as follows; six elected faculty members, six elected students; and one administrator.

b) Functions:

- i. Resolves questions of curricular responsibility among departments of the College;
- ii. Reviews existing curricular organization at the undergraduate level;
- iii. Considers proposed changes in the existing undergraduate curriculum and programs;
- iv. Reviews, on an annual basis, the General Education requirements of the College;
- v. Maintains the stipulated principle that no undergraduate course shall be dropped from the curriculum of the College without prior reference to the Committee and the relevant department as required by the Bylaws of the CUNY Board of Trustees.

Committee on Graduate

Section 10. Committee on Graduate Studies

Studies

a) Membership:

Thirteen members as follows: six elected faculty; six elected students (at least two of whom are graduate students); and one administrator.

b) Functions:

- i. Evaluates and reviews graduate programs and recommends additions, revisions, terminations, and/or other modifications as required;
- ii. Considers proposed changes in the existing graduate curriculum and programs;
- iii. Reviews and recommends policies and procedures regarding: graduate admission, readmission, and retention;
- iv. Maintains the stipulated principle that no graduate course shall be dropped from the curriculum of the College without prior reference to the Committee and the relevant department as required by the Bylaws of the CUNY Board of Trustees.
- v. Hears appeals from individual students, taking care to safeguard the confidentiality of individual cases.

**Library,
Technology and
Telecommunications
Committee**

Section 11. Library, Technology and Telecommunications Committee

a) Membership:

Fourteen members as follows: six elected faculty; six elected students; the Chief Librarian and the Director of the Information Technology Resources Department. b)

Functions:

- i. Reviews and recommends educational policies relating to the Library and Information Technology Center recognizing the Library and Information Technology Center as major educational resources of the College;
- ii. Advises the Chief Librarian regarding the administrative operation of the Library;
- iii. Advises the Director of the Information Technology Resources Department regarding the administrative operation of the Information Technology Center;
- iv. Advises the Senate on matters regarding the integration of technology including the development of computing and telecommunications services into the educational support service structure of the College.

**Budget and
Long Range
Planning**

Section 12. Budget and Long Range Planning Committee

a) Membership:

Committee

Thirteen members as follows: six elected faculty; six elected students; and one administrator.

b) Functions:

- i. Receives complete and timely information from the College Administration regarding the colleges budget;
- ii. Advises the Senate and the College Administration regarding the College's budgetary priorities and strategies;
- iii. Meets jointly with the P&B Subcommittee on the Budget for the purposes of exchange of information and joint deliberation;
- iv. Reviews, on an ongoing basis, the long range plans of the College.

**Committee on
Campus Life****Section 13. Committee on Campus Life and Facilities****and Facilities****a) Membership:**

Thirteen members as follows: six elected faculty; six students; and one administrator.

b) Functions:

- i. Advises the Senate on issues regarding the delivery of services to students, including financial aid, personal counseling, registration, food service, and bookstore;
- ii. Advises the Senate on issues regarding the delivery of services to faculty, including dining room, payroll services, use of facilities;
- iii. Reviews, recommends and reports to the Senate on the maintenance of offices, classrooms, sanitary facilities and common areas of the College;
- iv. Advises in the development of security policies for the College and recommends measures to ensure safety and well-being on the campus community;
- v. Recommends a plan for the physical development of the College, including the identification of renovation needs, recommends the physical location of new structures and other physical enhancements of the campus;
- vi. Recommends parking and transportation policies;
- vii. Advises in the development of policies and issues related to insuring full and equal participation in College programs and activities.

**Committee on
Academic****Section 14. Committee on Academic Freedom**

Freedom

a) Membership:

Eleven members as follows: five elected faculty; five elected students; and one administrator.

b) Functions:

- i. Investigates allegations of infringement of academic freedom and makes recommendation(s) to the appropriate individuals;
- ii. May report to the Senate on such allegations, and may, with their consent, identify the parties involved;
- iii. Recommends procedures and guidelines for the settlement of internal campus problems and may, with Senate approval, establish review mechanisms appropriate to that responsibility.

Ombudsman

Section 15. Ombudsman

The Lehman College Ombudsman shall serve as a confidential investigator in cases of alleged unfairness or maladministration. The Ombudsman shall be the impartial spokesman for all parties involved in such cases. The Office of Ombudsman shall be governed according to guidelines established in the Senate enabling resolution of November 1984. The Office of Ombudsman shall be headed by a member of the tenured faculty who shall serve as Ombudsman for a term of two years, and who shall be eligible for re-election. The Ombudsman shall be chosen by the President of the College from a panel of candidates nominated by the Senate. Nominations shall take place in the Spring semester by procedures regularly used in Senate elections. In case of a vacancy, the same procedures for submission to the President shall be used in choosing nominees for the unexpired term.

Article V. Amendments

An amendment to these Bylaws may be adopted at a stated or special meeting of the Senate provided that a copy of the proposed amendment is sent to each Senate member at least two weeks before it is to be voted upon. The vote required shall be a two-thirds affirmative vote of the members present.

BYLAWS OF THE FACULTY

Adopted February 9, 1972 Last Amended May 25, 1988

Article I. Purpose and Functions

Purpose

A. Purpose

The Faculty of Herbert H. Lehman College shall carry out the functions of a faculty as defined by the Bylaws of the Board of Higher Education. It shall uphold the interests of the members of the Lehman College Faculty.

Functions

B. Functions

The Faculty may:

1. Consider any matter related to the interests or welfare of Lehman College;
2. take positions on College issues;
3. deal with any matter related exclusively to faculty interests or welfare not specifically assigned to another body;
4. make recommendations to the Lehman College Senate, and to any agent, department, committee, or organization of the College, and review actions taken in pursuance of its recommendations;
5. elect Senators-at-Large to the Lehman College Senate, as provided by the appropriate sections of the document entitled, "Governance Structure of Lehman College;"
6. elect by secret ballot faculty representatives to the University Faculty Senate, and other bodies or committees as requested;
7. act through referendum in the process of Nullification of Senate Action, in the procedure for Enactment of Legislation by Referendum, and in the method of amendment entitled "Government Structure of Lehman College," as provided in the appropriate sections of that document.

Article II. Composition

Composition

The Faculty of Lehman College shall be composed of all full-time members of the instructional staff, and all others who teach at least six semester hours per week. All such persons shall be entitled to full voting and floor rights at any meeting of the Faculty, and may participate and vote in any election or referendum in which the Faculty participates. Other members of the instructional staff shall have full floor rights in meetings of the Faculty.

Article III. Dues and Contributions

Dues and Contributions

The Faculty may establish a system of dues and contributions to provide a fund for the incidental expenses of the various committees of the Faculty, and for carrying out of projects authorized by the Faculty. Disbursements from such fund shall be made by the Treasurer, in accordance with the appropriations made by the Executive Committee of the Faculty, or by vote of the Faculty.

Article IV. Executive Officers

Officers Chairman

A. Chairman
The Chairman of the Faculty shall be the President of the College. He shall preside over the meetings of the Faculty and discharge the functions customarily performed by a chairman.

Vice-Chairman

B. Vice-Chairman
The Vice-Chairman shall be the Dean of the Faculties of the College. He shall preside over the meetings of the Faculty and otherwise perform the duties of the Chairman.

Secretary

- C. **Secretary**
The Secretary shall keep the minutes of the meetings of the Faculty, and perform the customary duties of a recording and corresponding secretary. Within two weeks after each meeting of the Faculty, the Secretary shall transmit a copy of the minutes of that meeting to each member of the Faculty. The Secretary shall be appointed by the Chairman.

Treasurer

- D. **Treasurer**
The Treasurer shall be the custodian of all dues and contributions paid to the Faculty, and shall make disbursements as may be authorized by the Executive Committee of the Faculty or by vote of the Faculty. He shall perform the customary duties of a treasurer and shall render an annual report to the Faculty. The Treasurer shall be appointed by the Chairman.

Parliamentarian

- E. **Parliamentarian**
The Parliamentarian shall be appointed by the Chairman.

Article V. Meetings

A. **Regular Meetings**

Regular Meetings

The Faculty shall hold at least two regular meetings each semester, excluding the summer session. The first meetings of each semester shall be held within four weeks of the beginning of the term. The final meeting of each semester must be held prior to the last full week of classes of that semester. Such meetings shall be called by the Chairman either on his own motion or at the request of the Executive Committee of the Faculty. The agenda for all regular meetings shall be distributed to each member of the Faculty at least seven calendar days in advance of the meeting.

Order of Business

B. Order of Business for Regular Meetings

The order of business of the regular meetings of the Faculty shall be as follows:

1. Action on Minutes
2. Communications and announcements
3. Reports of Officers and Boards
4. Reports of Standing Committees
5. Reports of Special Committees
6. Special Orders
7. Unfinished Business
8. New Business

Special Meetings

C. Special Meetings

Special meetings of the Faculty may be held at the call of the Chairman, or at the request of the Executive Committee of the Faculty, or at the written request of twenty-five (25) members of the Faculty to the Chairman. Special meetings must be called within ten calendar days of the receipt of the request. The agenda for such meetings shall be distributed to each member of the Faculty along with the notice of the meeting. Only the matter for which the meeting is called may be considered at that meeting, except by unanimous consent of the members present.

Quorum

D. Quorum

A quorum for regular and special meetings of the Faculty shall consist of 70 members of the Faculty. Only those members present can vote at a meeting.

Procedure

E. Procedure

In all matters not covered by these Bylaws, all meetings of the Faculty shall be governed by parliamentary rules and usages as set forth in Robert's Rules of Order, latest edition, with the exception that motions to table shall require a three-fifths (3/5s) majority vote of the members present.

Attendance of Non-Members

F. Attendance of Non-Members

Persons not members of the Faculty may be invited from time to time, at the discretion of the Chairman and/or the Executive Committee, and may have floor rights for specific purposes. Observers may be permitted at any meeting by vote of the members present.

Article VI. Written Referendum of the Faculty

Referendum Procedures

- A. A written referendum of the Faculty may be taken on any issue within the jurisdiction of the Faculty (as listed in Article I.B.). An item for referendum may be initiated by vote of a meeting of the Faculty, or by petition to the Executive Committee of at least 25 members of the Faculty.
- B. A written ballot containing the proposition to be voted upon, with exposition of the issues involved, shall be written by the proposers of the referendum, and distributed by the Executive Committee of the Faculty to all members of the Faculty within 10 days of its initiation. The Committee on Elections shall thereupon administer the referendum, provide for the secrecy of the ballot, and certify the results. At least five business days shall be allowed between the distribution of the ballot and expiration of the referendum.
- C. No items for referendum may be initiated unless it is first introduced at a meeting of the Faculty. No item is defeated in a referendum, or its substantive equivalent, may be initiated again in the same semester in which the original referendum was held. The Executive Committee shall determine any disputes arising under interpretation of this provision.
- D. A referendum held on any item not previously decided by a meeting of the Faculty shall be

deemed approved by a majority vote of 25% of the total membership of the Faculty. A referendum to reverse or substantively alter a decision previously made at a meeting of the Faculty shall be deemed approved by a majority vote of 2/3's of the total membership of the Faculty.

Article VII. Standing Committees

Executive Committee Composition

A. Executive Committee

1. Composition

The Executive Committee of the Faculty shall consist of seven elected members of the Faculty. At least three of the members shall be from Group A (Professor, Associate Professor, Assistant Professor with tenure), at least one shall be from Group B (Assistant Professor without tenure, Instructor, Lecturer full-time), and at least one shall be from Group C (part-time faculty). The Committee shall elect its own chairman.

Functions

2. Functions

The Executive Committee of the Faculty shall:

- a. receive routinely, and upon request, from the President of the College and other administrative officials all information relating to the Faculty;
- b. plan the agenda for the regular meetings of the Faculty. Prior to distributing the agenda of a meeting, the Faculty shall be canvassed for proposed items to be included. Any written proposal of an item for inclusion must be submitted at least ten days before the date of the meeting. Items

submitted for New Business must be circulated with the agenda for the meeting. Committee reports, except those of a very routine nature, should ordinarily accompany the agenda of the meeting at which they are to be considered;

- c. make appropriations from the fund in the hands of the Treasurer;
- d. consider proposals for action by the Lehman College Senate, present such proposals to the Faculty, together with its recommendations, and communicate to the Senate such proposals as the Faculty approves;
- e. review actions of any agent, department, committee, or organization of the College taken in pursuance to recommendations made by the Faculty, and report to the Faculty the results of its review, together with any recommendations for further Faculty action;
- f. recommend the creation of special committees to investigate and report to the Faculty on any matter of Faculty interest;
- g. act as a Committee on Committees to nominate for election by the Faculty members of the Faculty to serve on standing or Special Committees.

Term of Office

3. Term of Office

Members of the Executive Committee shall serve two-year terms, and shall be eligible for re-election.

Elections

4. Method of Election

Election

- a. **Nomination**

In a secret written nominating ballot, each member of the Faculty may nominate from lists of eligible candidates, as many as seven members of the Faculty, without regards to group. The twelve Faculty members from Group A with the highest number of nominating votes shall stand for election. The four Faculty members from Group B with the highest number of nominating votes shall stand for election. The four Faculty members from Group C with the highest number of nominating votes shall stand for election.
- b. **Election**

The election of the Executive Committee shall be by secret written ballot using the weighted preferential vote system (i.e., a system of voting whereby the voter lists the names of seven candidates in preferential order, and the votes are counted as follows: the candidate in first place on a ballot is give seven points, the candidate in second place six points, etc.). The three candidates from Group A with the highest number of points shall be deemed elected. The one candidate from Group C with the highest number of points shall be deemed elected. After candidates from Groups A, B, and C have been determined, the additional two candidates with the highest number of points shall be deemed elected, without regard to group.

Vacancies

- c. Vacancies
In the case of a vacancy on the Executive Committee of the Faculty, the candidate from the Group in which the vacancy occurs with the next highest number of points in the previous election, shall serve the unexpired term. This procedure shall continue as long as applicable, after which an interim election shall be held to fill the unexpired term(s) of office. Procedures for interim elections shall be determined by the Committee on Elections.

Time of Election

- 5. Time of Election

Nomination and election of members of the Executive Committee of the Faculty shall occur during the spring semester of the appropriate year, following the first meeting of the Faculty. They shall assume office upon certification of the election results.

Meetings

- 6. Meetings

The Executive Committee shall hold regular monthly meetings during the academic year. It shall render an annual report to the Faculty.

Standing Committees

- B. Other Standing Committees
 - 1. Term of Office

Election to all committee memberships shall be for a term of two years or to fill an unexpired term. Members shall be eligible for re-election. Unless otherwise provided by the Faculty, each standing committee shall elect its chairman from among its members.

Time of Election

- 2. Time of Election

Members of standing committees other than the Executive Committee shall be elected in the spring semester, at a time following the

election of the members of the Executive Committee.

Method of Election

3. Method of Election

Members of standing committees other than the Executive Committee shall be elected in the following manner:

- a. At a regular or special meeting of the faculty, the Executive Committee shall present its recommendations for members of the Faculty to serve on standing committees.
- b. Additional nominations shall then be accepted from the floor.
- c. Members of the Faculty present may vote for members of committees by secret written ballot.

Community Funds

4. Committee on Community Funds

- a. The Committee on Community Funds shall consist of four members of the instructional staff elected by the Faculty, together with one member of the administrative staff elected from among its members on permanent tenure. The Committee shall be authorized to co-opt a bonded member of the staff of the Business office.
- b. The function of the Committee on community Funds shall be to collect funds from among members of the college community for such organizations as it deems appropriate, and to distribute them to these organizations.

Social Affairs

5. Committee on Social Affairs

- a. The committee on Social Affairs shall consist of four members of the instructional staff together with one member of the administrative staff

elected by the administrative staff from among its members on permanent tenure.

- b. The function of the Committee on Social Affairs shall be to plan and direct the management of such social affairs during the academic year as it deems advisable in consultation with the Executive Committee of the Faculty.

Library

6. Committee on the Library

- a. The Committee on the Library shall consist of four members of the instructional staff elected by the Faculty, together with the Librarian or his delegate.
- b. The Committee on the Library shall meet with the Library representatives from each department to ascertain and promote the needs of the respective departments. It shall recommend guidelines for Library priorities, acquisitions, and procedures.

Prizes and Awards

7. Committee on Prizes and Awards

- a. The Committee on Prizes and Awards shall consist of four members of the instructional staff elected by the Faculty, together with the Business Manager or his delegate and the Dean of Students or his delegate.
- b. The Committee on Prizes and Awards shall prepare and distribute information concerning the availability of prizes, scholarships, awards, and other grants awarded by the College or the Faculty. It shall further recommend and supervise the awarding of prizes, scholarships, awards, and other grants which the Faculty may create.

8. Committee on Academic Freedom and Faculty Personnel

Academic Freedom and Faculty Personnel

- a. The Committee on Academic Freedom shall consist of seven members of the instructional staff elected by the Faculty.
- b. The Committee on Academic Freedom and Faculty Personnel shall study on a continuing basis the employment conditions and status of members of the instructional staff. It shall seek to uphold and safeguard the academic freedom of each member of the Faculty. It may recommend guidelines regarding procedures for personnel actions. It may investigate and report on faculty grievances.

Educational Policy

9. Committee on Educational Policy

- a. The Committee on Educational Policy shall consist of seven members of the instructional staff elected by the Faculty.
- b. The Committee on Educational Policy shall study on a continuing basis and report to the Faculty its recommendations regarding development of curricula, degree requirements, interdisciplinary programs, admission and grading practices and standards, and the awarding of credits, degrees, and honors.

Elections

10. Committee on Elections

- a. The Committee on Elections shall consist of seven members of the instructional staff elected by the Faculty.
- b. The Committee on Elections shall

administer and certify the results of elections of members of committees of the Faculty. It shall further administer and certify the results of any properly authorized written referendum of the Faculty. Members of the Committee shall serve as tellers for all votes taken at meetings of the Faculty.

- c. The Committee shall provide a method for staggering terms of office for all standing committees other than the Executive Committee of the Faculty.

Article VIII. Special Committees

Special Committees

The Faculty shall establish such special committees as it may from time to time deem necessary or advisable. Special committees shall be chosen by such method of election or appointment as the Faculty may in each case determine. Unless otherwise provided by the Faculty, each special committee shall elect its chairman from among its members. Special committees shall serve for a term requisite to the purpose for which they are created, and shall report to the Faculty during their term of service.

Article IX. Amendments

Amendments

Amendment of these Bylaws may be effected at any regular or special meeting of the Faculty or by a written referendum authorized by the Faculty, provided that copies of the proposed amendments shall have been distributed to each member of the Faculty at least seven calendar days before the date of the meeting or of the close of the written referendum. An amendment shall be deemed approved by a 2/3's majority vote of those voting, provided that no amendment shall be adopted at a meeting which lacks a quorum, or by a written referendum in which less than a majority of the Faculty participates.

Article X. Ratification

Ratification

Upon adoption by a majority of the Faculty present at a

Special meeting of the Faculty called for this purpose,
these Bylaws shall become the Bylaws of the Faculty of
Herbert H. Lehman College.

CONSTITUTION OF THE CAMPUS ASSOCIATION FOR STUDENT ACTIVITIES (CASA)

As adopted March 25, 1970

Last Amended May 25, 1988

Name

Article I. Name

The name of this organization shall be The Campus Association for Student Activities (CASA).

Purpose

Article II. Purpose

Section 1. It shall be the responsibility of this organization to initiate, fund and administer programs and activities of benefit to the students and faculty of Lehman College and the community at large.

Section 2. It shall be the responsibility of this organization to implement, where feasible, the policy directives of that legislative body legally mandated by the student body to establish policy.

Section 3. It shall be the responsibility of this organization to cooperate fully with any and all organizations in the advancement of the legitimate interests of the Lehman College community.

Section 4. It shall be the responsibility of this organization to insure that the interests of the students are protected in the development and operation of the physical plant and the supporting facilities of Lehman College.

Powers

Article III. Powers

Section 1. This organization shall have the power to initiate, fund and administer programs and activities and to allocate the funds formerly held by the Student Government Association.

Section 2. This organization shall have the power to make recommendations on matters concerning the physical plant and supporting facilities and shall have the power to utilize and distribute facilities under student control.

Proscribed Powers

Article IV. Proscribed Powers

Section 1. This organization shall not have the power to establish policy on matters of academic policy, that power being reserved for the mandated legislative body.

Section 2. This organization shall not have the power to establish policy on matters of non-academic power, except in areas concerning the physical plant and supporting facilities, that power being reserved for the mandated legislative body.

Section 3. This organization shall not fund or administer any program or activity in conflict with policy directives issued by the mandated legislative organization.

Organization

Article V. Organization

The powers of the organization shall be vested in the Executive Committee.

**Executive
Committee
Membership**

Article VI. Executive Committee Membership

Section 1. The members of the Executive Committee shall be the President, two Vice-Presidents, the Campus Facilities Officer, the Communications Officer, the Community Activities Programmer, the Financial Planner, the Research Planner, the SGS Student Activities Coordinator, and the Student Services Programmer. In addition to these elected officers, there shall be four representatives chosen by and from the mandated legislative body, as well as the chairman of the Athletic Board.

Section 2. The elected officers shall be chosen in general elections held in the Spring of each year. All students shall be eligible to vote and to hold office, except that the SGS Student Activities Coordinator must be an SGS student.

Term of Office

Section 3. The term of office of these elected officers shall be from 1 June of the year of their election until the following 31 May.

Recall

Section 4. Recall. Upon petition of at least 15% of the student body, any executive officer, elected or appointed, shall be recalled. In such case, an election shall be held within three weeks of the recall petition presentation. The officer in question may seek re-election. If re-elected, the officer shall not be subject to recall for the remainder of his term.

Impeachment

Section 5. Impeachment. By written request of at least 12 members of the Executive Committee, any Executive officer may be impeached. The final decision on removal shall be made by the Judicial Board of this organization. If the Judicial Board orders the officer's removal, an election shall be held within three weeks of that order. The officer in question may seek re-election. If re-elected, the officer shall not be subject to impeachment on the same violation. The grounds for impeachment and removal shall be: improper handling of funds, culpable violation of this Constitution, gross incompetence or infringement of the rights of any member of the Lehman College community.

Vacancies

Section 6. If a vacancy is created within the first six months of the term of office of any executive officer, an election shall be held within three weeks. If a vacancy is created after the first six months, the Executive Committee shall elect a suitable successor.

Section 7. The method of selection, term of office, and procedures for filling vacancies among the four representatives from the legislative body shall be made by that body. However, the representatives chosen shall be subject to the recall and impeachment procedures enumerated in Sections 4 and 5 of this article.

Section 8. In the event that no one is elected to a given Executive position, the Executive Committee shall elect an individual to the position.

Executive Committee Meetings

Article VII. Executive Committee Meetings

Meeting Notice

Section 1. The Executive Committee shall hold monthly meetings. At least one week's notice must be given to all members of these meetings.

Open Meetings

Section 2. All meetings of the Executive Committee shall be open to the entire community. Subject to the normal restrictions that can be placed on debate, each member of this community has the right to speak at meetings of the Executive Committee.

Special Meetings

Section 3. The President may call special meetings provided 24 hours' notice is given to all members. Upon the request of at least five members of the Executive Committee, the President shall call a special meeting.

Presiding

Section 4. The President shall preside over all

Officer	meetings. In his absence, the first vice-president shall preside. In his absence, the second vice-president shall preside. In the event that none is present, the committee shall select a temporary chairman.
Quorum	Section 5. A simple majority of the membership shall constitute a quorum to transact business.
Parliamentary Procedure	Section 6. All meetings of the Executive Committee shall be held in accordance with the rules and regulations of parliamentary procedure as set down in the latest edition of <u>Robert's Rules of Order</u> , except as otherwise provided in this constitution.
Secretary & Parliamentarian	The President shall appoint a Secretary and a Parliamentarian who shall be non-voting members.
Referendum	Article VIII. Referendum Upon the presentation of a position within 5 school days of an Executive Committee action, signed by not less than 10% of the student body, any action by the Executive Committee shall be put to the students in referendum. Such referendum shall be held within 3 weeks of presentation. The presentation of the petition shall suspend action until a referendum is held.
Budget	Article IX. Budget Section 1. It shall be the responsibility of the President and the Financial Planner to propose a budget to the Executive Committee at its first meeting. Section 2. It shall be the responsibility of the President to give notice of the proposed budget to the members at least two weeks in advance of the meeting. He shall also be responsible to give notice of the proposed budget to the student body at large at least one week in advance of the meeting. Section 3. A simple majority shall be sufficient to adopt the budget and make amendments to it.
Executive Officers	Article X. Executive Officers
President	Section 1. The President shall be the chief executive and administrative officer of this organization. He shall:

- a. preside at meetings of the Executive Committee;
- b. have the power to call the Executive Committee into special session;
- c. be the official representative of this organization to all organizations and individuals with whom the organization may have contact, save as otherwise stipulated in this constitution;
- d. be finally responsible for the administration of this organization;
- e. have the power of the Executive Committee when it is unable to meet. All decisions made under this clause must be ratified at the first meeting of the Executive Committee after the action is taken, which, when school is in session, shall be within one week of such action;
- f. appoint, with the advice and consent of the Executive Committee, all representatives to Student/Faculty Committees within the jurisdiction of this organization;
- g. appoint a secretary and a parliamentarian.

Vice-Presidents

Section 2. Vice-Presidents

Clause 1. Individuals shall seek election to the position of either Executive Vice-President or Board Vice-President.

Clause 2. Executive Vice-President

The Executive Vice-President shall:

- a. assist the President in the performance of his duties;
- b. perform all duties of the President when the President is not able to;
- c. succeed to the presidency in the event that the President resigns;
- d. become Acting President in the event that the President is removed from office or recalled;
- e. be manager of the office of this organization;
- f. be responsible for the management and supervision of the organization's Duplicating Service.

Clause 3. Board Vice-President

The Board Vice-President shall:

- a. assist the President in the performance of his duties;
- b. perform the duties of the Executive Vice-President when he is not able to;
- c. be responsible for the continuing evaluation of all programs and activities sponsored by this organization;
- d. be the official liaison of this organization to the independent boards;
- e. be the chairman of the Club Board.

Campus Facilities Officer

Section 3. Campus Facilities Officer

The Campus Facilities officer shall:

- a. be a member ex officio of the Campus Center Planning Board and ultimately to the body responsible for the supervision and maintenance of the Campus Center;
- b. be responsible for insuring that student interests are met in the operation of the bookstore, cafeteria, and library and shall be the official representative in the management of those services. He shall be an ex officio member of all regulatory committees for such campus services;
- c. be responsible for the allocation of space in student facilities;
- d. be responsible for student participation in the administration of Student Hall;
- e. be a member ex officio of all committees dealing with the physical Master Plan of the college;
- f. be responsible for insuring that student interests are adequately met in the development and maintenance of the physical plant of Lehman College;
- g. be responsible for student representation in matters concerning campus security.

Communications Officer

Section 4. Communications Officer

The Communications Officer shall:

- a. be responsible for all publicity of the activities and programs of this organization;
- b. be responsible for the administration of the Information Service of the organization;

- c. be the official representative of the organization to the Public Relations division of the college;
- d. insure that the student body is adequately informed of the activities and programs of the organization;
- e. be chairman of the Publications Board;
- f. be advisor to all campus organizations concerning publicity regulations.

Community Activities Programmer

Section 5. Community Activities Programmer

The Community Activities Programmer shall:

- a. advise student groups with respect to involvement in the community;
- b. initiate and administer programs of benefit to the members of the community and the students of Lehman College;
- c. be responsible for the administration of such programs as community tutorials, campus tours, benefit performances, workshops and lecture series, etc.;
- d. be official representative to all campus committees or organizations dealing with community work.

Entertainment Programmer

Section 6. Entertainment Programmer

The Entertainment Programmer shall:

- a. be responsible for the administration of all cultural and social activities sponsored by the organization;
- b. be responsible for the administration of the Cinema society;
- c. be responsible for the administration of the Travel Coordinating Board;
- d. prepare, in conjunction with the Communications Officer, a social calendar for the campus;
- e. coordinate student groups with respect to their social programs.

Financial Planner

Section 7. Financial Planner

The Financial Planner shall:

- a. draw up the budget of the organization in conjunction with the President;
- b. provide periodic reports on the financial status of the organization;

- c. be responsible for insuring that money is spent in accordance with the regulations established by the Executive Committee;
- d. investigate ways and means of increasing the funds of the organization.

Research Planner

Section 8. Research Planner

The Research Planner shall:

- a. be responsible for preparing quarterly reports of the activities of the organization in conjunction with the communications officer;
- b. investigate new ways and means of operating existing programs;
- c. assist all other executive officers in the planning of new programs and activities;
- d. keep records of value to the organization such as rules and regulations of the Board of Higher Education, relevant bills and proposals before the City Council, State Legislature, and the Congress;
- e. be the NSA coordinator for Lehman College;
- f. assist the members of the legislative body in research on matters of importance to them;
- g. be responsible for devising ways and means of ascertaining the opinions and desires of students and faculty in matters of relevance to this organization for the legislative body.

SGS Student Activity Coordinator

Section 9. SGS Student Activity Coordinator

The SGS Student Activity Coordinator shall:

- a. insure that where feasible, programs and activities sponsored by this organization are extended to students in SGS;
- b. initiate and administer programs of interest and value to SGS students;
- c. explore the possibility of establishing a separate activity association for evening session students;
- d. be the official representative to the Administration and Faculty of SGS.

Student Services Programmer

Section 10. Student Services Programmer

The Student Services Programmer shall:

- a. be responsible for the administration of the Freshman Orientation Program, Tutorial Program, Leadership Training, athletic affairs, draft counseling;
- b. be responsible for initiating and administering other programs of service to the students.

**Internal
Organization**

Section 11. Internal organization

It shall be the responsibility of each of the officers to establish at the beginning of each year a committee system or other appropriate internal organization and submit such for the advice and consent of the Executive Committee. He shall submit names for various appointments subject to the advice and consent of the Executive Committee. In all matters in the jurisdiction of the Executive Officers, they shall have full authority unless otherwise restricted by the Executive Committee.

**SGS Student
Activities**

Article XI. SGS Student Activities

The students of the School of General Studies reserve the right to establish an independent student activities association. A constitution of such an association must be approved by 2/3 of those SGS students voting on the referendum.

**Independent
Boards**

Article XII. Independent Boards

Section 1. Independent Boards

The Boards and Organizations specified in this article shall be independent of the organization and of the legislative body as to organization and operation. They shall have the power to adopt their own constitutions and bylaws except that these shall not conflict with the Constitution of this organization or the legislative body. The Chairmen of these Boards shall have the right to place items before the Executive Committee and, when those rights are being discussed, shall have all floor rights except the vote, except when he is an Executive Committee member he is entitled to vote.

Judicial Board

Section 2. Judicial Board

Clause 1. As early in the first term after the adoption of this Constitution as possible, the Executive Committee shall work with the legislative body to establish the jurisdiction, selection of members, qualification for members and their term of office for the Judicial Board.

Clause 2. Until such is accomplished to the mutual agreement of both, the Judicial Board as established in Article VII, Section 2 of the Student Government Association Constitution (as revised March 1, 1970) shall continue in operation.

Board of Elections

Section 3. Board of Elections

Clause 1. As early in the first term after the adoption of this Constitution as possible, the Executive Committee shall work with the legislative body to establish the powers, selection and qualification of members, terms of office for a Board of Elections.

Clause 2. Until such is accomplished to the mutual agreement of both groups, the Board of Elections as established in Article VII, Section 3 of the Student Government Association Constitution (as revised March 1, 1970) shall continue in operation.

Internship Union

Section 4. Internship Union

Clause 1. The Internship Union shall be an organization open to all students except the members of the Executive Committee and shall provide services that are meaningful to the organization and to the membership of the Union.

Clause 2. They shall have the power to establish their own internal organization, election and termination of officers, and shall supervise their own operation.

**Club Board/
Committee on Clubs**

Section 5. Club Board/Committee on Clubs

a. The Standing Committee on Clubs, also known as the Club Board, shall be responsible for the disbursement of funds to the duly registered clubs on campus, and shall establish the criteria and regulations it deems necessary to achieve that end;

- b. Its membership shall consist of the Board Vice-President who shall preside, the Financial Planner, Campus Facilities Officer, Student Services Programmer, and Research Planner. A quorum shall be a simple majority of the membership;
- c. The President of CASA may appoint members to fill vacancies on the Club Board, and may, with the advice and consent of the Club Board, appoint one or more Executive Board officers to bring the Club Board's membership to six;
- d. Decisions of the Club Board may be reversed by a 3/4 vote of the Executive Committee;
- e. The Board Vice-President may request Club Board matters to be voted upon by the Executive Committee when it is not otherwise possible for the Club Board to meet.

Transition

Article XIII. Transition

Section 1. This Constitution shall become operative upon the termination of the terms of those Student Government Executive Officers in office at the time of the adoption of this Constitution.

Section 2. This Constitution must be ratified by 2/3 of those voting in referendum.

Section 3. Once adopted and in operation, this Constitution shall replace the Constitution of the Student Government Association. The SGA shall be members of that legislature ex officio.

Legislative Body

Article XIV. Legislative Body

Section 1. Any proposal for a legislative body must receive 2/3 approval by the students.

Section 2. In the event that this Constitution becomes operative before the students in referendum have adopted a proposal for a student legislature, 15 students elected at large by the student body shall constitute an interim legislature. The Executive Committee of this organization shall be members of that legislature ex officio.

Amendments

Article XV. Amendments

Section 1. Any amendment to this Constitution except amendments to Articles VII, X, XII, must be ratified by a 2/3 of those students voting in referendum.

Section 2. Any amendment to Articles VII, X, XII, must be ratified by 3/4 vote of the Executive Committee at two consecutive meetings or by 2/3 vote of the student body.

Section 3. By petition of 500 students, the Executive Committee shall place the amendment called for in that petition before the student for their approval.

BYLAWS OF THE STUDENT CONFERENCE OF LEHMAN COLLEGE SENATE

Adopted March 16, 1971
Last Amended October 23, 1974

Article I

Name

The name of this organization shall be The Student Conference of Lehman College Senate. It shall be referred to by the short title simply as the "Conference."

Article II

Functions

The functions of this organization shall be to:

- a. Provide a forum for discussion of, and taking positions on, College or public issues as the representative organization of the student body of Lehman College.
- b. Ascertain opinions on matters which are the concern of the Lehman College Senate.

Article III

Members

1. The student members of the Lehman College Senate shall constitute the membership of the Conference.
2. The Conference shall fill any vacancy among the student members of the Lehman College Senate by:
 - a. seating candidates for the Senate who did not obtain sufficient student votes in the last election;
 - b. the unsuccessful candidates shall be seated in the order in which they obtained votes in that election, and in case of tie votes, in alphabetical order.
3. The Conference shall serve as judge of the qualifications of its own members.

Article IV

Officers

1. The officers of the Conference shall be Chairman, Vice-Chairman, Secretary, Treasurer, Publicity Officer, and Office Manager. These five underlined shall compose the Steering Committee.
2. At the first regular meeting of the Conference held in June, a Steering Committee of five members shall be elected. The membership shall consist of the Chairman, Vice Chairman, Treasurer, and two members who shall be chosen by the Conference through open nominations and election.
3. The Chairman and Vice-Chairman of the Conference shall be chosen at the first regular meeting held in June through open nominations and elections. The Conference shall also choose one additional member of the Conference to be its Secretary who will be a nonvoting member of the Steering Committee.
4. These officers shall perform the duties described by these Bylaws and by the parliamentary authority adopted by the organization.
5. The officers shall serve for the tenure of the particular Conference which has elected them or until their successors are chosen, and their term shall begin June 1.
6. No member shall hold more than one office at a time.
7. In the case that a vacancy exists on the Steering Committee, notice shall be given to all members and the vacancy filled at the next meeting. However, in the event of death, resignation, or removal from office, the Vice-Chairman shall succeed to the Chairmanship of the Conference. Should the Vice-Chairman be unable to serve as Chairman, the Treasurer shall serve in that office as Chairman Pro-tem. He shall then serve as Chairman Pro-tem until confirmed as Chairman or a new Chairman is selected by the Full Conference called together for specifically this purpose.

Article V

The Steering Committee

1. The officers of the Organization shall constitute the Steering Committee.
2. The Chairman of the Steering Committee shall have the power to act in behalf of the Conference on urgent matters when an emergency session of the Conference cannot

be convened. All such decisions must be submitted for the approval or rejection by the Conference at the first meeting following the decision.

3. No member of the Steering Committee may serve also on the CASA Executive Committee.

Article VI

Meetings

1. The first meeting of the Organization shall be held on a day and time decided upon by the members of the Organization at its first regular meeting. The Conference shall meet at least once a month during the Academic Year.
2. Special meetings can be called by the Chairman or the Steering Committee and shall be called upon the written request of six (6) members of the Organization. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least two days' notice shall be given.
3. Members present at any regular or special meeting for which at least two days prior written notice is given shall constitute a quorum.
4. All meetings of the Organization shall be open to all members of the Lehman College community who shall, subject to the will of the Organization, have full speaking rights.
5. Though no specific attendance requirement exists for the Conference meetings, the following was adopted by the Academic Senate on December 22, 1971:

WHEREAS: One of the principal duties of a student senator is to be present at meetings of the Academic Senate, and

WHEREAS: So far this year, we have had an unacceptable absentee rate at Senate and meetings, and

WHEREAS: The Student Conference has no mechanism at present to insure that the interests of the student body are fully represented by its elected representatives,

BE IT THEREFORE RESOLVED:

- 1) That any student senator who misses three or more regularly scheduled meetings of the Academic Senate during a term (September - May) of that Senate will be assumed to have resigned, and
- 2) Further, that after a student has been absent for his third Senate meeting, he be informed in writing that the conference assumes him to have resigned.

- 3) In this case, the individual will have an opportunity to appeal his assumed resignation at the next meeting of the Student Conference, which body will then, by a majority vote, decide whether or not to accept his appeal.
- 4) This resolution shall become effective upon the date of its approval by the Academic Senate, and will not be construed to be retroactive. Senators are advised to take note of the necessity of regular attendance and the risks of what amounts to an impeachment for lack of attendance.

Article VII

Committees

1. A Committee on Committees composed of one student representative from each Student-Faculty Committee of the Senate shall prepare reports on the activity of the Senate Committees for the information of the members of the Conference. It shall be the duty of this committee to make recommendations for the coordination of the activities of the various Senate Committees.
2. A CASA Committee composed of four representatives of the Conference to CASA shall prepare reports on the activities of CASA for the information of the members of the Conference.
3. A Publicity Committee composed of five members shall be chosen by the Conference. It shall be the duty of this committee to keep the students of the College informed about the activities of the organization.
4. A Committee on Academic Departments composed of two representatives of each of the Academic Groups shall be chosen by the Conference. It shall be the duty of this committee to assist student organizers in the various Academic Departments in furthering the rights and power of the students in departmental decision making. This committee shall make recommendations to the Conference on matters pertaining to student rights and powers in the Academic Departments.
5. A Committee on Faculty Personnel composed of five members shall be chosen by the Conference. It shall be the duty of this committee to make specific proposals for obtaining effective student participation in matters relating to the hiring, firing, and promotion of faculty members.
6. Such other committees, standing or special, shall be appointed by the Conference from time to time as it deems necessary to carry on the work of the Organization.

Article VIII

Elections

1. The Conference shall request CASA to implement election by mail ballot, under guidelines established by the Conference, for elections to the Senate.
2. The Conference shall itself administer internal and committee elections, as well as all referenda.
3. The Conference reserves the right to proceed with elections to Senate memberships via the established Board of Elections procedures.

Article IX

Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, revised, shall govern the Conference in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the Organization may adopt, the Constitution of the Lehman College Academic Senate, or the Bylaws of the Board of Higher Education.

Article X

Voting

1. All voting in the Student Conference on main motions shall be done in an open and non-secretive manner by a roll call vote, except in those cases in which the majority of the members feel that a fair and unprejudiced vote cannot be held without a secret ballot.
2. All open balloting shall be recorded by the Secretary, with the name of each senator and the way that each senator votes (either pro, con, or abstention) being recorded into the official minutes.

Article XI

Legislative Organization

1. On call of the Chairman or the Student Conference, the Conference shall move into a Committee of the Whole, either during the course of regular or special Conference meetings, or during meetings of the Lehman College Senate.
2. The Committee of the Whole shall discuss, plan, and carry out, legislative policies of the committee and of the Conference. Individual members of the Conference are not

bound to participate or follow the actions of the Committee with regard to their vote or stand on issues before them.

3. The Chairman of the Conference shall chair all meetings of the Committee, except during meetings of the Lehman College Senate.
4. The Chairman shall select two Floor Whips, with approval of the Conference, who may in turn appoint Majority and Minority Handlers for particular issues.
5. The Floor Whips are answerable, and subject to removal or suspension by the Chairman with approval of the full conference.

Article XII

Amendment of Bylaws

These Bylaws can be amended at any meeting of the Conference by a two-thirds vote, provided that the amendment has been submitted in writing at a previous regular meeting.

Adopted March 16, 1971.

Amended to November 16, 1972

and further amended to October 23, 1974.

**Appendix 3:
Title IV DOE
Correspondence**

May 27, 2016 DOE Program Review Report



RECEIVED
OFFICE OF THE
PRESIDENT

2016 JUN -3 PM 5: 52

MAY 27 2016

Ricardo Fernandez, PhD.
President
CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589

Certified Mail Return Receipt Requested
Tracking # 7006 2760 0002 1734 4647

RE: **Program Review Report**
OPE ID: 00702200
PRCN: 201620229528

Dear Dr. Fernandez:

From March 14, 2016 through March 15, 2016, Lydia Gonzalez and Tonya Sydney conducted a review of CUNY Lehman College's (Lehman) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by Lehman. The response should include a brief, written narrative for each finding that clearly states Lehman's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, Lehman must provide supporting documentation as required in each finding.

Please note that pursuant to HEA section 498A(b), the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report¹ and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –
 - a. A written statement addressing the institution's response;
 - b. A written statement of the basis for such report or determination; and
 - c. A copy of the institution's response.

¹ A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION

School Participation Division – New York/Boston

Financial Square, 32 Old Slip, 25th Fl., New York, NY 10005

The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the institution's written response will not be attached to the FPRD. However, it will be retained and available for inspection by Lehman upon request. Copies of the program review report, the institution's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after the FPRD is issued.

The institution's response should be sent directly to Lydia Gonzalez of this office within 90 calendar days of receipt of this letter.

Protection of Personally Identifiable Information (PII):

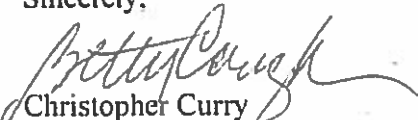
PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. If institution's response will contain PII- Please see the enclosure Protection of Personally Identifiable Information for instructions regarding submission to the Department of required data / documents containing PII.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Lydia Gonzalez at (646) 428-3743 or at Lydia.Gonzalez@ed.gov.

Sincerely,


Christopher Curry
Compliance Manager

cc: Mr. David Martinez, Financial Aid Administrator

Enclosure:

Program Review Report (and appendices)
Protection of Personally Identifiable Information

Prepared for
CUNY Lehman College

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Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division – New York/Boston

Program Review Report

Table of Contents

		Page
A	Institutional Information	3
B	Scope of the Review	4
C	Findings	4
	Finding 1. Inadequate Determination of Student Enrollment - Adjustments Required	5
	Finding 2. Satisfactory Academic Progress Deficiencies (Incomplete Grades)	8
	Finding 3. Incorrect Return of Title IV Calculations	10
	Finding 4. Ineligible Disbursement of Federal Direct Loan- Not Enrolled	11
	Finding 5. Conflicting Information in Students File – Undeclared Major	12
	Finding 6. Verification violations	13
	Finding 7. Ineligible Pell Grant Disbursement- Adjustment Required	15
	Finding 8. Student Enrollment Reporting Untimely	15
	Finding 9. Direct Loan Exit Counseling Deficiencies	17
D	Appendix A- Student Sample	

A. Institutional Information

CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589

Type: Public

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

Accrediting Agency: Middle States Commission on Higher Education

Current Student Enrollment: 14,551 (2015/2016)

% of Students Receiving Title IV: 59% (2015/2016)

Source: School Records

Title IV Participation:

Program	Award Year 2014/2015
Federal Pell Grant (Pell)	\$ 26,296,092
Federal Supplemental Educational Opportunity Grant (FSEOG)	260,696
Federal Work Study (FWS)	740,273
Federal Perkins Loans (Perkins)	297,972
Federal Direct Loan Stafford Subsidized (DL Sub)	8,980,615
Federal Direct Loan Stafford Unsubsidized (DL Unsub)	15,574,873
Federal Direct Loan PLUS (Plus)	36,072
Federal Direct Loan Program Grad Professional PLUS (Grad Plus)	<u>71,447</u>
Total	\$ 52,258,040

Default Rate FFEL/DL: 2012 5.5%
 2011 9.5%
 2010 9.2%

Default Rate Perkins: 2015 24.1%
 2014 12.7%
 2013 18.7%

Source: School Records and U.S. Department of Education

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at CUNY Lehman College from March 14 to March 15, 2016. The review was conducted by Lydia Gonzalez and Tonya Sydney.

The focus of the review was to determine Lehman's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of Lehman's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and consumer information requirements.

A sample of 15 files was identified for review from the 2015/2016 (year-to-date) award year. The student files were selected randomly from the list of students who 1) withdrew or ceased attendance for any reason other than graduation; 2) were selected for verification; and 3) received all non-passing grades ("0" GPA) for any term within the award year being reviewed. Appendix A identifies the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Lehman's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve Lehman of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by Lehman to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1. Inadequate Determination of Student Enrollment - Adjustments Required

Citation: A student is eligible to receive Title IV, HEA program assistance if the student is a regular student enrolled in an eligible program at an eligible institution. 34 C.F.R. §668.32(a)(1)(i)

Institutions are required to comply with all statutory and regulatory provisions applicable to the Title IV programs. These provisions include disbursing Title IV, HEA funds only after determining that a student is eligible for the disbursement. 34 C.F.R. §668.31 & § 668.32

The Department expects institutions participating in the Title IV programs to maintain the highest standards of care and diligence in administering those programs. In order to meet these standards, an institution must maintain accurate and complete records supporting the Title IV payments made to each student. An institution's maintenance and submission of accurate student eligibility records is critical to the Department's oversight responsibilities. The Department relies on those records when determining, as outlined below, the initial eligibility of a student for Title IV assistance and his/her eligibility for subsequent payments. 34 C.F.R. §668.16(d), §668.24

If a student does not begin attendance in a payment period or period of enrollment, the institution must return all Title IV, HEA funds that were credited to the student's account at the institution for that payment period or period of enrollment; and the institution must return the amount of payments made directly to or on behalf of the student to the institution for that payment period or period of enrollment, up to the total amount of the loan funds disbursed. 34 C.F.R. §668.21

Please refer to Dear Colleague Letter GEN 11-14, Implementation of Program Integrity Regulations, published on 7/20/11, and the Federal Student Aid Handbook for further guidance.

Additional guidance provided in the 2006/2007 Federal Student Aid Handbook Volume 2 indicates that if a student who began attendance and has not officially withdrawn fails to earn a passing grade in at least one course offered over an entire period, the institution must assume, for Title IV purposes, that the student has unofficially withdrawn, unless the institution can document that the student completed the period.

Noncompliance: Lehman did not have a process in place to confirm whether or not students who failed to earn a passing grade during a payment period actually completed the payment period. Lehman's official from the office of the Registrar claims that faculty members are provided with the grading information which differentiates between a "WN" grade (never attended)," WU" grade (attended at least once), and an "F" grade which is given to a student who completes the class but academically fails the course. In order to test adherence to the grading policies, Lehman was required to conduct further research to determine whether or not the following students completed the payment period in question:

Student 1- the student's academic transcript indicates that she earned "F" grades during the fall 2015 semester. However, Lehman was unable to provide documentation during the review to establish whether or not she completed the semester. Subsequent to the program review, Lehman provided attendance confirmation from both professors confirming that the student did in fact attend the entire semester but failed to earn a passing grade as a result of failing the midterm and final exams.

Student 2- the student's academic transcript indicates that he failed to pass any of the 3 courses taken during the fall 2016. The student received 2 "WU" grades and 1 "F" grade. Lehman provided documentation indicating that the student attended the courses but did not provide any documentation indicating the last date of attendance at an academic related activity to confirm whether or not the student completed the entire period for any course.

Student 3- the student's academic transcript indicates that he failed to pass any of the 4 courses taken during the fall 2015 semester, totaling 12 credits. The student received 2 "WU" grades and 2 "F" grades. Lehman provided documentation which indicates that the student attended the courses but did not provide any documentation indicating the last date of attendance at an academic related activity to confirm whether or not the student completed the entire period for any course.

Student 4- the student's academic transcript indicates that she failed to pass any of the 2 courses taken during the summer 2015 semester, totaling 6 credits. The student received "WU" grades for both courses. Lehman provided documentation indicating that the student attended each course at least once but was unable to provide documentation to confirm that the student completed the period. Subsequent to the program review visit, Lehman provided copies of emails received from the respective professors who taught the courses during the semester. The professor who taught the HDS 240 in summer session A stated that the student attended the lecture class but did not continue to attend, and that 5 quizzes and a final exam were given during the length of the course but that there were no grades for this student. The second professor who taught the CHEM 120 during the summer session B stated that she attended the lecture classes but did not return, and that two midterm exams were given but had no grades for any of the these exams for this student. The information provided for this student is incomplete. Lehman is required to provide the student's last date of attendance an academic related activity. If Lehman is unable to provide this information, the student is only eligible for Title IV up to the midpoint of the payment period, or 50% of the Title IV funds disbursed.

Student 5- the student's academic transcript indicates that she attended 2 courses during the fall 2015 semester, and received an "F" grade in her BIO 166 course, and a "WU" grade in her IBA 150 course. During the program review visit, Lehman provided documentation indicating that the student began the two courses. However, Lehman was not able to provide documentation to confirm that the student completed the payment period, as required. Subsequent to the program review visit, Lehman provided documentation from the professor who taught the BIO 166 course stating that the student was given a grade of "F", for BIO 166, during the fall 2015, as the student only attended class once and did not complete any of the three exams given during the semester

nor submit any assignments. The professor also stated that this was an error on her part, because she is aware of the grading policy and that the grade should have been "WU". Lehman also provided documentation dated 3/31/16 which indicates that an R2T4 calculation was completed, resulting in the student earning 50% instead of 100% of the Title IV funds disbursed. However, the calculation is incorrect. Please refer to finding 3 for details.

Required Action: Due to the systemic nature of this finding, Lehman must determine the exact amount of institutional liability associated with this finding. The institution is required to complete a full file review of all students who received all non-passing grades during any semester or payment period beginning with award year 2012/2013 through 2015/2016. If the student started the classes and stopped attending unofficially, the school may use the midpoint of the payment period or period of enrollment, or the school may use a documented last date of attendance at an academically related activity for the withdrawal date, and calculate the *return of Title IV funds using that date*. If Lehman is unable to document that the student completed the payment period, an R2T4 calculation is required in order to determine the student's Title IV eligibility for the payment period or semester.

In addition, Lehman must implement or develop a new process or procedure for reviewing all students who receive all non-passing grades within a payment period in order to determine the student's correct amount of Title IV eligibility. Lehman must notify this office of what steps it has taken to ensure the proper monitoring of students' enrollment status by submitting a copy of these procedures.

The result of Lehman's review must be submitted to this office in spreadsheet format separated by award year identifying the following information for students who were determined to be not properly identified as withdrawn from classes:

1. Student name;
2. Student social security number;
3. Semester (s)
4. Total number of credits registered
5. Total number of credits completed
6. Total amount of award by program (Pell, FSEOG, DL Sub, Unsub,)
7. Total amount of adjusted award by program (Pell, FSEOG, DL Sub, Unsub)
8. Total ineligible payments by program (total award received less adjusted amount).

Repayment instructions for liabilities will be included in the Final Program Review Determination (FPRD).

This information must be provided to this office within ninety (90) days of receipt of this letter to the address below.

U.S. Department of Education
Federal Student Aid
Financial Square
32 Old Slip, 25th Fl.

New York, NY 10005
Attention: Lydia Gonzalez

Copies of the documentation used to determine the liability for this finding, including but not limited to student's attendance rosters, grade rosters, academic transcripts, statement of account, student's budget, award letter, ISIR, transcript, and other supporting documentation, should be retained by the school for possible further review by the Department.

Finding 2. Satisfactory Academic Progress Deficiencies (Incomplete grades)

Citation: A student is eligible to receive Title IV, HEA program assistance if the student maintains satisfactory academic progress in his or her course of study according to the institution's published standards of satisfactory academic progress that meet the requirements of §668.34. 34 C.F.R. §668.32(f)

An institution that evaluates satisfactory academic progress annually or less frequently than at the end of each payment period and determines that a student is not making progress under its policy may nevertheless disburse Title IV, HEA program funds to the student under the provisions of paragraph (d)(2) or (d)(3) of this section. 34 C.F.R. §668.34(d)

- (d)(2) The institution may place the student on a financial aid probation and may disburse Title IV, HEA program funds to the student for the subsequent payment period, if (i) the institution evaluates the student and determines that the student is not making satisfactory academic progress; (ii) The student appeals the determination; and (iii)(A) The institution determines that the student should be able to make satisfactory academic progress during the subsequent payment period and meet the institution's satisfactory academic progress standards at the end of that payment period; or (B) The institution develops an academic plan for the student that, if followed, will ensure that the student is able to meet the institution's satisfactory academic progress standards by a specific point in time.
- (d)(3) A student on financial aid probation for a payment period may not receive Title IV, HEA program funds for the subsequent payment period unless the student makes satisfactory academic progress or the institution determines that the student met the requirements specified by the institution in the academic plan for the student.

Noncompliance: Lehman failed to evaluate students' academic progress (SAP) per requirements for student 2. The student's academic transcript indicates that during the spring 2015, the student enrolled for 6 credits, completed 3 credits with a grade of "C" and received an incomplete grade for the remaining 3 credits. The student's Grade Point Average (GPA) for the semester was 1.0, attempted 6 credits and completed 3. Based on CUNY's general SAP policy, undergraduates are expected to maintain a minimum cumulative GPA based on the number of credits attempted. The policy states that students are required to have a minimum GPA of 1.50 when attempting .5-12 credits. Therefore, the student failed to make SAP. Lehman disbursed Title IV funds to the student during the subsequent semester in the fall 2015, which was

permitted. However, Lehman improperly disbursed Title IV funds during the spring 2016 semester, when again, the student failed to make SAP at the end of the fall 2015. The student did not pass any of the courses taken, earning 0 of 9 credits taken. The GPA for the fall 2016 was 0. Upon discussing this matter with Lehman officials, it was explained to the reviewers that incomplete grade earned during the spring 2015 did not count because the student had an entire semester to complete the work, and that the grade did not turn into an "F" until after the student was already awarded funds for the spring 2016 semester. However, under Lehman's Federal Satisfactory Progress Standard policy, courses with incomplete grades are included as cumulative attempted credits. Therefore, the student did not make satisfactory academic progress during the spring 2015 semester. The Pell grant disbursed during the spring 2016, totaling \$2887.50 for AY 15/16 is an ineligible disbursement which must be returned to the Pell grant program.

Required Action: Based on the explanation provided to the reviewers of the misinterpretation of its own policies, Lehman must determine the exact amount of institutional liability associated with this finding. The institution is required to perform a full file review, including the student cited in this finding to identify all Title IV recipients for award year 2015/2016 who failed to meet satisfactory academic progress as a result of receiving incomplete grades.

In response to this finding, the institution must submit the results in spreadsheet format with the following information:

- 1 Student's Name;
- 2 Student's Social Security Number;
- 3 Award Year;
- 4 Amount of Title IV ineligible disbursement, by program

Lehman must also provide this office with a copy of its revised procedures for evaluating students' academic progress who receive incomplete grades, the length of time allowed for a student to submit the required missing course work to complete the grade, and the steps it will take to ensure that there is no reoccurrence of this finding.

Instructions for repayment of liabilities will be provided in the Final Program Review Determination letter (FPRD).

This information must be provided to this office within ninety (90) days of receipt of this letter to the address below.

U.S. Department of Education
Federal Student Aid
Financial Square
32 Old Slip, 25th Fl.
New York, NY 10005
Attention: Lydia Gonzalez

Copies of the documentation used to determine the liability for this finding, including but not limited to student's attendance rosters, grade rosters, academic transcripts, statement of account, student's budget, award letter, ISIR, transcript, and other supporting documentation, should be retained by the school for possible further review by the Department.

Finding 3. Incorrect Return of Title IV Calculations

Citation: When a recipient of Title IV funds withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, it must perform a Return of Title IV Funds calculation to determine the amount of Title IV grant or loan assistance the student earned as of the student's withdrawal date. The calculation should incorporate all of the elements of a refund calculation identified in pertinent Federal regulations, including the identification of proper payment periods, the correct calculation of the number of days completed by the student and the number of days in payment period, and the inclusion of Return calculation of all pertinent Title IV disbursements. 34 C.F.R. §668.22

An institution must return the amount of Title IV funds for which it is responsible under 34 C.F.R. § 668.22(g) as soon as possible but no later than 45 days after the date of the institution's determination that the student withdrew. 34 C.F.R. § 668.22(j)(1)

Noncompliance: Lehman failed to either process an R2T4 calculation worksheet, incorrectly completed the R2T4 calculation worksheet, failed to make an R2T4, or made a late R2T4 for the following students:

Student 4- the student's return of Title IV (R2T4) calculation worksheet indicates that the student's withdrawal date for the summer 2015 semester was 7/20/15, which resulted in the student earning 100% of the Title IV funds disbursed totaling \$3364.00 in Direct Loan Unsubsidized loan. However, Lehman did not provide any official withdrawal documentation for this student. The withdrawal reason indicated in the student file is that the student received unofficial withdrawal grades during the summer 2015 semester. The information provided by the professors did not indicate the last date that the student attended an academic related activity. Therefore, the 7/20/2015 date of withdrawal indicated in the R2T4 calculation worksheet completed on 8/20/15, and used to calculate the student's completion percentage is conflicting.

Student 5- the student's academic transcript indicates that she attended 7 credits during the fall 2015, which is considered half-time. Subsequent to the program review, Lehman provided documentation indicating that the student attended 10 credits, showing a 3 credit course which was not initially included in the transcript. On 3/31/16, Lehman determined that the student was an unofficial withdrawal based on information provided by a professor. Lehman completed an R2T4 calculation which indicates that the student earned 50% of the Title IV awarded during the fall 2015 semester. However, the amount of Title IV awarded totaling \$11,565.50, included in

the calculation is incorrect because the amount includes Title IV funds improperly disbursed which was intended for the spring 2016 semester. Therefore, the R2T4 calculation is incorrect.

Required Action: In response to this finding, Lehman must provide an explanation for the issues cited for the students in this finding. Lehman will be apprised of any additional requirements upon review of the response for each student.

Instructions for the repayment of any identified liabilities will be provided in the FPRD.

Finding 4. Ineligible Disbursement of Federal Direct Loan - Not Enrolled

Citation: A student is eligible to receive a Direct Subsidized or Direct Unsubsidized loan or a combination of these loans, if the student meets the following requirements:

- (i) The student is enrolled, or accepted for enrollment, on at least half-time basis in a school that participates in the Direct Loan Program.
- (ii) The student meets the requirements for an eligible student under 34 CFR part 668. 34 C.F.R. § 685.200

Further guidance provided in the FSA Handbook Chapter 5 indicate that undergraduate loan limits must be prorated for a program or remaining portion of a program less than an academic year.

If a student is enrolled in a credit hour educational program that is offered in semester, trimester, or quarter academic terms, the earliest an institution may disburse Title IV, HEA program funds to a student or parent for any payment period is 10 days before the first day of classes for a payment period. 34 C.F.R. § 668.164(f)(1)

Noncompliance: The institution improperly disbursed a Direct Subsidized and Unsubsidized loan for Student 5. The student's statement of account (Account Details) indicates that a DL Sub in the amount of \$1732 and a DL Unsub intended to cover the Spring 2016 semester in the amount of \$2229 were improperly disbursed on 12/21/15, more than 10 days prior to the start of the semester. The spring 2016 semester began on 1/27/16. In addition, the student's academic transcript, and NSLDS enrollment information indicates that she never attended the spring 2016 semester. Therefore, Lehman was required to return the funds to the DL program. Instead, Lehman improperly included those funds in the calculation of the R2T4 for the fall semester.

Required Action: In response to this finding, Lehman must provide a response to the issues cited for the student in this finding, including clarification of policies regarding timing of disbursements. Lehman will be apprised of any additional requirements upon review of the response for each student.

Instructions for the repayment of any identified liabilities will be provided in the FPRD.

Finding 5. Conflicting Information in Students File – Undeclared Major

Citation: An institution must have an adequate system to identify and resolve discrepancies in the information that the institution receives from different sources with respect to a student's application for financial aid under Title IV, HEA programs. 34 C.F.R. § 668.16 (f)

In determining whether the institution's system is adequate, the Secretary considers whether the institution obtains and reviews –

1. All student aid applications, need analysis documents, Statements of Educational Purpose, Statements of Registration Status, and eligibility notification documents presented by or on behalf of each applicant;

34 C.F.R. §668.32 states a student is eligible to receive Title IV, HEA program assistance if the student either meets all of the requirements in paragraphs (a) through (m) of this section or meets the requirement in paragraph (n) of this section.

In addition 34 C.F.R. §668.32 (a)(1)(i) states the following – is a regular student enrolled, or accepted for enrollment, in an eligible program at an eligible institution.

Noncompliance: Lehman failed to address and resolve conflicting information found in the academic file of Student 7. The student's application for transfer admission-"Direct Admission" indicates that her intended Major is Chemistry. However, the student's transcript indicates that she had obtained 60 credits as of the date of the program review visit, and her academic transcript shows "Undeclared Major". The information is conflicting because Lehman requires that students declare a Major at 60 credits. Subsequent to the program review, Lehman provided documentation indicating that the student was contacted by phone on 3/28/16 and was informed to go in and complete a declaration of major form. However, that the student had not completed the form as of 4/4/16. In addition, a registrar hold was placed on the student's record to ensure she comes to the registrar's office as soon as possible.

Based on the information provided to date, the student is not eligible for the Pell grant 2015/2016 disbursed during the spring 2016 semester, totaling \$1444.00, since she was not officially enrolled in an eligible program at the time of disbursement, per Lehman's standards.

During the exit conference on 3/15/16, this finding was discussed to determine if there is any possibility of setting up flags in the Registrar system to prevent students from enrolling once they reach 60 credits without declaring a major. In response, Lehman's officials stated that they were unable to set up flags at that time but perhaps in the future.

Also, the issue of "Undeclared Major" calls into question an eligible program for students who are enrolled prior to earning 60 credits, since "Undeclared Major" is not an eligible Title IV program.

Required Action: Due to the potential systemic nature of this finding, Lehman must determine the exact amount of institutional liability associated with this finding. The institution is required to complete a full file review of all students who have completed 60 credits and have not declared a major during award years 2012/2013 through 2015/2016. In addition, Lehman must implement or develop a new process for identifying students who are close to completing 60 credits and have not declared a major in order to prevent reoccurrence of this finding.

The result of Lehman's file review must be submitted to this office in spreadsheet format separated by award year identifying the following information for students who were determined to have improperly received Title IV funds beyond 60 credits without declaring a major.

1. Student name;
2. Student social security number;
3. Semester (s)
4. Total number of credits completed
5. Total ineligible Title IV payments by program (Pell, FSEOG, FWS, DL, Perkins, etc.)

Lehman must also provide this office with a copy of its revised procedures for addressing students who are enrolled with an "Undeclared Major" up to 60 credits, and the steps it will take to ensure that there is no reoccurrence of this finding.

Repayment instructions for liabilities will be included in the Final Program Review Determination (FPRD).

This information must be provided to this office within ninety (90) days of receipt of this letter to the address below.

U.S. Department of Education
Federal Student Aid
Financial Square
32 Old Slip, 25th Fl.
New York, NY 10005
Attention: Lydia Gonzalez

Copies of the documentation used to determine the liability for this finding, including but not limited to student's attendance rosters, grade rosters, academic transcripts, statement of account, student's budget, award letter, ISIR, transcript, and other supporting documentation, should be retained by the school for possible further review by the Department.

Finding 6. Verification Violations

Citation: An institution shall require an applicant selected for verification to submit acceptable documentation as described in §668.57 that will verify or update the information used to

determine the applicant's EFC. The documentation to be verified includes: (a) adjusted gross income (AGI) or income earned from work, for a non-tax filer; (b) U.S. income tax paid; (c) for a dependent student, the number of family members in the household; (d) the number of family members in the household that are enrolled in postsecondary institutions; and (e) untaxed income and benefits. The verification documentation must be secured and retained in the student's file. 34 C.F.R. §668.56

Dear Colleague Letter GEN-12-11, posted to IFAP on July 17, 2012, describes the five Verification Tracking Groups for 2013–2014: V1-Standard; V2-SNAP; V3-Child Support Paid; V4-Custom; and V5-Aggregate. We have included in APPENDIX C a listing of the five groups and their associated verification items. The implementation of the five groups moves toward the goal of customized verification, which limits the items that most students must verify. For example, a student who's Institutional Student Information Record (ISIR) indicates Verification Tracking Group V2 would only be required to document receipt of Supplemental Nutrition

Assistance Program (SNAP) benefits and would not be required to verify other items. Similarly, a student who's ISIR indicates Verification Tracking Group V3 would only be required to document proof of child support paid.

Further guidance is provided under the Department's 2015/2016 Student Financial Aid Handbook, Verification Updates and Corrections Chapter 4.

Noncompliance: The institution failed to collect evidence of sufficient support for Student 8. The student's 2015/2016 ISIR transaction 02 was selected for verification with a V6 tracking flag which requires the student to verify the items in the standard verification group as well as certain other untaxed income on the 2015/2016 ISIR. The number of people in the student household is 5, including the student. The student's earned income during 2014 was \$9910. However, the parent's adjusted gross income for 2014 was \$-8035. The parent's total cash, savings and checking amount totaling \$20,400, and the parent's net worth of current investment totaling \$325,000 were included in her ISIR. The expected family contribution (EFC) is \$1920.

As required, Lehman attempted to collect documentation and or evidence of sufficient support. The student and the parents completed a 2015-2016 Parent Low Income Verification Form. The purpose of the form is to verify how the entire family of 5 met living expenses in 2014. The form indicates that the total yearly expenses for 2014 were \$37,500, and the yearly income was \$38,088.00. However, this information appears conflicting based on the income information indicated in the parent's IRS Tax Return Transcript for 2014. The adjusted gross income for the parents during 2014 was \$-8035.00. The information provided gives indication that the family owns property and received rental income but not enough to cover all expenses related to the property. In addition, there was no verification of parent's bank account which would confirm whether or not there are sufficient resources to support a family of 5.

Required Action: In response to this finding, Lehman must provide a response for the student cited in this finding. Lehman will be apprised of any additional requirements upon review of the response for each student.

Instructions for the repayment of any identified liabilities will be provided in the FPRD.

Finding 7. Ineligible Pell Grant Disbursement- Adjustment Required

Citation: Institutions are required to comply with all statutory and regulatory provisions applicable to the Title IV programs. These provisions include disbursing Pell grant funds only after determining that a student is eligible for the disbursement. 34 C.F.R. § 668.31 and §668.32.

Noncompliance: The academic transcript for Student 9 indicates that she attended 11.5 credits (less than 12 credits) during the spring 2016 semester. The student was awarded Pell grant as a full time student totaling \$2112.50 but is only eligible for three-quarter time. As a result, Lehman was required to adjust her Pell grant to \$1584.37 ($\$2112.50 \times 75\%$) and return \$528.13 to the Pell grant program.

Required Action: Lehman must provide a response for this student. The institution will be apprised of any action or additional requirements after the review of its response.

Lehman must also inform this office of the procedures it has implemented to ensure no reoccurrence of this finding.

Repayment instructions for liabilities, if any, will be included in the FPRD.

Finding 8. Student Enrollment Reporting Untimely

Citation: A school shall, unless it expects to submit its next student enrollment report to the Secretary within the next 60 days; notify the Secretary within 30 days if it discovers that a Direct Subsidized, Direct Unsubsidized, or Direct Plus Loan has been made to or on behalf of student who enrolled at that school but has ceased to be enrolled on at least a half-time basis. 34 C.F.R. 685.309 (b)(2)(i)

Noncompliance: The institution failed to accurately report the students' enrollment status in a timely manner for the following students:

Student #4- the student academic transcript indicates a withdrawal date of 7/24/15. However, the student's withdrawal enrollment status was reported late to NSLDS on 2/19/2016. Subsequent to the program review visit, Lehman provided information which indicates that summer enrollment reporting is not required per information obtained from the NSLDS Enrollment Reporting Guide. This guidance is provided because the majority of students do not attend summer classes.

However, this student attended and received Direct Loan funds to pay for her education during the summer 2015 semester. As a result, at a minimum, Lehman was required to report the withdrawal status to NSLDS at the time it determined that she did not return to Lehman during the subsequent semester, which was the fall 2015 semester. The fall 2015 semester began on 8/27/15. The withdrawal status should have been reported to NSLDS no later than by 10/27/15.

Student 5- the student's academic records indicate a withdrawal determination date of 12/23/15. However, the student's withdrawal status was reported late to NSLDS, on 3/7/2016.

Student 9- as referenced in finding 7, the student's academic records indicate that she is currently attending three-quarter time (11.5 credits) during the spring 2016 semester. However, NSLDS indicates that she is full time as of 3/10/16.

Student 10- the student's academic transcript indicates that he attended 6 credits during the winter semester which began on 1/4/16 and ended 1/25/16, and his degree was awarded on 2/1/16. The withdrawal status reported on 2/19/16 with an effective date of 12/23/15 was incorrect because the student attended half-time during the winter semester. Subsequent to the program review visit, Lehman submitted a change in status to reflect graduation which was received by NSLDS on 3/15/16. However, the effective date of 12/23/15 is still incorrect. The winter semester ending date was 1/25/16.

Student 12- the student withdrawal documentation indicates that he withdrew on 10/30/15. However, the student's withdrawal status was reported late to NSLDS, on 1/29/16.

Student 13- the student's record indicates that she withdrew from the spring 2016 semester on 2/9/16. However, the student's withdrawal date reported as of 3/7/16 was 12/21/12. Subsequent to the program review visit, Lehman provided documentation indicating that the date of withdrawal was corrected on 3/15/16. In addition, upon the student returning to the college during the spring 2016, Lehman was required to report the active status to NSLDS but failed to do so.

Student 15- the student's academic records indicates that she withdrew on 2/19/16. However, her status was erroneously reported on 3/7/16 as attending half-time.

Inaccurate and untimely reporting of student's enrollment status may result in repayment of loans delay or repayment of loan date errors.

Required Action: There are no liabilities associated with this finding. However, the institution is required to make the necessary status corrections for the students cited in this finding. The institution must provide documentation to indicate that the required changes have been made.

Also, the institution is required to have procedures in place to ensure that student enrollment reports reflect accurate data and that students' change of status are reported in a timely manner. Details of those procedures must be provided with the response to this report.

Finding 9. Direct Loan Exit Counseling Deficiencies

Citation: A school must ensure that exit counseling is conducted with each Direct Subsidized Loan or Unsubsidized Loan borrower and graduate or professional student Direct PLUS Loan borrower shortly before the student borrower ceases at least half-time study at the school. 34 C.F.R. §685.304 (b)(1)

The exit counseling must be in person, by audiovisual presentation, or by interactive electronic means. In each case, the school must ensure that an individual with expertise in the Title IV program is reasonably available shortly after the counseling to answer the student borrower's questions. 34 C.F.R. §685.304 (b)(2)

If a student borrower withdraws from school without the school's prior knowledge or fails to complete the exit counseling required, exit counseling must, within 30 days after the school learns that the student borrower has withdrawn from school or failed to complete the exit counseling as required, be provided either through interactive electronic means, by mailing written counseling materials to the borrower's last known address, or by sending written counseling materials to an email address provided by the student borrower that is not an email address associated with the school's sending the counseling materials. 34 C.F.R. §685.304 (b)(3)

Noncompliance: Lehman was unable to provide documentation of the required Federal Direct Loan exit counseling for students 10, and 11, during the program review visit.

Subsequent to the program review visit, exit counseling was conducted on 3/31/16 for student 10 and Lehman submitted documentation to the Department. For student 11, Lehman provided documentation indicating that notification of exit counseling requirement was sent to the student with a due date of 1/19/16. However, the information submitted did not indicate whether or not exit counseling material was emailed or mailed to the student.

Failure to conduct exit counseling may result in students being improperly informed concerning their responsibility as borrowers which may, in turn, lead to an increase in the incidents of default. Title IV loans that go into default status create increased expense for the Department.

Required Action: Since Lehman, subsequent to the program review visit, provided documentation which confirms that exit counseling was conducted for student 10, Lehman is required to follow up with student 11. If unable to provide proof of exit counseling for this student, in its response, Lehman must provide copies of the exit counseling material emailed or mailed to the student to this office. Lehman must also inform this office of the procedures it has implemented to ensure that all Federal Direct Loan exit counseling requirements are met.

D. Appendices

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APPENDIX A -STUDENT SAMPLE

School Name: CUNY Lehman College

OPEID: 00702200

AWARD YEAR 2015/2016

#	Name	SS #
1.	Richards, Valerie	7875
2.	Rojas, Rodney	7915
3.	Cintron, Daniel	1308
4.	Oddman, Schontal	4128
5.	Nunez, Lenis	8771
6.	Situ, Jessica	0446
7.	Bagcal, Josephine	9665
8.	Hasso, Kelly	6841
9.	Dacto, Emily	3748
10.	Almaguer, James	1395
11.	Bogan, Shanine	3876
12.	Garcia, Marcos	9389
13.	Perez Morales, Ingrid	1361
14.	Treece, David	1923
15.	Caceres, Glenys	2564

November 17, 2016 Institutional Response

DONALD.SUTHERLAND

From: ELVIRA.SENESE <ELVIRA.SENESE@lehman.cuny.edu>
Sent: Thursday, November 17, 2016 12:46 PM
To: Gonzalez, Lydia (Lydia.Gonzalez@ed.gov); 'christopher.curry@ed.gov'
Cc: JOSEPH.MAGDALENO; 'Bruce Birnbaum'
Subject: Lehman College Responses to 5/27/16 Program Review Report
Attachments: image001.png; Lehman College Responses to Program Review - Submitted
11-17-16.docx

Importance: High

Hello Lydia and Chris,

I hope all is well with both of you. As you may already know, I am now the new Director of Financial Aid at Lehman College. I've been here since early August and worked on the responses to the Program Review.

I have attached our responses and also placed the document in the "Lehman_Federal_Review" Tumbleweed file, along with several attachments. Thank you for giving us the extensions. We are still working on the file review and will submit those results with our response on or before the deadline of 1/3/17.

Please let me know if you have any questions. I look forward to talking soon.

Take care.

Vera

Vera Senese

Director of Financial Aid

Lehman College

Shuster Hall, Room 127

250 Bedford Park Blvd. West

Bronx, NY 10468

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COLLEGE

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www.lehman.edu/financialaid

Lehman College's responses to the findings contained in the Program Review Report issued on 5/27/16 by Christopher Curry, Compliance Manager at the U.S. Department of Education, Federal Student Aid, School Participation Division – New York/Boston.

Submitted by Vera Senese, Director of Financial Aid on 11/17/16.

Finding #1: Inadequate Determination of Student Enrollment – Adjustments Required

Lehman College is in the process of completing the required file review. An extension was requested and granted until 1/3/17 to submit the results.

Finding #2: Satisfactory Academic Progress Deficiencies (Incomplete Grades)

Lehman College does not agree with this finding due to the fact that the City University of New York evaluates Title IV aid recipients annually for Satisfactory Academic Progress (SAP) as opposed to per payment period, as is permitted by the regulations under 34CFR 668.34. The regulation states:

- (3) The policy provides that a student's academic progress is evaluated—*
- (i) At the end of each payment period if the educational program is either one academic year in length or shorter than an academic year; or*
 - (ii) For all other educational programs, at the end of each payment period or at least annually to correspond with the end of a payment period;*

Additionally, according to 34CFR 668.34, there are two measures of satisfactory academic progress; quantitative and qualitative. The regulation states:

- (4)(i) The policy specifies the grade point average (GPA) that a student must achieve at each evaluation, or if a GPA is not an appropriate qualitative measure, a comparable assessment measured against a norm; and*
- (ii) If a student is enrolled in an educational program of more than two academic years, the policy specifies that at the end of the second academic year, the student must*

have a GPA of at least a "C" or its equivalent, or have academic standing consistent with the institution's requirements for graduation;

(5)(i) *The policy specifies the pace at which a student must progress through his or her educational program to ensure that the student will complete the program within the maximum timeframe, as defined in paragraph (b) of this section, and provides for measurement of the student's progress at each evaluation; and*
(ii) *An institution calculates the pace at which the student is progressing by dividing the cumulative number of hours the student has successfully completed by the cumulative number of hours the student has attempted. In making this calculation, the institution is not required to include remedial courses;*

Lehman's published grading policy expressly provides that incomplete (INC) grades are not factored into a student's GPA calculation under the qualitative measure. (Please see the following link for Lehman's policy on INC grades.) <http://lehman.smartcatalogiq.com/en/2015-2017/Undergraduate-Bulletin/Academic-Services-and-Policies/Undergraduate-Grading-Systems-and-Related-Policies>.

For the one student cited in this finding (**Student #2**), SAP was evaluated on an annual basis, as was required by our published SAP policy. Lehman was not required to evaluate SAP after the one payment period cited (the Fall 2015 semester). We were required to measure SAP annually once the Spring 2016 semester had ended and grades were submitted by faculty, and we did so. At the time the student was evaluated, he met our published SAP requirements. Please see the attached documentation for this response:

- a) Copy of the CUNY SAP policy, as published in our 2015-16 Student Aid Manual (SAM) previously submitted. (Attachment #1)
- b) Copy of Lehman College's SAP policies as published on our website. (Attachment #2)
- c) Copy of regulation 34CFR 668.34 (Attachment #3)
- d) Information pertaining to Student # 2's SAP for 2015-16 (Attachment #4)
 - o The first screenshot has already been submitted and shows that the student had not failed SAP at the end of the Fall 2015 semester
 - o The second screenshot shows that the student failed at the end of the Spring 2016 semester and was granted probationary status because he filed and was granted an appeal.
 - o Copies of the appeal application submitted and granted.

Lehman College will continue to follow its published policy of measuring SAP on an annual basis for all Title IV aid recipients.

Finding #3: Incorrect Return of Title IV Calculations

Student # 4 attended and then unofficially withdrew from both sessions of Summer 2015. Our two summer school sessions ran from 6/1/15 – 8/5/15. The first session ran from 6/1/15 – 7/1/15, and the second session ran from 7/6/15 – 8/5/15 (Attachment #1). Enrollment was verified for this student for both sessions she attended (Attachment #2). As per USDE

guidance the R2T4 calculation was performed based on a 50% attendance out of the combined 66 days for these two sessions. The calculated last date of attendance of 7/20/15 was the 50% point of the second session. The 7/20/15 date was used in the R2T4 calculation for every student who attended this summer 2015 session at Lehman and unofficially withdrew. Guidance provided in the FSA Handbook, Volume 5, Chapter 1 on how to handle courses offered in modules indicates that "for a credit-hour program, the percentage of the period completed is determined by dividing the number of calendar days completed in the payment period or period of enrollment, as of the day the student withdrew, by the total number of calendar days in the same period." The Handbook goes on to say, "For a school that is not required to take attendance, the withdrawal date is determined in accordance with the requirements of section 34 CFR 668.22 (c). The withdrawal date for a student who withdraws from a school that is not required to take attendance when the student does not provide official notification to the school of his or her withdrawal (i.e., unofficially withdraws) is the midpoint (the 50% point) of the payment period or period of enrollment." Therefore, we believe that the R2T4 calculation performed for this student, done in accordance to USDE existing guidance, is correct.

Student # 5 did not receive funds for the Spring 2016 during the Fall 2015 semester. The loans were only for the Fall 2015 semester and were disbursed to this student on 12/21/15 before the Fall 2015 semester ended. This was also before we were made aware of the unofficial withdrawal. There was an adjustment made to her account on 3/31/16 when the R2T4 calculation was performed for the Fall 2015 semester (Attachment #3). Also, please see the attached snapshots of NSLDS and COD (Attachment #4) indicating that no disbursement of Title IV aid was made for the Spring 2016 semester. The Title IV aid disbursed during the Fall 2015 semester is correct and the required amount to be returned as a result of the R2T4 calculation is also correct. Therefore, the R2T4 calculation performed is correct.

Finding #4: Ineligible Disbursement of Federal Direct Loan – Not Enrolled

Student # 5 did not receive funds for the Spring 2016 during the Fall 2015 semester. The loans were only for the Fall 2015 semester and were disbursed to this student on 12/21/15 before the Fall 2015 semester ended. This was also before we were made aware of the unofficial withdrawal. There was an adjustment made to her account on 3/31/16 when the R2T4 calculation was performed (Attachment #1). Also, please see the attached snapshots of NSLDS and COD (Attachment #2) indicating that no disbursement of Title IV aid was made for the Spring 2016 semester. The Title IV aid disbursed during the Fall 2015 semester is correct and the required amount to be returned as a result of the R2T4 calculation is also correct. Therefore, the Direct Subsidized and Unsubsidized loans for this student were disbursed correctly.

Finding #5: Conflicting Information in Students File – Undeclared Major

Regulation 34 C.F.R. 668.32 (a)(1)(i), defines a regular student as someone who is enrolled, or accepted for enrollment in an eligible program at an eligible institution for the purpose of obtaining a degree or certificate offered by the school. USDE guidance for these requirements provided in Volume 1 of the Student Aid Handbook,

<https://ifap.ed.gov/fsahandbook/attachments/1516Vol1Master.pdf> and in the Blue Book

<https://ifap.ed.gov/bbook/attachments/2013BlueBookVol2Ch1.pdf> **indicates that a school must document a student's enrollment in an eligible program at the time of admission.**

The College must have a system whereby the financial aid office is notified if the student leaves the program. It must also document that an aid recipient is a regular student.

Even though regulations are silent regarding the eligibility of students who are admitted to and enrolled in an eligible program before they have officially declared their intended major, the USDE has provided schools with the following recent guidance:

- In an electronic announcement from 10/31/14, the USDE indicates that these "Students who have undeclared majors must still have CIP Codes reported to the COD System. CIP Code 24.0102 (General Studies) is an appropriate CIP Code for such a student." <https://ifap.ed.gov/eannouncements/103114150PercentEA15ProcTipsCODSysEdits.html>
- Under frequently asked questions (FAQs), on the IFAP website <https://ifap.ed.gov> MEP-Q11 asks "A school allows students to be in an "undeclared" or "undecided" status as opposed to being enrolled in a specific academic program (major), at least for some period of time. What should the school report to the COD System and NSLDS for such students?" The response provided in MEP-11 was "To be eligible for Title IV aid, a student must be a 'regular student' under 34 CFR 600.2, a regular student is one who is enrolled in a Title IV-eligible program for the purposes of receiving a degree, certificate, or other credential awarded by the school." Therefore, to be eligible for Title IV aid, a student whose major may be "undeclared" or "undecided" must still be enrolled in a program that leads to a degree, certificate, or other credential. Schools must report to the COD System and to NSLDS the program length associated with the program in which the student is enrolled. <https://ifap.ed.gov/150PercentDirectSubsidizedLoanLimitInfo/FAQ.html#MEP-Q11>
- Also under frequently asked questions (FAQs), on the IFAP website, AWD-Q2 asks "Are students who received their first Perkins Loan when they were enrolled in an "undeclared," "undecided" or general education major eligible for the grandfather provision when they enroll in a major/program that has a different CIP code?" The response provided in AWD-A2 was "Yes, an otherwise eligible Perkins Loan recipient who was enrolled in an undeclared, undecided or general education major in a Title IV eligible program would be eligible to receive a Perkins Loan in subsequent years as a "grandfathered student" when the student has a specific declared major. Of course, once the student is enrolled in a specific academic program, that program becomes the one the student must continue to be enrolled in to receive

subsequent Perkins Loans as a grandfathered student. [June 5, 2015]"

<http://web.archive.org/web/20150906220657/http://ifap.ed.gov/cbpmaterials/attachments/PerkinsQandAs.pdf>

Additional written guidance was also provided on 7/24/15 by a USDE Federal Training Officer in a Nelnet Blog "Ask a FED". <https://nelnetblog.com/2015/07/24/ask-a-fed-6/>

There is no federal statute or regulation regarding this 60 credit requirement, but there is a regulatory requirement for students who are receiving New York State financial aid. From the time they are admitted until the time they formally declare a major, students are taking CUNY mandated gateway and/or Pathway courses, which are applicable towards all degrees.

Lehman provides guidance, academic support and advisement every step of the way.

When a student has an "Undeclared Major," before the official major declaration is made, a student can, and does, take General Education requirements or General Studies. General Studies is considered an official program of study with a CIP code of 24.0102 that is accepted by the USDE through the COD system. Lehman acknowledges this CIP code and uses it to designate those students that have an undeclared major. (Attachment #1)

Every undergraduate degree at Lehman will only be conferred when a student meets all the General Education requirements and the requirements of a specific field of study, a designated Major. No baccalaureate degrees are conferred at Lehman unless a student has fulfilled all the requirements of their specific major.

In the case of the only student cited in this finding, **Student #7**, she submitted her "Declaration of Academic Plan and Sub-Plan Form" (Major Declaration) on 4/12/16. There does not appear to be any conflicting information for her because she entered "Chemistry" on her "Application for Transfer Admission" and she eventually declared a "Chemistry, Specialization in Biochemistry" on her Declaration of Academic Plan Form. (Attachment #2) We feel that a full file review for all students who have completed 60 credits and have not declared a major during the indicated award years is unwarranted because only one student was cited in the review which is evidence that the issue is not systemic. Additionally, due to the lack of regulatory and statutory requirements, Lehman, in good faith, followed the guidance provided by the USDE for the treatment of those students who have not yet declared their majors.

Finding #6: Verification Violations

The documentation, taken as a whole for **Student #8**, is reasonable and consistent with USDE guidance. Dear Colleague Letter GEN-12-11 and the 2015/16 Student Financial Aid Handbook, Verification Updates and Corrections Chapter 4 do not provide enough guidance as to the "sufficient support" of a family and the types of suggested documentation to collect in order to substantiate that sufficient support.

USDE guidance provided more recently in Dear Colleague Letter GEN-14-11
<https://ifap.ed.gov/dpccletters/GEN1411.html>

is more specific (see below). That Dear Colleague Letter states that institutions are given options as to how to satisfy the letter and the spirit of the regulation. Student # 8 submitted an in-house "income-to-expenses comparison" form. Lehman College reviewed the form and found that the submitted documents demonstrated reasonableness as well as "income adequacy." There is no reference to, proof of bank account assets in GEN-14-11. However, as another reasonable measure of sufficient support, Lehman calculated bank assets from the declared IRS tax transcript interest. We feel that using recent USDE guidance, and even though not required by statute or regulation, we collected sufficient evidence that this family was able to support itself and indeed the student for Title IV aid.

Determining Adequacy of Income – Verification Tracking Group V6

Institutions should use reasonable judgment when evaluating the validity of the income information provided by students and parents who are placed in Verification Tracking Group V6, and are therefore asked to provide information on how they financially supported themselves or their families. We understand that the term "reasonable" may differ among institutions, and may depend on student demographics and experiences. Just as institutions are given the option to accept a statement from students and parents as acceptable documentation for household size, number in college, untaxed income, etc., institutions may choose to accept a signed low-income statement, an income-to-expenses comparison, or other documentation as determined by the institution. Such documentation will allow students or parents to clarify how they supported themselves and, if applicable, their families. This support may include: receipt of public assistance, veteran's educational benefits, or other income that is not included on the FAFSA; shared-living arrangements that drastically reduce living costs; instances of poverty or homelessness; or documentation of low-living costs.

Finding #7: Ineligible Pell Grant Disbursement – Adjustment Required

Student #9 was disbursed a full time Pell Grant award for the Spring 2016 semester because she was enrolled for a full-time course load. The PERM 114-01 (71824) is a course that the student was enrolled in another CUNY school as an e-Permit course. The e-Permit process allows Lehman students to take at another CUNY school a course that may not be offered at Lehman College and receive transfer credit for that course at Lehman. (More information can be found on the Lehman website at: <http://www.lehman.edu/registrar/epermit.php>). As indicated in the CUNYFirst "View Transfer Credit Report" page (Attachment #1) the student received an A for a 4 credit course at Bronx Community College. That course, was accepted for transfer credit. Therefore, the student's combined enrollment for Spring 2016 was 12.5 credits and the full time Pell grant was disbursed correctly.

Finding #8: Student Enrollment Reporting Untimely

Lehman has made the required necessary status corrections for students. Please see the notes for each student in this finding:

Student #4 – This student withdrew with an effective date of 8/21/15. This was certified correctly on 9/23/15 and received by NSLDS on 10/8/15. (Attachment #1)

Student #5 - This student withdrew with an effective date of 12/23/15. This was certified correctly on 2/19/16 and received by NSLDS on 3/7/16. (Attachment #2)

Student #9 - This student was a full time student for the Spring 2016 semester because along with being registered at Lehman for 7.5 credits at Lehman, she took a 4 credit course at Bronx Community College. This information was certified correctly on 2/19/16 and received by NSLDS on 3/7/16. (Attachment #3)

Student #10 - This student did graduate on 2/1/16. We reported that information to the National Student Loan Clearinghouse on 2/26/16. We have corrected the graduation date on NSLDS (Attachment #4)

Student #12 - This student withdrew with an effective date of 10/30/15. This was certified on 11/11/15 and received by NSLDS on 11/17/15. (Attachment #5)

Student #13 - This student withdrew with an effective date of 2/9/16. This was certified on 3/3/16 as an Active Status and received by NSLDS on 3/15/16. (Attachment #6).

Student #15 - This student withdrew with an effective date of 2/19/16. This was certified correctly on 3/3/16 and received by NSLDS on 3/15/16. This student was initially registered as a half time student and her status was certified correctly on 2/19/16 and received by NSLDS on 3/7/16. (Attachment #7)

Currently, Lehman takes the following steps to ensure that student enrollment reports and changes of status are reported in a timely manner:

- We follow the CUNY Central schedule of submission of enrollment files to the National Student Loan Clearinghouse (NSC) every 2 weeks during the Fall and Spring terms. We will also continue to send at least one enrollment file every month during the summer. This error file included change of enrollment and status updates.
- Continue to work the NSC error files so that any exceptions that have not been processed by NSC will still meet the required NSLDS reporting deadlines.

Going forward, Lehman will take the following additional steps to ensure that student enrollment reports and changes of status are reported in a timely manner:

- We will receive reports from NSC of everything that has been reported to NSLDS and when it was reported. We will be matching those reports against what we believe should have been reported to NSLDS.
- If there are any discrepancies, we will update NSLDS manually if necessary to ensure that we meet the appropriate deadline.

Finding #9: Direct Loan Exit counseling Deficiencies

Student #11 This student was informed via CUNYFirst checklist, service indicator and resultant email that exit counseling was required. (Attachment #1)

The email that was sent to the student contains information concerning the reason for the requirement, as well as a link to and instructions for signing onto studentloans.gov, the site where the student may complete exit counseling, thereby accessing the required exit counseling materials.

Sending the email notification containing the aforementioned link satisfies the federal requirement for providing exit counseling materials to students who are no longer in attendance at the institution.

This is an isolated occurrence, as Lehman does have a procedure in place whereby students for whom exit counseling is required are identified via query. Service indicators and checklists are then assigned, and an email is generated the following day. The service indicators and checklist items (which show on the students' "to do" list on the students' landing online page), further enforce the importance of timely completion of this requirement.

January 6, 2017 Institutional Response



Lehman College Program Review Report issued on 5/27/16

Response submitted by Vera Senese, Director of Financial aid on 1/6/17

Response to Finding #1: Inadequate Determination of Student Enrollment – Adjustments Required

Lehman College has completed the required full file review of all students who received non-passing grades during any semester or payment period beginning with award year 2012/2013 through 2015/2016. The results were submitted separately today in the specified format. The total calculated institutional liability for the file review is \$343,899.52.

Corrective Action Plan for Finding #1

In addition to all the steps Lehman College currently undertakes, it will take the following steps to ensure proper monitoring of students' enrollment status:

- The definition and application of all non-passing grades was reiterated to all existing faculty. This information will also strategically reside on our website in different locations to include Provost and Registrar offices, departments, and Human Resources.
 - Grading policies and procedures will continue to be reinforced with all faculty with all grade submissions.
 - A query was developed to identify Title IV recipients who have any combination of non-passing grades. Once all grades have been posted, we will use this query to identify Title IV recipients who have received all WU's or all F's or a combination of these grades. We will communicate to all faculty who posted these grades to reaffirm the grade in question. We will send grade definitions reminders to them to ensure there is no confusion.
-



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Lehman College – Program Review Report issued on 5/27/16
Finding #5: Conflicting Information in Students File – Undeclared Major
Additional Information to Supplement Response submitted on 11/17/16.

Submitted by Vera Senese, Director of Financial Aid on 1/6/17.

In response to the telephone conversation that took place on December 6, 2016 between Lehman College officials and the USDE, we are providing additional information requested.

Lehman College's students, from the time they are admitted into a degree program as matriculating students (as opposed to non-matriculating, non-degree students) until the time they formally declare a major, are taking CUNY-mandated Gateway and/or Pathway courses, which are applicable toward all of Lehman's undergraduate degree programs (Bachelor of Arts, Bachelor of Science, Bachelor of Fine Arts, Bachelor of Business Administration, and the combined Bachelor of Arts-Master of Arts). Lehman College's degrees are approved by the NYS Board of Regents and the Middle States Commission on Higher Education. See attached for chapter 6 of the *Decennial Report to the Commission on Higher Education Middle States Association of Colleges and Schools Comprehensive Self-Study Report*.



Decennial Report to
the Commission on Hi

Our undergraduate degrees have three requirements: 1) General Education courses (required Core), 2) Major Concentration, and 3) Elective Courses. A student cannot graduate unless all three requirements are satisfied. This is very specifically detailed on our website:

<http://www.lehman.edu/academics/info-undergraduate-students.php#general>

As mentioned previously, Lehman believes that a student should have made the determination as to what area of study they want to pursue by the time they have accumulated 60 credits. Also mentioned in our earlier response, there is no federal statute or regulation regarding this 60 credit requirement; there is only a state regulatory requirement for students who are receiving New York State financial aid (TAP). The federal government had and continues to have, the authority to enact such a requirement for students who receive Title IV aid, but it has not chosen to do so. The logical interpretation for why it has not done so is that the federal government has determined that there are more relevant indicators of whether a student is enrolled in an eligible program. New York State imposed a 60-credit requirement for students wishing to receive state tuition assistance, but the number of credits by which a student is either encouraged or required to declare a major varies widely among Title IV-participating higher education institutions across the country.

Notwithstanding the foregoing explanation, Lehman College requires that all students declare a major concentration at the 60th credit for the purpose of consistency with the state TAP requirements. This is supported by language in the Lehman College catalogue.

Up until the time of the 3/16 Program Review, Lehman did, and is continuing to do the following to ensure students make their formal declaration of what area they plan to officially pursue by the time they have accumulated 60 credits:

- Publish the requirement in our catalogue and website (documentation previously submitted and attached – Attachment #1)
- Send correspondence to all TAP recipients regarding the declaration of a major (documentation previously submitted and attached – Attachment #2)
- Provide information/publications to transfer students regarding the declaration of a major (documentation previously submitted and attached – Attachment #3)
- Provide many printed documents to all Lehman students. Please see sample provided by Career Services (Attachment #4)
- Incoming freshman and new transfer students meet with an academic advisor to discuss their course selection and declaration of major. Please see attached statement from Lisa Moalem, Director of Academic Advisement (Attachment #5).
- Outreach regarding academic advisement is provided during New Student Orientations, Weeks of Welcome, Major Fairs, Club Fairs, CareerFest, etc. on campus sponsored by various areas of the College. We also have many printed documents we provide to students indicating that they must declare a major at the end of their sophomore year. Please see the attached document provided by Nancy Cintron, Director of Career Services and Brian Williams, Director, Sophomore Year Initiative regarding all the services they provide. (Attachment #6).
- Developed and implemented the Sophomore Year Initiative Program (SYI). SYI is a grant-funded program administered by the USDE at Title V Hispanic Serving Institutions. It is a collaborative program between the divisions of Enrollment Management and Student Affairs and is staffed year-round to assist students. Information and guidance is provided to students, including the requirement for them to declare their majors. <http://www.lehman.edu/sophomore-year-initiative>.

Lehman also provides guidance, academic support and advisement every step of the way in the student's course selection process. Again, we guide students as to what they should be doing each year – please see our website where students are given specific direction in their sophomore year (when they have accumulated between 31-60 credits) that they should be meeting with a Faculty Advisor regarding their "Declaration of Academic Plan":

<http://www.lehman.edu/academics/advising/this-year.php#soph>. We make it transparent and easy for a student to meet with someone to discuss their degree and major requirements. A student can very easily make an appointment to meet with an Academic Advisor using our online AdvisorTrac system <http://www.lehman.edu/academics/advising/schedule-appointment.php>.

Lehman has enhanced its existing processes and has implemented the following new processes for identifying and assisting students who are close to completing 60 credits:

- For the Spring 2016 semester, and going forward, all students who have accumulated 60 credits and have not yet declared a major have a hold placed on their records (they cannot register for the following semester) and it will not be cleared until they submit a Declaration of Academic Plan form.
- For the Spring 2016 semester and going forward, all students who have accumulated between 45 and 59 credits or are new transfer students have an indicator placed on their records. They will receive continuous correspondence from the Office of the Registrar indicating that they need to declare their major by the time they accumulate 60 credits.
- For the Fall 2016 semester, the Office of the Registrar and IT have developed an online process called iDeclare. The automation of this paper-based process will enable the students to initiate their requests to declare their desired major online. iDeclare will provide a seamless approval process for students and allow faculty advisors to approve these requests from anywhere there is connectivity.
- For the Spring 2017 semester, and going forward, Title IV aid recipients who have accumulated 60 credits and have not yet declared a major will be sent continued correspondence.
- For the Spring 2017 semester, and going forward, Title IV aid recipients who have accumulated 60 credits and have not yet declared a major will also be contacted via phone calls.

In the case of Student #7 the following timeline should be helpful in understanding what happened with this student from the time she was admitted until the time she declared her major:

- She was admitted as a transfer student into the Adult Degree Program for the Fall 2015 semester and indicated on her Admissions application that she wanted to major in Chemistry (Attachment #7)
- On 8/6/15, 22 transfer credits were accepted from City College (Attachment #8).
- She took 6 credits in the Fall 2015 semester (8/27/15 – 12/23/15) as part of her General Education requirements. (Attachment #9).
- On 10/26/15 and then again on 3/9/16, she met with an academic advisor and discussed declaring a Chemistry major. Please see notes from the student's advisement sessions provided by Pamela Hinden, Director of the Adult Degree Program. (Attachment #10)
- On 10/27/15, 32 transfer credits were accepted from NYU (Attachment #11)
- She took 8 credits in the Spring 2016 semester (1/29/16 – 5/28/16). Two of these courses were Chemistry courses which would eventually count towards the requirements in her declared major. The other course, WST 240 – Women in African Society, counted towards her General Education requirements. (Attachment #9 & Attachment 12)
- She submitted her "Declaration of Academic Plan and Sub-Plan Form" (Major Declaration) on 4/12/16. (Attachment #13)

This student was advised to take courses in Chemistry, her preferred area of study, along with taking other General Education requirements. She was engaged and met with an academic advisor twice before she officially declared her major on 4/12/16, which was within one semester of her entering the College as a transfer student. She entered the College as a second semester freshman with 22 transfer

credits until her 32 other transfer credits were accepted on 10/27/15, making her a second semester sophomore with 54 credits. When she began the Spring 2016 semester, she had completed 6 Lehman credits for the Fall, which brought her to 60 total credits. This student did not take any unnecessary courses for which she received Title IV funding. She was engaged, focused and successful. At the end of the Spring 2016 semester she was a Chemistry major and Presidential Scholar with a 4.0 GPA.

In the cases of Students #8 and #13 mentioned in the telephone conversation, both of these students have declared their majors by the time they had accumulated 60 credits. Once again, we believe that a full file review for all students who have completed 60 credits and have not declared a major during the indicated award years is unwarranted because only one student was cited in the review and therefore the issue is not systemic.

Thank you for allowing us the opportunity to submit additional information regarding this issue. We have many systems and procedures in place that ensure all students are advised properly to take required courses that count towards their degree and their majors. Please let us know if you have any questions or need any additional information.

January 6-11, 2017 Email Exchanges

January 6, 2017: Thanking the DOE for granting the College an extension to submit its responses; Submitted its response to Finding 1.

January 9, 2017: DOE acknowledgement of receiving the response to Finding 1. Question concerning the College's explanation related to Finding 5.

January 9, 2017: Request from Lehman College for a quick phone call to get an understanding of what the DOE is looking for.

January 9, 2017: DOE response about the timing of the call.

January 11, 2017: Cover email associated with the College's January 11, 2017 institutional response

January 11, 2017: DOE acknowledgement of receiving the institutional response; further question related to College's response to Finding 5.

DONALD.SUTHERLAND

From: Curry, Christopher <Christopher.Curry@ed.gov>
Sent: Wednesday, January 11, 2017 6:54 PM
To: ELVIRA.SENESE
Cc: JOSEPH.MAGDALENO; Bruce Birnbaum; Gonzalez, Lydia
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Vera,

Thank you for this additional information.

Lydia will review this and let you know if any additional information is needed, but I wanted to address the issue you discuss in the third paragraph.

As we discussed before, 668.32(a) specifies that a student must be enrolled or accepted for enrollment in an eligible program. A student's eligibility is therefore related to coursework that is needed to complete the requirements of that program.

The regulations also require at 668.8(c) that an eligible program leads to a degree, certificate or other academic credential. The information we have received in the past was that NY State Department of Education (NYSED) specifically approves all educational programs at degree-granting institution, and lists all those programs on the inventory of registered programs. In the case of other schools where we have reviewed this issue, they have students who are classified as undeclared, but those students are officially considered to be enrolled in programs such as Liberal Arts, or General Studies, which are documented as approved programs. We do not see that as being the case at CUNY Lehman. Under 668.24 (a)(2), an institution must document the eligibility of its educational programs.

In our previous meeting, I thought Mr. Murphy had said that he believed there might be something from NYSED that indicated the school was authorized to offer a general Bachelor of Arts degree, without a specific concentration. If you provided something like that we could consider it - but then, isn't that really a description of a Liberal Arts program?

I have discussed this issue with our Policy office, and they confirmed that the Department's position on this is that an institution must be able to document somewhere the eligible program that a student is enrolled in, and Title IV funds should only be awarded for coursework required for completion of that program. As previously discussed, we are willing to consider your process to have informally met the regulatory criteria in the past - at least with regard to the point that those students had completed their general education and elective curriculum requirements, but Policy was also very clear that the institution needs to immediately move forward towards being able to document that it meets the regulatory requirements.

So, unless you can provide additional documentation from NYSED that recognizes the undeclared students are in an approved program of study, we will need to have a plan from CUNY describing the process for developing/determining the program the undeclared students are enrolled in.

Sincerely,

Christopher Curry

-----Original Message-----

From: ELVIRA.SENESE [mailto:ELVIRA.SENESE@lehman.cuny.edu]

Sent: Wednesday, January 11, 2017 1:38 PM
To: Gonzalez, Lydia
Cc: Curry, Christopher; JOSEPH.MAGDALENO; Bruce Birnbaum
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5
Importance: High

Hello Lydia,

Thank you again for allowing us to submit additional information to you regarding Finding #5. Per our telephone conversation on Monday and in response to your request for documentation of how our students are matriculated in an approved program, I am attaching printed pages from the Degree Audit Plan in our Degree Works software for the student cited in this finding (student # 7) and for all the other students in the sample. This Degree Audit Plan is available to students and is utilized by our Academic Advisors when they advise students. It clearly shows the degree in which the student is pursuing (Bachelor of Arts, Bachelor of Science, etc.). More information regarding Degree Works can be found on our website <http://www.lehman.edu/registrar/degreeworks.php>. While our CUNY First produced academic transcripts may appear to have a design flaw and do not have the name of the student's specific program printed on the transcript, it is in no way an indication of the lack of policies or procedures in this area. All Lehman College students who meet our admissions requirements and are accepted into the College, are considered matriculated into an approved program. Only matriculated students receive Title IV financial aid.

As you know, CUNYFirst is our official information system of record and is subject to high levels of security that is maintained with the utmost integrity. I have also attached some screen shots from CUNYFirst for student #7. The screen shots are for the "Career and Program Information - Student Program/Plan" page. This screen is used by both the Admissions Office to create the initial CUNYfirst student record (matriculate the student) and by the Registrar's Office to edit the student's plan/sub plan and to confer the student's degree.

One other point we would like you to take into consideration is that if students are only considered to be enrolled in eligible programs if the program is listed in the New York State Inventory of Registered Programs, then there would be no undeclared majors in any university or college in New York. All programs listed in the New York State Inventory are majors/areas of concentration. Both New York State and the USDE acknowledge the existence of undeclared majors in their published guidance and/or regulations.

Please let us know if you have any questions.

Regards.

Vera

-----Original Message-----

From: Gonzalez, Lydia [mailto:Lydia.Gonzalez@ed.gov]
Sent: Monday, January 9, 2017 4:15 PM
To: ELVIRA.SENESE <ELVIRA.SENESE@lehman.cuny.edu>
Cc: Curry, Christopher <Christopher.Curry@ed.gov>; JOSEPH.MAGDALENO <JOSEPH.MAGDALENO@lehman.cuny.edu>; Bruce Birnbaum <Bruce.Birnbaum@cuny.edu>
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Hi Vera.

You can call me today before 4:30pm or tomorrow after 8:00am.

Lydia

-----Original Message-----

From: ELVIRA.SENESE [mailto:ELVIRA.SENESE@lehman.cuny.edu]
Sent: Monday, January 09, 2017 3:39 PM
To: Gonzalez, Lydia
Cc: Curry, Christopher; JOSEPH.MAGDALENO; Bruce Birnbaum
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Hi Lydia,

Would it be okay if Bruce and I gave you a quick call. I just want to get a better understanding of exactly what you are looking for. Are you available today?

Thanks

Vera

From: Gonzalez, Lydia [Lydia.Gonzalez@ed.gov]
Sent: Monday, January 09, 2017 1:56 PM
To: ELVIRA.SENESE
Cc: Curry, Christopher; JOSEPH.MAGDALENO; Bruce Birnbaum
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Good afternoon Vera.

Thank you for providing the file review response for Finding 1. Once I review the information, I will let you know if any further information is required. Regarding Finding 5, there is no information describing how CUNY can document that students are enrolled in an eligible program from the beginning. What approved eligible programs are the students enrolled in? All matriculated students are required to be enrolled in an approved program. There is a difference between showing that students are taking classes that would be applicable to a degree program as opposed to students having been accepted for enrollment in an approved eligible program.

We need an expedited response to how CUNY plan to address this issue.

Thank you.

Lydia

From: ELVIRA.SENESE [mailto:ELVIRA.SENESE@lehman.cuny.edu]
Sent: Friday, January 06, 2017 2:44 PM
To: Gonzalez, Lydia
Cc: Curry, Christopher; JOSEPH.MAGDALENO; Bruce Birnbaum
Subject: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Good Afternoon Lydia,

Thank you again for providing us with an extension to submit our responses to the Program Review Report. Per our conversation, I am submitting our response to Finding #1: Inadequate Determination of Student Enrollment - Adjustments Required, along with the file review. The Excel spreadsheet containing the results of the file review were placed in the Tumbleweed file.

I am also providing additional information regarding Finding #5: Conflicting Information in Students File - Undeclared Major. We had provided an initial response on 11/17/16. The information attached supplements that response and clarifies the information discussed during our telephone conversation on 12/6/16. I have also placed several attachments to this information in the Tumbleweed file.

Please let us know if you have any questions.

Have a nice weekend.

Vera

Vera Senese

Director of Financial Aid

Lehman College

Shuster Hall, Room 127

250 Bedford Park Blvd. West

Bronx, NY 10468

Elvira.Senese@lehman.cuny.edu<mailto:Elvira.Senese@lehman.cuny.edu>

(718)960-7799

January 11, 2017 Institutional Response

DONALD.SUTHERLAND

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Sent: Wednesday, January 11, 2017 1:38 PM
To: Gonzalez, Lydia
Cc: Curry, Christopher; JOSEPH.MAGDALENO; Bruce Birnbaum
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5
Attachments: Josephine Bagcal Degree Works.pdf; Degree Works Lehman Sample.pdf; Josephine Bagcal CUNYFirst.docx

Importance: High

Hello Lydia,

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Vera

Vera Senese
Director of Financial Aid
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Bronx, NY 10468
Elvira.Senese@lehman.cuny.edu<mailto:Elvira.Senese@lehman.cuny.edu>
(718)960-7799

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG835742 as of 01/07/2017 at 05:27

Student	Joseph	Academic Status	(GST) Good Academic Standing
ID	12182979	Student Group	(GRORPS)ADOG GD1D (51)
Transfer Credits	54.00	Cumulative GPA	3.844

Catalog Year: 2015-2016 Undergraduate Credits Required: 120
 CUM GPA: 3.844 Credits Applied: 95

Degree: Bachelor of Science

Unmet conditions for the set of requirements: A minimum of (120) credits are required. You currently have (95), you still need (25)

- GPA
- CUNY Skills Assessment SIR Needed: See CUNY Skills Assessment section
- CUNY 2013 Gen Ed Requirements
- College Option 8 (Transfers W209-49cr)
- Writing Intensive (30-40cr., No Prior Associates) SIR Needed: See Writing Intensive Requirement section
- Major (Plan/Sol-Plan) SIR Needed: See Major in Chemistry - BS section
- Minor (not required for ADP students)
- Degree Credits SIR Needed: You need a minimum of (120) credits to graduate

Catalog Year: 2015-2016 Undergraduate
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for ENG 111

- CUNY Math Requirement SIR Needed: You have (4) semesters to pass this exam
- CUNY Reading Requirement SIR Needed: You have (4) semesters to pass this exam
- CUNY Writing Requirement SIR Needed: You have (4) semesters to pass this exam

Catalog Year: 2015-2016 Undergraduate Credits Required: 30
 GPA: 3.809 Credits Applied: 36

CUNY General Education Requirements

Students entering Lehman with credits earned at another CUNY college, the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION REQUIRED COMMON CORE

<input checked="" type="checkbox"/> English Composition I	ENG 111	English Composition I	A	4	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			
<input checked="" type="checkbox"/> English Composition II	ENG 121	English Composition II	C	4	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			
<input checked="" type="checkbox"/> Mathematical and Quantitative Reasoning	MAT 172	Precalculus	B	3	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			
<input checked="" type="checkbox"/> Life and Physical Sciences	CHE 168	General Chemistry I	A	3	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			

DISTRIBUTION: FLEXIBLE COMMON CORE

<input checked="" type="checkbox"/> World Cultures and Global Issues	WST 240	Women in African Society	A	3	SPRING 2016
<input checked="" type="checkbox"/> U.S. Experiences in Bio Diversity	SOC 334	Urban Sociology	B+	3	FALL 2016
<input checked="" type="checkbox"/> Creative Expression	ENG 334	Women in Literature	IP	(3)	SPRING 2017
<input checked="" type="checkbox"/> Individual and Society	SOC 351	Special Edge - Secul	A-	4	TRANSFER
<input checked="" type="checkbox"/> Scientific World	PHY 186	PHY1 Scientists & Engineers	A	5	FALL 2016
<input checked="" type="checkbox"/> One course from any area	ANT 337	Soc&Cul&Civ Asia	A-	4	TRANSFER

College Option (B)

Foreign Language: See department for placement.

FOREIGN LANGUAGE, 2nd semester Intro or Above

MAT 178	Calculus II	C	3	TRANSFER
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INTEGRATION ADP Option Courses

LEH 300 and 301 will no longer be offered (after SUMMER 2013). Pre-requisites have also changed for LEH courses. In addition to having (60) credits or an Associate's degree, you will need to have declared a major in order to register for any LEH 350-series course. (2) Courses are required (after completion of 60 credits) to be chosen outside of major discipline. ADP Students: Life Experience credits may be used to fulfill the College Option. Also, any course considered pertinent to the academic course of study and assigned.

ADP Option (as assigned by major or ADP Advisor)

IBA 183	Colloquium	A	3	FALL 2015
IBA 184	Colloquium	A	3	FALL 2015

Writing Intensive Requirement

Unmet conditions for this set of requirements: 0 Credits needed

Three (3) Writing Intensive Sections

ENG 334	Women in Literature	IP	(3)	SPRING 2017
---------	---------------------	----	-----	-------------

5/8 needed. Students must complete three (3) courses designated as Writing-Intensive.

Major in Chemistry - BS

Catalog Year: 2015-2016 Undergraduate
Credits Required: 9
GPA: 3.860

CHEBS Concentration Requirements

5/8 needed. See BIOCHE Specialization section.

Students Majoring in Chemistry need to fulfill additional requirements in a Specialization.

BIOCHE Specialization

Catalog Year: 2016-2017 Undergraduate
Credits Required: 75.5
GPA: 3.860
Credits Applied: 46

75.5 of 75 credits are required, you still need 0 more.

Unmet conditions for this set of requirements: A minimum of 39 credits must be taken in residence.

Minimum Credits Unsatisfied

Your Major GPA is 3.86, a GPA of 3.0 is required.

CHEMISTRY CORE

<input type="checkbox"/> General Chemistry I	CHE 166	General Chemistry I	A	3	TRANSFER
	Satisfied by	TRANSFER COLLEGE			
	5/8 needed	1 more Credit			
<input type="checkbox"/> General Chemistry I Lab	CHE 167	General Chemistry Laboratory I	A	1	TRANSFER
	Satisfied by	TRANSFER COLLEGE			
	5/8 needed	0.3 more Credits			
<input type="checkbox"/> General Chemistry II	CHE 168	General Chemistry 2	B	3	TRANSFER
	Satisfied by	TRANSFER COLLEGE			
	5/8 needed	1 more Credit			

<input type="checkbox"/> General Chemistry Lab II	CHE 160 Satisfied by SIS Needed	General Chemistry Lab II - TRANSFER COLLEGE 6.0 more Credits	B	1	TRANSFER
<input checked="" type="checkbox"/> Organic Chemistry Lecture I	CHE 232	Organic Chemistry I	A	3	SPRING 2018
<input checked="" type="checkbox"/> Organic Chemistry Lab I	CHE 233	Organic Chem I Lab	A	2	SPRING 2018
<input checked="" type="checkbox"/> Organic Chemistry Lecture II	CHE 234	Organic Chemistry 2	B+	3	FALL 2018
<input checked="" type="checkbox"/> Organic Chemistry Lab II	CHE 235	Organic Chem 2 Lab	A	2	FALL 2018
<input type="checkbox"/> Chemistry Seminar	SIS Needed	1 Credit in CHE 450			
<input checked="" type="checkbox"/> Calculus I	MAT 175 Satisfied by SIS Needed	Calculus I - TRANSFER COLLEGE 4 Credits in MAT 175	C-	4	TRANSFER
<input type="checkbox"/> Calculus II	SIS Needed				
<input checked="" type="checkbox"/> Physics I for Scientists and Engineers	PHY 160	PHY I Scientists & Engineers	A	5	FALL 2018
<input checked="" type="checkbox"/> Physics II for Scientists and Engineers	PHY 160	PHY II Scientists & Engineers	IP	(5)	SPRING 2017
<input type="checkbox"/> BIOCHEMISTRY CONCENTRATION					
<input type="checkbox"/> Quantitative Analysis	SIS Needed	5 Credits in CHE 240 or 249			
<input type="checkbox"/> Physical Chemistry Lecture I	SIS Needed	3 Credits in CHE 342 or 342			
<input checked="" type="checkbox"/> Physical Chemistry Lecture II	CHE 344	Physical Chemistry Lecture II	IP	(3)	SPRING 2017
<input type="checkbox"/> Physical Chemistry Lab I	SIS Needed	3 Credits in CHE 345			
<input checked="" type="checkbox"/> Inorganic Chemistry	CHE 442	Inorganic Chemistry	IP	(3)	SPRING 2017
<input type="checkbox"/> Inorganic Chemistry Lab	SIS Needed	1 Credit in CHE 443			
<input type="checkbox"/> Biochemistry I	SIS Needed	3 Credits in CHE 444			
<input type="checkbox"/> Biochemistry II	SIS Needed	3 Credits in CHE 448			
<input type="checkbox"/> Biochemistry Lab	SIS Needed	3 Credits in CHE 447			
<input checked="" type="checkbox"/> Principles of Biology: Cells and Genes	BIO 100 Satisfied by	Principles of Biology Cells & Genes - TRANSFER COLLEGE	B+	4	TRANSFER
<input checked="" type="checkbox"/> Principles of Biology: Organisms	BIO 107 Satisfied by	Principles of Biology Organism - TRANSFER COLLEGE	B	4	TRANSFER
<input type="checkbox"/> Molecular Biology	SIS Needed	4 Credits in BIO 470			
	CHE 232	Organic Chemistry I	A	3	SPRING 2018
	CHE 233	Organic Chem I Lab	A	2	SPRING 2018
	CHE 234	Organic Chemistry 2	B+	3	FALL 2018
	CHE 235	Organic Chem 2 Lab	A	2	FALL 2018
	CHE 344	Physical Chemistry Lecture II	IP	(3)	SPRING 2017
	CHE 442	Inorganic Chemistry	IP	(3)	SPRING 2017
	PHY 160	PHY I Scientists & Engineers	A	5	FALL 2018
	PHY 160	PHY II Scientists & Engineers	IP	(5)	SPRING 2017
	SIS Needed:				

PLEASE NOTE: YOUR MAJOR GPA ALSO INCLUDES ANY F, FN, WN, OR WU GRADES SHOWN IN THE INSUFFICIENT SECTION OF THE AUDIT IN COURSES THAT COULD BE INCLUDED IN YOUR MAJOR. No Minor is required.

Gen Ed Electives for the Degree ; 1.5 Credits allowed		Credits Applied: 4	Classes Applied: 1	
HUM 255	Frida in Cybartman	B	4	TRANSFER
Satisfied by: - TRANSFER COLLEGE				
Elective classes not allowed		Credits Applied: 0	Classes Applied: 2	

HUM 280	The City & The Town	B-	4	TRANSFER		
Satisfied by: TRANSFER COLLEGE						
PHI 243	Hist Philo 2-Modern	B	4	TRANSFER		
Satisfied by: TRANSFER COLLEGE						
Insufficient Grades					Credits Applied: 0	Classes Applied: 1
MAT 125	CALCUL I	A	0	TRANSFER		
Satisfied by: TRANSFER COLLEGE						
In-progress					Credits Applied: 14	Classes Applied: 4
CHE 344	Physical Chemistry Lecture II	IP	(3)	SPRING 2017		
CHE 442	Inorganic Chemistry	IP	(3)	SPRING 2017		
ENG 234	Women in Literature	IP	(3)	SPRING 2017		
PHY 149	PHY II Scientists & Engineers	IP	(5)	SPRING 2017		

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- & Repeat for better grade, no addl credit
- IP In Progress

Disclaimer

Welcome to DegreeWorks. We encourage you to use this degree audit worksheet as a guide when planning your progress towards completion of a degree at Lehman College. For help in interpreting this worksheet, make an appointment to see your Academic and/or Faculty Advisor(s). This worksheet does not supersede the Lehman College Bulletin. It is not the official notification of completion of a degree or certification of graduation. If you are a transfer student, your first semester was prior to Fall 2006 and/or your transfer courses are not listed in detail on your transcript, then this DegreeWorks audit worksheet will be incomplete.

If you expect to receive New York State Aid (i.e., TAP, APTS, ADA (Americans with Disability) Part-Time TAP, VTA (Veterans Tuition Award) please note the following:

- You must apply for TAP or APTS annually to be considered for a New York State award.
- Undergraduates who have earned at least (60) credits (units) must file a Declaration of Major/Minor form in the Office of the Registrar (Shuster Hall, Room 106) by the deadline published in our Academic Calendar in order to receive any New York State awards.
- You must be registered each semester for required courses contributory towards your general education, declared major and/or minor, concentrations, liberal arts, and electives requirements.
- Students who are eligible for TAP are required to register for at least (12) credits (units) per semester that satisfy their degree requirements. Students who receive ADA Part-Time TAP must register for at least (3) but less than (12) credits (units). Students who receive APTS must enroll for a minimum of (6) but less than (12) credits (units) per semester.
- A repeated course(s) in which a passing grade acceptable to the institution has already been received cannot be included as part of a student's minimum full-time or part-time course load for financial aid purposes, unless required by your curriculum.

For more information on New York State grants please visit:

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG828523 as of 01/06/2017 at 00:48

Student	Richard, Valerie	Academic Status	(GST) Good Academic Standing
ID	13010675	Student Group	(GROUPS)ADMM ADMT (50)
Transfer Credits	60.00	Cumulative GPA	3.018

Catalog Year: 2011-2012 Undergrad Credits Required: 120
 CUM GPA: 3.018 Credits Applied: 114

Degree: Bachelor of Arts

Unmet conditions for this set of requirements: A minimum of (120) credits are required. You currently have (114), you still need (6).

- GPA
- CUNY Skills Assessment Still Needed See CUNY Skills Assessment section
- Liberal Arts (Prior Associate Degree Holders)
- Major (Plan/Sub-Plan)
- Minor (Plan/Sub-Plan)
- DEGREE CREDITS Still Needed You need a minimum of (120) credits to graduate

Catalog Year: 2011-2012 Undergrad
 GPA: 0.000

CUNY Skills Assessment

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing and Mathematics before entering the student catalog or before before registering for ENG 111

- CUNY Math Requirement Still Needed You have (4) semesters to pass this exam
- CUNY Reading Test Passed
- CUNY Writing Requirement Still Needed You have (4) semesters to pass this exam

Catalog Year: 2011-2012 Undergrad Credits Required: 93
 GPA: 3.090 Credits Applied: 93

Liberal Arts & Science Requirements

ARTH 107	Trad&Innovation In Art of West	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			
ECE 308	His Pol Soc-Cultsnts	CR	0	TRANSFER
Satisfied by	- BRONX COM COLL			
ECE 380	His Pol Soc-Cultsnts	A	3	FALL 2011
CIS 108	Computer Literacy	CR	3	TRANSFER
Satisfied by	- MON ACCR COLLEGE			
COM 304	Interpr&Crp Commun	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			
ENG 110	Pass Effect Writing I	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			
ENG 211	Prose Fiction	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			
ECE 301	Childhood&Soc Dev	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			
ECE 382	Child Fam Comm&Schol	A	3	SPRING 2012
ECE 311	Teaching Profession-Birth to 6	CR	3	TRANSFER
Satisfied by	- BRONX COM COLL			

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- & Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG677104 as of 11/19/2016 at 16:32

Student	Rojas, Rodney R.	Academic Status	(PRO) Part Time Probation
ID	13170144	Student Group	(GROUP5)DAY PDAA PROB (51)
Transfer Credits	60.00	Cumulative GPA	1.800

Degree: Bachelor of Arts

Catalog Years: 2014-2015 Undergraduate Credits Required: 120

CUM GPA: 1.800

Credits Applied: 72

A minimum of (120) credits are required. You currently have (72), you still need (48)

A minimum of (60) credits in Liberal Arts courses are required. You have taken (62) but need (28) more credits

A minimum of (30) credits must be taken in residence

The (21) credits must be taken in residence

Unmet conditions for this set of requirements

- GPA Still Needed: Minimum Lehman College cumulative average of 2.00 in the overall average. Major, AND Minor (if needed)
- CUNY Skills Assessment
- Lower Division Requirements: Satisfied
- College Option 6 (Prior Associate Degree Holders) Still Needed: See College Option (6) section
- Writing Intensive (Prior Associate Degree Holders) Still Needed: See Writing Intensive Requirement section

Liberal Arts (BA)

ANT 311	Cultural Anthropology	B	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
APH 167	Trad/Innovation In Art of West	A	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
BIO 164	Princip of Biology Cells & Genes	C	4	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
BIO 167	Principles of Biology Organism	D-	4	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
CMP 167	Programming Methods I	D+	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
ENG 111	English Composition I	C	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
ENG 121	English Composition II	C+	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
ENG 212	Poetry	D+	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
GEN 161	An Introduction to Geography	B	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
HIS 242	Contemporary European History	D+	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
HIS 350	Understanding History	D	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
MAT 172	Precalculus	C+	4	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
MCS 280	Oral Communication	B	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
MNS 0999	General Elective Credit	C+	3	TRANSFER
Satisfied by	- TRANSFER COLLEGE			
MUS 114	Introduction to Music	C+	3	TRANSFER

Legend

- Complete
- Not Complete
- Complete except for classes In-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG321987 as of 07/21/2016 at 09:58

Student	Chiron, Daniel	Academic Status	(ALT) Full Time Probation
ID	23159892	Student Group	(GROUPS)SYS (5)
Transfer Credits	15.00	Cumulative GPA	1.556

Degree: Bachelor of Arts

Catalog Year: 2013-2014 Undergrad Credits Required: 120
 CUM GPA: 1.556 Credits Applied: 37

Unmet conditions for this set of requirements:

- A minimum of (120) credits are required. You currently have (37), you still need (83)
- A minimum of (90) credits in Liberal Arts courses are required. You have taken (37) but need (53) more credits
- A minimum of (30) credits must be taken in residence
- Minimum Credits unmet/needed

- GPA Still Needed: A minimum Lehman College cumulative average of 2.00 in the overall average. Major AND Minor (if needed)
- CUNY Skills Assessment
- CUNY 2013 GenEd Requirements Still Needed: See CUNY General Education Requirements section
- College Option 12 (Freshman/Fellow (max 30cr.)) Still Needed: See College Option (12) section
- Writing Intensive (0-10cr., No Prior Associate) Still Needed: See Writing Intensive Requirements section
- Major (Plan/Sub-Plan)
- Minor (Plan/Sub-Plan) Still Needed: MINORS ARE NOT REQUIRED for GRADUATION. However, you may still select to declare one if you decide. See an Advisor for Approval > then visit SH. Rm. 108 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendars
- Degree Credits Still Needed: You need a minimum of (120) credits to graduate

CUNY Skills Assessment Catalog Year: 2013 2014 Undergrad
GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college of lecture before registering for ENG 111

- CUNY Math Test (Passed)
- CUNY Reading Test (Passed)
- CUNY Writing Test (Passed)

CUNY General Education Requirements

Catalog Year: 2013 2014 Undergrad Credits Required: 30
 GPA: 2.500 Credits Applied: 27

Unmet conditions for this set of requirements: (30) credits are required for the General Education. You currently have (27), you still need (3) more credits

Students entering Lehman with credits earned at another CUNY college, the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- & Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AF927396 as of 04/17/2016 at 19:14

Student	Oddman, Schorlaff, R.	Academic Status	(GST) Good Academic Standing
ID	15023441	Student Group	(GROUPS)PDBA (51)
Transfer Credits	90.00	Cumulative GPA	1.300

Degree: Bachelor of Science

Catalog Year: 2014-2015 Undergraduate Credits Required: 120
 CUM GPA: 1.300 Credits Applied: 97.5

A minimum of (120) credits are required. You currently have (97.5), you still need (22.5).

Unmet conditions for this set of requirements:

A minimum of (30) credits must be taken in residence.

The last (21) credits must be taken in residence.

- GPA Still Needed: Minimum Lehman College cumulative average of 2.00 in the overall average. Major AND Minor (if needed)
- CUNY Skills Assessment Still Needed: See CUNY Skills Assessment section
- Lower Division Requirements: Satisfied
- Upper Division Requirements: Satisfied
- Writing Intensive (exempt)
- Major (Plan/Job-Plan) Still Needed: See Nursing-BS section
- Minor (not required for 2nd Degree)
- Degree Credits Still Needed: You need a minimum of (120) credits to graduate.

Catalog Year: 2014-2015 Undergraduate
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before being registered for ENG 111

- CUNY Math Requirement Still Needed: You have (4) semesters to pass this exam
- CUNY Reading Requirement Still Needed: You have (4) semesters to pass this exam
- CUNY Writing Requirement Still Needed: You have (4) semesters to pass this exam

Catalog Year: 2014-2015 Undergraduate
 GPA: 0.766

- Nursing-BS Still Needed: See Nursing section
- Concentration is required

Catalog Year: 2014-2015 Undergraduate Credits Required: 75
 GPA: 2.300 Credits Applied: 1.5

75 credits are required. you still need 73.5 more

Unmet conditions for this set of requirements:

A minimum of (37.5) credits must be taken in residence

Minimum Credits unsatisfied

Your Major GPA is 2.3. a GPA of 2.0 is required

Legend

- Complete
- Complete except for classes In-progress
- Not Complete
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- & Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG327102 as of 07/21/2016 at 17:08

Student Name, Lens A	Academic Status (ALT) Full Time Production
ID 23481104	Student Group (GROUPS)ADG T&V (5)
Transfer Credits	Cumulative GPA 0.000

Degree: Bachelor of Arts

Catalog Year: 2015-2016 Undergraduate Credits Required: 120

CUM GPA: 0.000 Credits Applied: 0

A minimum of (120) credits are required. You currently have (0) you still need (120).
 A minimum of (90) credits in Liberal Arts courses are required. You have taken (0) but need (90) more credits.
 A minimum of (30) credits must be taken in residence.
 The last (2) credits must be taken in residence.
 Minimum Credits unsatisfied

Unmet conditions for this set of requirements

- GPA Still Needed: Minimum Lehman College cumulative average of 2.00 in the overall average. Major AND Minor (if needed)
- CUNY Skills Assessment Still Needed: See CUNY Skills Assessment section
- CUNY 2013 GenEd Requirements Still Needed: See CUNY General Education Requirements section
- College Option 12 (Freshman) fewer than 30cr. Still Needed: See College Option (12) section
- Writing Intensive (8-18cr., No Prior Associates) Still Needed: See Writing Intensive Requirement section
- Major (Plan/Sub-Plan) Still Needed: See Undeclared Major section
- Minor (not required for ADP students)
- Degree Credits Still Needed: You need a minimum of (120) credits to graduate

Catalog Year: 2015-2016 Undergraduate

GPA: 0.000

CUNY Skills Assessment

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before enrolling in the senior college or before registering for ENG 111.

- CUNY Math Requirement Still Needed: You have (4) semesters to pass this exam
- CUNY Reading Test (Passed)
- CUNY Writing Test (Passed)

Catalog Year: 2015-2016 Undergraduate Credits Required: 30

GPA: 0.000 Credits Applied: 0

CUNY General Education Requirements

Unmet conditions for this set of requirements

(30) credits are required for the General Education. You currently have (0) you still need (30) more credits.

Students entering Lehman with credits earned at another CUNY college, the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

- English Composition I Still Needed: 3 Credits in ENG 111 or BA 155

Legend

- Complete
- Not Complete
- Complete except for classes In-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG799231 as of 12/31/2016 at 06:20

Student	Stu, Jessica	Academic Status	(CST) Good Academic Standing
ID	23304876	Student Group	(GROUPS)DAY (51)
Transfer Credits	10.00	Cumulative GPA	3.533

Degree: Bachelor of Arts

Catalog Year: 2015-2016 Undergraduate Credits Required: 120
 CUM GPA: 3.533 Credits Applied: 55

Unmet conditions for this set of requirements:

Minimum of (120) credits are required. You currently have (55), you still need (65)
 Minimum of (90) credits in Liberal Arts courses are required. You have taken (55) but need (35) more credits
 Minimum Credits unsatisfied

- GPA
- CUNY Skills Assessment
- CUNY 2013 GenEd Requirements Still Needed: See CUNY General Education Requirements section
- College Option 12 (Freshman/Fewer than 10cr.) Still Needed: See College Option (12) section
- Writing Intensive (0-30cr., No Prior Associate)
- Major (Plan/Sub-Plan)

Minor (Plan/Sub-Plan) Still Needed: MINORS ARE NOT REQUIRED for GRADUATION. However you may still select to declare one if you decide. See an Advisor for Approval - then use SH, Rm 106 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendar.

Degree Credits Still Needed: You need a minimum of (120) credits to graduate.

CUNY Skills Assessment Catalog Year: 2015-2016 Undergraduate
GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before before registering for CUNY 111

- CUNY Math Test Exempted
- CUNY Reading Test Exempted
- CUNY Writing Test Exempted

CUNY General Education Requirements Catalog Year: 2015-2016 Undergraduate Credits Required: 30
GPA: 3.140 Credits Applied: 25

Unmet conditions for this set of requirements: (30) credits are required for the General Education. you currently have (25), you still need (5) more credits

Students entering Lehman with credits earned at another CUNY college, the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled all Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

Legend

- Complete
- Not Complete
- Complete except for classes In-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG812839 as of 01/03/2017 at 01:43

Student	Hess, Kelly	Academic Status	(GST) Good Academic Standing
ID	23229105	Student Group	(GROUPS)(SI)
Transfer Credits	45.00	Cumulative GPA	3.212

Degree: Bachelor of Arts

Catalog Year: 2013 2014 Undergrad Credits Required: 120
 CUM GPA: 3.212 Credits Applied: 142

GPA

CUNY Skills Assessment SIR Needed: See CUNY Skills Assessment section

CUNY 2013 GenEd Requirements

College Option 8 (Transfers W/39-60cr.)

Writing Intensive (10-60cr., No Prior Associate)

Major (Plan/Sub-Plan) SIR Needed: See Major in Arts + BA section

MINORS ARE NOT REQUIRED for GRADUATION. However, you may still select to declare one if you decide. See an Advisor for Approval > then visit SH, Rm 106 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendars.

Minor (Plan/Sub-Plan) SIR Needed:

DECIDE CREDITS

CUNY Skills Assessment

Catalog Year: 2013-2014 Undergrad
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for ENG 111

CUNY Math Requirement SIR Needed: You have (4) semesters to pass this exam

CUNY Reading Requirement SIR Needed: You have (4) semesters to pass this exam

CUNY Writing Requirement SIR Needed: You have (4) semesters to pass this exam

CUNY General Education Requirements

Catalog Year: 2013-2014 Undergrad Credits Required: 30
 GPA: 2.061 Credits Applied: 28

Unmet conditions for this set of requirements: (30) credits are required for the General Education. You currently have (28), you still need (2) more credits.

Students entering Lehman with credits earned at another CUNY college, the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit-equation. Courses that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

English Composition I

Exception By: Baez, Denise On: 03/03/2014 Force Complete: ENG 111 not needed b/c ENG 121 transferred in.

English Composition II

ENG 121 English Composition II CR 3 TRANSFER
 Satisfied by - TRANSFER COLLEGE

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- & Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG825932 as of 01/05/2017 at 04:44

Student	Datta, Emily	Academic Status	(GST) Good Academic Standing
ID	23305459	Student Group	(GROUPS)DAY T&W (5)
Transfer Credits	13.00	Cumulative GPA	3.851

Catalog Year: 2015-2016 Undergraduate Credits Required: 120
 CUM GPA: 3.851 Credits Applied: 64

Unmet conditions for this set of requirements:

A maximum of (120) credits are required. You currently have (64), you still need (56)

A minimum of (90) credits with Liberal Arts courses are required. You have taken (64) but need (26) more credits

- GPA
- CUNY Skills Assessment
- CUNY 2013 GenEd Requirements
- College Option 12 (Freshman/Fewer than 30cr.)
- Writing Intensive (0-30cr., No Prior Associates)
- Major (Plan/Sub-Plan)
- Minor (Plan/Sub-Plan)
- Degree Credits

SEE NEEDED See College Option (12) section

SEE NEEDED See Writing Intensive Requirements section

MINORS ARE NOT REQUIRED for GRADUATION. However, you may still select to declare one if you decide. See an Advisor for Approval > then visit S11, Rm 108 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendar

You need a minimum of (120) credits to graduate

Catalog Year: 2015-2016 Undergraduate
 GPAs: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before being registered for ENW 111

- CUNY Math Test Exempted
- CUNY Reading Test Exempted
- CUNY Writing Test Exempted

Catalog Year: 2015-2016 Undergraduate Credits Required: 30
 GPAs: 3.895 Credits Applied: 37

Students entering Lehman with credits earned at another CUNY college or a CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are deemed as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill those requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

<input checked="" type="checkbox"/> English Composition I	ENW 111	English Composition I	A	3	TRANSFER
	Satisfied by	TRANSFER COLLEGE			
<input checked="" type="checkbox"/> English Composition II	ENW 121	English Composition II	A	3	FALL 2016

Legend

- Complete
- Not Complete
- Complete except for classes In-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG319451 as of 07/21/2016 at 06:05

Student	Almaguer, James L.	Academic Status	(GST) Good Academic Standing
ID	23065602	Student Group	(GROUPS)ADMA ADMT ESL (10)
Transfer Credits	60.00	Cumulative GPA	2.792

Degree: Bachelor of Science

Catalog Year: 2011-2012 Undergrad Credits Required: 120
 CUM GPA: 2.792 Credits Applied: 131

- GPA
- CUNY Skills Assessment
- Core/Liberal Arts (not required for 2nd Degree)
- Major (Plan/3rd-Plan)
- Minor (not required for 2nd Degree)
- DEGREE CREDITS

SEE ADVISOR

See BS in Computer Information Systems website

CUNY Skills Assessment

Catalog Year: 2011-2012 Undergrad
 GPA: 0.000

Each student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for ENG 111

- CUNY Math Test (Exempted)
- CUNY Reading Test (Exempted)
- CUNY Writing Test (Exempted)

BS in Computer Information Systems

Catalog Year: 2013-2014 Undergrad Credits Required: 16
 GPA: 3.046 Credits Applied: 60

Your Major GPA is (3.046) a GPA of 2.0 is required

REQUIRED COURSES

<input checked="" type="checkbox"/> Computer Programming for Information Processing	CIS 196	Comp Prog Info Proc I	B+	4	SPRING 2014
<input checked="" type="checkbox"/> Computer Information Systems	CIS 211	Computer Info Systems	A	4	SPRING 2014
<input checked="" type="checkbox"/> Microcomputer Architecture	CIS 212	Microcomp Architect	B+	3	FALL 2014
<input checked="" type="checkbox"/> Introduction to Database Management	CIS 244	Intro Database Mgmt	B+	3	FALL 2014
<input checked="" type="checkbox"/> Network Introduction	CIS 331	Network Introduction	A	3	SPRING 2015
<input checked="" type="checkbox"/> Database Design and Programming	CIS 344	Database Design&Prog	D+	3	FALL 2015

REQUIRED MATH COURSES

<input type="checkbox"/> Basic Concepts of Probability and Statistics	MAT 133	Introduction to Statistics	C	3	TRANSFER
	Satisfied by TRANSFER COLLEGE				
	SEE ADVISOR 1 more Credit				
<input checked="" type="checkbox"/> Elements of Calculus	MAT 174	Elements Of Calculus	C	4	SPRING 2012

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG309495 as of 07/20/2016 at 07:28

Student	Bogen, Sharine Q	Academic Status	(ALT) Full Time Probation
ID	10935116	Student Group	(GROUPS) 243C EVE POBA PREG PRRC (ST)
Transfer Credits	90.00	Cumulative GPA	1.328

Degree: Bachelor of Science

Catalog Year: 2012-2013 Undergrad Credits Required: 120
 CUNY GPA: 1.328 Credits Applied: 99

A minimum of (120) credits are required. You currently have (99); you still need (21)

Unmet conditions for this set of requirements: A minimum of (30) credits must be taken in residence.
 The last (21) credits must be taken in residence.

- GPA Still needed A minimum Lehman College cumulative average of 2.00 in the overall average. Major, AND Minor (if needed)
- CUNY Skills Assessment
- GenEd/Liberal Arts (not required for 3rd Degree)
- Major (Plan/Sub-Plan) Still needed See BS in Therapeutic Recreation section
- Minor (not required for 2nd Degree)
- DEGREE CREDITS Still needed You need a minimum of (120) credits to graduate

Catalog Year: 2012-2013 Undergrad
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the college or before registering for ENG 111

- CUNY Math Test (Exempted)
- CUNY Reading Test (Exempted)
- CUNY Writing Test (Exempted)

BS in Therapeutic Recreation

Catalog Year: 2012-2013 Undergrad Credits Required: 52
 GPA: 1.100 Credits Applied: 9

52 credits are required. you still need 43 more

Unmet conditions for this set of requirements: A minimum of 26 credits must be taken in residence.
 Minimum Credits unachieved

Your Major GPA is 3.1 a CPA of 2.0 is required

RECREATION EDUCATION

- History & Philosophy of Recreation Still needed 3 Credits in REC 190
- Recreation Leadership REC 328 Recreation Leadership C+ 3 SPRING 2013
- Research & Evaluation in Recreation Service Still needed 3 Credits in REC 381
- Administration of Recreation Services REC 481 Admin Of Rec Services B 3 SPRING 2012

Legend

- Complete
- Not Complete
- Complete except for classes In-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG822455 as of 01/05/2017 at 01:40

Student	Garcia, Marcos A	Academic Status	(GST) Good Academic Standing
ID	13097833	Student Group	(GROUPS)EVE (51)
Transfer Credits	44.50	Cumulative GPA	2.000

Degree: Bachelor of Science

Catalog Year: 2013-2014 Undergrad Credits Required: 120
 CUM GPA: 2.000 Credits Applied: 97.5

Unmet conditions for this set of requirements: A minimum of (120) credits are required. You currently have (97.5), you still need (22.5).

- GPA
- CUNY Skills Assessment
- CUNY 2013 GenEd Requirements Sis Needed [See CUNY General Education Requirements section](#)
- College Option B (Transfers W/30-60cr.) Sis Needed [See College Option \(B\) section](#)
- Writing Intensive (30-60cr., No Prior Associate) Sis Needed [See Writing Intensive Requirements section](#)
- Major (Plan/3 sub-Plan) Sis Needed [See BS in Computer Science section](#)
- Minor (Plan/3 sub-Plan) Sis Needed [See an Advisor for Approval > then visit SH, Rm. 106 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the semester if it is submitted prior to the deadline to declare which can be found on the Academic Calendar.](#)
- Degree Credits Sis Needed [You need a minimum of \(120\) credits to graduate.](#)

Catalog Year: 2013-2014 Undergrad
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for EN3 111

- CUNY Math Test Exempted
- CUNY Reading Test Exempted
- CUNY Writing Test Exempted

CUNY General Education Requirements

Catalog Year: 2013-2014 Undergrad Credits Required: 30
 GPA: 2.700 Credits Applied: 31

Students entering Lehman with credits earned at another CUNY college the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation course that are defined as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute, there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

<input checked="" type="checkbox"/> English Composition I	EN3 111	English Composition I	CR	3	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			
<input checked="" type="checkbox"/> English Composition II	EN3 121	English Composition II	CR	3	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			
<input checked="" type="checkbox"/> Mathematical and Quantitative Reasoning	MAT 172	Precalculus	CR	4	TRANSFER
	Satisfied by	- TRANSFER COLLEGE			

Legend

- Complete
- Complete except for classes in-progress
- TR/CR Transfer Class
- Repeat for better grade, no addit credit
- Not Complete
- Nearly complete - see advisor
- @ Any course number
- IP In Progress

CUNY Lehman College Production Environment

Student View AG676021 as of 11/19/2016 at 15:43

Student	Per: Morales, Ingrid	Academic Status	(GST) Good Academic Standing
ID	13130060	Student Group	(GROUPS)ADMM ADMT A1 BQ (50)
Transfer Credits	46.00	Cumulative GPA	2.911

Degree: Bachelor of Arts

Catalog Year: 2009-2010 Undergrad Credits Required: 120
 CUM GPA: 2.911 Credits Applied: 98

Unmet conditions for this set of requirements: A minimum of (120) credits are required. You currently have (108) you still need (12)

- GPA
- CUNY Skills Assessment
- General Education (40-59.5 No Prior Associate) Still Needed: See General Education Requirements - 40-59.5 section
- Major (Plan/Sub-Plan) Still Needed: See Major in Sociology section
- Minor (Plan/Sub-Plan) Still Needed: MINORS ARE NOT REQUIRED for GRADUATION. However, you may still need to declare one if you decide. See an Advisor for Approval - then visit SH-Rm 108 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendars.
- DEGREE CREDITS Still Needed: You need a minimum of (120) credits to graduate

CUNY Skills Assessment Catalog Year: 2009-2010 Undergrad
GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for ENG 110

- CUNY Math Test Exempted
- CUNY Reading Test Exempted
- CUNY Writing Test Exempted

General Education Requirements - 40-59.5 Catalog Year: 2009-2010 Undergrad
GPA: 3.728

Students must complete all Distribution Area & Natural Science courses after transfer credits have been applied. If there are fewer than 7 areas left, then students need to take all areas that are remaining. If 7 or more areas are needed, the student needs to take only 7 of the remaining areas. **UNTIL YOU HAVE REVIEWED YOUR AUDIT WITH AN ADVISOR IN SEMESTER 200, YOU CANNOT BE SURE THAT THE INFORMATION GIVEN HERE IS CORRECT. YOU MUST REVIEW THIS PORTION OF YOUR AUDIT WITH AN ADVISOR AS LONG AS IT APPEARS THAT YOU MAY STILL NEED ADDITIONAL CLASSES. ONLY AN ADVISOR IN SEMESTER 200 CAN VERIFY IF THE ADVICE ON THIS SECTION OF YOUR AUDIT IS ACCURATE.**

WRITING ENGLISH COMPOSITION

- English Writing Requirement
 - Prin. of Effective Writing I & II
 - Principles of Effective Writing I ENG 110 Prin Effectv Writg I B 3 SPRING 2010
 - Prin. of Effective Writing II ENG 120 Prin Effectv Writg 2 B+ 3 SPRING 2012

FOREIGN LANGUAGE

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- @ Any course number
- Repeat for better grade, no addtl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG314224 as of 07/20/2016 at 21:08

Student	Trece, David	Academic Status	(GST) Good Academic Standing
ID	13132199	Student Group	(GROUPS) 213C ADDG ADMT PREG (50)
Transfer Credits	6.00	Cumulative GPA	3.378

Degree: Bachelor of Arts

Catalog Year: 2010-2011 Undergrad Credits Required: 120

CUM GPA: 3.378 Credits Applied: 88

Unmet conditions for this set of requirements:

A minimum of (120) credits are required. You currently have (88) you still need (32)
 A minimum of (90) credits in Liberal Arts courses are required. You have taken (62) but need (6) more credits

- GPA
- CUNY Skills Assessment
- Liberal Arts & Science (ADP)
- Major (Plan/Sub-Plan)
- Minor (not required for ADP, LSP & CUNY Honors)
- DEGREE CREDITS

Still Needed: See CUNY Skills Assessment section
 Still Needed: See Liberal Arts & Science Requirements-ADP section
 Still Needed: See Major in Art - BA section
 Still Needed: You need a minimum of (120) credits to graduate

CUNY Skills Assessment

Catalog Year: 2010-2011 Undergrad

GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or before registering for ENG 111

- CUNY Math Requirement
- CUNY Reading Test (Passed)
- CUNY Writing Requirement

Still Needed: You have (4) semesters to pass this exam
 Still Needed: You have (4) semesters to pass this exam

Liberal Arts & Science Requirements-ADP

Catalog Year: 2010-2011 Undergrad Credits Required: 42

GPA: 3.008 Credits Applied: 31

Unmet conditions for this set of requirements:

You are required to complete 38 Liberal Art credits for the Adult Degree Program. You currently have 31, you still need 11 more

- Principles of Effective Writing I and II
- 24 credits in Liberal Arts Courses

IMA 158	Colloquium	A	3	FALL 2010
Still Needed:	IDA 155 and 156 may be substituted for ENG 110 and 120			
COM 168	Fund Oral Communicat	CR	3	TRANSFER
Satisfied by	- JERSEY CITY STATE COLLEGE			
ISA 152	Colloquium	A	3	SPRING 2011
MAT 164	College Algebra	C-	3	FALL 2013
PSY 168	General Psychology	CR	3	TRANSFER
Satisfied by	- JERSEY CITY STATE COLLEGE			
SOC 168	Fundamentals Of Sociology	D-	3	FALL 2011

Still Needed: Please consult with an ADP advisor for information regarding what courses may be used to satisfy this requirement.

Legend

- Complete
- Not Complete
- Complete except for classes in-progress
- Nearly complete - see advisor
- TR/CR Transfer Class
- Any course number
- Repeat for better grade, no addl credit
- IP In Progress

CUNY Lehman College Production Environment

Student View AG832241 as of 01/07/2017 at 01:57

Student	Caceres, Grays	Academic Status	(GST) Good Academic Standing
ID	13106363	Student Group	(GROUPS)PDAX (ST)
Transfer Credits	60.00	Cumulative GPA	3.100

Degree: Bachelor of Arts

Catalog Year: 2013-2014 Undergrad Credits Required: 120
 CUM GPA: 3.100 Credits Applied: 92

Unmet conditions for this set of requirements:

A minimum of (120) credits are required. You currently have (00) you still need (20)
 A minimum of (90) credits in Liberal Arts courses are required. You have taken (61) but need (29) more credits

- GPA
- CUNY Skills Assessment SIB Needed See CUNY Skills Assessment section
- CUNY 2013 GenEd Requirements SIB Needed See CUNY General Education Requirements section
- College Option II (Prior Associate Degree Holders) SIB Needed See College Option (II) section
- Writing Intensive (Prior Associate Degree Holders)
- Major (Plan/Sub-Plan) SIB Needed See BA in Accounting section
- Minor (Plan/Sub-Plan) SIB Needed
MINORS ARE NOT REQUIRED for GRADUATION. However, you may still select to declare one if you decide. See an Advisor for Approval > then visit SH Rm 108 with your signed Declaration form for processing. Please note, the addition or removal of Minor will only be effective for the current semester if it was submitted prior to the Deadline to declare which can be found on the Academic Calendar.
- Degree Credits SIB Needed You need a minimum of (120) credits to graduate

CUNY Skills Assessment

Catalog Year: 2013-2014 Undergrad
 GPA: 0.000

Every student must meet a minimum University-wide level of Proficiency in Reading, Writing, and Mathematics before entering the senior college or being below registering for ENG 111

- CUNY Math Requirement SIB Needed You have (4) semesters to pass this exam
- CUNY Reading Requirement SIB Needed You have (4) semesters to pass this exam
- CUNY Writing Requirement SIB Needed You have (4) semesters to pass this exam

CUNY General Education Requirements

Catalog Year: 2013-2014 Undergrad Credits Required: 30
 GPA: 0.000 Credits Applied: 28

Unmet conditions for this set of requirements:

(30) credits are required for the General Education. You currently have (28) you still need (4) more credits

Students entering Lehman with credits earned at another CUNY college the CUNY 2013 Gen Ed requirements which you have already fulfilled will be considered fulfilled at Lehman. Students who enter Lehman from a non-CUNY college will receive a transfer credit evaluation. Courses that are deemed as equivalent to the CUNY 2013 Gen Ed requirements at Lehman will fulfill these requirements. In cases where equivalency is not clear or in dispute there is an appeal process for determining Gen Ed equivalency.

FOUNDATION: REQUIRED COMMON CORE

- English Composition I ENG 111 English Composition I CR 3 TRANSFER Satisfied by TRANSFER COLLEGE

Student Program	Student Plan	Student Sub-Plan	Student Attributes	Student Degrees
Josephine Bagcal		12182979		★
Academic Career:	Undergraduate	Career Requirement Term	Student Career Nbr: 2	
Find View 1 First 1-6 of 6 Last				
Status:	Active in Program			
*Effective Date:	09/18/2016	Effective Sequence:	1	
*Program Action:	DATA Data Change	Action Date:	09/18/2016	
Action Reason:	EGTU EGT Updated	Joint Prog Appr:	<input type="checkbox"/>	
*Academic Institution:	LEH01 Lehman College	Admissions <input type="checkbox"/> From Application Application Nbr: Application Program Nbr: 0		
*Academic Program:	UGRD Undergraduate			
*Admit Term:	1159 2015 FA			
Requirement Term:	1159 2015 FA	*Campus:	MAIN LEHMAN	
Expected Grad Term:	1192 2019 SP	*Academic Load:	Full-Time	
Last Updated On:	09/18/2016 11:14:29PM			
By:	APSADM			

Student Program	Student Plan	Student Sub-Plan	Student Attributes	Student Degrees
Josephine Bagcal		12182979		★
Academic Career:	Undergraduate	Student Career Nbr: 2	Car Req Term:	
Find View All First 1 of 6 Last				
Status:	Active in Program			
Effective Date:	09/18/2016	Admit Term:	2015 FA	
Program Action:	Data Change	Effective Sequence:	1	
Action Reason:	EGT Updated	Action Date:	09/18/2016	
Academic Program:	UGRD	Requirement Term:	2015 FA	
Find View All First 1 of 1 Last				
*Academic Plan:	CHE-BS Chemistry BS	Major:	BS	
*Plan Sequence:	10	Degree:	BS	
*Declare Date:	04/13/2016	Degree Checkout Stat:		
*Requirement Term:	1162 2016 SP	Student Degree Nbr:		
*Advisement Status:	Include	Completion Term:		

Student Program

Student Plan

Student Sub Plan

Student Attributes

Student Degrees

Josephine Bagcal

12182979



Academic Career: Undergraduate

Student Career Nbr: 2

Find | View All First 1 of 1 Last

Status: Active in Program Admit Term: 2015 FA
Effective Date: 09/18/2016 Effective Sequence: 1
Program Action: Data Change Action Date: 09/18/2016
Action Reason: EGT Updated
Academic Program: Undergraduate Lehman College

Find | View All First 1 of 1 Last

Academic Plan: Chemistry BS Major
Requirement Term: 2016 Spring Term

Find | View All First 1 of 1 Last

*Academic Sub-Plan: BIOCHE Biochemistry
Academic Sub-Plan Type: Specialization
*Declare Date: 04/13/2016
*Requirement Term: 1166 2016 SU

**January 27, 2017 DOE Response and Request
for Revised File Review related to Finding 5**



'17FEB 2 12:05PM

January 27, 2017

Jose L. Cruz, PhD
President
CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589

Certified Mail Return Receipt Requested
7006 2760 0002 1737 5580

RE: Requirement to Resubmit Program Review Response
OPE ID: 00702200
PRCN: 201620229528

Dear Dr. Cruz:

The School Participation Team-New York/Boston has reviewed CUNY Lehman College's (Lehman) November 17, 2016 partial response to the May 27, 2016 Program Review Report issued by the Department and has identified unresolved issues for the following finding. Lehman must follow the guidance as described below, and resubmit the response.

Finding 5. Conflicting Information in Student File- Undeclared Major

In its response to this finding, Lehman stated that it feels a full file review for all students who have completed 60 credits and have not declared a major during the indicated award years is unwarranted because only one student was cited in the review which is evidence that the issue is not systemic. Lehman also provided documentation confirming that the student cited in this finding (student 7) declared her major in Chemistry subsequent to the program review visit. Lehman further stated that there is no federal statute or regulation regarding this 60 credits requirement but that there is a regulatory requirement for students who are receiving New York State financial aid, and that when a student has an "Undeclared Major", before the official major declaration is made a student can, and does take General Education requirements or General Studies.

In response to the Department's declaration of major concerns, Lehman stated that per New York State Education Department general provisions and guidance, "A student shall be considered matriculated only if the courses pursued by the student are fully recognized at that time as contributing towards fulfillment by the student of the requirements for completion of the program, and that "Academic practices at certain institutions permit entering students to defer declaring a major until a later time in their course of study. In such instances, students usually

Federal Student Aid

AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION

School Participation Division – New York/Boston

Financial Square, 32 Old Slip, 25th Fl., New York, NY 10005

take courses in a variety of disciplines that are common to a number of degree programs and that matriculated students defer declaration of a specific major may be considered to be enrolled in one or more of an institution's approved (registered) programs.

The Department agrees that there is no federal Statute or regulation regarding 60 credits requirements for students to declare a major because the expectation is that institutions would set up the requirements since they are the experts in determining the point where students would have completed their general education course requirements as it is the case with Lehman. Regarding Majors and Minors, Lehman's catalog, Page 37, informs all candidates for a baccalaureate degree that they must select a major field of study and complete all requirements for that major. It further states that each department, departmental section, or interdisciplinary program at the college is responsible for determining the content and requirements of the majors it offers. The requirements for each major are listed under the alphabetical listings of departments in the catalog's Bulletin. It specifically states that students must select a major by the time they have earned 60 college credits and must record their choices in the Office of the Registrar (Shuster Hall, Room 106), and that students are advised to consult with the prospective departments about a major as soon as possible. Therefore, declaring a major at 60 credits is not only a State Financial aid requirement but a requirement and policy of Lehman for all students matriculated in a baccalaureate degree, which is the case of student 7.

The Department also agrees that there was only one instance (student 7) where the student did not declare a major after obtaining 60 credits and enrolled for subsequent courses. However, when the question was raised about whether the institution had a process in place to ensure students declared their major in the specified timeframe, Lehman's officials stated that they did not have a system in place. There were four (4) instances in the student sample of 15 who did not declare a major. Student 7, being one of those four (4) students was the only student that had reached 60 credits and was required to but failed to declare a major. The academic transcripts of the remaining students from the sample indicate that a major was declared but the majority of the students transferred credits to Lehman in excess of 45 credits. Lehman failed to demonstrate it has a system in place to prevent students from enrolling in subsequent semesters past earning 60 credits without declaring a major. This information was confirmed with the case of student 7 where the Registrar had to reach out to the student by calling her, subsequent to the program review visit in order for the student to declare a major.

Based on this information, Lehman is required to conduct a full file review for Finding 5, per instructions provided in the program review report issued on 5/27/2016. However, instead of requesting a full file review for four (4) award years, the Department is limiting the full file review request for award years 2014/2015 and 2015/2016, due 60 days from the receipt date of this letter.

Please see the enclosure Protection of Personally Identifiable Information (PII) for instructions regarding submission of required data / documents containing PII.

If you have any questions concerning this report, please call me at (646) 428-3743.

Sincerely,

A handwritten signature in black ink, appearing to read "Lydia Gonzalez", with a stylized flourish at the end.

Lydia Gonzalez
Institutional Review Specialist

cc: Vera Senese, Director of Financial Aid

Enclosures:
Protection of Personally Identifiable Information

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip, however, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using Win Zip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy and electronic files containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

January 11-February 13, 2017 Email Exchanges

January 11, 2017: Fragment of the January 11, 2017 DOE acknowledgement of receiving Lehman College's January 11, 2017 institutional response (the full e-mail is in the January 6-11, 2017 email exchanges).

January 12, 2017: Institutional response in which the College provided a NYSED website link.

February 13, 2017: DOE email that referenced the DOE's January 27, 2017 response.

DONALD.SUTHERLAND

From: Curry, Christopher <Christopher.Curry@ed.gov>
Sent: Monday, February 13, 2017 1:47 PM
To: ELVIRA.SENESE
Cc: JOSEPH.MAGDALENO; Bruce Birnbaum; Gonzalez, Lydia
Subject: RE: Lehman College Supplemental Information for Finding #5

Hi Vera,

Thank you for the additional information you provided regarding the issue of documenting students' enrollment as matriculated in degree-seeking programs.

We had a discussion with our policy specialists where we shared the information you provided, and considered the specific circumstances of the records we reviewed at CUNY-Lehman.

Based on the discussion, the determination was made that, although the regulations specifically refer to student enrollment in AN eligible program, the additional documentation that was submitted by CUNY could reasonably be considered to meet the requirement for documenting students' eligibility, specifically the screen-print for student #7 (Bagcal) that displays the Academic Career information, and in that student's case shows her academic plan as being enrolled in the "Undeclared BA" program.

However, as indicated in Lydia's letter from January 27, 2017, the discussions also confirmed that, after the point where the students would have completed their general education and free elective requirements, the school would need to be able to document enrollment in a specific, approved program in order to properly determine that the courses the students enrolled in are applicable to an eligible program at the school.

We appreciate your continued cooperation in addressing these issues. Please coordinate with Lydia on any further questions regarding the findings in the program review report.

Sincerely,

Chris Curry

-----Original Message-----

From: ELVIRA.SENESE [mailto:ELVIRA.SENESE@lehman.cuny.edu]
Sent: Thursday, January 12, 2017 4:19 PM
To: Curry, Christopher
Cc: JOSEPH.MAGDALENO; Bruce Birnbaum; Gonzalez, Lydia
Subject: Lehman College Supplemental Information for Finding #5

Hello Chris,

Thank you for your quick response and we certainly understand your concerns regarding how our students are matriculated in an approved program. Per your suggestion, we can reach out to NYSED to give us some additional documentation, but we did find guidance provided on the NYSED website https://urldefense.proofpoint.com/v2/url?u=http-3A__www.highered.nysed.gov_ocue_lrp_GuidelinesConcerningMatriculationandApprovedPrograms.htm&d=CwIFAg&c=tzSjEhL4u5Xlh9GXWARTsBI31pp--

h2kWBladC1LS_M&r=yFkfUFyXN0bQzdgQdv8hFm861hVnma4r3T6JldYZjjs&m=0cHv3fWOx-Gk8JQ_GyDxsl8AZL9cKpAtV2y0ovN2Kpw&s=IYhjcTEhUnKHILmWmsfqyd5HibDYF1sHFddSojdfsQ&e= . NYSED provides guidance regarding matriculation under II. Matriculation - B. General Provisions and guidance regarding approved programs in III. Approved Programs - A. General Provisions. Also, the Commissioner's regulations regarding matriculation in Section 145-2.4 (c) state that: "A student shall be considered matriculated only if the courses pursued by the student are fully recognized at that time as contributing towards fulfillment by the student of the requirements for completion of the program." Lehman is complying with this guidance and these regulatory requirements.

We also found that NYSED provides the following guidance regarding matriculation and the declaration of a major under III. Approved Program - B. Approved Program and Deferred Major:

"Academic practices at certain institutions permit entering students to defer declaring a major until a later time in their course of study. In such instances, students usually take courses in a variety of disciplines that are common to a number of degree programs. Matriculated students who defer declaration of a specific major may be considered to be enrolled in one or more of an institution's approved (registered) programs."

Lehman is following the spirit and intent of both the NYSED regulations and that of the federal regulations 668.32(a), 668.8(c) and 668.24(a)(2) and the link to the NYSED guidance and regulations should provide you with the documentation you are looking for.

Sincerely,

Vera

Vera Senese
Director of Financial Aid
Lehman College
Shuster Hall, Room 127
250 Bedford Park Blvd. West
Bronx, NY 10468
Elvira.Senese@lehman.cuny.edu
(718)960-7799

-----Original Message-----

From: Curry, Christopher [mailto:Christopher.Curry@ed.gov]
Sent: Wednesday, January 11, 2017 6:54 PM
To: ELVIRA.SENESE <ELVIRA.SENESE@lehman.cuny.edu>
Cc: JOSEPH.MAGDALENO <JOSEPH.MAGDALENO@lehman.cuny.edu>; Bruce Birnbaum <Bruce.Birnbaum@cuny.edu>; Gonzalez, Lydia <Lydia.Gonzalez@ed.gov>
Subject: RE: Lehman College Response to Finding #1 and Supplemental Info for Finding #5

Vera,

Thank you for this additional information.

Lydia will review this and let you know if any additional information is needed, but I wanted to address the issue you discuss in the third paragraph.

**March 7, 2017 Institutional Response related
to Finding 5**



March 7, 2017

Dear Ms. Gonzalez:

In regards to your letter of 1/27/17 pertaining to the Program Review Report issued on 5/27/16, Lehman College would like to provide additional critical information that we would like you to take into consideration regarding **Finding 5: Conflicting Information in Student File – Undeclared Major** and the requirement to conduct a file review for the 2014/15 and 2015/16 academic years. Please note, that we have provided responses to Finding #5 on the following dates: 11/17/16, 1/6/17, 1/11/17 and 1/12/17.

We would like to bring to your attention some additional information for your consideration. You indicate that in the student sample of 15, only one student (Student #7) appeared to have reached 60 credits but failed to declare a major. We would like to point out that this student did indeed declare her major in a timely manner. She declared her Chemistry major in the spring 2016 semester (1/29/16-5/28/16) on April 12, 2016 (see attachment # 1). She enrolled for 8 credits for the spring 2016 semester on November 17, 2015 (see attachment # 2). On this date, she had an accumulated 54 transfer credits (see attachment # 3). At the point of her enrollment for the spring 2016 semester, she had not earned 60 credits. The fall 2015 semester was still in progress and the college could not forecast that she would have successfully completed those courses. When she enrolled for the fall 2016 semester (8/25/16-12/21/16) on 04/19/16 (see attachment # 4), she had accumulated 60 credits and had declared her Chemistry major (see attachment #5). Therefore, Student #7 did indeed comply with Lehman's requirement to declare her major once she accumulated 60 credits.

As stated previously, Lehman does require students to declare a major concentration when they have accumulated 60 credits. This requirement is for consistency purposes with New York State TAP requirements and is supported by language in our catalog. We are uncertain as to what you are referring in your 1/27/17 letter when you say "...when the question was raised about whether the institution had a process in place to ensure students declared their major in the specified time frame, Lehman's officials stated that they did not have a system in place." In all of our written responses to Finding #5, we have stated that we do indeed have a system in place and provided documentation of this. Once again, here is the information previously provided:

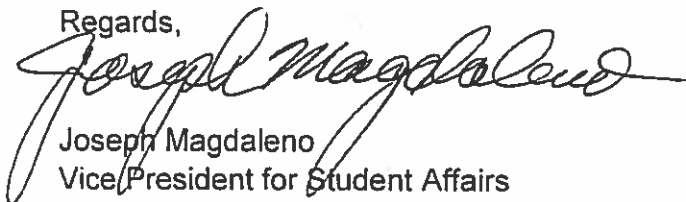
Up until the time of the 3/16 Program Review, Lehman did, and is continuing to do the following to ensure students make their formal declaration of what area they plan to officially pursue by the time they have accumulated 60 credits:

- Publish the requirement in our catalogue and website (documentation previously submitted and attached – attachment #6)
- Send correspondence to all TAP recipients regarding the declaration of a major (documentation previously submitted and attached – attachment #7)

- Provide information/publications to transfer students regarding the declaration of a major (documentation previously submitted and attached – attachment #8)
- Provide many printed documents to all Lehman students. Please see sample provided by Career Services (attachment #9)
- Incoming freshman and new transfer students meet with an academic advisor to discuss their course selection and declaration of major. Please see attached statement from Lisa Moalem, Director of Academic Advisement (attachment #10).
- Outreach regarding academic advisement is provided during New Student Orientations, Weeks of Welcome, Major Fairs, Club Fairs, CareerFest, etc. on campus sponsored by various areas of the College. We also have many printed documents we provide to students indicating that they must declare a major at the end of their sophomore year. Please see the attached document provided by Nancy Cintron, Director of Career Services and Brian Williams, Director, Sophomore Year Initiative regarding all the services they provide (attachment #11).
- Developed and implemented the Sophomore Year Initiative Program (SYI). SYI is a grant-funded program administered by the USDE at Title V Hispanic Serving Institutions. It is a collaborative program between the divisions of Enrollment Management and Student Affairs and is staffed year-round to assist students. Information and guidance is provided to students, including the requirement for them to declare their majors. <http://www.lehman.edu/sophomore-year-initiative>.
- Lehman also provides guidance, academic support and advisement every step of the way in the student's course selection process. Again, we guide students as to what they should be doing each year – please see our website where students are given specific direction in their sophomore year (when they have accumulated between 31-60 credits) that they should be meeting with a Faculty Advisor regarding their "Declaration of Academic Plan": <http://www.lehman.edu/academics/advising/this-year.php#soph>. We make it transparent and easy for a student to meet with someone to discuss their degree and major requirements. A student can very easily make an appointment to meet with an Academic Advisor using our online AdvisorTrac system <http://www.lehman.edu/academics/advising/schedule-appointment.php>.

Lehman has demonstrated that it does have a system in place to determine when students reach the point where they need to declare a major and to notify them. We believe that a file review is unwarranted because only one student appears to have been erroneously cited during the review, and in the final analysis, this represents a 0% error rate. Student #7 did in fact file her declaration of major in a timely manner. We would appreciate your careful consideration of the additional information we have provided, following which we would ask that the Department's request for a file review be rescinded. Alternatively, we would respectfully ask for an opportunity to make our case at a joint meeting with your team and the Policy Office. Thank you.

Regards,



Joseph Magdaleno
Vice President for Student Affairs

**April 14, 2017 DOE Response related to
Finding 5**



April 14, 2017

Jose L. Cruz, PhD
President
CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589

Certified Mail Return Receipt Requested
7006 2760 0002 1737 5818

RE: Requirement to Resubmit Program Review Response
OPE ID: 00702200
PRCN: 201620229528

Dear Dr. Cruz:

The School Participation Team-New York/Boston has reviewed CUNY Lehman College's (Lehman) March 3, 2017 response to the January 27, 2017 Requirement to Resubmit the Program Review Report issued by the Department and has identified unresolved issues for the following finding. Lehman must follow the guidance as described below, and resubmit the response.

Finding 5. Conflicting Information in Student File- Undeclared Major

In its **March 3, 2017** resubmission response to this finding, Lehman provided additional information that it would like the Department to take into consideration regarding this finding. Regarding student 7, Lehman stated that the student did indeed declare her major in a timely manner, claiming the student at the point of her enrollment for the spring 2016 semester had not earned 60 credits. The academic transcript provided during the onsite program review indicated the student had completed 60 credits as of December 23, 2015, and had not declared a major. In addition, in following up with the office of the Registrar regarding the declaration of a major for this student, the Department was informed via e-mail, on April 4, 2016 that student 7 was contacted by phone on 3/28/2017, after the program review had been conducted, to come in and complete the declaration of major form. It was also noted that a registrar hold was placed on her student record to ensure she comes to the Registrar's office as soon as possible. The email stated that as of the morning of April 4, 2016, the student had not come in to the office, and that the Registrar would be sending her another communication to include the PDF form.

In its response, Lehman also stated it is uncertain as to what the Department is referring in the January 27, 2017 letter when it say "when the question was raised about whether the institution had a process in place to ensure students declare their major in the specified time frame,

Lehman's officials stated that they did not have a system in place." During the exit conference meeting held on 3/15/2016, the reviewers questioned whether or not the institution has a system in place that would flag all students who completed 60 credits without declaring a major to prevent them from registering for future courses, and the response was no.

Based on the additional information provided for CUNY-Lehman on March 3, 2017, the Department will acknowledge that Lehman appears to have a process to monitor TAP recipients. The examples of correspondence sent to students provided in its response for the Department's review came from the TAP Certifying Officer.

While CUNY-Lehman does have written policies and procedures in place for declaration of majors, the process for monitoring undeclared majors for non-TAP recipients is still unconfirmed. During staff interviews, it was disclosed that students must declare a major by 60 credits, and that it is the responsibility of Registrar to identify and reach out to the students. There is no indication in the financial aid award letter and student ledger provided during the program review for Student 7 that she is a TAP recipient, and was therefore apparently not contacted by TAP Certifying officials. Regardless of whether or not the student is a TAP recipient, based on Lehman's College Catalogue, the student should have declared a major prior to registering for classes for the spring 2016 because based on the information disclosed to students, they do not have to wait until 60 credits, it should be before.

In addition, a review of the information provided in its March 3, 2017 response, it clearly shows that CUNY- Lehman potentially could have students with 60 credits or more with undeclared majors.

Based on the Department's review and analysis of the information provided in its March 3, 2017, Lehman's requirement to conduct a full file review for Finding 5 has been amended to limit the file review to Non-TAP, Title IV recipients. Please follow the instructions provided in the program review report issued on 5/27/2016, for Non-TAP, Title IV recipients for award years 2014/2015 and 20/15/2016 only. The institution must provide a list of all non-TAP, Title IV recipients identified as declaring a major after 60 credits. For answering item 5 of the file review requirements on the program review report for this finding, students that have been identified based on the file review requirement, the Department will apply the following criteria:

1. Students who withdrew prior to declaring a major, all Title IV funds should be identified as liabilities past the term in which they completed 60 credits.
2. For students, who subsequently declared a major, Lehman is required to perform an evaluation to determine what credits taken after 60 without declaring a major were applicable to the declared major. Lehman must then evaluate the student's Title IV eligibility and discount the ineligible courses.

Repayment instructions for liabilities will be included in the Final Program Review Determination (FPRD).

This information must be provided to this office within sixty (60) days of receipt of this letter to the address below.

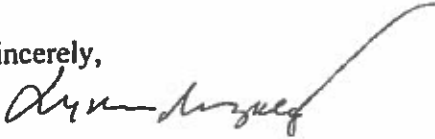
U.S. Department of Education
Federal Student Aid
Financial Square
32 Old Slip, 25th Fl.
New York, NY 10005
Attention: Lydia Gonzalez

Copies of the documentation used to determine the liability for this finding, including but not limited to student's attendance rosters, grade rosters, academic transcripts, statement of account, student's budget, award letter, ISIR, transcript, and other supporting documentation, course evaluation, should be retained by the school for possible further review by the Department.

Please see the enclosure Protection of Personally Identifiable Information (PII) for instructions regarding submission of required data / documents containing PII.

If you have any questions concerning this report, please call me at (646) 428-3743.

Sincerely,



Lydia Gonzalez
Institutional Review Specialist

cc: Vera Senese, Director of Financial Aid
Joseph Magadaleno, Vice President for Student Affairs

Enclosures:
Protection of Personally Identifiable Information

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip, however, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using Win Zip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy and electronic files containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

**June 7, 2017 Institutional Response related to
Finding 5**



LEHMAN
COLLEGE

OFFICE OF THE VICE PRESIDENT
FOR STUDENT AFFAIRS

Shuster Hall, Room 206
250 Bedford Park Blvd West
Bronx, NY 10468

Phone: 718-960-8241
Fax: 718-960-8243
www.lehman.edu

6/7/17

Ms. Carney McCullough
Director, Policy Development Group
Policy, Planning and Innovation
Office of Postsecondary Education
U.S. Department of Education
LBJ-6-6W248
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. McCullough:

I write to respectfully request a meeting with you to discuss a matter that has arisen on a Lehman College Program Review currently conducted by your office's New York/Boston School Participation Division. The Program Review commenced in March 2016.

The disputed matter involves the review team's finding that Lehman College baccalaureate degree students who have not declared a major before reaching their 60th credit are no longer in an eligible program per Title IV regulation 34C.F.R. 668.32(a)(1)(i) and are subsequently ineligible to receive Title IV financial aid. The reviewers acknowledge that there is no specific Title IV regulation that requires these students to have declared a major by or before their 60th credit, but they base their finding on the college's catalog which indicates that all baccalaureate students must declare a major by their 60th credit. The college indicated to the reviewers that the catalog requirement exists because it was the most efficient way to encourage New York State Tuition Assistance Program (TAP) recipients to satisfy a TAP eligibility regulation that students declare by their 60th credit. We believe the USDE had and continues to have, the authority to enact such a requirement for students who receive Title IV aid, but it has not chosen to do so. The logical interpretation for why it has not done so is that they have determined there are more relevant indicators of whether a student is enrolled in an eligible program. Nevertheless, the reviewers directed Lehman College to conduct a file review on students who did not timely declare their major.

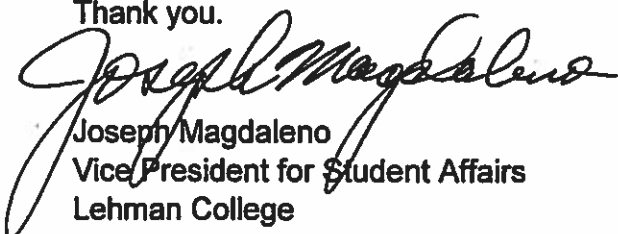
We also believe the file review to be unwarranted because allegedly, only one student in the reviewers' sample of fifteen had not declared a major by the time she completed 60 credits. The reviewers directed Lehman to conduct a four-year file review based on the one student found in the sample. After Lehman College's initial protestations, Lehman College received a letter from Specialist Lydia Gonzalez on April 14, 2017 indicating that the college is still required to conduct a file review, albeit a scaled back version of the original request. It is our continued belief that even if the reviewers were correct that a student not meeting a TAP



requirement was not eligible for Title IV financial aid, the reviewers' interpretation of the regulation does not apply to the one student cited who was indeed taking courses toward the major she eventually declared.

We would like to meet with you at your convenience to discuss this very important matter and to, hopefully, confirm that our practices are consistent with Title IV regulations. I have attached several pieces of the correspondence sent from Lehman College to the review team. I can certainly send you additional documentation if you would like. Please let me know whether you are amenable to a meeting and, if so, whether you would prefer a teleconference or an in-person meeting.

Thank you.



Joseph Magdaleno
Vice President for Student Affairs
Lehman College

Attachments

Cc: Lydia Gonzalez
Christopher Curry
Vera Senese
Gordon Taylor
Bruce Birnbaum
James Murphy
President José Luis Cruz

June 8-14, 2017 Email Exchanges

June 8, 2017: DOE position on a “direct meeting.”

June 14, 2017: Institutional response: Explanation that the request was not for a “direct communication” that excluded “the presence of the New York team or FSA” but clarification the issue related to Finding 5.

DONALD.SUTHERLAND

From: JOSEPH.MAGDALENO <JOSEPH.MAGDALENO@lehman.cuny.edu>
Sent: Wednesday, June 14, 2017 3:10 PM
To: 'McCullough, Carney'
Cc: 'Curry, Christopher'; 'Gonzalez, Lydia'; ELVIRA.SENESE; 'Bruce Birnbaum'; 'James Murphy'; 'Gordon Taylor'; LUZ JIMENEZ; 'Bennett, Ron'; 'Coughlin, Betty'
Subject: Lehman College - Regarding request to discuss recent program review
Attachments: image001.jpg

Ms. Carney McCullough

Director, Policy Development Group

Policy, Planning and Innovation

Office of Postsecondary Education

U.S. Department of Education

LBJ-6-6W248

400 Maryland Avenue, SW

Washington, DC 20202

Dear Ms. McCullough,

Thank you for your response. I would like to clarify that it was never our intention to seek direct communication with you or the Policy Division without the presence of the New York team or FSA. We are simply seeking a clarification of this one particular issue regarding the disqualification of our students from Title IV funding if they do not declare their majors when they reach 60 credits. We want to assure you and those copied on this email that we respect the process and never intended anything inappropriate.

We would like to extend again the request to have a conversation with all parties regarding this issue. Additionally, in light of your response and the significant institutional effort needed to implement the newly established New York State Excelsior Scholarship Program, we would also respectfully request from the New York team, a 30 day extension to respond to Ms. Gonzalez' 4/14/17 letter.

Thank you in advance for your attention in this matter. We look forward to hearing from you.

Sincerely,

José Magdaleno/ Vice President for Student Affairs

Lehman College, The City University of New York - Shuster RM 204

250 Bedford Park Boulevard West Bronx, NY 10468

718-960-8241 www.Lehman.edu

From: McCullough, Carney [<mailto:Carney.McCullough@ed.gov>]

Sent: Wednesday, June 14, 2017 8:35 AM

To: JOSEPH.MAGDALENO <JOSEPH.MAGDALENO@lehman.cuny.edu>

Cc: Curry, Christopher <Christopher.Curry@ed.gov>; Gonzalez, Lydia <Lydia.Gonzalez@ed.gov>; ELVIRA.SENESE <ELVIRA.SENESE@lehman.cuny.edu>; 'Bruce Birnbaum' <Bruce.Birnbaum@cuny.edu>; 'James Murphy'

<James.Murphy@cuny.edu>; 'Gordon Taylor' <Gordon.Taylor@cuny.edu>; LUZ JIMENEZ

<LUZ.JIMENEZ@lehman.cuny.edu>; Bennett, Ron <Ron.Bennett@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>

Subject: RE: Lehman College - Request to discuss recent program review

Dear Mr. Magdaleno-

It would be inappropriate for me to speak with you directly regarding an ongoing program review. I am happy to consult with FSA and the Region II compliance staff regarding any policy questions that may have arisen. I'm sorry that I cannot be of more assistance at this time.

Carney McCullough

From: JOSEPH.MAGDALENO [<mailto:JOSEPH.MAGDALENO@lehman.cuny.edu>]

Sent: Thursday, June 08, 2017 10:03 AM

To: McCullough, Carney

Cc: Curry, Christopher; Gonzalez, Lydia; ELVIRA.SENESE; 'Bruce Birnbaum'; 'James Murphy'; 'Gordon Taylor'; LUZ JIMENEZ

Subject: Lehman College - Request to discuss recent program review

Ms. Carney McCullough

Director, Policy Development Group

Policy, Planning and Innovation

Office of Postsecondary Education

U.S. Department of Education

LBJ-6-6W248

400 Maryland Avenue, SW

Washington, DC 20202

Dear Ms. McCullough:

Attached is signed correspondence and supporting documents regarding

Lehman College's request to discuss a recent program review.

I look forward to hearing from you.

Best regards,

José Magdaleno/ Vice President for Student Affairs

Lehman College, The City University of New York - Shuster RM 204

250 Bedford Park Boulevard West Bronx, NY 10468

June 19, 2017 Email

**June 19, 2017: Institutional response: Request for a meeting to discuss the file review request.
Summarized major communications between the DOE and Lehman College**

Requesting a Consultation Meeting

ELVIRA.SENESE

Sent: Monday, June 19, 2017 6:24 PM

To: abby.jennis@cuny.edu

Cc: Jane.Sovern@cuny.edu; Gordon Taylor [Gordon.Taylor@cuny.edu]; Bruce Birnbaum [Bruce.Birnbaum@cuny.edu]; James Murphy [James.Murphy@cuny.edu]; JOSEPH.MAGDALENO; REINE.SARMIENTO; YVETTE.ROSARIO

Attachments: Program Review Report 5-26~1.pdf (4 MB) ; Lehman College Responses to 5... (67 KB) ; Lehman College Response to Fi... (9 MB) ; RE: Lehman College Response t... (772 KB) ; RE: Lehman College Response t... (10 KB) ; DOE.Fin.Aid.Audit.Undeclar~1.pdf (591 KB) ; RE: Lehman College Supplement... (11 KB) ; Program Review Response - ~1.pdf (986 KB) ; USDE Letter 4-14-17.pdf (114 KB) ; Letter to C. McCullough.pdf (438 KB) ; Lehman College - Regarding re... (12 KB)

Hello Ms. Jennis,

I am writing to you on behalf of Lehman to request a meeting to discuss the U.S. Department of Education's requirement of a file review submission as part of finding #5 in a recent Program Review at Lehman. I believe that Gordon Taylor has spoken to Ms. Sovern about the issue and she said that you might be assigned to the case.

To summarize:

- The USDE conducted a Program Review at Lehman in March of 2016 and issued their report in May of 2016 (attached).
- Lehman submitted an initial response (attached) to the USDE on 11/17/16.
- We asked and were granted an extension for finding #1. We submitted that file review on 1/6/17 (attached) along with additional information regarding finding #5.
- There were several emails (attached) and phone calls back and forth with the USDE in January including the two that I have attached.
- We received a response from them on 1/27/17 (attached) indicating that we were still required to do the file review by 3/27/17 but revised it from 4 years to two years.
- There was additional correspondence sent back and forth (attached).
- On 3/7/17, Vice President Magdaleno sent another response to them (attached).
- On 4/14/17, we received a response from them (attached) containing many errors and inconsistencies indicating that we were still required to conduct the file review and to submit the results by 6/14.
- After many conference calls with Gordon Taylor, Bruce Birnbaum and Jim Murphy, it was decided that Lehman would write on 6/7 to Carney McCullough in the Policy area of the USDE in D.C. for her input (attached).
- We received a response on 6/14 indicating that she did not want to comment and VP responded to that email also requesting another extension (attached).

I know that I have provided a lot of information, but I wanted to make sure that I didn't leave anything out. Basically, we find ourselves at a crossroads and we feel that we need some legal advice as to how to proceed. While we did internally conduct the file review and it yielded a potential \$44,600 liability, we need some advice as to how to proceed. This is an issue that is present at all of the Senior Colleges. Hunter and Brooklyn Colleges also had recent Program Reviews and were cited during their exit interviews with this issue. They have not received their reports yet from the USDE.

In light of the fact that our submission deadline has passed and we have not heard back from them regarding our requested extension, would it be possible to have a conversation regarding our options sometime this week. We look forward to hearing from you.

Thank you.

Vera Senese
Director of Financial Aid
Lehman College
Shuster Hall, Room 127
250 Bedford Park Blvd. West
Bronx, NY 10468
Elvira.Senese@lehman.cuny.edu
(718)960-7799

**August 24, 2017 Institutional Response related
to Finding 5**



LEHMAN
COLLEGE

OFFICE OF THE VICE PRESIDENT
FOR STUDENT AFFAIRS

Shuster Hall, Room 206
250 Bedford Park Blvd West
Bronx, NY 10468

Phone: 718-960-8241
Fax: 718-960-8243
www.lehman.edu

August 24, 2017

Ms. Lydia Gonzalez
Institutional Review Specialist
Federal Student Aid - U.S. Department of Education
School Participation Division - New York/Boston
Financial Square - 32 Old Slip, 25th Floor
New York, NY 10005

Dear Ms. Gonzalez:

Lehman College is submitting the required file review for Finding #5 under protest. Lehman maintains its position that 1) there is no federal statute or regulation requiring students to declare a major at 60 credits, 2) the only regulatory requirement for students to declare a major is a New York State requirement that applies only to students receiving New York State financial aid, and 3) not only was the exception in Finding #5 isolated, but the only student cited as ineligible was in fact eligible. As per your letter of April 14, 2017, we conducted the required revised file review of all students who had completed 60 credits and had not declared a major during award years 2014/2015 and 2015/2016. The results were submitted separately today in the specified format. The total calculated institutional liability based on the file review is \$44,600.62.

In addition, we respectfully disagree that we did not have a system in place to identify and notify students when they reached the point at which they were either required to declare a major for New York State financial aid purposes, or encouraged to declare a major for all other purposes. From the time they are admitted until the time they formally declare a major, students are taking CUNY mandated gateway and/or Pathway courses, which are applicable toward all degrees. Lehman provides guidance, academic support and advisement every step of the way. No undergraduate degree at Lehman is conferred unless a student has met all the General Education requirements and the requirements of a specific field of study--the designated Major.

Lehman has followed U.S. Department of Education guidelines within the spirit and intent of the statute. However, as required, Lehman has modified its existing processes and has implemented the following processes for identifying and assisting students who are close to completing 60 credits:

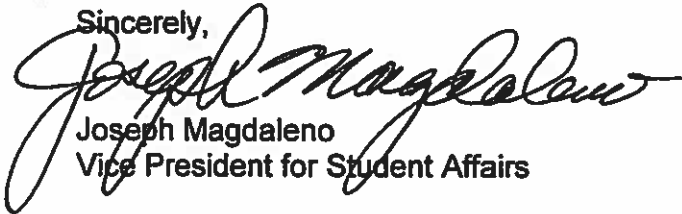
- The Office of the Registrar and IT have developed an online process called iDeclare. The automation of this paper-based process will enable the students to initiate their request to declare their desired major online. iDeclare will provide a seamless approval process for students and allow faculty advisors to approve these requests from anywhere there is connectivity.



- All students who have accumulated 60 credits and have not yet declared a major will have a hold placed on their records (they cannot register for the following semester), and the hold will not be lifted until the college receives an iDeclare case from the student.
- All students who have accumulated between 45 and 59 credits or are new transfer students have an indicator placed on their records. They will receive continuous correspondence from the Office of the Registrar indicating that they need to declare their major by the time they accumulate 60 credits.
- Title IV aid recipients who have accumulated 60 credits and have not yet declared a major will also be sent continued correspondence explaining the requirement to declare their major.

Lehman College has many systems and procedures in place that ensure all students are advised properly to take required courses that count towards their degree and their majors. We look forward to continuing to facilitate the persistence and graduation of our students with the critical support of federal Title IV programs.

Sincerely,



Joseph Magdaleno
Vice President for Student Affairs

cc: Dr. José Luis Cruz, President Lehman College
Mr. Christopher Curry, Compliance Manager, U.S. D.O.E.
Ms. Vera Senese, Director of Financial Aid
Mr. Gordon Taylor, CUNY Director of Internal Audit & Management Services

**May 14, 2018 Final Program Review
Determination**



MAY 14 2018

Jose L. Cruz, PhD.
President
CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589

Certified Mail Return Receipt Requested
Tracking # 7006 2760 0002 1737 8895

RE: **Final Program Review Determination**
OPE ID: 00702200
PRCN: 201620229528

Dear Dr. Cruz:

The U.S. Department of Education's (Department's) School Participation Team – New York/Boston issued a program review report on May 27, 2016 covering CUNY Lehman College's (Lehman) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2014/2015 award year. Lehman's final response was received on December 4, 2017. A copy of the program review report (and related attachments) and Lehman's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Lehman upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, and (3) notify the institution of its right to appeal.

Please note that the appeal instructions contained herein apply only to the appeal of the financial liabilities established in this final program review determination.

Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION
School Participation Division – New York/Boston
Financial Square, 32 Old Slip, 25th Fl., New York, NY 10005
StudentAid.gov

The total liabilities due from the institution from this program review are **\$366,220.00**.

This final program review determination contains detailed information about the liability determination for all findings.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, each finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. In addition, Appendices B through G also contain PII. These appendices were encrypted and sent separately to the institution via e-mail.

Appeal Procedures:

This constitutes the Department's FPRD with respect to the liabilities identified from the May 27, 2016 program review report. If Lehman wishes to appeal to the Secretary for a review of financial liabilities established by the FPRD, the institution must file a written request for an administrative hearing. Please note that institutions may appeal financial liabilities only. The Department must receive the request no later than 45 days from the date Lehman receives this FPRD. An original and four copies of the information Lehman submits must be attached to the request. The request for an appeal must be sent to:

Susan Crim
Director
Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Enforcement Unit
830 First Street, NE - UCP3, Room 84F2
Washington, DC 20002-8019

Lehman's appeal request must:

- (1) indicate the findings, issues and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position;
- (3) include all documentation it believes the Department should consider in support of the appeal. An institution may provide detailed liability information from a complete file review to appeal a projected liability amount. Any documents relative to the appeal that

include PII data must be redacted except the student's name and last four digits of his / her social security number (please see the attached document, "Protection of Personally Identifiable Information," for instructions on how to mail "hard copy" records containing PII); and

(4) include a copy of the FPRD. The program review control number (PRCN) must also accompany the request for review.

If the appeal request is complete and timely, the Department will schedule an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The procedures followed with respect to Lehman's appeal will be those provided in 34 C.F.R. Part 668, Subpart H. **Interest on the appealed liabilities shall continue to accrue at the applicable value of funds rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).**

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Lydia Gonzalez at (646) 428-3743. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,



Betty Coughlin
Division Director

Enclosure:

Protection of Personally Identifiable Information
Program Review Report (and appendices)
Final Program Review Determination Report (and appendices)

cc: Ms. Vera Senese, Director of Financial Aid
New York State Department of Education
Middle States Commission on Higher Education
Department of Defense
Department of Veterans Affairs
Consumer Financial Protection Bureau

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip, however, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using Win Zip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy and electronic files containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for
CUNY Lehman College

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

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Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division-New York/Boston

Final Program Review Determination

MAY 14 2018

Table of Contents

		Page
A	Institutional Information	3
B	Scope of the Review	4
C	Final Determination	5
	Resolved Findings: #2, 4, 6, 7, 8, and 9	5
	Findings with Established Liabilities	6
	Finding 1- Inadequate Determination of Student Enrollment-Adjustments Required	6
	Finding 3- Incorrect Return of Title IV Calculations	11
	Finding 5- Conflicting Information in Student Files-Undeclared Major	14
D	Summary of Liabilities	20
E	Payment Instructions	20
F	Appendices	24
	A-Student Sample	
	B1-Copy of Program Review Report	
	B2-Requirement to Resubmit Program Review Response for Finding 5 (1/27/17)	
	B3-Requirement to Resubmit Program Review Response for Finding 5 (4/4/2017)	
	C1- Copy of Institutional Responses to Findings 2, 3, 4, 5, 6, 7, 8, and 9 (11/17/16)	
	C2- Copy of Subsequent Institutional Response to Finding 1 (1/6/17)	
	C3- Copy of Subsequent Institutional Response to Finding 5 (1/12/17)	
	C4- Copy of Subsequent Institutional Response to Finding 5 (3/3/17)	
	C5- Copy of Subsequent Institutional Response to Finding 5 (6/7/17)	
	C6- Copy of Subsequent Institutional Response to Finding 5 (8/24/17)	
	C7- Copy of Subsequent Institutional Response –additional information for Finding 1 (10/25/17)	
	C8- Copy of Subsequent Institutional Response – additional information for Finding 1 (11/30/17)	
	C9- Copy of Subsequent Institutional Response- additional information for Finding 3 (12/4/17)	
	D1- Cost of Funds for Finding 1- Inadequate Determination of enrollment-Ineligible Disbursements (Pell Grant & Campus-Based)	
	D2- Cost of Funds for Finding 1- Inadequate Determination of enrollment-Ineligible Disbursements (Direct Loans)	
	E1- Cost of Funds for Finding 3- Incorrect Return of Title IV Funds (Non-Loan)	
	E2- Cost of Funds for Finding 3- Incorrect Return of Title IV Funds (Direct Loan)	
	F1- Cost of Funds for Finding 5- Conflicting Information-Undeclared Major (Non-Loan)	
	F2- Estimated Loss Formula for Finding 5- Conflicting Information-Undeclared Major (Direct loans)	
	G-FEDWIRE Format & Instructions	

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at CUNY Lehman College from March 14 to March 15, 2016. The review was conducted by Lydia Gonzalez and Tonya Sydney.

The focus of the review was to determine Lehman's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of Lehman's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and consumer information requirements.

A sample of 15 files was identified for review from the 2015/2016 award year. The student files were selected randomly from the list of students who 1) withdrew or ceased attendance for any reason other than graduation; 2) were selected for verification; and 3) received all non-passing grades ("0" GPA) for any term within the award year being reviewed. Appendix A identifies the students whose files were examined during the program review. A program review report was issued on May 27, 2016.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Lehman's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve Lehman of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Final Determination

Following the on-site review, the Department issued a program review report (PRR) on May 27, 2016, which cited Lehman for nine findings (**Appendix B1**). Lehman issued written responses to the PRR on November 17, 2016, January 6, 2017, January 12, 2017, March 3, 2017, June 8, 2017, August 24, 2017, October 25, 2017, November 30, 2017, and December 4, 2017 (**Appendices C1 through C9**). The Department issued Letters of Requirement to Resubmit the Program Review Response for Finding 5 on January 27, 2017 and April 14, 2017 (**Appendices B2 and B3**). After considering Lehman's written responses, the Department has made final determinations on the PRR findings.

Resolved Findings

Findings 2, 4, 6, 7, 8, and 9

Lehman has taken the corrective actions necessary to resolve findings 2, 4, 6, 7, 8, and 9 of the program review report as follows:

Finding 2- Satisfactory Academic Progress Deficiencies (Incomplete Grades)

Lehman submitted acceptable documentation pertaining to student 2 which supports the student was making satisfactory academic progress (SAP) at the end of the fall 2015 semester, was not making SAP at the end of spring 2016, but was granted probationary status because the student filed and was granted an appeal. This finding has been resolved.

Finding 4- Ineligible Disbursement of Federal Direct Loan- Not Enrolled

Lehman submitted acceptable documentation which confirms that student 5 did not enroll for the spring 2016 semester, and no Federal Direct loan was disbursed for the semester in question. The documentation submitted indicates the funds were disbursed in December 2015 for the fall 2015 semester. This finding has been resolved.

Finding 6- Verification Violations

Based on the Department's guidance provided under Dear Colleague Letter GEN-14-11, the in-house "income-to expenses comparison" form completed by student 8, and backup documentation demonstrate reasonableness as well as "income adequacy". This finding has been resolved.

Finding 7- Ineligible Pell Grant Disbursement- Adjustment Required

The supporting documentation submitted by Lehman in response to the program review report confirms full time enrollment status for Student 9 which justifies the full Pell Grant disbursement during the spring 2016 semester. The student was permitted to take a four credit course PERM

114-01 at another CUNY school because the course was not offered at Lehman, and the student received transfer credits for that course. Lehman provided a copy of the transfer credit report. The student was given a grade of A for the four credits course. This finding has been resolved.

Finding 8- Student Enrollment Reporting –Untimely

In its response, Lehman submitted acceptable documentation confirming the accuracy of student enrollment status reporting for some students, documentation of corrections completed as required in other cases, and a corrective action plan to prevent reoccurrence of this finding. This finding has been resolved.

Finding 9- Direct Loan Exit Counseling Deficiencies

In its response, Lehman submitted documentation to support that exit counseling containing the website address for the student to complete exit counseling was emailed to student 11. The website address includes exit counseling material. This finding has been resolved.

Therefore, findings 2, 4, 6, 7, 8, and 9 may be considered closed.

Findings with Established Liabilities

The PRR findings requiring further action are summarized below. At the conclusion of each finding is a summary of Lehman's response to the finding, and the Department's final determination for that finding. A copy of the PRR issued on May 27, 2016, and subsequent request to resubmit program review responses are attached as **Appendices B1 through B3**. Lehman's responses are attached as **Appendices C1 through C9**.

Finding 1. Inadequate Determination of Student Enrollment - Adjustments Required

Summary of Noncompliance:

A student is eligible to receive Title IV, HEA program assistance if the student is a regular student enrolled in an eligible program at an eligible institution. 34 C.F.R. §668.32(a)(1)(i).

Institutions are required to comply with all statutory and regulatory provisions applicable to the Title IV programs. These provisions include disbursing Title IV, HEA funds only after determining that a student is eligible for the disbursement. 34 C.F.R. §§668.31 & 668.32.

If a student ceases attendance at an institution that is not required to take attendance without providing official notification to the institution, the withdrawal date is the later of the midpoint of the payment period or the period of enrollment, or the last date of attendance at an academic related activity. 34 C.F.R. §§668.22 (c)(1)(iii) & 668.22 (c)(3)(i). If a student who began attendance and has not officially withdrawn fails to earn a passing grade in at least one course offered over an entire period, the institution must assume, for Title IV purposes, that the student

has unofficially withdrawn, unless the institution can document that the student completed the payment period. See Dear Colleague Letter (DLC) Gen-04-03 (Revised).

The Department expects institutions participating in the Title IV programs to maintain the highest standards of care and diligence in administering those programs. In order to meet these standards, an institution must maintain accurate and complete records supporting the Title IV payments made to each student. See 34 C.F.R. §668.16(d). An institution's maintenance and submission of accurate student eligibility records is critical to the Department's oversight responsibilities. The Department relies on those records when determining, as outlined below, the initial eligibility of a student for Title IV assistance and his/her eligibility for subsequent payments. See 34 C.F.R. §668.24

If a student does not begin attendance in a payment period or period of enrollment, the institution must return all Title IV, HEA funds that were credited to the student's account at the institution for that payment period or period of enrollment, and the institution must return the amount of payments made directly to or on behalf of the student to the institution for that payment period or period of enrollment, up to the total amount of the loan funds disbursed. 34 C.F.R. §668.21(a).

Please refer to Dear Colleague Letter GEN 11-14, Implementation of Program Integrity Regulations, published on 7/20/11, and the Federal Student Aid Handbook for further guidance.

Additional guidance provided in the 2015/2016 Federal Student Aid Handbook Volume 2 indicates that if a student, who began attendance and has not officially withdrawn, fails to earn a passing grade in at least one course offered over an entire period, the institution must assume, for Title IV purposes, that the student has unofficially withdrawn, unless the institution can document that the student completed the period.

Lehman did not have an adequate process in place to confirm whether or not students who failed to earn a passing grade during a payment period actually completed the payment period. Lehman's official from the office of the Registrar claimed that faculty members are provided with the grading information, which differentiates between a "WN" grade (never attended)," WU" grade (attended at least once), and an "F" grade, which is given to a student who completes the class but academically fails the course. In order to test adherence to the grading policies, Lehman was required to conduct further research to determine whether or not the following students completed the payment period in question:

Student 1 - the student's academic transcript indicates that she earned "F" grades during the fall 2015 semester. However, Lehman was unable to provide documentation during the review to establish whether or not she completed the semester. Subsequent to the program review, Lehman provided attendance confirmation from both professors confirming that the student did attend the entire semester but failed to earn a passing grade as a result of failing the midterm and final exams.

Student 2 - the student's academic transcript indicates that he failed to pass any of the 3 courses taken during the fall 2016. The student received 2 "WU" grades and 1 "F" grade. Lehman

provided documentation indicating that the student attended the courses, but did not provide any documentation indicating the last date of attendance at an academic related activity to confirm whether or not the student completed any course.

Student 3- the student's academic transcript indicates that he did not pass any of the 4 courses taken during the fall 2015 semester, totaling 12 credits. The student received 2 "WU" grades and 2 "F" grades. Lehman provided documentation, which indicates that the student attended the courses, but did not provide any documentation indicating the last date of attendance at an academic related activity to confirm whether or not the student completed those courses.

Student 4- the student's academic transcript indicates that she did not pass any of the 2 courses taken during the summer 2015 semester, totaling 6 credits. The student received "WU" grades for both courses. Lehman provided documentation indicating that the student attended each course at least once but was unable to provide documentation to confirm that the student completed the period. Subsequent to the program review visit, Lehman provided copies of emails received from the respective professors who taught the courses during the semester. The professor who taught the HDS 240 in summer session "A" stated that the student attended the lecture class but did not continue to attend, and that 5 quizzes and a final exam were given during the length of the course but that there were no grades for this student. The second professor who taught the CHEM 120 during the summer session B stated that she attended the lecture classes but did not return, and that two midterm exams were given but had no grades for any of the these exams for this student. The information provided for this student is incomplete. If Lehman is unable to provide the student's last date of attendance an academic related activity, the student is only eligible for Title IV up to the midpoint of the payment period, or 50% of the Title IV funds disbursed.

Student 5- the student's academic transcript indicates that she attended 2 courses during the fall 2015 semester, and received an "F" grade in her BIO 166 course, and a "WU" grade in her IBA 150 course. During the program review visit, Lehman provided documentation indicating that the student began the two courses. However, Lehman was not able to provide documentation to confirm that the student completed the payment period. Subsequent to the program review visit, Lehman provided documentation from the professor who taught the BIO 166 course stating that the student was given a grade of "F", for BIO 166, during the fall 2015, as the student only attended class once, and did not complete any of the three exams given during the semester nor submit any assignments. The professor also stated that this was an error on her part, because she is aware of the grading policy and that the grade should have been "WU". Lehman also provided documentation dated 3/31/16, after this was brought to the institution's attention, which indicates that an R2T4 calculation was completed, resulting in the student earning 50% instead of 100% of the Title IV funds disbursed. However, the calculation is incorrect. Please refer to finding 3 for details.

Directives from Program Review Report:

Due to the systemic nature of this finding, Lehman was required to determine the exact amount of institutional liability associated with this finding. The institution was required to complete a full file review of all students who received all non-passing grades during any semester or payment period beginning with award year 2012/2013 through 2015/2016. If the student started the classes and stopped attending unofficially, the school could have used the midpoint of the payment period or period of enrollment, or the school could use a documented last date of attendance at an academically related activity for the withdrawal date, and calculate the return of Title IV funds using that date. If Lehman was unable to document that the student completed the payment period, an R2T4 calculation was required in order to determine the student's Title IV eligibility for the payment period or semester.

In addition, Lehman was required to implement or develop a new procedure for reviewing all students who receive all non-passing grades for a payment period in order to determine the student's correct amount of Title IV eligibility. Lehman was required to notify this office of what steps it has taken to ensure the proper monitoring of students' enrollment status by submitting a copy of these procedures.

Analysis of Liability Determination:

In its response, included in Appendix C2, Lehman described the procedures taken, in addition to all the steps the college undertakes. Lehman stated the definition and application of all non-passing grades was reiterated to all existing faculty, and the information will also strategically reside in its website in different locations to include Provost and Registrar offices, departments, and Human Resources. The grading policies and procedures will continue to be reinforced with faculty. In addition, a query was developed to identify Title IV recipients who have any combination of non-passing grades. Once all grades have been posted, Lehman will use this query to identify Title IV recipients who have received all WUs or all Fs or a combination of these grades and that it will communicate to all faculty who posted these grades to reaffirm the grade in question, and that it will send grade definitions reminders to them to ensure there is no confusion.

A review of Lehman's responses for the students cited in this finding is as follows:

Student 1- Lehman submitted copies of the student's final exam for MAT 123, which confirms the student completed the payment period. Therefore, no liability is being assessed for this student.

Student 2- Lehman submitted a copy of the professor's roster which indicates the student's last date of attendance at an academic related activity at the Accounting 1 course was 11/19/2015. The documentation submitted confirms the student attended beyond the 60% point of the payment period. Therefore, although the student did not complete the term, no liability is being assessed for this student.

Student 3- Lehman's response for this student shows the last date of an academic related activity for POL 166 was 10/10/2015, which confirms the student was only eligible up to the midpoint of the payment period. The results of the file review shows that Lehman failed to include the ineligible amount of \$1443.75 for this student for the fall 2015 semester. Upon questioning, Lehman stated it was an oversight, and that a calculation to return \$1443.75 had been completed. Lehman submitted a copy of the return of Title IV calculation using midpoint of the payment period. Therefore, a Pell Grant refund in the amount of \$1443.75 for this student will be listed under finding 3 for award year 2015/2016. Lehman's response is included in Appendix C7.

Student 4- Lehman's response submitted for this student indicates the payment period began 6/1/15, with the HSD 240 course and the payment period ended on 8/5/15 with the CHE 120 course. Based on the documentation provided, the student's last date of an academic related activity was 7/6/15, which is the date the second module began (course CHE 120). Lehman did not provide any documentation to support that the student's last date at an academic related activity was 7/20/15. The only documentation provided was that the student began both courses. Because the student completed less than 60%, the student is not eligible for 100% of the Title IV funds disbursed during the summer 2015. Upon requesting additional documentation to support the last date of an academic related activity for 7/20/15, Lehman responded that it is unable to provide any academic related activity for this student beyond the 7/6/15 date of the first day of classes for the second session, when the faculty member verified her enrollment/attendance. Lehman claims the professor assigned a WU (unofficial withdrawal) grade for this class. Therefore, Lehman completed an R2T4 calculation worksheet for the student resulting in \$864.35 refund due the DL Unsubsidized program. This amount will be listed under Finding 3 for award year 2015/2016. Lehman's response is included in Appendix C8.

Student 5- Lehman's response indicated the professor assigned in error an "F" grade for BIO 166 instead of a "WU" grade, because the student only attended the class once, and did not complete any academic activities. Subsequent to the program review visit, the Professor changed the grade from an "F" to a "WU". An R2T4 calculation using the midpoint of the payment period was completed resulting in \$1476.55 refunded to the DL Unsubsidized program on 4/4/16. Therefore, no additional liability is being assessed for this student. Lehman's response is included in Appendix C9.

In addition, Lehman submitted the required file review report (Appendix C2). The file review report disclosed 318 instances where Lehman was unable to conclusively demonstrate the students attended all registered courses, and/or completed the payment period, as required. A summary of Lehman's file review report shows the total amount of additional Title IV funds due the Department from award years 2012/2013 through 2015/2016 is as follows:

Award Year	Pell Grant	DL Subsidized	DL Unsubsidized	Perkins	Total
2012/2013	\$64,240.42	\$ 21,666.88	\$27,192.09	0	\$113,099.39
2013/2014	\$ 44,730.05	\$ 8,898.51	\$ 12,383.30	0	\$ 66,011.86
2014/2015	\$ 55,540.10	\$ 11,755.82	\$ 16,872.63	0	\$ 84,168.55
2015/2016	\$ 47,981.43	\$ 12,550.30	\$ 19,196.94	891.05	\$ 80,619.72
Total	\$212,492.00	\$ 54,871.51	\$75,644.96	\$891.05	\$343,899.52

The Department accepts Lehman’s responses and corrective action plan to this finding. The Pell Grant liability due the Department is \$212,492.00, and the interest liability is \$4,488.29. The Perkins liability due the Department is \$668.29 (Federal Share) and the interest liability due the institutional account is \$3.48. The Direct Subsidized loan liability due the Department is \$54,871.51 and the interest liability is \$1,232.00. The Direct Loan Unsubsidized liability due the Department is \$75,644.96 and the interest liability is \$811.00. As a result, the total liability being assessed for this finding is **\$350,211.53**, included as Appendix D1 and D2. Repayment instructions are included at the end of this letter.

Finding 3. Incorrect Return of Title IV Calculations

Summary of Noncompliance:

When a recipient of Title IV funds withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, it must perform a Return of Title IV Funds calculation to determine the amount of Title IV grant or loan assistance the student earned as of the student’s withdrawal date. The calculation should incorporate all of the elements of a refund calculation identified in pertinent Federal regulations, including the identification of proper payment periods, the correct calculation of the number of days completed by the student and the number of days in payment period, and the inclusion of Return calculation of all pertinent Title IV disbursements. See 34 C.F.R. §668.22.

An institution must return the amount of Title IV funds for which it is responsible under 34 C.F.R. § 668.22(g) as soon as possible but no later than 45 days after the date of the institution’s determination that the student withdrew. 34 C.F.R. § 668.22(j)(1).

Lehman failed to either process an R2T4 calculation worksheet, incorrectly completed the R2T4 calculation worksheet, failed to pay an R2T4, or paid a late R2T4 for the following students:

Student 4- the student's return of Title IV (R2T4) calculation worksheet indicates that the student's withdrawal date for the summer 2015 semester was 7/20/15, which resulted in the student earning 100% of the Title IV funds disbursed totaling \$3364.00 in Direct Unsubsidized loan funds. However, Lehman did not provide any official withdrawal documentation for this student. The withdrawal reason indicated in the student file is that the student received unofficial withdrawal grades during the summer 2015 semester. The information provided by the professors did not indicate the last date that the student attended an academically related activity. Therefore, the 7/20/2015 date of withdrawal indicated in the R2T4 calculation worksheet completed on 8/20/15, and used to calculate the student's completion percentage, is conflicting.

Student 5- the student's academic transcript indicates the student attended 7 credits during the fall 2015, which is considered half-time. Subsequent to the program review, Lehman provided documentation indicating that the student attended 10 credits, showing a 3 credit course which was not initially included on the transcript. On 3/31/16, Lehman determined that the student was an unofficial withdrawal based on information provided by a professor. Lehman completed an R2T4 calculation which indicated that the student earned 50% of the Title IV awarded during the fall 2015 semester. However, the amount of Title IV awarded totaling \$11,565.50, included in the calculation is incorrect, because the amount includes Title IV funds improperly disbursed that were intended for the spring 2016 semester. Therefore, the R2T4 calculation is incorrect.

Directives from Program Review Report:

In response to this finding, Lehman was required to provide an explanation for the issues cited for the students in this finding.

Analysis of Liability Determination:

A review of Lehman's responses for the students cited in this finding is as follows:

Student 4- in its response, Lehman stated the student attended and unofficially withdrew from both sessions of summer 2015 and that enrollment was verified for both sessions. Lehman calculated the R2T4 using the midpoint of the second session which was 7/20/15 which resulted in the student earning 100% of the funds disbursed during the summer. However, Lehman misinterpreted the guidance provided in the FSA handbook, Volume 5, Chapter 1 on how to handle courses offered in modules which indicates that "for a credit-hour program, the percentage of the period completed is determined by dividing the number of calendar days completed in the payment period or period of enrollment, as of the date the student withdrew, by the total number of calendar days in the same period". The Handbook goes to say that for a school that is not required to take attendance, the withdrawal date is determined in accordance with the requirements of section 34 C.F.R. §668.22(c). For a school that is not required to take attendance when a student does not provide official notification to the school of his or her withdrawal, the withdrawal date is the midpoint (the 50% point) of the payment period or period of enrollment.

Lehman claims it believes the R2T4 calculation performed for this student was done in accordance with the Department's existing guidance. However, the regulation, and existing guidance as quoted in Lehman's response clearly states, "midpoint of the payment period or period of enrollment". In its calculation, Lehman incorrectly used 7/20/15 which is the midpoint of the last module taken; instead of 7/6/15 which is the documented date provided by Lehman that the student began the second course. The professor did not have any further documentation of attendance or academic related activities for this student. Upon requesting documentation to support 7/20/15 as the last date of an academic related activity, Lehman's response of 11/30/17 (Appendix C8) states it is unable to provide the documentation. Lehman provided a R2T4 calculation worksheet indicating a refund of \$864.35 due the DL Unsubsidized program for award year 2015/2016.

Student 5- in its response, Lehman stated the student did not receive funds for the spring 2016 semester. The loans were only for the fall 2015 semester and were disbursed on 12/21/15 before the fall 2015 semester ended. Lehman stated there was an adjustment made to her account on 3/31/16 when the R2T4 calculation was performed using the midpoint of the fall semester, and the calculation and amount of refunds are correct. An R2T4 calculation using the midpoint of the payment period was completed resulting in \$1476.55 refunded to the DL Unsubsidized program on 4/4/16. Therefore, no additional liability is being assessed for this student. Lehman's response is included in Appendix C9.

In addition, regarding student 3 under finding 1, Lehman's response shows the last date of an academic related activity for POL 166 was 10/10/2015, which confirms the student was only eligible through the midpoint of the payment period. Upon reviewing the results of the file review submitted by Lehman under finding 1, Lehman failed to include the ineligible amount of \$1443.75 for this student for the fall 2015 semester. Upon questioning, Lehman stated it was an oversight, and that a calculation to return \$1443.75 had been completed. Lehman submitted a copy of the return of Title IV calculation using midpoint of the payment period. Therefore, the Pell Grant refund liability in the amount of \$1443.75 for this student is included in this finding for award year 2015/2016. Lehman's response is included in Appendix C7.

The Department accepts Lehman's responses for this finding. As a result of its response, the Pell grant liability due to the Department for award year 2015/2016 is \$1443.75 and the interest liability is \$27.18. The Direct Loan Unsubsidized liability due the Department is \$864.35 and the interest liability is \$19.00. As a result, the total liability being assessed for this finding is \$2354.28, included in Appendix E1 and E2. Repayment instructions are included at the end of this letter.

Finding 5. Conflicting Information in Student Files – Undeclared Major

Summary of Noncompliance:

An institution must have an adequate system to identify and resolve discrepancies in the information that the institution receives from different sources with respect to a student's application for financial aid under Title IV, HEA programs. 34 C.F.R. § 668.16 (f).

In determining whether the institution's system is adequate, the Secretary considers whether the institution obtains and reviews –

1. All student aid applications, need analysis documents, Statements of Educational Purpose, Statements of Registration Status, and eligibility notification documents presented by or on behalf of each applicant 34 C.F.R. § 668.16 (f)(1)

34 C.F.R. §668.32 states a student is eligible to receive Title IV, HEA program assistance if the student either meets all of the requirements in paragraphs (a) through (m) of this section (34 C.F.R. §668.32) or meets the requirement in paragraph (n) of this section (34 C.F.R. §668.32).

In addition 34 C.F.R. §668.32 (a)(1)(i) states that a student is eligible for Title IV, HEA program assistance if the student – is a regular student enrolled, or accepted for enrollment, in an eligible program at an eligible institution.

Lehman failed to address and resolve conflicting information found in the academic file of Student 7. The student's application for transfer admission-"Direct Admission" indicates that her intended Major is Chemistry. However, the student's transcript indicates that she had obtained 60 credits as of the date of the program review visit, and her academic transcript shows "Undeclared Major". The information is conflicting because Lehman requires that students declare a Major at 60 credits. Subsequent to the program review, Lehman provided documentation indicating that the student was contacted by phone on 3/28/16 and was informed to go in and complete a declaration of major form. However, the student had not completed the form as of 4/4/16. In addition, a registrar "hold" was placed on the student's record to ensure she came to the Registrar's office as soon as possible.

Based on the information provided to date, the student is not eligible for the Pell grant 2015/2016 disbursed during the spring 2016 semester, totaling \$1444.00, since she was not officially enrolled in an eligible program at the time of disbursement, per Lehman's standards.

During the exit conference on 3/15/16, this finding was discussed to determine if there was any possibility of setting up flags in the Registrar system to prevent students from enrolling once they reach 60 credits without declaring a major. In response, Lehman's officials stated that they were unable to set up flags at that time but perhaps in the future.

Directives from Program Review Report:

Due to the potential systemic nature of this finding, Lehman was required to determine the exact amount of institutional liability associated with this finding. The institution was required to complete a full file review of all students who had completed 60 credits and had not declared a major during award years 2012/2013 through 2015/2016. In addition, Lehman was required to develop and implement a new process for identifying students who are close to completing 60 credits and have not declared a major in order to prevent reoccurrence of this finding.

Lehman was also required to provide this office with a copy of its revised procedures for addressing students who are enrolled with an “Undeclared Major” after 60 credits, and the steps it will take to ensure that there is no reoccurrence of this finding.

Analysis of Liability Determination:

In its response of November 17, 2016 to this finding, Lehman stated that it believed that a full file review for all students who have completed 60 credits and have not declared a major during the indicated award years was unwarranted because only one student was cited in the review, which is evidence that the issue is not systemic. Lehman also provided documentation confirming that the student cited in this finding (student 7) declared her major in Chemistry subsequent to the program review visit. Lehman further stated that there is no federal statute or regulation regarding this 60 credits requirement, but that there is a regulatory requirement for students who are receiving New York State financial aid, and that when a student has an “Undeclared Major” before the official major declaration is made a student can, and does take General Education requirements or General Studies.

In response to the Department’s declaration of major concerns, Lehman stated that per New York State Education Department general provisions and guidance, “A student shall be considered matriculated only if the courses pursued by the student are fully recognized at that time as contributing towards fulfillment by the student of the requirements for completion of the program, and that “Academic practices at certain institutions permit entering students to defer declaring a major until a later time in their course of study. In such instances, students usually take courses in a variety of disciplines that are common to a number of degree programs and that matriculated students defer declaration of a specific major may be considered to be enrolled in one or more of an institution’s approved (registered) programs.

On January 27, 2017, the Department issued a letter telling Lehman to resubmit the program review response to this finding. The Department agrees that there is no federal statute or regulation regarding 60 credits requirements for students to declare a major. Institutions are expected to set up the specific requirements, given they are the experts in determining the point where students would have completed their general education course requirements, as is the case with Lehman. Regarding Majors and Minors, Lehman’s catalog, Page 37, informs all candidates for a baccalaureate degree that they must select a major field of study, and complete all requirements for that major. It further states that each department, departmental section, or

interdisciplinary program at the college is responsible for determining the content and requirements of the majors it offers. The requirements for each major are listed under the alphabetical listings of departments in the catalog's Bulletin. It specifically states that students must select a major by the time they have earned 60 college credits, and must record their choice in the Office of the Registrar (Shuster Hall, Room 106). It also states that students are advised to consult with the prospective departments about a major as soon as possible.

Therefore, declaring a major at 60 credits is not only a state financial aid requirement, but a requirement and policy of Lehman for all students matriculated in a baccalaureate degree, which was the case of student 7.

The Department also agrees that there was only one instance in the sample of 15 students (student 7) where the student did not declare a major after obtaining 60 credits and enrolled for subsequent courses. However, when the question was raised about whether the institution had a process in place to ensure students declared their major in the specified timeframe, Lehman's officials stated that they did not have a system in place. In the student sample of 15, there were four (4) instances of students who did not declare a major. Student 7, being one of those four (4) students, was the only student that had reached 60 credits and was required to, but failed to declare a major. Although the academic transcripts of the remaining students from the sample indicate that a major was declared, the majority of the students transferred credits to Lehman in excess of 45 credits. Lehman failed to demonstrate it has a system in place to prevent students from enrolling in subsequent semesters after earning 60 credits without declaring a major. This information was confirmed with the case of student 7, where the Registrar had to reach out to the student by calling her, subsequent to the program review visit, in order for the student to declare a major.

Based on this information, Lehman was required to conduct a full file review for Finding 5, per instructions provided in the program review report issued on 5/27/2016. However, instead of requesting a full file review for four (4) award years, the Department limited the full file review request for award years 2014/2015 and 2015/2016.

Subsequently, Lehman and the Department exchanged communication regarding this matter, included as Appendices C4, B3, C5, and C6. In summary, Lehman submitted additional information it would like the Department to take into consideration regarding this finding. However, the information submitted indicated that Lehman has a process to monitor the issue of declaring a major for TAP (Tuition Assistance Program) recipients. The examples of correspondence sent to students provided in its response for the Department's review came from TAP certifying Officers at Lehman. Although Lehman does have written policies and procedures in place for declaration of majors, the process for monitoring undeclared majors for non-TAP recipients is still unconfirmed. During staff interviews, it was disclosed that students must declare a major by the time they reach 60 credits, and that it is the responsibility of Registrar to identify and notify the students. There is no indication in the financial aid award letter and student ledger provided during the program review for student 7 that she was a TAP recipient, and she was therefore apparently not contacted by TAP Certifying Officials. Regardless of

whether or not the student is a TAP recipient, based on Lehman's College Catalogue, the student should have declared a major for the spring 2016 semester because she had obtained 60 credits before the start of the semester. In addition, a review of information submitted in its March 3, 2017 (Appendix C4) response, it clearly shows that Lehman potentially could have students with 60 credits or more with undeclared majors.

Based on the Department's review and analysis of the information provided in its March 3, 2017 letter, Lehman's requirement to conduct a full file review for this finding was amended to limit the file review to non-TAP, Title IV recipients for award years 2014/2015 and 2015/2016 only. Lehman was required to follow the instructions provided in the 5/27/2016 program review report. For item 5 of the file review requirements for this finding, students that have been identified based on the file review, the Department will apply the following criteria:

1. Students who withdrew prior to declaring a major, all Title IV funds should be identified as liabilities past the term in which they completed 60 credits.
2. For students, who successfully declared a major, Lehman is required to perform an evaluation to determine what credits taken after the student had accumulated 60 credits without declaring a major were applicable to the declared major. Lehman would then evaluate the student's Title IV eligibility and discount the ineligible courses.

Subsequently, Lehman requested a meeting with the Department's Policy Development Group, Planning and Innovation Office of Postsecondary Education to discuss this matter. However, the School Participation Division had conferred with the Department's Policy Specialist, and did not find any basis for revising the requirements stated in the Department's April 14, 2017 letter to the institution.

As referenced by the Vice President for Student Affairs in Lehman's letter of June 7, 2017, regulations specify at 34 C.F.R. §668.32 (a)(1)(i) that a student must be enrolled in an eligible program as a condition of Title IV eligibility. Therefore, only coursework required for that eligible program can be considered for Title IV purposes.

Lehman's published policy is that students must declare their major by the term in which they complete 60 credits. Whether that policy was motivated by TAP eligibility rules is immaterial. Previous discussions with school officials indicated that the 60-credit limit was the point at which most of the students would have completed their general education and elective requirements, which would then align with the Department's previously stated determination that students with undeclared majors could be considered to meet the regulatory requirement, up to the point where they would have completed general education and elective requirements. Therefore, C.F.R. §668.32 (a)(1)(i) does apply to the issue regarding the 60-credit requirement, along with the requirement of C.F.R. §668.164(b)(3) that an institution must confirm at the time of disbursement that a student is eligible for the type and amount of funds identified by that disbursement.

The institution's assertion that it does not recognize any requirements to monitor whether students are enrolled in an eligible program beyond the point that they could reasonably have completed the general education and elective requirements—except for TAP recipients, appears to further support representations made to reviewers on-site that there was no adequate system in place to meet the regulatory requirements. The Department has already agreed to adjustments to the scope of the file review requirements for this finding based on additional information provided by Lehman, but does not find any additional information to warrant adjustment to those requirements.

On August 24, 2017 (Appendix C6), Lehman submitted the required file review for this finding claiming to be under protest because it maintains its position that 1) there is no federal statute or regulation requiring students to declare a major at 60 credits, 2) the only regulatory requirement for students to declare a major is a New York State Requirement that applies only to students receiving New York State financial aid, and 3) not only was the exception in this finding isolated, but the student cited is eligible. It stated that per the Department's letter of April 14, 2017, it conducted the required revised file review of all students who had completed 60 credits and had not declared a major during award years 2014/2015 and 2015/2016. However, based on the Department's review and analysis of the information provided by Lehman in its March 3, 2017 letter, Lehman's requirement to conduct a full file review for this finding was amended to limit the file review to non-TAP, Title IV recipients for award years 2014/2015 and 2015/2016 only.

In addition, it stated that it respectfully disagreed that it did not have a system in place to identify and notify students when they reached the point at which they were required to declare a major for New York State financial aid purposes, or encouraged to declare a major for all other purposes. It states that from the time they are admitted until the time they formally declare a major, students are taking CUNY mandated gateway and or Pathway courses, which are applicable to all degrees. Lehman provides guidance, academic support, and advisement every step of the way and that no undergraduate degree at Lehman is conferred unless a student has met all the general education requirements and the requirements of a specific field of study—the designated major. Although Lehman have a system in place, when a student fails to declare a major, student notification, and follow up is geared to TAP recipient students, based on the responses and back up documentation submitted to the Department.

In its response, Lehman further stated it has followed the Department's guidelines within the spirit and intent of the statute. However, that as required, Lehman has modified its existing processes and has implemented the following processes to identifying and assisting students who are closed to completing the 60 credits:

- The Office of the Registrar and IT have developed an online process called iDeclare. The automation of this paper-based process will enable the students to initiate their request to declare their desired major online. iDeclare will provide a seamless approval process for students and allow faculty advisors to approve these requests from anywhere there is connectivity.

- All students who have accumulated 60 credits and have not yet declared a major will have a hold placed on their records (they cannot register for the following semester), and the hold will not be lifted until the college received an iDeclare case from the student.

In its response, Lehman submitted copies of Student 7's required declaration of major which was completed on 4/12/16, after the program review site visit. The courses taken during the spring 2016 semester are applicable to the student's educational program. Therefore, no liability is being assessed for this student.

The file review report submitted by Lehman for Finding 5 consisted of 18 instances of ineligible disbursements for 13 students who had not declared a major. The National Student Loan Data System (NSLDS) indicates that 11 of the 13 students listed withdrew from CUNY-Lehman, and two graduated. The results of the file review, included in Lehman's response, showed liabilities totaling \$44,600.62 for 18 students who had not declared a major at 60 credits, per the institution's published requirement, which resulted in these students taking courses which could not be applied to an eligible program. These students had completed their general education and elective requirements, and Lehman was unable to confirm at the time of disbursement that Title IV was properly awarded only for coursework required for an eligible program of study, which is a condition of Title IV eligibility. Lehman's file review report shows the total amount of additional Title IV funds due the Department from award years 2014/2015 through 2015/2016 is as follows:

Award Year	Pell Grant	DL Subsidized	DL Unsubsidized	Total
2014/2015	\$ 12,612.37	\$ 7,583.00	\$ 7,138.00	\$ 27,333.37
2015/2016	\$ 245.25	\$17,022.00	\$ 0	\$ 17,267.25
Total	\$12,857.62	\$24,605.00	\$7,138.00	\$44,600.62

The Department accepts Lehman's file review response and corrective action plan to this finding. The Pell liability due the Department is \$12,857.62, and the interest liability is \$274.45. The Direct Subsidized loan liability due the Department is \$24,605.00, and the Direct Loan Unsubsidized liability \$7,138.00, totaling \$31,743.00 in Direct Loans.

In lieu of requiring the institution to assume the risk of default by purchasing the ineligible loan, the Department has asserted a liability not for the ineligible Direct Loan amount of **\$31,743.00**, but rather for the estimated actual or potential loss that the government may incur with respect to the ineligible loans or loan amounts. The estimated actual loss for the ineligible loans is based on Lehman's most recent cohort default rate available. As a result, the estimated actual loss that Lehman must pay to the Department for the ineligible Direct Loans is **\$522.50**. A copy of the results of that calculation is included as **Appendix F2**.

As a result, the total liability being assessed for this finding is **\$13,654.57**, included as **Appendices F1 and F2**. Repayment instructions are included at the end of this letter.

D. Summary of Liabilities

Established Liabilities

Liabilities	Pell (Closed Award Year)	DL Sub (Closed Award Year)	DL Unsub (Closed Award Year)	EALF DL	Perkins (Closed Award Year)	Total
Finding 1	\$212,492.00	\$54,871.51	\$75,644.96	\$ 0	\$668.29	\$343,676.76
Finding 3	\$ 1,443.75	\$ 0	\$ 864.35	\$ 0	\$ 0	\$ 2,308.10
Finding 5	\$ 12,857.62	\$ 0	\$ 0	\$ 522.50	\$ 0	\$ 13,380.12
Sub Total 1	\$226,793.37	\$54,871.51	\$76,509.31	\$ 522.50	\$668.29	\$359,364.98
Interest/SA	\$ 4,789.92	\$ 1,232.00	\$830.00	\$ 0	\$ 3.48	\$ 6,855.40
Sub Total 2	\$ 4,789.92	\$ 1,232.00	\$830.00	\$ 0	\$ 3.48	\$ 6,855.40
Total	\$231,583.29	\$56,103.51	\$77,339.31	\$ 522.50	\$671.77	\$366,220.38
Payable to:						
Department	\$231,583.29	\$56,103.51	\$77,339.31	\$522.50	\$ 0	\$365,548.61
Institutional Accounts	\$ 0	\$ 0	\$ 0	\$ 0	\$671.77	\$ 671.77

E. Payment Instructions

Lehman owes to the Department **\$365,549.00**. This liability must be paid using an electronic transfer of funds through the Treasury Financial Communications System, which is known as FEDWIRE. Lehman must make this transfer within **45 days of the date of this letter**. This repayment through FEDWIRE is made via the Federal Reserve Bank in New York. If Lehman's bank does not maintain an account at the Federal Reserve Bank, it must use the services of a correspondent bank when making the payments through FEDWIRE.

Any liability of \$100,000 or more identified through a program review must be repaid to

the Department via FEDWIRE. The Department is unable to accept any other method of payment in satisfaction of these liabilities.

Payment and/or adjustments made via G5 will not be accepted as payment of this liability. Instead, the school must first make any required adjustments in COD as required by the applicable finding(s) and Section II – Instructions by Title IV, HEA Program (below), remit payment, and upon receipt of payment the Department will apply the funds to the appropriate G5 award (if applicable).

Instructions for completing the electronic fund transfer message format are included on the attached FEDWIRE form.

Terms of Payment

As a result of this final determination, the Department has created a receivable for this liability and payment must be received by the Department within **45 days of the date of this letter**. If payment is not received within the 45-day period, interest will accrue in monthly increments from the date of this determination, on the amounts owed to the Department, at the current value of funds rate in effect as established by the Treasury Department, until the date of receipt of the payment. Lehman is also responsible for repaying any interest that accrues. If you have any questions regarding interest accruals or payment credits, contact the Department's Accounts Receivable and Bank Management Group at (202) 245-8080 and ask to speak to Lehman account representative.

If full payment cannot be made within 45 days of the date of this letter, contact the Department's Accounts Receivable and Bank Management Group to apply for a payment plan. Interest charges and other conditions apply. Written request may be sent to:

U.S. Department of Education
OCFO Financial Management Operations
Accounts Receivable and Bank Management Group
550 12th Street, S.W., Room 6114
Washington, DC 20202-4461

If within 45 days of the date of this letter, Lehman has neither made payment in accordance with these instructions nor entered into an arrangement to repay the liability under terms satisfactory to the Department, the Department intends to collect the amount due and payable by administrative offset against payments due Lehman from the Federal Government. **Lehman may object to the collection by offset only by challenging the existence or amount of the debt.** To challenge the debt, Lehman must **timely appeal** this determination under the procedures described in the "Appeal Procedures" section of the cover letter. The Department will use those procedures to consider any objection to offset. **No separate appeal opportunity will be provided.** If a timely appeal is filed, the Department will defer offset until completion of the appeal, unless the Department determines that offset is necessary as provided at 34

C.F.R. § 30.28. This debt may also be referred to the Department of the Treasury for further action as authorized by the Debt Collection Improvement Act of 1996.

William D. Ford Federal Direct Loan (Direct Loan) Liabilities:

Direct Loan Closed Award Years (Request Extended Processing)

Findings: 1 and 3
 Appendix: D2 and E2

Lehman must repay the following Direct Loan liabilities:

DL Closed Award Year		
Amount (Principal)	Amount (Interest)	Award Year
21,666.88	763.00	DL Sub 12/13
27,192.09	142.00	DL Unsub 12/13
8,898.51	225.00	DL Sub 13/14
12,383.30	312.00	DL Unsub 13/14
11,755.82	179.00	DL Sub 14/15
16,872.63	257.00	DL Unsub 14/15
12,550.30	65.00	DL Sub 15/16
20,061.29	119.00	DL Unsub 15/16
Total Principal	Total Interest	
\$131,380.82	\$2,062.00	

The disbursement record for each student identified in **Appendix D2, and E2** , listed above must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in these appendices. A copy of the adjustment to each student's COD record must be sent to Lydia Gonzalez **within 45 days of the date of this letter**.

The funds will be returned to the applicable G5 award for the applicable Title IV program.

Request Extended Processing

The DL program year closes 13 months after the award year ends (on the last business day in July of the following year). For example 2015-2016 will close July 31, 2017
 COD adjustments are necessary for the closed award years listed above. Before any student level adjustments can be processed, Lehman must immediately request extended processing through the COD Website (<http://cod.ed.gov>).

- Click on the Request Post Deadline/Extended Processing link under the School menu.

- On the request screen, the institution should indicate in their explanation that the request is based on a program review, and provide the program review control number.
- The institution will be notified of the status of the request at the time of submission, and will also be notified by email to the FAA and President when extended processing has been authorized. At that time, the school must transmit student/borrower level adjustments to COD for the closed award years.

Liabilities Owed to the Department in the Case of Title IV Grants

Pell Grant Liabilities – Closed Award Year

Findings: 1, 3, and 5
 Appendices: D1, E1, and F1

Lehman must repay:

Pell Closed Award Year			
Amount (Principal)	Amount (Interest)	Title IV Grant	Award Year
\$64,240.42	\$2263.60	Pell Grant	12/13
\$44,730.05	\$1128.78	Pell Grant	13/14
\$68,152.47	\$1117.75	Pell Grant	14/15
\$49,670.43	\$ 279.79	Pell Grant	15/16
Total Principal	Total Interest		
\$226,793.37	\$4,789.92		

The disbursement record for each student identified in the appendices to the applicable findings must be adjusted in the Common Origination and Disbursement (COD) system based on the recalculated amount identified in the appendices.

This amount above is also reflected in the total amount owed to the Department in Section 1 above.

Adjustments in COD must be completed prior to remitting payment to the Department. Payment cannot be accepted via G5. Once the Department receives payment via FEDWIRE, the Department will apply the principal payment to the applicable G5 award. The interest will be applied to the general program account.

A copy of the adjustment to each student’s COD record must be sent to Lydia Gonzalez **within 45 days of the date of this letter.**

Federal Perkins

Finding: 1

Appendix: D1

Lehman must deposit \$671.77 in its Federal Perkins Loan Revolving Fund. National Student Loan Data System (NSLDS) must be corrected for each borrower to reflect the new reduced or cancelled Perkins Loan amount. As a result of the ineligible disbursement, and the resulting excess interest paid by the students, Lehman must pay the total amount of \$ 671.77 by crediting the borrower's Perkins loan for the amount identified in Appendix D1.

Lehman must submit the following **within 45 days of the date of this letter** to Lydia Gonzalez

- a copy of the front and back of the cancelled check(s), or copies of an electronic transfer of funds, to verify that the payment has been made to the Federal Perkins Loan account
- documentation that the individual NSLDS loan records have been updated
- documentation that the student(s) Perkins loan account at the school has also been properly credited, as applicable

F. Appendices

Appendices A, B1-B3, C1-C9, D1, D2, E1, E2, F1, F2 and G contains personally identifiable information and will be emailed to Lehman as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip file(s) will be sent in a separate email.

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX A

Student Sample

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX B1

Copy of Program Review Report

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX B2

**Copy of Program Review Requirement to Resubmit Institutional Response for
Finding 5 (1/27/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX B3

**Copy of Program Review Requirement to Resubmit Institutional Response for
Finding 5 (4/14/2017)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C1

**Copy of Institutional Program Review Responses for Findings 2, 3, 4, 5, 6, 7, 8,
and 9 (11/17/16)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C2

Copy of Institutional Program Review Response for Finding1 (01/06/17)

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C3

**Copy of Subsequent Institutional Program Review Response for Finding 5
(01/12/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C4

**Copy of Subsequent Institutional Program Review Response for Finding 5
(03/03/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C5

**Copy of Subsequent Institutional Program Review Response for Finding 5
(06/08/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C6

**Copy of Subsequent Institutional Program Review Response for Finding 5
(08/24/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C7

**Copy of Subsequent Institutional Program Review Response for Finding 1,
Student 3 (10/25/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C8

**Copy of Subsequent Institutional Program Review Response for Finding 1,
Student 4 (11/30/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX C9

**Copy of Subsequent Institutional Program Review Response for Finding 3,
Student 5 (12/4/17)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX D1

**Copy of Cost of Funds for Finding 1- Inadequate Determination of Enrollment
(Pell Grant & Campus Based)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX D2

**Copy of Cost of Funds for Finding 1 Inadequate Determination of Enrollment
(Direct Loan)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX E2

Copy of Cost of Funds for Finding 3- Incorrect Return of Title IV (Direct Loan)

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX F1

**Copy of Cost of Funds for Finding 5- Conflicting Information –Undeclared Major
(Pell Grant)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX F2

**Estimated Actual Loss for Finding 5- Conflicting Information –Undeclared Major
(Direct Loan)**

FINAL PROGRAM REVIEW DETERMINATION

PRCN: 201620229528

CUNY- Lehman College

APPENDIX G

FED-WIRE EFT MESSAGE FORMAT & INSTRUCTIONS

**June 26, 2018 Institutional Response to the
May 14, 2018 FPRD**



OFFICE OF THE PRESIDENT

Shuster Hall, Room 350
250 Bedford Park Blvd West
Bronx, NY 10468

Phone: 718-960-8111
Fax: 718-960-2537
www.lehman.edu

June 26, 2018

Susan Crim
Director
Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Enforcement Unit
830 First Street, NE-UCP3, Room 84F2
Washington, DC 20002-8019

RE: Appeal of Final Program Review Determination
OPE ID: 00702200
PRCN: 201620229528

Dear Director Crim:

In accordance with the appeal procedures set forth in the Department of Education's Final Program Review Determination (FPRD) dated May 14, 2018, Lehman College of the City University of New York ("Lehman") appeals the Department's Finding #1: *Inadequate Determination of Student Enrollment*. As discussed in detail below, Lehman contends that the Department erroneously interprets federal regulations 34 CFR 668.22 and 34 CFR 668.24 by requiring Lehman, a non attendance-taking institution, to follow the practices of Title IV attendance taking institutions for students who fail to achieve any passing grades in a given payment period. Specifically, the test prescribed by the Department for the file review-- that Lehman must provide documentation showing the date of attendance at an academic related activity to demonstrate that a student properly received a grade of "F" and completed a course-- is in conflict with the regulations, the Dear Colleague Letter (DLC) Gen- 04-03 ("DCL 04-03") and the Federal Student Handbook 2017-2018 Volume 5. Such misinterpretation informed the program reviewer's request that Lehman College perform a four-year file review on students with all non-passing grades in a payment period. Lehman challenges the resultant liability determined from the file review it performed.

Background

Lehman is a four-year senior college of the City University of New York ("CUNY"). On May 27, 2016, the U.S. Department of Education Federal Student Aid Office (New York)("Department") issued a Program Review Report ("2016 Report"). The 2016 Report contained nine findings that Lehman was requested to resolve. Required actions included the

submission of explanatory responses (for six findings) or the performance of file reviews (for three findings). The Department issued on May 14, 2018, its Final Program Review Determination (“FPRD”). Of the nine findings contained in the 2016 Report, including three findings requiring file reviews, Lehman appeals only Finding #1-- *Inadequate Determination of Student Enrollment*.

In Finding #1 of the 2016 Report, the program reviewers identified five students for which they indicated Lehman did not adequately determine student enrollment. None of the five students received any passing grades in the payment period under review. For each of these students, the program reviewers requested that Lehman provide documentation that the students completed the payment period. For three of the five students that received a combination of “F” and “WU” (Withdrew Unofficially) grades, the program reviewers requested that Lehman provide documentation of the last date of attendance at an academically-related activity in order to rebut a presumption that the student withdrew from all classes despite having earned one or more “F” grades for the period. As is discussed in more detail below, the program reviewers rejected for Lehman College attestations from professors that the non-passing grade they gave a particular student was or was not the correct grade in respect of the college’s federally-compliant grading policy. However, because Lehman could not provide the documentation requested for two of the five students Lehman had earlier determined had completed the payment period, the program reviewers determined that the two students in question had in fact withdrawn from all of their classes for the payment period, that Lehman had failed to comply with the R2T4 regulations, and that Lehman did not have a process for confirming that students with no passing grades completed the payment period. The program reviewers consequently requested that Lehman perform a four-year file review for all students who failed to receive any passing grades. Inasmuch as Lehman, a non attendance-taking institution, was required to determine for any student for whom it could not produce documentation of the last date of attendance at an academically-related activity that the student did not complete the payment period the liability represented by financial aid now deemed unearned was immense.

When Lehman, and other CUNY institutions under program reviews still pending, requested from the reviewers regulatory support for the requirement that non attendance-taking institutions maintain and provide documentation of the last date of attendance at an academically-related activity, the program reviewers cited Title IV HEA regulations 34 CFR 668.16(d) and 34 CFR 668.24 on recordkeeping and record retention, respectively, and 34 CFR 668.22 which inter alia defines attendance at an academically-related activity. For the reasons discussed below, Lehman maintains that the program reviewers construed federal regulations and guidance in a manner the rule-makers never intended.

Discussion

- I. Contrary to what the Program Reviewers have asserted, federal regulation 34 CFR 668.22 does not require non-attendance taking institutions to maintain documentation

of a student's last date of attendance at an academically-related activity to substantiate student grades.

Despite Lehman's requests, the program reviewers were not able to cite a federal regulation that specifically requires an institution to maintain records of attendance at an academically-related activity in order to substantiate a student's earned grade and to validate the student's eligibility for a Title IV financial aid disbursement. Lehman is not aware of any precedent where a non attendance-taking institution was required to have maintained documentation of the last date of attendance at an academically-related activity to substantiate every grade each one of its Title IV financial aid recipients received, despite the program reviewer's assertion that such a level of substantiation is a prescriptive federal requirement. The Department's reliance on 34 CFR 668.2 is misplaced. That provision, aptly titled "Treatment of title IV funds when a student withdraws" does not address the issue of earned grades. In fact, it is clear from the Department's own governing regulations that the actual purpose of the "academically-related activities" provision of 34 CFR 668.22 is to offer non attendance-taking institutions the opportunity to use a date that is later than the midpoint of a payment period as the withdrawal date for a student who unofficially withdraws--but only if the institution should have documentation of the last date of attendance at an academically-related activity.

II. If the federal regulations required or expected non attendance-taking institutions to maintain documentation of students' last date of attendance at an academically-related activity, there would be no necessity for the use of the midpoint for unofficial withdrawals.

It is also clear from the federal regulations and background materials expressing regulatory intent that non attendance-taking institutions are not required or expected to maintain that kind of documentary evidence to support student grades or, by extension, be able to produce such evidence for a future program review. Otherwise, the regulations would require that in all instances, withdrawal dates for students at non-attendance taking institutions be based only on that documentation. There would then be no purpose at all for the use of the midpoint to determine withdrawal dates, and non attendance-taking institutions would be mandated to the use of actual last date of attendance at an academically-related activity for all R2T4 refund and post-withdrawal disbursement calculations.

Lehman maintains that it is because federal Title IV regulations do not require or expect non attendance-taking institutions to maintain documentation of the last date of attendance at an academically-related activity that the regulations allow non-attendance taking institutions to use the mid-point of the payment period as the withdrawal date for a student who unofficially withdraws. This is a fact borne out in the preambles to the applicable notices of proposed rulemaking (NPRM) and to the final regulations. According to the preamble to the 1999 NPRM proposing changes to 34 CFR Part 668, the Department of Education indicated the following: "[T]he statute allows an institution to document and use a date that is later than the midpoint of the period.... The Secretary also believes that an institution should base its determination of

that point on the best information available. Therefore, the committee agreed that these proposed regulations should allow an institution that is not required to take attendance always to be able to use a student's last date of attendance at an academically-related activity, as documented by the institution, as the student's withdrawal date...[emphasis added]." 64 FR 43029 (August 6, 1999) (See Attachment #1). It is clear from the above language that use of documentation of the last date of attendance at an academically-related activity was meant to be permissive, not mandatory.

Lehman's position is further supported by the language in the preamble to the subsequently issued final rules. In the preamble the Department explained the following:

The option of using a last date of attendance at an academically-related activity as documented by the institution has been extended to institutions that do not take attendance in order to permit the institutions to meet more precisely the goal of identifying as accurately as possible the point when the student ceased academic attendance [emphasis added].

64 FR 59022 (November 1, 1999). (See Attachment #2)

There again, the inclusion of the term "option" operates to denote permissive use of documentation of the last date of attendance at an academically-related activity. The Department then illustrated in an example the proper context in which the last date of attendance at an academically-related activity is to be used, making it clear that institutions may, but are not required to, track that information:

[A]n institution may always use the last date of attendance at an academically related activity to take into account attendance by the student subsequent to the student's first notification of withdrawal. For example, Dave notifies his institution of his intent to withdraw on January 5. On January 6, Dave notifies the institution that he has changed his mind and has decided to continue to attend the institution, and provides the required written statement to that effect. On February 15, Dave notifies the institution that he is withdrawing, and actually does. The institution has a record of an exam that Dave took on February 9. The institution may use February 9 as Dave's withdrawal date. If the institution could not or did not choose to document a last date of attendance at an academically related activity for Dave (in this case, the record of the exam), his withdrawal date would be January 5, the date of Dave's original notification of his intent to withdraw, not February 15 [emphasis added].

Id. at 59026. (See Attachment #3)

If the Department had required non attendance-taking institutions to track and maintain evidence of the last date of attendance at an academically-related activity, the Department would have indicated in their example that it was in fact a requirement that the institution use the record of Dave's exam and that the institution could not "choose" whether it would document that last date of attendance at an academically-related activity or not. Further, the Department logically would not have illustrated a point about the correct identification of a withdrawal date using an example where an institution was also violating federal recordkeeping and retention requirements without making mention of the violation.

Significantly, in the October 29, 2010 Federal Register, the Department makes clear that a non-attendance taking institution is not required to document the last date of attendance at an academically-related activity and, with respect to such institutions, if a student earns a grade (such as an “F” grade) in a class, the presumption that the student withdrew is refuted:

Standing alone, information that a student was absent on the last date attendance was taken during a limited period of time is the best evidence that the student has ceased attendance. That presumption is easily refuted when a student has gone on to complete the payment period, since the student will have earned a grade for the class. For a student who did not complete the class, the institution may determine whether there is evidence that the student was academically engaged in the class at a point after the limited period when attendance was taken. Unless an institution demonstrates that a withdrawn student who is not in attendance at the end of the limited period of required attendance taking attended after the limited period, the student’s withdrawal date would be determined according to the requirements for an institution that is required to take attendance. That is, the student’s withdrawal date would be the last date of academic attendance, as determined by the institution from its attendance records. If the institution demonstrates that the student attended past the end of the limited period, the student’s withdrawal date is determined in accordance with the requirements for an institution that is not required to take attendance. So, for a student the institution has determined attended past the limited period and has unofficially withdrawn, the student’s withdrawal date is the midpoint of the payment period of [sic] period of enrollment unless the institution uses a later date when the student was academically engaged in the class. The institution therefore has the option to document a student’s last date of attendance at an academically-related activity, but an institution is not required to take attendance past the end of the limited period of attendance taking [emphasis added].

75 FR 66900 (October 29, 2010) (See Attachment #4).

- III. The Department’s test that requires from a non attendance-taking institution documentation of a student’s last date of attendance at an academically-related activity contravenes the FSA Handbook and Dear Colleague Letter GEN-04-03 and is proper only for institutions using the Last Date of Attendance (LDA) option of documenting grading validity not institutions using the compliant grading policy option.

Lehman strenuously maintains that the Department’s stated goal of testing grading policy by requesting a file review of all non-passing grades is incongruous with a requirement, advocated by the program reviewers, that a non-attendance taking institution produce documentary evidence of a student’s last date of attendance at an academically-related activity. In a pending program review at CUNY’s Queensborough Community College, where the program reviewers made a similar finding involving students with non-passing grades, US Department of Education Compliance Manager Christopher Curry indicated that the Department’s purpose in regard to the finding is to test whether the institution’s grading policy

serves to adequately document students' term completion status (See Attachment #7). What Mr. Curry and the program review team do not appear to want to acknowledge is that the Department of Education considers an institution's grading policy "documentation," so long as that grading policy specifies to faculty the conditions under which it is appropriate to assign a student either an earned grade or a withdrawal grade. The Department's Dear Colleague Letter GEN-04-03 states that "to serve as documentation that a student who received all F grades had not withdrawn, such a grading policy would have to require instructors to award the F (or equivalent grade) only to students who completed the course...[emphasis added]" (See Attachment #5). Furthermore, the Dear Colleague Letter provides that an institution not required to take attendance may use its academic grading policy for awarding final grades as an alternative for determining whether a student with no passing grades unofficially withdrew (See Attachment #5).

Thus if the program reviewers' goal was to determine the adequacy of the grading policy, which grading policy the Handbook indicates would be acceptable documentation, that challenge is easily met by an examination of the substance of the policy itself. The June 2017 Federal Student Aid Handbook at page 5-58 provides a clear example of what provisions an acceptable grading policy should contain. If the actual goal is to determine whether a student completed the payment or enrollment period, then the regulations provide the answer to that as well, inasmuch as, as was mentioned above, institutions are instructed that when faculty assign students an earned grade (such as an "F" grade), the grade itself is evidence that the student completed the payment period.

The same FSA Handbook at page 5-58 makes clear that the requirement of producing documentation of the last date of attendance at an academically-related activity is a test that only applies to institutions that use the last date of attendance (LDA) option as opposed to the grading policy option. Specifically, the Handbook indicates the following guidance for schools using the LDA option:

Another school might require instructors to report, for all students awarded a non-passing grade, the student's last date of attendance (LDA). The school may use this information to determine whether a student who received all "F" grades withdrew. If one instructor reports that the student attended through the end of the period, then the student is not a withdrawal. In the absence of evidence of a last date of attendance at an academically related activity, a school must consider a student who failed to earn a passing grade in all classes to be an unofficial withdrawal [emphasis added].
FSA Handbook, June 2017 p. 5-58 (See Attachment #6).

If Mr. Curry's interpretation of the regulations is correct and non-attendance taking institutions such as Lehman that have opted to use this alternative procedure and not maintain documentation of the last date of an academically-related activity nevertheless must produce such documentation, and the absence of such documentation is conclusive evidence that a student did not complete the payment period, then the alternative procedure that the

Department provides for is a nullity and is in reality no alternative at all. Institutions that choose that alternative are entrapped and expose themselves unwittingly to substantial risk of liability.

Lehman acknowledges that the same Dear Colleague letter, GEN 04-03, provides that “Compliance audits and program reviews may examine whether a school accurately assigns failing grades to students if the school uses its grading policy to determine whether a student with failing grades has unofficially withdrawn,” but for the reasons mentioned above, Lehman believes that the test prescribed by the program reviewers is unreasonable given the overwhelming evidence that the test is inconsistent with Mr. Curry’s stated goal, and the test prescribed by the program reviewers applies only to those schools that have chosen the Last Date of Attendance (LDA) option for determining whether a student with no passing grades should be treated as an unauthorized withdrawal.

IV. Attestations by professors that they understood the institution’s compliant grading policy and properly assigned non-passing grades is a reasonable test of grading validity and is one that the Department has accepted in the past for other CUNY institutions.

It is undisputed that Lehman and CUNY have a grading policy that complies with the regulations. Despite this, Mr. Curry and the program review team led by Ms. Lydia Gonzalez rejected for Lehman and the other CUNY institutions undergoing federal program review, such as Queensborough Community College, a proposed methodology for testing whether a school accurately assigns failing grades to students consisting of professors’ written attestations as to whether they understood the institution’s grading policy and gave the student the correct grade at the time (See Attachment #7). Lehman believes that this methodology is an example of a test that more closely accords with the intent of the Dear Colleague letter, its governing regulation, and the FSA Handbook.

V. For the program review, Lehman’s attestations were reliable indicators of student completion.

While Mr. Curry questioned the validity of the professors’ attestations, particularly those made some time after the payment period ended, Lehman would note that the reliability of these attestations is demonstrated not only by the fact that CUNY has a robust compliant grading policy but by the fact that some of the faculty attested that in retrospect the grade they assigned was incorrect. Thus the attestations were proposed because they effectively and efficiently serve as proxies for contemporaneous evidence that the attesting professor understood at the time of awarding a grade the functional difference between a “WU” and an “F” grade. Lehman believes this to be a more reasonable test of compliance with the grading policy than to request of a non attendance-taking institution documentation the regulations do not envision it maintain. Lehman would also add that in two prior Department of Education Program Reviews, one at John Jay College (FPRD February 11, 2011) and one at Borough of Manhattan Community College (FPRD January 27, 2010) the program reviewers either accepted attestations (for John Jay, See Attachment #8) or cited a college memorandum to faculty indicating that many faculty were not following the college’s grading policy, as the

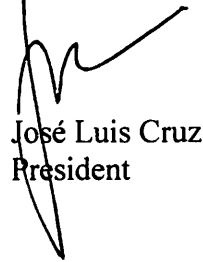
basis upon which the reviewers determined that faculty were in fact not assigning grades correctly (for BMCC, See Attachment #9).

Conclusion

Again, no federal regulation has been presented to Lehman that would direct that institutions be required to maintain documentation to support the grades they assign or that would dictate a minimum standard by which grades are to be awarded (e.g., based on a defined number of written examinations versus oral examinations, etc.) Such regulation would require that institutions maintain this documentation for every grade assigned to a student, not just “F” or withdrawal grades, because faculty would not know whether a student who is doing “A” grade work will eventually withdraw unofficially from the institution or ultimately fail the course by not meeting all course objectives. Such a requirement would also impinge on a professor’s right at an accredited institution, under the rubric of academic freedom, to determine the quantity and nature of student activity that would warrant successful achievement of course objectives. Furthermore, a reading of the cited regulations concerning recordkeeping and record retention makes clear that those regulations do not envision records such as those relating to attendance at an academically-related activity. Those regulations relate to such documentation as Student Aid Records and Institutional Student Information Record, etc.

Thank you for your consideration. Lehman is appreciative of the opportunity for an administrative hearing on this matter in accordance with sec. 487(b)(2) of the HEA, 20 U.S.C. sec. 1094(b)(2). We hope to receive notification from you in the near future.

Sincerely,



José Luis Cruz
President

earned is a reflection of the amount of time a student spent in academic attendance, not a reflection of institutional costs that are incurred by the student. The committee agreed to define the withdrawal date for an institution that is required to take attendance as the last date of academic attendance as determined by the institution from its attendance records. Thus, in the example just cited, the withdrawal date would be November 15, not November 22.

Required To Take Attendance

At the negotiated rulemaking sessions, the committee discussed whether an institution that elects to take attendance should be considered an institution that is required to take attendance for purposes of calculating the amount of Title IV, HEA program assistance when a student withdraws. The committee decided that only an institution that is required to take attendance by an outside entity would be considered an institution that is required to take attendance. Examples of outside agencies that may require an institution to take attendance are an institution's accrediting agency or an institution's state licensing agency.

At the negotiated rulemaking sessions, the Department's negotiator also suggested that an institution that is required to take attendance for even a portion of the payment period or period of enrollment should be considered an institution that is required to take attendance. Some negotiators thought that the Department's interpretation was too restrictive. The negotiators cited an example in which an institution's State agency requires the institution to take attendance for the first two weeks of a program to establish a census of students. The negotiators did not believe that attendance records for census purposes would be appropriate for determining a student's withdrawal date. For this reason, the committee agreed that the proposed regulations should not include a reference to institutions that are required to take attendance for only a portion of the period. The Secretary requests comment on whether an institution that is required to take attendance for a longer portion of the payment period or period of enrollment should be considered an institution that is required to take attendance for purposes of determining a student's withdrawal date under these proposed regulations. For example, should an institution that is required to take attendance just beyond the 60 percent point of the period (the point at which the student would earn 100 percent of his or her Title IV, HEA

program assistance) have to use its attendance records to determine a student's withdrawal date?

Student Does Not Return From a Leave of Absence

The committee agreed that if a student does not return to the institution at the expiration of an approved leave of absence, the most appropriate withdrawal date for the student is also the last date of academic attendance as determined by the institution from its attendance records. Leaves of absence are addressed in the discussion of proposed § 668.22(d).

Section 668.22(c) Determining a Student's Withdrawal Date at an Institution That Is Not Required To Take Attendance

As mentioned in the discussion of proposed § 668.22(b), this NPRM proposes that the definitions of withdrawal date in §§ 668.22(b) and (c) apply only to the determination of the amount of Title IV, HEA program assistance that a student has earned upon withdrawal.

The statute lists four types of withdrawal situations for students who withdraw from institutions that are not required to take attendance and defines a withdrawal date for each type. The four situations are: (1) the student began the withdrawal process prescribed by the institution; (2) the student otherwise provided official notification to the institution of his or her intent to withdraw; (3) the student leaves without beginning the institution's withdrawal process or otherwise providing official notification of his or her intent to withdraw (an "unofficial withdrawal"); and (4) the student does not return to the institution by the expiration of a leave of absence. In addition, the statute contains a "special rule" definition of withdrawal date for withdrawals that occur because of circumstances that are beyond the student's control.

Last Date of Attendance at an Academically-Related Activity

The statute does not specifically allow an institution to use an earlier or later date than those described above, except in the case of a student who withdraws without providing official notification, in which case the midpoint is the withdrawal date (situation number 3, discussed above). In such cases, the statute allows an institution to document and use a date that is later than the midpoint of the period. However, as stated previously, the Secretary believes that a student's withdrawal date should reflect as accurately as possible the point when

the student ceased academic attendance. The Secretary also believes that an institution should base its determination of that point on the best information available. Therefore, the committee agreed that these proposed regulations should allow an institution that is not required to take attendance always to be able to use a student's last date of attendance at an academically-related activity, as documented by the institution, as the student's withdrawal date, in lieu of the withdrawal dates listed above. Thus, if a student begins the institution's withdrawal process or otherwise provides official notification of his or her intent to withdraw and then attends an academically-related activity after that date, the institution would have the option of using that last actual attendance date as the student's withdrawal date provided that the institution documents that the student attended the activity. Similarly, an institution could choose to use an earlier date if it believes the last documented date of attendance at an academically-related activity is a more accurate reflection of the student's withdrawal date than the date on which that student began the institution's withdrawal process or otherwise provided official notification of his or her intent to withdraw.

The concept of using a last date of attendance at an academically-related activity as a student's withdrawal date is a longstanding one for the Title IV programs. Consistent with this longstanding policy, the proposed regulations would not require an institution to take class attendance in order to demonstrate academic attendance for this purpose. The regulations would define "academically-related activity" and list several examples of activities that meet the definition. An institution would be permitted to use documentation of a student's attendance at other activities if those activities met the definition of an academically-related activity.

An institution would be responsible for determining that the activity that the student attended is, in fact, academically-related. The committee agreed that an institution has demonstrated this responsibility if an employee of the school confirms that the activity is academically-related. The Secretary does not consider proof that a student is living in institutional housing nor proof that a student is participating in a student organized study group to be proof of academic attendance.

The Secretary notes that activities that meet this definition of an academically-related activity would not necessarily count as instructional time for purposes

believe that if an institution has attendance records as the result of the requirements of any outside entity, those attendance records must be used to determine a student's withdrawal date. We also believe that if an institution is required to take attendance for only some students by an outside entity, the institution must use those attendance records for only those students to determine the student's withdrawal date (the last date of academic attendance). The institution would not be required to take attendance for any of its other students, or to use attendance records to determine any of its other students' withdrawal dates, unless the institution is required to take attendance for those students by another outside entity. For example, 10 students at Peabody University receive assistance from the Veterans Administration (VA). The VA requires the institution to take attendance for the recipients of the VA education benefits. Peabody University is not required by any other outside entity to take attendance for any of its other students. Seven of the 10 students who receive VA benefits are also Title IV, HEA program recipients. If any of those seven students withdraw from the institution, the institution must use the VA required attendance records for those students. For all other Title IV, HEA program recipients at Peabody University that withdraw, the institution must determine the withdrawal date in accordance with the requirements for students who withdraw from an institution that is not required to take attendance (§ 668.22(c)). We believe that requiring an institution to use its attendance records to determine the withdrawal date of a student for which another outside entity requires that attendance be taken is consistent with our view that the goal in defining a student's withdrawal date is to identify the date that most accurately reflects the point when the student ceased academic attendance, and should be based on the best information available.

Changes: We have changed § 668.22(b)(3) to clarify that if an institution is required by an outside entity to take attendance for only some of its students, the institution must use those attendance records for those students to determine the withdrawal date.

Comments: Several of the commenters asked what an institution's official attendance record would be. The commenters noted that an institution may have a master attendance record in addition to the roll books kept by the instructors. Several commenters asked

how an institution would determine a student's withdrawal date if one of the student's instructors took attendance, but the others did not. A couple of commenters wanted to know how to determine a student's withdrawal date if faculty members' attendance records differed.

Discussion: If an institution is required to take attendance, it is up to institution to ensure that accurate attendance records are kept for purposes of identifying a student's last date of academic attendance. An institution must also determine which attendance records most accurately support its determination of a student's withdrawal date and support its use of one date over another if the institution has conflicting information.

Changes: None.

Comments: One commenter agreed that the withdrawal date for a student who withdraws from an institution that is required to take attendance should be the last date of academic attendance. A couple of commenters believed that an institution should have the discretion to use a student's last date of academic attendance as the basis for determining the student's withdrawal date, rather than as the actual withdrawal date.

One commenter asserted that Title IV, HEA program assistance earned is not a reflection of time in academic attendance but, rather, is a reflection of institutional costs. As such, the commenter believed that the student's withdrawal date should reflect that the costs are incurred by the student after the student's last date of academic attendance. The commenter stated that using as a student's withdrawal date a point beyond the student's last date of attendance would be consistent with some institutional policies. The commenter contended that Congress did not intend that a student's withdrawal date at an institution that is required to take attendance be limited to the last date of academic attendance.

One commenter believed that an institution that is required to take attendance should be allowed to use as a student's withdrawal date the student's last date of attendance at an academically-related activity as documented by the institution. The commenter believed that it would be unfair to allow institutions that are not required to take attendance to count a student's subsequent academic activity, while not extending this option to institutions that are required to take attendance.

A couple of commenters also maintained that the provision for institutions that are not required to take attendance that provides that the

withdrawal date for a student that withdrew without notification is the midpoint of the payment period or period of enrollment, should be extended to institutions that are required to take attendance. One commenter noted that this extension may be necessary if an institution that is required to take attendance has a student who takes a portion of their program at an institution that is not required to take attendance under a consortium agreement. The commenter believed that if the student withdrew from the non-attendance taking institution without providing notification, the student's withdrawal date should be the midpoint of the payment period or period of enrollment.

Discussion: Section 484B(c)(1)(B) of the HEA provides that institutions that are required to take attendance must determine a student's withdrawal date from its attendance records. We believe that the interpretation of the statute that is most in line with our goal of determining the date that most accurately reflects the point when a student ceased academic attendance defines a student's withdrawal date as the last date of academic attendance, as determined by the institution from its attendance records. We note that if a student continues to reside at the institution and consume goods and services past this point, the institution is not precluded from charging the student for these expenses. We believe that the statute makes clear that an institution that is required to take attendance and, therefore, has an established mechanism for tracking a student's attendance, must use that mechanism to determine the point when the student ceased academic attendance. We believe that a student's last date of academic attendance, as determined by the institution from its attendance records, accurately reflects the point when a student ceased academic attendance. The option of using a last date of attendance at an academically-related activity as documented by the institution has been extended to institutions that do not take attendance in order to permit the institutions to meet more precisely the goal of identifying as accurately as possible the point when the student ceased academic attendance.

The statute does not permit an institution that is required to take attendance to use the midpoint of the payment period or period of enrollment as the withdrawal date for a student that withdrew without notification. In the case of a student who is attending both an institution that is required to take attendance and an institution that is not

Discussion: We continue to believe that the appropriate withdrawal date for a student who does not complete the payment period or period of enrollment after rescinding his or her first notification of withdrawal is the date when the student first began the institution's withdrawal process or otherwise provided official notification to the institution. The Department is responsible for identifying and responding to areas of potential abuse to the Title IV, HEA programs in the development of regulations. The potential abuses that we identified in the NPRM were not addressed by the alternative withdrawal dates suggested by the commenters. We do not believe that this requirement is onerous because an institution may always use the last date of attendance at an academically-related activity to take into account attendance by the student subsequent to the student's first notification of withdrawal. For example, Dave notifies his institution of his intent to withdraw on January 5. On January 6, Dave notifies the institution that he has changed his mind and has decided to continue to attend the institution, and provides the required written statement to that effect. On February 15, Dave notifies the institution that he is withdrawing, and actually does. The institution has a record of an exam that Dave took on February 9. The institution may use February 9 as Dave's withdrawal date. If the institution could not or did not choose to document a last date of attendance at an academically-related activity for Dave (in this case, the record of the exam), his withdrawal date would be January 5, the date of Dave's original notification of his intent to withdraw, not February 15.

We do not believe that it will be unduly burdensome for an institution to obtain a statement from the student that he or she intends to remain in academic attendance for the remainder of the payment period or period of enrollment. Presumably, the institution is aware that the student has changed his or her mind about withdrawing because the student has contacted the institution to inform the institution that he or she has changed his or her mind and are not withdrawing. The institution may inform the student of the certification requirement at that time.

Changes: None.

Last Date of Attendance at an Academically-Related Activity

Comments: One commenter contended that the law makes no mention of a last date of attendance or academically-related activities, so the regulations should only use the

language of the law which states that a later date documented by the institution may be used for a student who withdraws without notification to the institution. The commenter did not agree that the concept of using the last date of attendance at an academically-related activity is a longstanding one for the Title IV, HEA programs because it has never been included in previous laws and was only introduced in the regulations about eight years ago. One commenter requested clarification of the documentation required to verify a student's attendance at an academically-related activity. One commenter contended that using the last date of attendance at an academically-related activity is not a realistic option because it is difficult for an institution to track attendance.

Discussion: As stated in the preamble to the NPRM, the statute does not specifically allow an institution to use as a withdrawal date a student's last date of attendance at an academically-related activity, except in the case of a student who withdraws without providing notification (in which case the institution may use a date that is later than the midpoint of the period). However, we continue to believe that we have the discretion under the statute to promulgate regulations that permit an institution that is not required to take attendance to document a date other than the specified withdrawal dates if that date more accurately reflects the point when the student ceased academic attendance.

We note that the use of a last date of attendance at an academically-related activity has been a part of the guidance for the definition of a student's Title IV, HEA program withdrawal date for over eight years. We believe that this qualifies as longstanding Title IV, HEA program policy. Just as there is a wide variety in the types of educational programs offered by institutions, there appears to be a lot of variation in ways that institutions have been able to identify a last date of attendance at an academically-related activity. We believe that the guidance provided in the preamble to the NPRM is sufficient for an institution to determine how the institution should properly document a student's last date of attendance at an academically-related activity without being overly prescriptive. This flexibility permits institutions to control the process used to verify the student's attendance in these activities. We will continue to provide guidance in this area through Department publications to address specific concerns that are not addressed by this guidance.

Changes: None.

Acceptable Documentation

Comments: One commenter supported the position in the NPRM that acceptable documentation for a student's withdrawal date should not be specified in the regulations.

Discussion: None.

Changes: None.

Section 668.22(d) Approved Leaves of Absence

Comments: A few commenters supported the position in the NPRM that an institution would be allowed to grant more than one leave of absence to a student. In response to the Secretary's specific request for comment, commenters suggested the following additional categories of unforeseen circumstances that the commenters believe warrant the granting of more than one approved leave of absence: jury duty; incarceration; unexpected loss of child care; the need to care for children during the children's school breaks; changes in work schedules (for example, a part-time employee is required to work full-time for a few weeks); protection in cases of domestic abuse where a student has been forced to go into hiding; dependent care outside the parameters of the Family and Medical Leave Act of 1993 (FMLA) (no specifics provided); financial reasons; death or illness of a family member; student suffers injury or major illness; snow days; travel.

A few commenters believed that a list of circumstances could not address every unforeseen circumstance that should warrant an approved leave of absence. A couple of these commenters believed that institutions should have the discretion to grant an approved leave of absence, as long as the institution maintained the appropriate documentation. One commenter suggested limiting the number of leaves of absence to two, rather than defining all unforeseen circumstances. One commenter thought that unforeseen circumstances should be defined, but only two leaves of no more than 60 days each should be permitted for these reasons. One commenter felt that one leave of absence in a 12-month period is sufficient.

Discussion: We continue to believe that more than one leave of absence should only be granted for limited, well-documented circumstances due to unforeseen circumstances. As stated in the NPRM, we believe this interpretation is supported by the language of the statute, which refers to a student who takes "a" leave of absence from an institution. This interpretation also recognizes the fact

that institutions should use the best data available in determining a student's withdrawal date from classes.

Accordingly, if an institution requires the taking of attendance or is required to take attendance for any limited period of a semester or other payment period, then those records should be used when determining a student's date of withdrawal for the purposes of a Return of Title IV Funds calculation.

With respect to comments regarding the complexity of the regulations, they address the taking attendance policies that are either required by an outside party or required by the institution itself. Institutions would already be expected to follow these requirements, and the regulations provide for that attendance information to be used when it indicates a student has stopped attending during this limited period. For students in attendance at the end of that limited period, the guidelines for determining a withdrawal date for an institution that is not required to take attendance would apply until the start of the next period during which attendance taking is required. Any increase in overall burden is mitigated since this requirement is tied to policies for taking attendance that are already in place at institutions, and uses the existing requirements for determining the amount of Federal funds a student earned based upon that information. Cases of noncompliance are addressed on a case by case basis when the occurrences are isolated, and institutions are expected to take appropriate corrective actions when an error is brought to their attention during a self-audit, a compliance audit, or a program review. Accordingly, the Department does not believe it is necessary to delay the implementation date of these regulations, or to reopen the issue for negotiation.

Changes: None.

Comment: A few commenters opposed the proposed changes, arguing that the proposed regulations exceed the Secretary's authority under the law. The commenters believed that Congress intentionally allowed institutions the option to use the midpoint of the payment period because it recognized that institutions have already incurred costs when a student fails to withdraw officially. A few commenters believed that the definition of last day of attendance under the statute is sufficient and that the Department should not make any changes to the regulations. Some commenters opposed the proposal that an "institution required to take attendance" includes an institution that takes attendance voluntarily, arguing that the wording of

the statute, which states "institutions that are required to take attendance" and not "institutions that take attendance," indicates that Congress did not intend to include institutions that choose to take attendance in that category. Other commenters expressed strong support for the broadened definition.

Discussion: Under the law, institutions that are required to take attendance must use that information to determine when students who do not complete a class stopped attending. It is common for the Department to view requirements established by an institution, such as an institutional refund policy, as being a requirement for that institution. The Secretary believes it is reasonable to interpret the law to include instances where the institution itself is establishing the requirement to take attendance for a program, a department, or the entire institution. The regulations do not include instances where a faculty member would monitor student attendance but was not required to do so by the institution. Furthermore, there is no reason that attendance information required by an institution would be different in substance from attendance information required by other entities. It is the process of taking attendance itself that leads to the information being available, regardless of whether it is required by the institution or an outside entity. The law provides that institutions that are required to take attendance must use that information for students who stop attending, and the regulations define the term "required to take attendance" to include instances where the institution itself is establishing that requirement for a program, a subpopulation of a program, a department, or the entire institution. The Secretary also believes that this information should be used when it is available, even if attendance is not required and is only taken for a limited period during the payment period or period of enrollment.

Changes: None.

Comment: A number of commenters requested clarification about whether an institution would be required to perform a Return of Title IV Funds calculation for students that were not in attendance on the last day of a limited census period. Specifically, a few commenters believed that § 668.22(b)(3)(iii)(B) could be interpreted in different ways. First, it could be read to mean that an institution must treat a student who is not in attendance on the last day of a limited period of attendance taking as a withdrawal, even if the student continued to attend classes or was engaged in another academically-related

activity after the end of the limited period. Along these lines, a few commenters pointed out that it could be difficult for an institution to ascertain whether a student actually withdrew, or whether the student was in fact only absent for a class or two. Second, it could be read to mean that if an institution has attendance records during a limited period, the institution must use those attendance records, as the best available source of information, in determining a student's date of withdrawal. One commenter believed that this interpretation could require an institution not otherwise required to take attendance to take attendance beyond the end of the limited attendance period to determine if the student came back. The commenter further requested clarification about when an institution in this situation would have to determine that the student actually withdrew.

Three commenters provided potential modifications to the language related to taking attendance during a limited time period. The first suggested replacing the words "in attendance at the end of the limited period" with the words "in attendance during the limited period" to account for the fact that a student might have attended earlier in the limited period but was only absent on that last day, perhaps due to illness or another legitimate reason. The second commenter recommended modifying the words "a student in attendance" to read "a student determined by the institution to be in attendance" in order to give institutions the necessary flexibility to determine that a student actually withdrew from all courses and was not just absent on that particular day. The third commenter suggested replacing the phrase "in attendance at the end of the limited period" with "in attendance at the last regularly scheduled class meeting prior to the census date" to account for courses that do not meet on the last day of the limited period.

One commenter believed that the Department should require institutions to have a limited number of hours or credits that a student may miss without having to be considered a withdrawal.

Discussion: Standing alone, information that a student was absent on the last date attendance was taken during a limited period of time is the best evidence that the student has ceased attendance. That presumption is easily refuted when a student has gone on to complete the payment period, since the student will have earned a grade for the class. For a student who did not complete the class, the institution may determine whether there

is evidence that the student was academically engaged in the class at a point after the limited period when attendance was taken. Unless an institution demonstrates that a withdrawn student who is not in attendance at the end of the limited period of required attendance taking attended after the limited period, the student's withdrawal date would be determined according to the requirements for an institution that is required to take attendance. That is, the student's withdrawal date would be the last date of academic attendance, as determined by the institution from its attendance records. If the institution demonstrates that the student attended past the end of the limited period, the student's withdrawal date is determined in accordance with the requirements for an institution that is not required to take attendance. So, for a student the institution has determined attended past the limited period and has unofficially withdrawn, the student's withdrawal date is the midpoint of the payment period of period of enrollment unless the institution uses a later date when the student was academically engaged in the class. The institution therefore has the option to document a student's last date of attendance at an academically-related activity, but an institution is not required to take attendance past the end of the limited period of attendance taking.

We do not interpret a requirement to take attendance in one class for a "census date" as taking attendance for purposes of this regulation. For example, some institutions have courses that meet only on Mondays and Wednesdays, and other courses that meet on Tuesdays and Thursdays. In those cases, a "census date" may be taken on two different days in order to establish attendance in both sets of courses that meet on alternate days. With respect to the suggestion that an institution be permitted to have a policy to establish a different procedure or presumption for a student who is absent at the end of a limited period of attendance taking, this is addressed in practice by having the institution determine if the student participated in an academically related activity at a later point in the payment period, not by adding a regulation that otherwise ignores an absence on the last date attendance was taken for the student.

Changes: None.

Comment: A few commenters believed that the proposed regulations would cause a greater financial burden for a student who withdraws from courses prior to the midpoint of the semester. A few commenters noted that

institutions that voluntarily maintain attendance records would now have to use those records to determine the student's actual last date of attendance instead of using a midpoint date. In the case of clock-hour institutions, commenters were concerned that institutions would be required to use an actual last date of attendance instead of a scheduled last date of attendance. In these situations, a student might receive fewer funds to cover costs incurred for the entire payment period, even if he or she withdrew before the end of that payment period.

Discussion: The Department recognizes that using an actual last date of attendance instead of a midpoint of the semester may require an institution to return more unearned aid; this outcome, however, is equitable. For institutions using credit hours that are determined to be required to take attendance for all or a part of the period, the regulation may establish an earlier date of withdrawal for a student that stops attending during a period when attendance is taken. This outcome provides a more consistent treatment with other institutions that have programs where student progress is tracked by measuring clock hours, and more closely tracks the requirements in the law that students earn title IV funds as they progress through a period until they complete more than 60 percent of the period. Institutions are responsible for determining the amount of title IV, HEA program assistance that a student earned under the applicable regulations, and unearned funds for a student must be returned in accordance with the procedures in § 668.22. By establishing a more accurate date a student ceased attendance during a period when attendance is taken, the regulation will tend to increase the amount of unearned funds that are used to reduce the loan amounts students received for that period under § 668.22(i).

Changes: None.

Comment: A number of commenters from cosmetology schools believed that the proposed regulations would put some institutions in a position of being unable to comply with both Federal and State regulations. Specifically, they were concerned that the proposed regulations would require institutions that are credit-hour institutions to become clock-hour institutions if they take attendance, forcing them, depending on individual State laws, to be out of compliance with State requirements that those institutions use credit hours.

Discussion: We do not agree that these regulations create a conflict between Federal and State laws. Institutions that

use clock hours for a program for State reporting or licensing purposes will be treated as institutions that are required to take attendance under this regulation, and the clock hours attended will be used to determine when a student ceased attendance. To the extent that such an institution uses credit hours for its academic purposes, that institution will not be affected by this regulation. The requirement to determine the amount of aid a student earned before ceasing attendance is separate from the question of whether that institution uses credit hours for academic purposes. The clock hours are used to measure the amount of funds a student earned, the same way that other institutions that are required to take attendance will measure earnings under this regulation.

Changes: None.

Comment: A few commenters suggested modifications to the regulatory language that would require institutions to use the best information available in determining a student's withdrawal date. Specifically, one commenter recommended amending § 668.22(c) to make the midpoint of the payment period the "last resort" option for determining a student's last date of attendance when a student unofficially withdraws such that a school would be required to use the midpoint of the payment period only in the absence of other documentation of a student's attendance. Another commenter recommended that we require institutions to use the best available data when determining a withdrawal date instead of allowing schools that are not required to take attendance to use a default date of the midpoint of the payment period of period of enrollment. The commenter believed that using this language would best support the Department's goals.

Discussion: We do not believe that the suggested modifications are supportable under the HEA because the requirement to use attendance information is only applicable for periods when attendance taking is required. Under section 484B(c)(1) of the HEA, if a student stops attending an institution at a point where attendance taking is not required, the institution uses the midpoint of the payment period, or may use a later date when the student was participating in an academically related activity.

Changes: None.

Comment: One commenter was concerned that if an institution that is required to take attendance did not have a valid ISIR before a student's last date of attendance, the student would be unintentionally penalized and unable to receive title IV, HEA program assistance.

Excerpted from Dear Colleague Letter GEN 04-03

withdrawal.

Q7. How should an institution handle Title IV funds that were disbursed under the verification interim disbursement rules to a student who has withdrawn and has not provided all required verification documents in time for the institution to meet the 30-day Return of Title IV Aid deadlines?

A7. If a student fails to provide all required verification documents in time for the institution to meet the 30-day Return of Title IV Aid deadlines listed above, the institution must return any Title IV funds subject to verification that were disbursed to the student on an interim basis. This is because at this point in time the student has failed to establish eligibility for those Title IV funds affected by verification.

A student who has withdrawn and has not provided all required verification documents in time for the institution to meet the 30-day Return of Title IV Aid deadlines may still have an opportunity to complete verification and receive a post-withdrawal disbursement of the Title IV aid for which he or she is eligible.

Q8. What should an institution do if a student provides all required verification documents after withdrawing but before the verification submission deadline and in time for the institution to meet the 30-day Return of Title IV Aid deadlines?

A8. If a student provides all required verification documents before the verification submission deadline and in time for the institution to meet the 30-day Return of Title IV Aid deadlines, the institution must perform the Return of Title IV Aid calculation including all Title IV aid for which the student has established eligibility as a result of verification and for which the conditions of §668.164(g)(2) had been met prior to the student's loss of eligibility due to withdrawal. The institution must return any unearned funds or offer any post-withdrawal disbursement within 30 days of the date of the institution's determination that the student withdrew.

If, as a result of verification, the student's eligibility for Federal Pell Grant, FSEOG, and Federal Perkins funds has been reduced, all interim disbursements for which the student was ineligible must be repaid by the institution and only the reduced amount is included in the Return of Title IV Aid calculation.

Q9. If, before the verification deadline but after the institution has completed the Return of Title IV Aid calculation, a student provides all required verification documents, must the institution perform a new Return of Title IV Aid calculation?

A9. Yes. If a student subsequently provides all required verification documents by the verification deadline, the institution must perform a new Return of Title IV Aid calculation including as funds that could have been disbursed all Title IV aid for which the student has established eligibility based upon verification and for which the conditions of §668.164(g)(2) have been met prior to the student's loss of eligibility due to withdrawal.

If the institution is unable to meet the requirement to offer any amount of a post-withdrawal disbursement that is not credited to a student's account to the student (or parent for a PLUS loan) within 30 days from the date of the institution's determination that the student withdrew, the institution must offer the funds as soon as possible and should provide the student or parent with the minimum 14-day response period whenever possible (§668.22(a)(ii)).

Important: An institution must make any post-withdrawal disbursement that results from the subsequent Return of Title IV Aid calculation by the applicable deadline.

Treatment of a student who fails to receive a passing grade in any class

An institution must have a procedure for determining whether a Title IV aid recipient who began attendance during a period completed the period or should be treated as a withdrawal. We do not require an institution to use a specific procedure for making this determination.

At least one passing grade

If a student earns a passing grade in at least one course offered over an entire period, the institution may make the presumption that the student completed the course and, thus, completed the period.

No passing grades

If a student who began attendance and has not officially withdrawn fails to earn a passing grade in at least one course offered over an entire period, the institution must assume, for Title IV purposes, that the student has unofficially withdrawn, unless the institution can document that the student completed the period.

For a student who unofficially withdrew from an institution that is not required to take attendance, the student's withdrawal date is either the last date of attendance at an academically-related activity or the midpoint of the period (§668.22(c)).

Alternatives for determining whether a student with no passing grades unofficially withdrew

In some cases, an institution may use its academic grading policy for awarding final grades to determine that a student who did not receive at least one passing grade nevertheless completed the period. An institution might have an official grading policy that provides instructors with the ability to differentiate between those students who complete the course but failed to achieve the course objectives, and those students who did not complete the course. Here are two examples:

1. Some institutions require instructors to report, for all students awarded a non-passing grade, the student's last day of attendance. An institution may use this information to determine the withdrawal date for a student who did not officially

withdraw, but received all "F" grades.

2. An institution may have a grading policy as follows:

F (Failing) Awarded to students who complete the course but fail to achieve the course objectives.

U (Unauthorized Incomplete) Awarded to students who did not officially withdraw from the course, but who failed to participate in course activities through the end of the period. It is used when, in the opinion of the instructor, completed assignments or course activities or both were insufficient to make normal evaluation of academic performance possible.

To serve as documentation that a student who received all 'F' grades had not withdrawn, such a grading policy would have to require instructors to award the 'F' (or equivalent grade) only to students who completed the course (but who failed to achieve the course objectives). In addition, the policy would have to require that instructors award an alternative grade, such as the 'U' grade in the example above, to students who failed to complete the course. If the system allows an instructor to indicate the date the student last participated in course activities, this date would be helpful if an institution chose to use attendance at an academically-related activity as a student's withdrawal date.

At a school using such a grading policy, if a student received at least one grade of 'F' the student would be considered to have completed the course and, like a student who received at least one passing grade, would not be treated as a withdrawal. A student who did not officially withdraw and did not receive either a passing grade or an 'F' in at least one course must be considered to have unofficially withdrawn. As noted above, when a student unofficially withdraws from an institution that is not required to take attendance, the institution may use either the student's last date of attendance at an academically-related activity or the midpoint of the period as the student's withdrawal date.

An institution is not required to take class attendance in order to demonstrate attendance at an academically-related activity. (See the FSA Handbook, Chapter 6, Volume 2, "Institutional Eligibility and Participation" for more information on using a last date of attendance at an academically-related activity as a withdrawal date.)

Important: Compliance audits and program reviews may examine whether a school accurately assigns failing grades to students if the school uses its grading policy to determine whether a student with failing grades has unofficially withdrawn.

Percentage of Title IV aid earned for withdrawal from a credit-hour nonterm program

The regulations provide that the percentage of Title IV aid that is earned by the student is equal to the period completed by the student (except if that percentage is more than 60 percent, then the student is considered to have earned 100 percent of the Title IV aid). For any credit hour program, term based or non term based, the percentage of the period completed is calculated as follows:

number of calendar days completed in the period
total number of calendar days in the period

Scheduled breaks of at least five consecutive days and days in which the student was on an approved leave of absence are excluded from this calculation (§668.22(f)(1)(i) and (2)).

We recognize that in a credit-hour nonterm program, the ending date for a period and, therefore, the total number of calendar days in the period, may be dependent on the pace at which an individual student progresses through the program. Therefore, for a student who withdraws from a credit-hour nonterm program where the completion date of the period is dependent on an individual student's progress, an institution must project the completion date based on the student's progress as of his or her withdrawal date to determine the total number of calendar days in the period.

For example, a student is disbursed a Federal Pell Grant and a Stafford Loan for attending a 24 credit hour program at an institution which calculates Return of Title IV Aid on a payment period basis for the program. The student is expected to complete 12 credit hours each payment period, which the student is originally expected to complete in 15 weeks (105 days). The student completes the first payment period by completing 12 credit hours, the first half of the program, in 120 days (past the calendar midpoint of the original program length of 210 days). As a result, the student is eligible to receive the second disbursements of both his or her Federal Pell Grant and Stafford Loan. The student withdraws on day 53 of the second payment period. However, the student has completed only one-third of the work (4 credits) for the payment period. At his current pace of 4 credits earned every 53 days, the student is not scheduled to complete the additional 8 credit hours for another 106 days. At this rate, the student is not scheduled to complete the 12 credit hours of the second payment period until day 159. Therefore, the total number of days in the payment period is 159 for this student. The percentage of the payment period completed is 33.3 percent (53 days completed divided by 159 total days in the payment period).

For credit-hour nonterm programs where the student does not earn credits or complete lessons as he or she progresses through the program, the institution must have a reasonable procedure for projecting the completion date of the period based on the student's progress before withdrawal.

If the total number of calendar days in the period is not dependent on the pace at which a student progresses through a program (the completion date is the same for all students), the total number of calendar days in the period will be the same for all students.

Date of the institution's determination that the student withdrew--Institutions that are required to take attendance

Institutions are expected to have procedures to determine when a student's absence is a withdrawal. Institutions that are

Reminder**When a School Cannot Document Attendance for a Student Who Fails to Complete a Course**

If a student does not complete at least one course during a payment period and the school cannot document that the student attended at least one day during that payment period, the student must be treated as one who never began attendance for the payment period. In such a case, the regulations under 34 CFR 668.21 apply and Title IV aid disbursed to the student for the payment period must generally be returned.

In some cases, a school may use its policy for awarding or reporting final grades to determine whether a student who failed to earn a passing grade in any of his or her classes completed the period. For example, a school might have an official grading policy that provides instructors with the ability to differentiate between those students who complete the course but failed to achieve the course objectives and those students who did not complete the course. If so, the institution may use its academic policy for awarding final grades to determine that a student who did not receive at least one passing grade nevertheless completed the period. Another school might require instructors to report, for all students awarded a non passing grade, the student's last day of attendance (LDA). The school may use this information to determine whether a student who received all "F" grades withdrew. If one instructor reports that the student attended through the end of the period, then the student is not a withdrawal. In the absence of evidence of a last day of attendance at an academically related activity, a school must consider a student who failed to earn a passing grade in all classes to be an unofficial withdrawal.

Example of a Grading Policy That Could Be Used to Determine Whether a Student Unofficially Withdrew

F (Failing) Awarded to students who complete the course but fail to achieve the course objectives.

I-U (Incomplete-Unauthorized) Awarded to students who did not officially withdraw from the course but who failed to participate in course activities through the end of the period. It is used when, in the opinion of the instructor, completed assignments or course activities or both were insufficient to make normal evaluation of academic performance possible.

To serve as documentation that a student who received all "F" grades had not withdrawn, such a grading policy would have to require instructors to award the "F" (or equivalent grade) only to students who completed the course (but who failed to achieve the course objectives). In addition, the policy would have to require that instructors award an alternative grade, such as the "I-U" grade, to students who failed to complete the course. If the system allows an instructor to indicate the date the student last participated in course activities, this date would be helpful if an institution chose to use attendance at an academically related activity as a student's withdrawal date.

At a school using such a grading policy, if a student received at least one grade of "F", the student would be considered to have completed the course and, like a student who received at least one passing grade, would not be treated as a withdrawal. A student who did not officially withdraw and did not receive either a passing grade or an "F" in at least one course must be considered to have unofficially withdrawn. As noted previously, when a student unofficially withdraws from an institution that is not required to take attendance, the institution may use either the student's last date of attendance at an academically related activity or the midpoint of the period as the student's withdrawal date.

ATTACHMENT #7

From: "Curry, Christopher" <Christopher.Curry@ed.gov>
Date: April 11, 2018 at 2:08:37 PM EDT
To: "Faulkner, William" <WFaulkner@qcc.cuny.edu>
Cc: "Quiroz, Miguel" <MQuiroz@qcc.cuny.edu>, "Gonzalez, Lydia" <Lydia.Gonzalez@ed.gov>
Subject: RE: Program Review Additional Information required- Finding 2- Return of Title IV Deficiencies

Mr. Faulkner,

Ms. Gonzalez (Lydia) and I discussed your recent response relating to Finding 2 of Queensborough's program review report.

First, let me clarify that the example Lydia provided for documentation of participation in an academic activity was a case where an instructor might have students sign in for a special event, and was not asserting in any way that Queensborough is an attendance-taking institution.

However, to reiterate the basic issue, the regulations require an institution to make determinations of whether students complete a period of enrollment in which they received Title IV funds. CUNY has indicated that the institution's grading policy, which assigns a specific grade ("WU") for students who do not officially withdraw and do not complete course activities through the end of the period, is sufficient for identifying that students completed the applicable period of enrollment when they have been assigned all non-passing grades in the term, and at least one of those classes has an assigned grade other than "WU" (e.g. an "F" grade).

As part of the program review, the Department is testing whether the institution's grading policy serves to adequately document students' term completion status. The Department requested documentation for students' attendance at academically related activities through the end of the applicable terms to verify grades assigned to students with all non-passing grades. In response, CUNY initially provided attestations from instructors, or Department Chairs, that they have reviewed the non-passing grades assigned to the applicable students, and the grades were correct according to the university's grading policy. These attestations were completed in April 2017, relating to courses students attended in either the Fall 2015, Spring 2016, or Fall 2016 semesters.

CUNY then provided an example of a revised attestation from one instructor confirming the F grade he assigned the student was correct based on his understanding of the institution's grading policy. However the attestation did not reference what records he used to verify the student completed the course activity through the end of the term.

The Department's position is that the attestations, without additional supporting source documents, do not suffice as adequate documentation for students' attendance at an academically related activity through the end of the applicable term. Faculty attestations, completed well after the terms in question, and in some cases not provided by the actual course instructor, cannot be considered adequate source documentation. The key issue is, when the faculty were asked to research the grades assigned to the students, what did they look at to come to the conclusion that the non-passing grade they had assigned was consistent with the grading policy? That is the source documentation that the Department would consider for review in resolving the issue. For example, did they see a list of all students who took a final exam, and the student was on that list with a grade or notation that indicated they took the test? In the absence of any further source records, the students' course completion cannot be confirmed for Title IV purposes.

Therefore, CUNY is invited to provide the source documentation that was used by the instructors in making the determinations reflected on their attestations that the assigned grade was correct, in the case of non-passing grades other than "WU". We can consider having further discussions after we evaluate any additional source documents you can submit, but further discussion of the acceptability of the attestations without additional source documentation would not be productive at this point.

We appreciate your continued cooperation in addressing the program review issues.

Sincerely,

Christopher Curry
Compliance Manager
New York/Boston School Participation Division

From: Gonzalez, Lydia [mailto:Lydia.Gonzalez@ed.gov]
Sent: Friday, February 02, 2018 10:22 AM
To: Faulkner, William
Cc: Lukas, Veronica; Quiroz, Miguel
Subject: RE: Program Review Additional Information required- Finding 2- Return of Title IV Deficiencies

Good morning Bill.

Because the Department has an issue with just accepting Faculty attestations, based on QCC's response I was hoping to see faculty attestations with additional substantiation such as copies of detailed grade rosters, exams, quizzes, participation in on-line courses is applicable, etc. which would show an academic related activity date. I understand that CUNY is not required to take attendance but based on conversations with students and professors, in general, attendance is required by the majority of the professors. If you check with the professors, since the award years reviewed are recent, some of the professors might have their own records. What is QCC's position when a student is not in agreement with a grade? How does QCC confirm the grade is accurate? I would think the teacher would have some records to substantiate the grade given to the students.

I know this is not an easy task but when you have an institution such as CUNY tell you they have written grading policies but that those policies are not tested because they do not have to test them, then the burden is on the Department to test the policy to ensure that students are benefitting from the programs, and the Title IV, HEA payment periods are completed.

Thank you.

Lydia

From: Gonzalez, Lydia [mailto:Lydia.Gonzalez@ed.gov]
Sent: Tuesday, March 06, 2018 4:27 PM
To: Faulkner, William
Cc: Quiroz, Miguel
Subject: RE: Program Review Additional Information required- Finding 2- Return of Title IV Deficiencies

Bill,

Per our telephone conversation on March 1, 2018, the statement from Professor Brian Banho is not acceptable because the professor did not provide any backup documentation to substantiate giving the student a grade of "F". The professor's determination should be based on some existing records of academic activities, and no such records were provided to support completion of the payment period.

Thank you.

Lydia

From: Gonzalez, Lydia [mailto:Lydia.Gonzalez@ed.gov]
Sent: Friday, March 09, 2018 3:04 PM
To: Faulkner, William
Cc: Quiroz, Miguel
Subject: RE: Program Review Additional Information required- Finding 2- Return of Title IV Deficiencies

Good afternoon Bill.

Regarding Item 1 (physically attending a class where there is an opportunity for direct interaction between the instructor and students), an example would be, here at the office, there are times that we attend some type of training at the Regional Training Center, and we are asked to sign the sign in sheet. The sign in sheet would serve as documented evidence that I attended the training. Some instructors might have something similar for documenting academic activities.

Summer Semester File Review

At the request of the Program Review Team the College conducted a review of three summer sessions (2006, 2007, and 2008) to specifically look for students who received combinations of "F, R, and/or WU grades". The College disagrees with the assertion by the Program Reviewers that when students receive a combination of F, R, and/or WU grades that the faculty were in error in assigning the F grade. It has been the College's position from the beginning that grading is the responsibility of the faculty and that faculty are provided an explanation of the College's grading system each semester in a memorandum from the Registrar which is part of the access process to the web grades. A copy of this memorandum is attached for review with an explanation of the College's grades (Attachment S1). Nevertheless, we reviewed the transcripts of all students enrolled for the summer sessions in question and selected all students who met the grade selection criteria specified by the Program Reviewers.

We then took this subset of the population and selected those students who received financial aid. Once the financial aid population was selected we began the process of verifying student attendance during the summer session. Since John Jay College is not an attendance taking institution, many of our faculty do not take attendance other than to determine whether or not a student has appeared in class. This issue is further complicated by the fact that many, many of our instructors during the summer session are part-time faculty a great number of who are hired specifically to teach in the summer session.

We began the attendance checking process by asking the Chairpersons of our academic departments to reach out to the summer faculty and help us determine whether or not the students met the attendance requirements for our eight week and two five week sessions. We did this by providing a form for the faculty member to sign which had the student's registration information, the summer session and a date of certification. The form asked the faculty person to certify that the student was in attendance until at least that specific date. We followed up after an initial mailing three times. In some cases we were successful in obtaining the information. From the Chairpersons we heard that faculty were unreachable, did not take attendance or were no longer in possession of the attendance records after grading. Remember, we do not require faculty to submit attendance records with grades or require that they use attendance in their assessment of students. Copies of the forms we received back affirming student attendance are included in this packet.

Trying to satisfy the requirement that we demonstrate student academic effort in the absence of faculty certification we decided to use a proxy for attendance in a specific class by determining if a specific student was on campus during the specific dates in question. The college has an identification card turnstile system which records student entry by date and time. We were able to verify many more student attendance during the days in question using this method.

In the final analysis, the list of students who we were unable to verify attendance on is relatively small. The records of all students who were a part of this file review along with the amounts of federal financial aid they received and the academic effort documents are included for review.

New Procedures

Beginning with the current summer session we have implemented our online verification of enrollment process for all summer classes. There is now a two step procedure. First, faculty are asked to verify that a student is in attendance in class at least once during the first 5th of the semester. Second, our

CUNY Borough of Manhattan Community College
 OPE ID 00269100
 PRCN 200840226750
 Page 10

course objectives, and those students who did not complete the course.” BMCC claimed that students who do not officially withdraw from the course and who do not complete enough of the period for the instructor to make an evaluation of academic performance are assigned a final grade of WU. The system requires faculty who award WU grades to indicate the date the student last attended the class. Students who attend after the 10th week of the semester are considered to have attended enough of the term for the instructor to make an evaluation of academic performance. Students who complete the course but fail to achieve the course objectives may be assigned the earned academic grade of “F”.

In addition, BMCC provided several copies of BMCC’s grading policy and reminder memos as attachments.

Final Determination: BMCC submitted information that substantiated the amount of Title IV retained by BMCC based on student #13’s last date of attendance was correct. Therefore, BMCC has no liability for this student.

BMCC failed to provide documentation for the last date of attendance at an academic related activity for students #1 and 2. The response submitted was based on the assumption that the instructors followed the institution’s grading policy. Both students received a combination of “F” and “WU” grades, and a last date of attendance noted prior to midpoint of the semester. However, Attachment #9 (a memorandum addressed to all Faculty dated February 19, 2009) provided with BMCC’s response indicated that the instructors do not always follow the institution’s policies. Therefore, the withdrawal date used by the Department to establish liability for both students was the midpoint of the payment period, pursuant to 34 C.F.R. §§ 668.22 (c) (iii).

The total Pell Grant funds improperly disbursed to students 1 and 2 is included in Appendix C as follows:

Student #	Pell Amount	Pell Interest Amount
1(07/08)	808.25	71.85
2(06/07)	1012.50	98.09
Total	\$1,821.75	\$150.15

The total amount of BMCC’s liability being assessed for this finding due the Department is \$2,194.00. Repayment instructions are provided at the end of this letter.

Court Order
August 6, 2018



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS
OFFICE OF ADMINISTRATIVE LAW JUDGES
400 MARYLAND AVENUE, S.W.
WASHINGTON, D.C. 20202-4615

TELEPHONE (202) 245-8300

FACSIMILE (202) 245-6929

In the Matter of

Docket No.: 18-38-SP

City University of New York
Lehman College,

Federal Student Aid Proceeding
PRCN: 2016-2-02-29528

Respondent

ORDER GOVERNING PROCEEDINGS

On July 23, 2018, the Office of Hearings and Appeals (OHA) at the U.S. Department of Education (the Department) received a timely filed Request for Review, filed by City University of New York – Lehman College, Respondent in this matter. The request challenges the findings presented in a Final Program Review Determination (FPRD) issued by the Department’s Federal Student Aid (FSA) office. This proceeding has been assigned the docket number 18-38-SP. Please refer to that docket number in all future correspondence.

The further handling of this proceeding has been assigned to Chief Administrative Law Judge Rod Dixon. As an initial matter, a review of the notice of the FPRD and the Request for Review will be undertaken by the Chief Administrative Law Judge in accordance with applicable law. The tribunal must first review this matter to determine whether jurisdiction may be taken. Toward that end, after careful scrutiny of Respondent’s submission, and by issuance of this Order, the Tribunal accepts jurisdiction of the Request for Review filed by Respondent concerning the findings of the FPRD notwithstanding that the manner or scope of jurisdiction may be raised at any time during proceeding. More specifically, the Request places in issue findings that, if unrebutted, would result in a liability against Respondent. This Request raises issues sufficiently such that the general basis of Respondent’s appeal is evident.

Similarly, the notice of the FPRD has been reviewed and found to establish a prima facie showing that the alleged violations identified in the notice could warrant its issuance requiring Respondent to rebut the findings contained therein to avoid potential liability. In that regard, the notice contains sufficient particularity at to the findings and upon what basis the findings may be

legally supportable.

Therefore, the Parties are directed to comply with this Order Governing Proceedings as follows:

1. A filing or submission not in compliance with this Order will be returned to the Party.
2. **Representatives for each of the Parties, or the party itself if unrepresented, shall submit Notices of Appearance immediately. Notices of Appearance shall include the name, email address, mailing address and telephone number of the party or representative.**
3. Respondent's submission is due on or before **September 5, 2018**. The Respondent's submission shall contain the following:
 - a. Requested findings of fact. Each requested finding of fact shall be specific in nature, separately numbered, and referenced specifically to the evidence supporting the contention;
 - b. A short brief, not to exceed 15 double-spaced pages in length; and
 - c. Any documents, affidavits, and other written materials relied upon by Respondent to establish any of its requested findings of fact other than a fact which has been stipulated to by the Parties.
4. The Department's submission is due on or before **October 5, 2018** and shall contain the following:
 - a. Requested findings of fact. Each requested finding of fact shall be specific in nature, separately numbered (beginning with a number 20 or more above Respondent's last requested finding of fact), and referenced specifically to the evidence supporting the contention;
 - b. In responses to Respondent's findings of fact, the Department shall admit or deny each requested finding of fact (or portion thereof) proposed by Respondent. As to any portion denied, the denial shall be specific in nature, and, if no legal in nature, such as relevancy, shall be reference specifically to the evidence supporting the denial. In its response the Department is urged, as to any portion of a requested finding of fact denied, to propose a revision that is acceptable to the Department.
 - c. A short brief, not to exceed 15 double-spaced pages in length; and
 - d. Any additional documents, affidavits, and other written materials relied upon by Department to establish any of its responses to Respondent's requested findings of fact or the Department's requested findings of fact other than a fact which has been stipulated to by the Parties. It is not necessary to resubmit materials previously furnished to the Tribunal.

5. A reply brief may be filed by the Parties with leave from the Tribunal after receipt of the Department's brief.

The Parties are notified that the implementing guidance for the Privacy Act of 1974, specifically OMB Circular A-130, requires federal agencies to minimize the amount of personally identifiable information (PII) included in their systems. Accordingly, the Parties are instructed to only submit that PII which is relevant and necessary for adjudication of this specific matter. PII includes social security numbers, dates of birth, personal financial account numbers, and home addresses of students or individuals. Use of an arbitrary numbering system to identify individuals at issue is an acceptable alternative, or the Parties may redact all information except the students' names and last four digits of their social security numbers. Regardless of the system chosen, the responsibility for redacting the PII rests solely with the Parties.

All exhibits submitted by the United States Department of Education shall be marked numerically with the exhibit and page number after the symbol *ED* (such as *ED-1-7* for exhibit 1, page 7). Exhibits submitted by the Respondent shall be marked numerically with the exhibit and page number after the symbol *R* (such as *R-1-7* for exhibit 1 page 7). The brief should not be attached or included with exhibits when filing documents electronically.

Unless good cause is demonstrated, all filings and documentation must be submitted through the Office of Hearings and Appeals Electronic Filing system. The electronic filing system (e-filing) is available on the OHA webpage at <http://oha.ed.gov/efilewelcome.html>. Instructions for e-filing are located in our *Electronic Filing User Guide* available on the OHA webpage as <http://oha.ed.gov/docs/efilingguide.pdf>.

Parties are reminded that PDFs and other formatted submissions must be in an accessible format pursuant to Section 508 of the Rehabilitation Act of 1973. In addition, filings should not be submitted as combined documents; instead, for example, briefs should be filed separately for accompanying exhibits and each exhibit should also be filed separately if not marked or identified by typewritten or electronic identification.

An oral argument, if necessary, may be scheduled at a later date.

Upon agreement by the Parties, voluntary mediation may be available by leave granted by the Tribunal when appropriate. The proceeding will be suspended during the period of mediation. In addition counsel are encouraged to discuss settlement of issues during the course of the proceedings. In this regard, the Tribunal will entertain a joint motion to suspend the proceedings in order to process a settlement where counsel represent that they have reached a written settlement, the terms of which each counsel will recommend for approval to their respective clients.

Failure to comply with the procedures and instructions set forth herein, without demonstration of exceptional circumstances, shall result in rejection of the submission.

Consistent with the rules for citation contained in THE BLUEBOOK: A UNIFORM SYSTEM

OF CITATION, cite **all** federal regulations to the Code of Federal Regulations (C.F.R.) by title, section, and year. Cite to the most recent edition of the C.F.R. **only** when appropriate. Decisions issued by the Office of Hearings and Appeals and by the Secretary of Education are available at <http://oha.ed.gov>.

___/s/ Rod Dixon_____

Rod Dixon

Chief Administrative Law Judge

Dated: August 6, 2018

SERVICE

A copy of the attached document was sent, via electronic mail to:

Jose L. Cruz
President
CUNY Lehman College
250 Bedford Park Boulevard
West Bronx, NY 10468-1589
Via email: president.cruz@lehman.cuny.edu

Donna Mangold, Esq.
Assistant General Counsel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-2110
Via email: Donna.Mangold@ed.gov

Lehman College's Motion
August 24, 2018

“Inadequate Determination of Student Enrollment”. Lehman has accepted the two findings with established liabilities, but now appeals Finding # 1—Inadequate Determination of Student Enrollment.

3. On June 26, 2018, Lehman filed its Appeal of Finding # 1.
4. By Order Governing Proceedings dated August 6, 2018, the Honorable Chief Administrative Law Judge Rod Dixon set forth the briefing schedule ordering Respondent Lehman College to file its brief on or before September 5, 2018.
5. On August 15, 2018, Abby Jennis, Associate General Counsel of The Office of the General Counsel of CUNY filed a Notice of Appearance on behalf of Lehman/CUNY.


REQUEST FOR EXTENSION OF TIME

6. As stated in the June 26, 2018 appeal addressed to Director Susan Crim, Lehman contends that the Department erroneously interprets federal regulations by requiring Lehman, a non attendance-taking institution, to follow the practices of Title IV attendance taking institutions for students who fail to achieve any passing grades in a given payment period.
7. CUNY respectfully submits that an extension of sixty (60) days of the date of filing of Respondent’s brief to November 5, 2018 is necessary in order for it to provide a complete response to the issue on appeal and to retain outside counsel to represent it in this appeal.
8. Opposing Counsel for the Department has confirmed that it **does not oppose** CUNY’s request for a sixty (60) day extension of the briefing schedule.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that it be granted an extension of sixty (60) days in which to file its initial appeal brief to November 5, 2018.

Respectfully submitted,



Abby Jennis

The City University of New York

Office of the General Counsel

Office of Administrative Law Judges
 Granted _____ **Denied**
Red Dixon Administrative Law Judge
Dated 8/24/18

Court Order
October 29, 2018



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

In the Matter of

**CITY UNIVERSITY OF NEW YORK,
LEHMAN COLLEGE (NY)**

Docket No. 18-38-SP

Federal Student Aid Proceeding

PRCN: 2016-2-02-29528

Respondent

**ORDER GRANTING UNOPPOSED MOTION FOR
EXTENSION OF TIME**

Counsel for the Respondent has filed a motion for an extension of the briefing schedule in this matter. The basis is to allow Respondent additional time to hire outside counsel and prepare for the appeal. Opposing counsel does not object to the motion. The motion is **GRANTED. By January 9, 2019**, Respondent shall file its initial brief.

A handwritten signature in blue ink that reads "Robert G. Layton".

Robert G. Layton
Judge

Dated: October 29, 2018

SERVICE

This order has been sent by OES automatic generated notice to counsel of record, to:

Abby Jennis, Esq.
Office of the General Counsel
The City University of New York
205 East 42nd Street
New York, NY 10017

And to:

Oluwaseun O. Ajayi, Esq.
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-2110

Appendix 4:
FY 2015 A-133 Report



KPMG LLP
345 Park Avenue
New York, NY 10154-0102

Independent Auditors' Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance Required by OMB Circular A-133

The Board of Trustees
The City University of New York:

Report on Compliance for Each Major Federal Program

We have audited The City University of New York's (the University's) compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) *Circular A-133 Compliance Supplement* (Compliance Supplement) that could have a direct and material effect on each of the University's major federal programs for the year ended June 30, 2015. The University's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

The University's financial statements include the operations of the Research Foundation of The City University of New York (the Foundation), a blended component unit of the University, which received federal awards which are not included in the University's schedule of expenditures of federal awards for the year ended June 30, 2015. Our audit, described below, did not include the operations of the Foundation because we have separately reported on the Foundation in accordance with OMB Circular A-133. The findings, if any, included in that report are not included herein.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for each of the University's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.



Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the University's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the University's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the University's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

KPMG LLP

November 24, 2015



Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the University's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the University's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the University's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

KPMG LLP

November 24, 2015



KPMG LLP
345 Park Avenue
New York, NY 10154-0102

Independent Auditors' Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance Required by OMB Circular A-133

The Board of Trustees
The City University of New York:

Report on Compliance for Each Major Federal Program

We have audited The City University of New York's (the University's) compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) *Circular A-133 Compliance Supplement* (Compliance Supplement) that could have a direct and material effect on each of the University's major federal programs for the year ended June 30, 2015. The University's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

The University's financial statements include the operations of the Research Foundation of The City University of New York (the Foundation), a blended component unit of the University, which received federal awards which are not included in the University's schedule of expenditures of federal awards for the year ended June 30, 2015. Our audit, described below, did not include the operations of the Foundation because we have separately reported on the Foundation in accordance with OMB Circular A-133. The findings, if any, included in that report are not included herein.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for each of the University's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.

**Appendix 5:
FY 2016 A-133 Report**



KPMG LLP
345 Park Avenue
New York, NY 10154-0102

Independent Auditors' Report on Compliance for Major Federal Program; Report on Internal Control Over Compliance; and Report on Supplementary Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

The Board of Trustees
The City University of New York:

Report on Compliance for Major Federal Program

We have audited The City University of New York's (the University's) compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on the University's major federal program for the year ended June 30, 2016. The University's major federal program is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

The University's financial statements include the operations of the Research Foundation of The City University of New York (the Foundation), a blended component unit of the University, which received federal awards that are not included in the University's supplementary schedule of expenditures of federal awards for the year ended June 30, 2016. Our audit, described below, did not include the operations of the Foundation because we have separately reported on the Foundation in accordance with the Uniform Guidance. The findings, if any, included in that report are not included herein.

Management's Responsibility

Management is responsible for compliance with the requirements of federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for the University's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the University's compliance.



Opinion on Major Federal Program

In our opinion, the University complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2016.

Report on Internal Control Over Compliance

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of requirements that could have a direct and material effect on its major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Report on Supplementary Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the business-type activities and the aggregate discretely presented component units of The City University of New York as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise The City University of New York's basic financial statements. We issued our report thereon dated November 29, 2016, which contained unmodified opinions on those basic financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying supplementary schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

KPMG LLP

March 29, 2017

**Appendix 6:
FY 2017 A-133 Report**



KPMG LLP
345 Park Avenue
New York, NY 10154-0102

**Independent Auditors' Report on Compliance for Major Federal Program;
Report on Internal Control Over Compliance; and Report on Supplementary
Schedule of Expenditures of Federal Awards Required by the Uniform Guidance**

The Board of Trustees
The City University of New York:

Report on Compliance for Major Federal Program

We have audited The City University of New York's (the University's) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on the University's major federal program for the year ended June 30, 2017. The University's major federal program is identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

The University's financial statements include the operations of the Research Foundation of The City University of New York (the Foundation), a blended component unit of the University, which received federal awards that are not included in the University's supplementary schedule of expenditures of federal awards for the year ended June 30, 2017. Our audit, described below, did not include the operations of the Foundation because we have separately reported on the Foundation in accordance with the Uniform Guidance. The findings, if any, included in that report are not included herein.

Management's Responsibility

Management is responsible for compliance with the requirements of federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for the University's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the University's compliance.

Opinion on Major Federal Program

In our opinion, the University complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2017.



Report on Internal Control Over Compliance

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of requirements that could have a direct and material effect on its major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.




Report on Supplementary Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the business-type activities and the aggregate discretely presented component units of The City University of New York as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise The City University of New York's basic financial statements. We issued our report thereon dated November 16, 2017, which contained unmodified opinions on those basic financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying supplementary schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

KPMG LLP

March 13, 2018

**Appendix 7:
Title IV Program
Participation Agreement**

FEDERAL STUDENT AID  START HERE. GO FURTHER.™**UNITED STATES DEPARTMENT OF EDUCATION****FEDERAL STUDENT AID
SCHOOL ELIGIBILITY CHANNEL
SCHOOL PARTICIPATION TEAM
NEW YORK - BOSTON TEAM**

Dr. Jose L. Cruz
President
CUNY Lehman College
250 Bedford Park Boulevard West
Bronx, NY 10468-1589

01/28/2019

OPE ID 00702200

Dear Dr. Cruz:

The New York - Boston School Participation Team is pleased to inform you that, based upon the information included in your Application for Approval to Participate in Federal Student Financial Aid Programs, the Secretary of Education (Secretary) has determined that CUNY Lehman College (Institution) satisfies the definition of an eligible institution under the Higher Education Act of 1965, as amended (HEA). CUNY Lehman College will be listed in the next edition of the Directory of Postsecondary Institutions published by the U.S. Department of Education (Department).

OPE ID NUMBER

The OPE ID Number 00702200 is a unique identifier for the Institution. The OPE ID Number will also be the Institution's identification number for the Title IV, HEA programs. Please use the OPE ID Number in all communications with the Department.

ELIGIBILITY AND CERTIFICATION APPROVAL REPORT

Please print a copy of the **Eligibility and Certification Approval Report (ECAR)** Together, the **Program Participation Agreement (PPA)** that has been signed on behalf of the Secretary and the ECAR constitute the New York - Boston School Participation Team's determination that the Institution has qualified to participate in programs under the Higher Education Act of 1965, as amended (HEA) and the Federal student financial assistance programs (Title IV, HEA programs).

The Institution must retain the ECAR and the PPA together.

The ECAR contains the most critical of the data elements that form the basis of the Institution's approval, and also a list of the highest level of offering, any nondegree or short term training programs, and any additional locations that provide 50 percent or more of an educational program that have been approved for the Title IV, HEA programs. The Institution may not award, distribute or disburse any Title IV, HEA program funds for any educational or training program that is beyond the scope of the approval contained in the ECAR, nor for any additional location providing 50 percent or more of an educational program that has not been approved and is not listed on the ECAR.

- In order to comply with the requirements of 34 CFR 668.8(1), some vocational or nondegree programs may have been approved for fewer credit hours than requested in the Institution's application.
- Vocational and nondegree programs that do not meet the requirements of 34 CFR Parts 600 and 668 have not been approved and are marked in the ECAR as not approved.
- The listing of Vocational Programs in the ECAR contains those nondegree programs that the New York - Boston School Participation Team has determined are eligible programs for participation in the Title IV, HEA programs.
- The ECAR contains a list of HEA programs other than Title IV, HEA programs, for which the Institution is eligible to apply. This list does not mean that the Institution will automatically be eligible to participate in or receive funds under any HEA competitive grant program. Information concerning applications for, and the individual requirements of, the competitive grant program can be obtained from:

Deputy Assistant Secretary Office of Higher Education Programs U.S. Department of Education 400 Maryland Avenue, S.W. Washington, DC 20202-5140
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PROGRAM PARTICIPATION AGREEMENT

The PPA contains the agreement between the Institution and the Secretary concerning the Institution's participation in the Federal student financial assistance programs (Title IV, HEA programs).

CERTIFICATION FOR TITLE IV, HEA PROGRAMS

As explained in the PPA, Title IV, HEA programs administered by participating educational institutions are subject to applicable laws, regulations, and guidelines. Listed below are the appropriate telephone numbers for further information on the HEA programs:

- Federal Pell Grant Program (800) 474-7268[®]
- Federal Family Education Loan Program (202) 377-4008[®]
- Federal Direct Student Loan Program (800) 848-0978[®]

If the Institution wishes to begin participating in the Direct Loan Program or to request a change in its funding method, contact COD School Relations at the Federal Direct Student Loan Program number above or send an email to codsupport@acs-inc.com

- Federal Campus-Based Programs (877) 801-7168⁵
The Federal Campus-Based Programs are (a) the Federal Supplemental Educational Opportunity Grant Program, (b) the Federal Work-Study Program, and (c) the Federal Perkins Loan Program. To obtain funding under any or all of these programs, the Institution must file the Fiscal Operations Report and Application to Participate (FISAP) annually. FISAP packages are typically available at the end of July each year and the due date for electronic submission of this data is generally a postmark or transmission date of October 1. Please keep in mind that the October 1 submission is to obtain funding for the Award Year that begins the following July 1.

If the Institution does not already participate in the Title IV, HEA programs, the Institution must complete Fundamentals of Title IV Administration (Precertification) Training no later than 12 months after the Institution executed the PPA. Completion of this training must be not earlier than one year before beginning to participate in any Title IV, HEA program for which the Institution has not previously participated. If you wish to register for Fundamentals of Title IV Administration (Precertification) Training, please register at <http://www.register123.com/event/profile/web/index.cfm?PKwebID=0x112117625&varPage=info>. For information concerning the training, contact the New York - Boston Team at the telephone number listed later in this letter.

Participating educational institutions will be reviewed at least once every six years to determine whether the institutions remain administratively capable and financially responsible to administer Title IV programs and funds.

REPORTING AND REAPPLICATION REQUIREMENTS

The Institution must report promptly to the Department certain changes and actions that affect the Institution's participation approval, as specified in 34 CFR 600 and 668, including, but not limited to:

- Change of name and/or address;
- New contract or significant modification of existing contract with a third party servicer;
- Change in exercise of a person's substantial control over the Institution, e.g., a change in the chief executive officer or members of the board of trustees or board of directors.
- Change in the way the Institution measures educational program length;
- Change in the level of course offerings;
- Additions and/or closures of non-main campus locations that offer at least 50% of an educational program;
- Change of accrediting agency;
- Change of the State agency that confers legal authority on the Institution to offer programs of postsecondary education; or
- Change in ownership *whether or not* that ownership change results in a change in control of the Institution.

If the Institution fails to report any such changes within ten days after the change occurs, the ability of the Institution to administer the Title IV student financial assistance programs properly will be called into question. As a consequence, we will consider whether it is necessary to monitor the Institution's receipt of Federal funds more closely. Failure to report

changes within the time frame required may also result in an adverse action being taken against the Institution in accordance with 34 CFR 668, Subpart G.

Automatic Termination of Approval

This Approval for Institutional Participation automatically terminates on the happening of any of the following events:

- September 30, 2020
- The date the Institution loses the legal authority to offer programs of postsecondary education in the State in which it is located;
- The date the Institution loses accreditation from its designated primary accrediting agency;
- The date the Institution ceases to offer all approved postsecondary instruction;
- The date the Institution merges with another institution;
- The date the Institution undergoes a change in ownership resulting in a change of control;
- The date the Institution files for bankruptcy; or
- The date the Institution otherwise ceases to meet the definition of an eligible institution of higher education.

Please send all information or documentation required by this letter to:

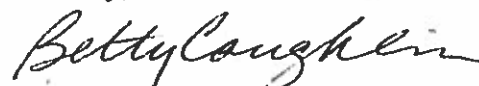
United States Department of Education Federal Student Aid, Schools Channel Attention: New York - Boston School Participation Team Financial Square 32 Old Slip 25th Floor New York, NY 10005-3534

One of the institutional eligibility requirements is that the institution must admit as regular students only persons who have a high school diploma; have the recognized equivalent of a high school diploma; or are beyond the age of compulsory school attendance in the State in which the institution is physically located (see 34 CFR 600.4, 5 or 6). This means if the student is not yet beyond the age of compulsory school attendance in the State in which the institution is physically located, the institution can only enroll the individual as a regular student if he or she has a high school diploma or its equivalent.

One of the student eligibility requirements is that an eligible student is one who is not enrolled in either an elementary or secondary school (see 34 CFR 668.32). This means that an institution cannot accept as a regular student at this school, an individual who is also enrolled at the same time in elementary or high school.

The telephone number for the New York - Boston Team is (646) 428-3750. The fax number is (646) 428-3742.

Sincerely,



Elizabeth Coughlin
Area Case Director
School Participation Team, NE
New York/Boston Team

cc: Ms Elvira Senese, Director of Financial Aid
Middle States Commission on Higher Education
Guarantee Agency
NY State Education Department



Dear School President:

Enclosed is your original copy of the Program Participation Agreement (PPA) that has been signed on behalf of the Secretary. This document should be retained by the institution along with a copy of the Eligibility and Certification Approval Report (ECAR).

If you have not already done so, please access the PPA/ECAR page, <http://eligcert.ed.gov/eapp/owa/bpaecar>, on the EAPP web site and print and review a copy of the Eligibility and Certification Approval Report (ECAR) and the Approval Letter. Together, the PPA and ECAR constitutes the New York - Boston School Participation Division's determination that your Institution has qualified to participate in programs under the Higher Education Act of 1965, as amended (HEA) and the Federal student financial assistance programs (Title IV, HEA programs).

The Institution must retain the ECAR and the PPA together.

Should you have any questions, please contact the New York - Boston School Participation Division at (646) 428-3750.

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New York/Boston School Participation Division
Financial Square, 32 Old Slip, 25th Floor, New York, NY 10005



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UNITED STATES DEPARTMENT OF EDUCATION
FEDERAL STUDENT AID
SCHOOL ELIGIBILITY CHANNEL

PROGRAM PARTICIPATION AGREEMENT

[PROVISIONAL APPROVAL]

Effective Date of The date on which this Agreement is signed on behalf of the
Approval: Secretary of Education

Approval Expiration
Date: **September 30, 2020**

Reapplication Date: **June 30, 2020**

Name of Institution: **CUNY Lehman College**

Address of Institution: **250 Bedford Park Boulevard West
Bronx, NY 10468-1589**

OPE ID Number: **007022200**

DUNS Number: **626650063**

Taxpayer Identification Number (TIN): **136400434**

The execution of this Agreement by the Institution and the Secretary is a prerequisite to the Institution's initial or continued participation in any Title IV, HEA Program.

The postsecondary educational institution listed above, referred to hereafter as the "Institution," and the United States Secretary of Education, referred to hereafter as the "Secretary," agree that the Institution may participate in those student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA Programs) indicated under this Agreement and further agrees that such participation is subject to the terms and conditions set forth in this Agreement. As used in this Agreement, the term "Department" refers to the U.S. Department of Education.

SCOPE OF COVERAGE

This Agreement applies to all locations of the Institution as stated on the most current ELIGIBILITY AND CERTIFICATION APPROVAL REPORT issued by the Department. This

Agreement covers the Institution's eligibility to participate in each of the following listed Title IV, HEA programs, and incorporates by reference the regulations cited.

- **FEDERAL PELL GRANT PROGRAM**, 20 U.S.C. §§ 1070a *et seq.*; 34 C.F.R. Part 690.
- **FEDERAL DIRECT STUDENT LOAN PROGRAM**, 20 U.S.C. §§ 1087a *et seq.*; 34 C.F.R. Part 685.
- **FEDERAL PERKINS LOAN PROGRAM**, 20 U.S.C. §§ 1087aa *et seq.*; 34 C.F.R. Part 674.
- **FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM**, 20 U.S.C. §§ 1070b *et seq.*; 34 C.F.R. Part 676.
- **FEDERAL WORK-STUDY PROGRAM**, 42 U.S.C. §§ 2751 *et seq.*; 34 C.F.R. Part 675.
- **ACADEMIC COMPETITIVENESS GRANT AND NATIONAL SCIENCE AND MATHEMATICS ACCESS TO RETAIN TALENT GRANT PROGRAMS**, 20 U.S.C. §§ 1070a-1 *et seq.*; 34 C.F.R. Part 691.
- **IRAQ AND AFGHANISTAN SERVICE GRANT**, 20 U.S.C. §§ 1070d *et seq.*

PROVISIONAL CERTIFICATION

This provisional certification is granted for a limited period to permit the Institution to participate in the Title IV, HEA programs referenced in this Agreement. During the period of provisional certification, the participation of the Institution will be subject to revocation for cause. Cause for revocation includes, without limitation, a failure to comply with any provision set forth in this Agreement, a violation of Department regulations deemed material by the Department, or a material misrepresentation in the material submitted to the Department as part of the Institution's application process for this certification. The Department in its sole discretion may provide the Institution with an opportunity to cure any such failure, may place the Institution on reimbursement funding pending a decision regarding revocation of this Agreement by a designated Department official, or may suspend the participation of the Institution pending a decision by the Department regarding revocation of this Agreement. In the event the Department chooses to revoke this Agreement and the Institution's participation in the Title IV, HEA programs, the Institution will have the right to show cause why this Agreement should not be revoked by presenting its objections to the designated Department official in writing. The Institution agrees that this opportunity to show cause, and not the procedures in 34 C.F.R. 668 subpart G, shall be the sole administrative appeal regarding such revocation. The decision by the designated Department official will constitute the final agency action.

Special Requirements for Substantial Changes Made During Term of Provisional Certification

Any institution provisionally certified must apply for and receive approval by the Secretary for expansion or of any substantial change (as hereinafter identified) before it may award, disburse or distribute Title IV, HEA funds based on the substantial change. Substantial changes generally include, but are not limited to: (a) establishment of an additional location; (b) increase in the level of academic offering beyond those listed in the Institution's Eligibility and Certification Approval Report (ECAR); or (c) addition of any educational program (including degree, nondegree, or short-term training programs).

If the Institution applies for the Secretary's approval of a substantial change, the Institution must demonstrate that it has the financial and administrative resources necessary to assure the Institution's continued compliance with the standards of financial responsibility (34 C.F.R. 668.15) and administrative capability (34 C.F.R. 668.16).

Reasons and Special Conditions of Provisional Certification

Program Review Condition

A program review of the institution's administration of the Title IV, HEA Programs was conducted. The institution is accountable for all program review liabilities and fines and must resolve all deficiencies. The program review liabilities must be paid by the date specified in the Final Program Review Determination Letter establishing the liabilities, and paid in full prior to the expiration of the Program Participation Agreement unless (a) the determinations of the program review are under appeal, or (b) alternative payment arrangements have been made with the Department's Debt Collection Services.

New Degree Program at Public or Private Non-Profit

In addition to the expansions and substantial changes identified above under Special Requirements for Substantial Changes Made During Term of Provisional Certification, as a provisionally certified public or private non-profit institution, the institution must also apply for and receive approval by the Secretary for the addition of any degree programs.

Application for Recertification

Upon completion of the period of provisional certification, if the Institution wishes to apply for recertification to participate in the Title IV, HEA programs, the Institution must submit a completed Application for Approval to Participate in Federal Student Financial Aid Programs, together with all required supporting documentation, no later than June 30, 2020.

Grant or Denial of Full Certification

Notwithstanding any paragraph above, the provisional certification ends upon the Department's notification to the Institution of the Department's decision to grant or deny a six year certification to participate in the Title IV, HEA programs.

GENERAL TERMS AND CONDITIONS

1. The Institution understands and agrees that it is subject to and will comply with the program statutes and implementing regulations for institutional eligibility as set forth in 34 C.F.R. Part 600 and for each Title IV, HEA program in which it participates, as well as the general provisions set forth in Part F and Part G of Title IV of the HEA, and the Student Assistance General Provisions regulations set forth in 34 C.F.R. Part 668.

The recitation of any portion of the statute or regulations in this Agreement does not limit the Institution's obligation to comply with other applicable statutes and regulations.

2.
 - a. The Institution certifies that on the date it signs this Agreement, it has a drug abuse prevention program in operation that it has determined is accessible to any officer, employee, or student at the Institution.
 - b. The Institution certifies that on the date it signs this Agreement, it is in compliance with the disclosure requirements of Section 485(f) of the HEA (Campus Security Policy and Campus Crime Statistics).
3. The Institution agrees to comply with --
 - a. Title VI of the Civil Rights Act of 1964, as amended, and the implementing regulations, 34 C.F.R. Parts 100 and 101 (barring discrimination on the basis of race, color or national origin);
 - b. Title IX of the Education Amendments of 1972 and the implementing regulations, 34 C.F.R. Part 106 (barring discrimination on the basis of sex);
 - c. The Family Educational Rights and Privacy Act of 1974 and the implementing regulations, 34 C.F.R. Part 99;
 - d. Section 504 of the Rehabilitation Act of 1973 and the implementing regulations, 34 C.F.R. Part 104 (barring discrimination on the basis of physical handicap); and
 - e. The Age Discrimination Act of 1975 and the implementing regulations, 34 C.F.R. Part 110.
 - f. The Standards for Safeguarding Customer Information, 16 C.F.R. Part 314, issued by the Federal Trade Commission (FTC), as required by the Gramm-Leach-Bliley (GLB) Act, P.L. 106-102. These Standards are intended to ensure the security and confidentiality of customer records and information. The Secretary considers any breach to the security of student records and information as a demonstration of a potential lack of administrative capability as stated in 34 C.F.R. 668.16(c). Institutions are strongly encouraged to inform its students and the Department of any such breaches.
4. The Institution acknowledges that 34 C.F.R. Parts 602 and 667 require accrediting agencies, State regulatory bodies, and the Secretary to share information about institutions. The Institution agrees that the Secretary, any accrediting agency recognized by the Secretary, and any State regulatory body may share or report information to one another about the Institution without limitation.
5. The Institution acknowledges that the HEA prohibits the Secretary from recognizing the accreditation of any institution of higher education unless that institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration prior to any other legal action.

**SELECTED PROVISIONS FROM
GENERAL PROVISIONS REGULATIONS, 34 C.F.R. PART 668.14**

An institution's program participation agreement applies to each branch campus and other location of the institution that meets the applicable requirements of this part unless otherwise specified by the Secretary.

(b) By entering into a program participation agreement, an institution agrees that--

(1) It will comply with all statutory provisions of or applicable to Title IV of the HEA, all applicable regulatory provisions prescribed under that statutory authority, and all applicable special arrangements, agreements, and limitations entered into under the authority of statutes

- applicable to Title IV of the HEA, including the requirement that the institution will use funds it receives under any Title IV, HEA program and any interest or other earnings thereon, solely for the purposes specified in and in accordance with that program;
- (2) As a fiduciary responsible for administering Federal funds, if the institution is permitted to request funds under a Title IV, HEA program advance payment method, the institution will time its requests for funds under the program to meet the institution's immediate Title IV, HEA program needs;
- (3) It will not request from or charge any student a fee for processing or handling any application, form, or data required to determine a student's eligibility for, and amount of, Title IV, HEA program assistance;
- (4) It will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under the Title IV, HEA programs, together with assurances that the institution will provide, upon request and in a timely manner, information relating to the administrative capability and financial responsibility of the institution to--
- (i) The Secretary;
- (ii) A guaranty agency, as defined in 34 CFR part 682, that guarantees loans made under the Federal Stafford Loan and Federal PLUS programs for attendance at the institution or any of the institution's branch campuses or other locations;
- (iii) The nationally recognized accrediting agency that accredits or preaccredits the institution or any of the institution's branch campuses, other locations, or educational programs;
- (iv) The State agency that legally authorizes the institution and any branch campus or other location of the institution to provide postsecondary education; and
- (v) In the case of a public postsecondary vocational educational institution that is approved by a State agency recognized for the approval of public postsecondary vocational education, that State agency;
- (5) It will comply with the provisions of § 668.15 relating to factors of financial responsibility;
- (6) It will comply with the provisions of § 668.16 relating to standards of administrative capability;
- (7) It will submit reports to the Secretary and, in the case of an institution participating in the Federal Stafford Loan, Federal PLUS, or the Federal Perkins Loan Program, to holders of loans made to the institution's students under that program at such times and containing such information as the Secretary may reasonably require to carry out the purpose of the Title IV, HEA programs;
- (8) It will not provide any statement to any student or certification to any lender in the case of an FFEL Program loan, or origination record to the Secretary in the case of a Direct Loan Program loan that qualifies the student or parent for a loan or loans in excess of the amount that the student or parent is eligible to borrow in accordance with sections 425(a), 428(a)(2), 428(b)(1)(A) and (B), 428B, 428H and 455(a) of the HEA;
- (9) It will comply with the requirements of Subpart D of this part concerning institutional and financial assistance information for students and prospective students;
- (10) In the case of an institution that advertises job placement rates as a means of attracting students to enroll in the institution, it will make available to prospective students, at or before the time that those students apply for enrollment--
- (i) The most recent available data concerning employment statistics, graduation statistics, and any other information necessary to substantiate the truthfulness of the advertisements; and

(ii) Relevant State licensing requirements of the State in which the institution is located for any job for which an educational program offered by the institution is designed to prepare those prospective students;

(11) In the case of an institution participating in the FFEL Program, the institution will inform all eligible borrowers, as defined in 34 CFR part 682, enrolled in the institution about the availability and eligibility of those borrowers for State grant assistance from the State in which the institution is located, and will inform borrowers from another State of the source for further information concerning State grant assistance from that State;

(12) It will provide the certifications described in paragraph (c) of this section;

(13) In the case of an institution whose students receive financial assistance pursuant to section 484(d) of the HEA, the institution will make available to those students a program proven successful in assisting students in obtaining the recognized equivalent of a high school diploma;

(14) It will not deny any form of Federal financial aid to any eligible student solely on the grounds that the student is participating in a program of study abroad approved for credit by the institution;

(15) (i) Except as provided under paragraph (b)(15)(ii) of this section, the institution will use a default management plan approved by the Secretary with regard to its administration of the FFEL or Direct Loan programs, or both for at least the first two years of its participation in those programs, if the institution --

(A) Is participating in the FFEL or Direct Loan programs for the first time; or

(B) Is an institution that has undergone a change of ownership that results in a change in control and is participating in the FFEL or Direct Loan programs.

(ii) The institution does not have to use an approved default management plan if --

(A) The institution, including its main campus and any branch campus, does not have a cohort default rate in excess of 10 percent; and

(B) The owner of the institution does not own and has not owned any other institution that had a cohort default rate in excess of 10 percent while that owner owned the institution.

(16) For a proprietary institution, the institution will derive at least 10 percent of its revenues for each fiscal year from sources other than Title IV, HEA program funds, as provided in § 668.28(a) and (b), or be subject to sanctions described in § 668.28(c);

(17) The Secretary, guaranty agencies and lenders as defined in 34 CFR part 682, nationally recognized accrediting agencies, the Secretary of Veterans Affairs, State agencies recognized under 34 CFR part 603 for the approval of public postsecondary vocational education, and State agencies that legally authorize institutions and branch campuses or other locations of institutions to provide postsecondary education, have the authority to share with each other any information pertaining to the institution's eligibility for or participation in the Title IV, HEA programs or any information on fraud and abuse;

(18) It will not knowingly --

(i) Employ in a capacity that involves the administration of the Title IV, HEA programs or the receipt of funds under those programs, an individual who has been convicted of, or has pled *nolo contendere* or guilty to, a crime involving the acquisition, use, or expenditure of Federal, State, or local government funds, or has been administratively or judicially determined to have committed fraud or any other material violation of law involving Federal, State, or local government funds;

(ii) Contract with an institution or third-party servicer that has been terminated under section 432 of the HEA for a reason involving the acquisition, use, or expenditure of Federal, State, or local government funds, or that has been administratively or judicially determined to have

committed fraud or any other material violation of law involving Federal, State, or local government funds; or

(iii) Contract with or employ any individual, agency, or organization that has been, or whose officers or employees have been--

(A) Convicted of, or pled *nolo contendere* or guilty to, a crime involving the acquisition, use, or expenditure of Federal, State, or local government funds; or

(B) Administratively or judicially determined to have committed fraud or any other material violation of law involving Federal, State, or local government funds;

(19) It will complete, in a timely manner and to the satisfaction of the Secretary, surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS) or any other Federal collection effort, as designated by the Secretary, regarding data on postsecondary institutions;

(20) In the case of an institution that is co-educational and has an intercollegiate athletic program, it will comply with the provisions of § 668.48;

(21) It will not impose any penalty, including, but not limited to, the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that the student borrow additional funds for which interest or other charges are assessed, on any student because of the student's inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of the proceeds of a Title IV, HEA program loan due to compliance with statutory and regulatory requirements of or applicable to the Title IV, HEA programs, or delays attributable to the institution;

(22)(i) It will not provide any commission, bonus, or other incentive payment based in any part, directly or indirectly, upon success in securing enrollments or the award of financial aid, to any person or entity who is engaged in any student recruitment or admission activity, or in making decisions regarding the award of title IV, HEA program funds.

(A) The restrictions in paragraph (b)(22) of this section do not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(B) For the purpose of paragraph (b)(22) of this section, an employee who receives multiple adjustments to compensation in a calendar year and is engaged in any student enrollment or admission activity or in making decisions regarding the award of title IV, HEA program funds is considered to have received such adjustments based upon success in securing enrollments or the award of financial aid if those adjustments create compensation that is based in any part, directly or indirectly, upon success in securing enrollments or the award of financial aid.

(ii) Notwithstanding paragraph (b)(22)(i) of this section, eligible institutions, organizations that are contractors to eligible institutions, and other entities may make--

(A) Merit-based adjustments to employee compensation provided that such adjustments are not based in any part, directly or indirectly, upon success in securing enrollments or the award of financial aid; and

(B) Profit-sharing payments so long as such payments are not provided to any person or entity engaged in student recruitment or admission activity or in making decisions regarding the award of title IV, HEA program funds.

(iii) As used in paragraph (b)(22) of this section,

(A) *Commission, bonus, or other incentive payment* means a sum of money or something of value, other than a fixed salary or wages, paid to or given to a person or an entity for services rendered.

(B) *Securing enrollments or the award of financial aid* means activities that a person or entity engages in at any point in time through completion of an educational program for the purpose

of the admission or matriculation of students for any period of time or the award of financial aid to students.

(1) These activities include contact in any form with a prospective student, such as, but not limited to--contact through preadmission or advising activities, scheduling an appointment to visit the enrollment office or any other office of the institution, attendance at such an appointment, or involvement in a prospective student's signing of an enrollment agreement or financial aid application.

(2) These activities do not include making a payment to a third party for the provision of student contact information for prospective students provided that such payment is not based on--

(i) Any additional conduct or action by the third party or the prospective students, such as participation in preadmission or advising activities, scheduling an appointment to visit the enrollment office or any other office of the institution or attendance at such an appointment, or the signing, or being involved in the signing, of a prospective student's enrollment agreement or financial aid application; or

(ii) The number of students (calculated at any point in time of an educational program) who apply for enrollment, are awarded financial aid, or are enrolled for any period of time, including through completion of an educational program.

(C) *Entity or person engaged in any student recruitment or admission activity or in making decisions about the award of financial aid means--*

(1) With respect to an entity engaged in any student recruitment or admission activity or in making decisions about the award of financial aid, any institution or organization that undertakes the recruiting or the admitting of students or that makes decisions about and awards title IV, HEA program funds; and

(2) With respect to a person engaged in any student recruitment or admission activity or in making decisions about the award of financial aid, any employee who undertakes recruiting or admitting of students or who makes decisions about and awards title IV, HEA program funds, and any higher level employee with responsibility for recruitment or admission of students, or making decisions about awarding title IV, HEA program funds.

(D) *Enrollment* means the admission or matriculation of a student into an eligible institution.

(23) It will meet the requirements established pursuant to Part H of Title IV of the HEA by the Secretary and nationally recognized accrediting agencies;

(24) It will comply with the requirements of § 668.22;

(25) It is liable for all--

(i) Improperly spent or unspent funds received under the Title IV, HEA programs, including any funds administered by a third-party servicer; and

(ii) Returns any title IV, HEA program funds that the institution or its servicer may be required to make;

(26) If an educational program offered by the institution is required to prepare a student for gainful employment in a recognized occupation, the institution must--

(i) Demonstrate a reasonable relationship between the length of the program and entry level requirements for the recognized occupation for which the program prepares the student. The Secretary considers the relationship to be reasonable if the number of clock hours provided in the program does not exceed by more than 50 percent the minimum number of clock hours required for training in the recognized occupation for which the program prepares the student, as established by the State in which the institution is located, if the State has established such a requirement, or as established by any Federal agency;

- (ii) Establish the need for the training for the student to obtain employment in the recognized occupation for which the program prepares the student; and
 - (iii) Provide for that program the certification required in § 668.414.
- (27) In the case of an institution participating in a Title IV, HEA loan program, the institution --
- (i) Will develop, publish, administer, and enforce a code of conduct with respect to loans made, insured or guaranteed under the Title IV, HEA loan programs in accordance with 34 CFR 601.21; and
 - (ii) Must inform its officers, employees, and agents with responsibilities with respect to loans made, insured or guaranteed under the Title IV, HEA loan programs annually of the provisions of the code required under paragraph (b)(27) of this section;
- (28) For any year in which the institution has a preferred lender arrangement (as defined in 34 CFR 601.2(b)), it will at least annually compile, maintain, and make available for students attending the institution, and the families of such students, a list in print or other medium, of the specific lenders for loans made, insured, or guaranteed under Title IV, of the HEA or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such a list, the institution must comply with the requirements in 34 CFR 682.212(h) and 34 CFR 601.10;
- (29) (i) It will, upon the request of an enrolled or admitted student who is an applicant for a private education loan (as defined in 34 CFR part 601.2(b)), provide to the applicant the self-certification form required under 34 CFR 601.11(d) and the information required to complete the form, to the extent the institution possesses such information, including --
- (A) The applicant's cost of attendance at the institution, as determined by the institution under part F of Title IV, of the HEA;
 - (B) The applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution as determined by the institution in accordance with Title IV, for students who have completed the Free Application for Federal Student Aid; and
 - (C) The difference between the amounts under paragraphs (b)(29)(i)(A) and (29)(i)(B) of this section, as applicable.
- (ii) It will, upon the request of the applicant, discuss with the applicant the availability of Federal, State, and institutional student financial aid;
- (30) The institution --
- (i) Has developed and implemented written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network, without unduly interfering with educational and research use of the network, that include --
 - (A) The use of one or more technology-based deterrents;
 - (B) Mechanisms for educating and informing its community about appropriate versus inappropriate use of copyrighted material, including that described in § 668.43(a)(10);
 - (C) Procedures for handling unauthorized distribution of copyrighted material, including disciplinary procedures; and
 - (D) Procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials by users of the institution's network using relevant assessment criteria. No particular technology measures are favored or required for inclusion in an institution's plans, and each institution retains the authority to determine what its particular plans for compliance with paragraph (b)(30) of this section will be, including those that prohibit content monitoring; and
 - (ii) Will, in consultation with the chief technology officer or other designated officer of the institution--

- (A) Periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material;
- (B) Make available the results of the review in paragraph (b)(30)(ii)(A) of this section to its students through a Web site or other means; and
- (C) To the extent practicable, offer legal alternatives for downloading or otherwise acquiring copyrighted material, as determined by the institution; and
- (31) The institution will submit a teach-out plan to its accrediting agency in compliance with 34 CFR 602.24(c), and the standards of the institution's accrediting agency upon the occurrence of any of the following events:
 - (i) The Secretary initiates the limitation, suspension, or termination of the participation of an institution in any Title IV, HEA program under 34 CFR 600.41 or subpart G of this part or initiates an emergency action under § 668.83.
 - (ii) The institution's accrediting agency acts to withdraw, terminate, or suspend the accreditation or preaccreditation of the institution.
 - (iii) The institution's State licensing or authorizing agency revokes the institution's license or legal authorization to provide an educational program.
 - (iv) The institution intends to close a location that provides 100 percent of at least one program.
 - (v) The institution otherwise intends to cease operations.
 - (c) In order to participate in any Title IV, HEA program (other than the LEAP and NEISP programs), the institution must certify that it--
 - (1) Has in operation a drug abuse prevention program that the institution has determined to be accessible to any officer, employee, or student at the institution; and
 - (2)(i) Has established a campus security policy in accordance with section 485(f) of the HEA; and
 - (ii) Has complied with the disclosure requirements of § 668.47 as required by section 485(f) of the HEA.
 - (d)(1) The institution, if located in a State to which section 4(b) of the National Voter Registration Act (42 U.S.C. 1973gg-2(b)) does not apply, will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make those forms widely available to students at the institution.
 - (2) The institution must request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institution is not liable for not meeting the requirements of this section during that election year.
 - (3) This paragraph applies to elections as defined in Section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1)), and includes the election for Governor or other chief executive within such State.
 - (e)(1) A program participation agreement becomes effective on the date that the Secretary signs the agreement.
 - (2) A new program participation agreement supersedes any prior program participation agreement between the Secretary and the institution.
 - (f)(1) Except as provided in paragraphs (g) and (h) of this section, the Secretary terminates a program participation agreement through the proceedings in subpart G of this part.
 - (2) An institution may terminate a program participation agreement.

- (3) If the Secretary or the institution terminates a program participation agreement under paragraph (f) of this section, the Secretary establishes the termination date.
- (g) An institution's program participation agreement automatically expires on the date that--
- (1) The institution changes ownership that results in a change in control as determined by the Secretary under 34 CFR part 600; or
- (2) The institution's participation ends under the provisions of § 668.26(a)(1), (2), (4), or (7).
- (h) An institution's program participation agreement no longer applies to or covers a location of the institution as of the date on which that location ceases to be a part of the participating institution.

WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

If an institution participates in the William D. Ford Federal Direct Loan (Direct Loan) Program, the institution and its representatives shall comply with the statute, guidelines, and regulations governing the Title IV, Part D, William D. Ford Federal Direct Loan Program as required by 20 U.S.C. §§ 1087a *et seq.* (Part C) and 34 C.F.R. Part 685.

The institution will:

1. Provide for the establishment and maintenance of a Direct Loan Program at the Institution that will:

Identify eligible students who seek student financial assistance in accordance with Section 484 of the Higher Education Act of 1965, as amended (the HEA).

Estimate the need of students as required under Title IV, Part F of the HEA.

Provide a certification statement of eligibility for students to receive loans that will not exceed the annual or aggregate limits, except the Institution may exercise its authority, under exceptional circumstances identified by the Secretary, to refuse to certify a statement that permits a student to receive a loan, or certify a loan amount that is less than the student's determination of need, if the reason for such action is documented and provided in written form to a student.

Establish a schedule for disbursement of loan proceeds to meet the requirements of Section 428G of the HEA.

Provide timely and accurate information to the Secretary concerning 1) the status of borrowers while students are in attendance, any new information pertaining to the status of student borrowers of which the Institution becomes aware after the student leaves the Institution, and 2) the utilization of Federal funds under Title IV, Part D of the HEA at such times and in such manner as prescribed by the Secretary.

2. Comply with requirements established by the Secretary relating to student loan information with respect to the Direct Loan Program.

3. Provide that students at the Institution and their parents (with respect to such students) will be eligible to participate in the programs under Title IV, Part B of the HEA, Federal Family

Education Loan programs, at the discretion of the Secretary for the period during which such Institution participates in the Direct Loan Program, except that a student or parent may not receive loans under both Title IV, Part B and Part D of the HEA for the same period of enrollment.

4. Provide for the implementation of a quality assurance system, as established by the Secretary and developed in consultation with Institutions of higher education, to ensure that the Institution is complying with program requirements and meeting program objectives.

5. Provide that the Institution will not charge any fees of any kind, regardless of how they are described, to student or parent borrowers for loan application, or origination activities (if applicable), or the provision and processing of any information necessary for a student or parent to receive a loan under Title IV, Part D of the HEA.

6. Provide that the Institution will originate loans to eligible students and parents in accordance with the requirements of Title IV, Part D of the HEA and use funds advanced to it solely for that purpose (Option 2 only).

7. Provide that the note or evidence of obligation of the loan shall be the property of the Secretary (Options 2 and 1 only).

8. Comply with other provisions as the Secretary determines are necessary to protect the interest of the United States and to promote the purposes of Title IV, Part D of the HEA.

9. Accept responsibility and financial liability stemming from its failure to perform its functions under this Program Participation Agreement.

CERTIFICATIONS REQUIRED FROM INSTITUTIONS

The Institution should refer to the regulations cited below. Signature on this Agreement provides for compliance with the certification requirements under 34 C.F.R. Part 82, "New Restrictions on Lobbying," 34 C.F.R. Part 84, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 34 C.F.R. Part 85, "Governmentwide Debarment and Suspension (Nonprocurement)," and 34 C.F.R. Part 86, "Drug and Alcohol Abuse Prevention." Breach of any of these certifications constitutes a breach of this Agreement.

PART I CERTIFICATION REGARDING LOBBYING; DRUG-FREE WORKPLACE; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG AND ALCOHOL ABUSE PREVENTION

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 C.F.R. Part 82, for persons entering into a Federal contract, grant or cooperative agreement over \$100,000, as defined at 34 C.F.R. Part 82, Sections 82.105, and 82.110, the undersigned certifies, to the best of his or her knowledge and belief, that:

(1)

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Institution shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

2a. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart B, for grantees, as defined at 34 C.F.R. Part 84, Sections 84.200 through 84.230 -

The Institution certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a drug-free workplace statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about-
- (1) The dangers of drug abuse in the workplace;
 - (2) The Institution's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
- (1) Abide by the terms of the statement, and
 - (2) Notify the employer in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace no more than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under this subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant;

Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1972, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2b. Drug-Free Workplace (Grantees Who Are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart C, for recipients who are individuals, as defined at 34 C.F.R. Part 84, Section 84.300 -

1. As a condition of the grant, the Institution certifies that it will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity related to the award; and
2. If any officer or owner of the Institution is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity, the Institution will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant.

3. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 C.F.R. Part 85, for prospective participants in primary covered transactions as defined at 34 C.F.R. Part 85, Sections 85.105 and 85.110, the Institution certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects their present responsibility.
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

4. Drug and Alcohol Abuse Prevention

As required by the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act, and implemented at 34 C.F.R. Part 86, the undersigned Institution certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, includes--

1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any kind of academic credit except for continuing education units, regardless of the length of the student's program of study, of:
 - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
 - A description of the applicable legal sanctions under local, State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
 - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
 - A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
 - A clear statement that the Institution will impose disciplinary sanctions on students and employees (consistent with local, State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
2. A biennial review by the Institution of its program to:
 - Determine its effectiveness and implement changes to the program if they are needed.
 - Ensure that its disciplinary sanctions are consistently enforced.

**PART 2 CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER
TIER COVERED TRANSACTIONS**

The Institution is to obtain the signatures of Lower Tier Contractors on reproduced copies of the certification below, and retain the signed certification(s) in the Institution's files.

**CERTIFICATION BY LOWER TIER CONTRACTOR
(Before Completing Certification, Read Instructions for This Part 3, below)**

- (1) The prospective lower tier participant certifies by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Lower Tier Organization	PR/Award Number or Project Name
Name of Authorized Representative	Title of Authorized Representative
Signature of Authorized Representative	Date

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or

voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

NOTE: A completed copy of the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions" form must be retained by the Institution. The original blank certification must be returned with the PPA.

PART 3 CERTIFICATION REGARDING GAINFUL EMPLOYMENT PROGRAMS

A list of the reported Title IV eligible educational programs that the institution offers that are required to prepare students for gainful employment in a recognized occupation ("gainful employment programs") is included as part of the Eligibility and Certification Approval Report (ECAR) that is a part of this Program Participation Agreement. By signing this Program Participation Agreement, the institution certifies that:

1. the list of gainful employment programs it offers is accurate and complete;
2. each of the gainful employment programs is approved by a recognized accrediting agency or is otherwise included in the institution's accreditation by its recognized accrediting agency;
3. each of the gainful employment programs it offers is programmatically accredited, if such accreditation is required by a Federal governmental entity or a State where the institution or one of its additional locations is required to obtain State approval pursuant to 34 C.F.R. §600.9;
4. each gainful employment program in a State where the institution or one of its additional locations is located satisfies the licensure or certification requirements that are needed for a student who completes the gainful employment program to qualify to take any licensure or certification exam in that State that is needed for the student to practice or find employment in an occupation that the gainful employment program prepares the student to enter; and
- 5.

for a gainful employment program for which the institution is establishing initial eligibility for Title IV, HEA program funds, the program is not substantially similar to a program offered by the institution that in the prior three years, became ineligible for Title IV, HEA program funds under the debt-to-earnings rates measure or was failing, or in the zone with respect to, the debt-to-earnings rates measure and was voluntarily discontinued by the institution.

IN WITNESS WHEREOF

the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

Signature of Institution's Chief Executive Officer:  Date: 1.18.19

Print Name and Title: Dr. Soeluis Cruz
President

For the Secretary:  Date: 1/28/19
U.S. Department of Education