



OFFICE OF ENTERPRISE RISK MANAGEMENT, ETHICS, AND COMPLIANCE

TO: RUTGERS UNIVERSITY SENATE EXECUTIVE COMMITTEE

FROM: FRANCES BOUCHOUX, ESQ., INTERIM SENIOR VICE PRESIDENT AND
CHIEF ENTERPRISE RISK MANAGEMENT, ETHICS, AND COMPLIANCE

SUBJECT: ATTENDANCE REPORTING PROTOCOL

DATE: APRIL 10, 2015

Introduction

The Office of Enterprise Risk Management, Ethics, and Compliance requests guidance from the University Senate in implementing a process to address the Title IV compliance issues related to class participation and attendance reporting. As part of the university's participation agreement with the U.S. Department of Education (DoE), Rutgers agrees to award financial aid funds in compliance with their regulations. Failure to comply with financial aid requirements could ultimately jeopardize federal funding. Because Title IV recipients constitute a significant portion of our students, it is critical that the university units collaborate to develop an effective university-wide protocol that systematically accounts for academic attendance for all students.

Summary

The DoE issued a "Dear Colleague" letter on January 17, 2013, providing some guidance on student eligibility and related institutional requirements for the direct loan program. The letter states that eligibility requires that "...a student must begin attendance in the period of enrollment (the loan period) for which the loan was intended." This letter then charges institutions with the responsibility of implementing a process to determine that the student actually began attendance and whether that attendance was on at least a half-time basis. According to § 668.21(c), "...the Secretary considers that a student has not begun attendance in a payment period or period of enrollment if the institution is unable to document the student's attendance at any class during the payment period or period of enrollment."

A relatively recent DoE audit at a state university sheds some light on the requirements. In audit

documents, it was stated that the DoE Secretary considers an institution to have administrative capability if the institution establishes and maintains records required under the individual Title IV, HEA program regulations. A school must keep records that substantiate the eligibility of students for Title IV, HEA funds, such as: documentation of a student's program of study and the courses in which the student was enrolled and data used to establish a student's admission status, enrollment status and/or period of enrollment.

Furthermore the letter provides examples of "academic attendance" and "attendance at an academically-related activity," including but not limited to:

- a) physically attending a class where there is an opportunity for direct interaction between the instructor and students;
- b) submitting an academic assignment;
- c) taking an exam, an interactive tutorial, or computer-assisted instruction;
- d) attending a study group that is assigned by the institution;
- e) participating in an online discussion about academic matters; or
- f) initiating contact with a faculty member to ask a question about the academic subject studied in the course.

The audit further provided examples of what does not qualify as confirming attendance. "Academic attendance" and "attendance at an academically-related activity" do not include activities where a student may be present, but not academically engaged, such as: living in institutional housing, participating in an institution's meal plan, logging into an online class without active participation; or participating in academic counseling or advisement.

Furthermore, the audit document reinforces the institutional reporting requirement, stressing the burden is on the institution, not the student. "A determination of "academic attendance" or "attendance at an academically-related activity" must be made by the institution; a student's certification of attendance that is not supported by institutional documentation is not acceptable." Consequently, given the size and complexity of Rutgers, it appears the responsibility of accounting for academic attendance will fall on the academic units.

Charge

We ask that the University Senate provide guidance, in collaboration with relevant units, to develop a systematic approach to complying with attendance requirements. The DoE's guidance on the issue suggests institutions have broad latitude in its approach to capture the necessary information. Collaboration in developing a clearly defined protocol will assure an efficient and optimal way that best suits the academic practices at Rutgers.