

Compliance Matters

Iowa Valley Community College District

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Federal Rules & Regulations Addressed

Gainful Employment

On Aug. 10, 2018, the U.S. Department of Education (ED) made a proposal to rescind the Gainful Employment (GE) regulations. The GE regulations were implemented to improve transparency in providing students with important, actionable, and accurate information that could be used in college enrollment and borrowing decisions and works toward treating institutions of higher education fairly.

The ED announced a notice of rulemaking pertaining to the GE regulations to seek public comments concerning whether or not the Department should require institutions to disclose, on the program web page, information about the program size, its completion rate, its cost, whether or not it is accredited, and whether the program meets the requirements for licensure in the state in which the institution is located.

The ED plans on updating the federal *College Scorecard* or a similar web-based tool to provide program level outcomes including, at a minimum, median debt and median earnings for all higher education programs, at all Title IV participating institutions.

Fair Labor Standards Act Overtime Regulations

On Sept. 13, 2018, the U.S. Department of Labor (DOL) announced the request for public comments on the Fair Labor Standards Act (FLSA) Overtime Regulations at five public hearing locations. The rule was originally issued by the Obama administration in fall 2016 to change the white collar exemptions under the FLSA overtime pay requirements. In September 2017, a federal court struck down the rule on the basis that the DOL exceeded its statutory authority in increasing the salary

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Athletic Compliance Corner



Title IX Compliance for Athletics

Colleges must comply with one of the following if receiving federal funds at the institution:

- 1) **Proportionality** – The percentage of F-M student-athletes reflects the full time undergraduate percentage of F-M.
- 2) **History & Continuing Practice of Improvements** – The institution has committed and continues to commit to continue to expand programs/facilities/experiences for the underrepresented sex at the institution.
- 3) **Effectively Accommodating Interests & Abilities** – The interests and abilities of the underrepresented sex are currently, fully, and effectively accommodated in programs offered by the institution.

Questions about this information on Athletic Title IX compliance can be directed to Dr. Kathleen Brown, MCC Director of Athletics, at kathleen.brown@iavalley.edu.

threshold by such an extent, nullifying the rule.

The Trump administration's regulatory agenda includes plans to release a proposed rule to update the salary threshold for federal overtime requirements in January 2019.

Preparing New Policies on Campus Sexual Misconduct

On Aug. 29, 2018, the ED proposed rules to change policies on campus sexual misconduct that will narrow the definition of sexual harassment, holding schools accountable only for formal complaints filed through the proper authorities and for conduct said to have occurred on their campuses. The proposed rule change would help bolster the rights of students accused of assault, harassment or rape; reduce liability for institutions of higher education; and encourage schools to provide more support for victims. Under the rules, a higher legal standard would be established to help determine whether schools have improperly addressed student's complaints.

The new rules would adopt a new Supreme Court definition of "sexual harassment" to mean "unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it

denies a person access to the school's education policy or activity." The proposed rules do not constitute what a "hostile environment" is for the victims as the previous guidance did, but allow a school to remove an accused person from campus after conducting a safety and risk assessment.

Under the new rules, schools would be responsible only for investigating episodes reported to have taken place within their own programs or on their campuses and not in off-campus parties. Schools would be required to go to great lengths to require impartiality in investigations and provide "prompt and equitable" resolutions to conduct objective investigations. The investigations conducted by schools would require an approach that maintains that the accused is innocent until proven guilty.

The Trump administration's new rules will have the force of law, which means that the rules can go into effect without an act of Congress after a public comment period has been allowed.

Comprehensive Plan for Reorganizing the Executive Branch

On Mar. 13, 2017, President Trump signed Executive Order (EO) 13781, which was called the "Comprehensive Plan for Reorganizing the Executive Branch" or *Government Reform Plan*. The EO directed the Director of the Office of Management and Budget (OMB) to propose a plan to reorganize governmental functions and eliminate unnecessary agencies, components of agencies, and agency programs. In June 2018, the OMB released a comprehensive plan to reform and reorganize the Executive Branch departments called "Delivering Government Solutions in the 21st Century." The benefits of the reorganization are:

- Refocus Structures around Mission and Customers
- Enhance Management Accountability
- Prioritize Limited Resources and Eliminate Unnecessary Activities
- Improve Communications and Coordination

One of the mission alignment imperatives is called “Organizational Realignment to enhance Mission and Service Delivery;” it addresses the merging of the U.S. Departments of Education and Labor into a single Cabinet agency called the **Department of Education and the Workforce**. The new federal department will be charged with meeting the needs of American students and workers from education and skill development to workplace protection to retirement security. The Administration has proposed merging the ED and the DOL to allow the federal government to address the

educational and skill needs of American students and workers in a coordinated way, eliminating duplication of effort between the two agencies and maximizing the effectiveness of skill-building efforts. Under the new agency will be created the **American Workforce and Higher Education Administration (AWHEA)**, which will be charged with ensuring that American workers possess the skills necessary to succeed in the workplace. The DOL workforce development programs and the ED vocational education, rehabilitation, and higher education programs would be merged together. The

proposal would simplify and streamline agencies and maximize the effectiveness of skill-building efforts by moving from the current arrangement of more than 40 programs at 15 agencies into 16 workforce development programs at seven agencies.

The new agency would create the **Adult Workforce Development** component, which consolidates four major formula streams that currently serve adult populations in a duplicative manner: the WIOA Adult, WIOA Dislocated Worker, Employment Service, and Jobs for Veterans State Grants.

September Compliance Mandates

DE Instructor Criminal Background Investigation Guidance

Guidance from the Iowa Department of Education (DE) requires community colleges at the beginning of

each semester to collaborate with school districts in their region to develop a procedure for ensuring the appropriate background investigations have been conducted. Each community college is required to submit evidence indicating the college has communicated these requirements to the school district and established an appropriate procedure.

The guidance was put into effect in July 2015.

SEVIS International Student Registration

The U.S. Department of Homeland Security (Immigration & Customs Enforcement) requires community colleges to register international students attending their institutions at

Members of the IVCCD Compliance Review Committee include Dr. Chris Duree, Chris Bland, Dr. Lisa Breja, Dr. Kathleen Brown, Mandy Brown, Nate Chua, Lynn Duit, Dr. Amanda Estey, Nate Forsyth, Jacque Goodman, Dave Henry, Barb Jennings, Dr. Patrick Kennedy, Dr. Barb Klein, Dr. Robin Lilienthal, Mike Mosher, MaryAnne Nickle, Kathy Pink, Angie Redmond, Dr. Martin Reimer, Cindy Schulte, and Colleen Springer.

the beginning of the semesters, as well as when the student has an address, name, major, and/or employment change and/or is suspended, withdraws, or transfers out of the institution.

EDGAR 86 Regulation Requirements

The U.S. Department of Education (ED) requires all community colleges to distribute to all students at the beginning of each semester information on policies, etc. pertaining to drug and alcohol abuse prevention programs.

October Compliance Mandates

DE Non-Discrimination Statements Guidance

DE guidelines provide updated recommendations and examples for community college non-discrimination statements covering access to programs and employment. The IVCCD Board will be approving revisions to Board Policies 511, 516, 517, and the Guideline to Board Policy 517.

Equity in Athletics Disclosure Reporting

The ED requires community colleges that participate in Title IV programs and have athletic programs to report

student information and make available to students, parents and the public an Equity in Athletics Disclosure Report on or before Oct. 15 each year.

Annual Campus Security Report (Clery Act)

The ED requires community colleges on or before Oct. 1 to submit a report containing information regarding campus crime statistics and security measures for the preceding calendar year and make it available to all students and employees. The crime statistics reported will be made available to the public on a national level. The federal mandate is required under the Clery Act regulations.

Annual Campus Security Report – Missing Person Notification Policy Regulations

The ED requires all community colleges that participate in a Title IV federal student financial aid program that maintain campus housing to establish a missing student notification policy and develop related procedures for students who live in on-campus housing and who have been missing for 24 hours. The security report is submitted on or before Oct. 1 and must include a statement of policies regarding missing student notification procedures for such students.

The regulation is found under the guidelines of the Campus Security Act and Campus Sex Crimes Participation Act.

Annual Campus Security Report – Emergency Response & Evacuation Procedures

The ED requires community colleges to submit a security report containing policies regarding emergency response and evacuation procedures, including procedures for immediate notification to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus. The required mandate is submitted on Oct. 15 by the college Title IX Coordinators at Iowa Valley.

Annual Campus Fire Safety Report

The ED requires community colleges on or before Oct. 1 to file a fire safety report or notice of availability of the report that is required to be distributed to all students and employees on the campus. The report must contain information regarding fire safety practices and standards for the preceding calendar year. Fire statistics must be submitted in the report to the ED and the federal agency is

required to make the statistics available to the public on a national level.

Fiscal Operation Report & Application to Participate Reporting (FISAP)

The ED requires community colleges to submit the FISAP report for the purpose of the

institution receiving Title IV Federal Campus Based Funds (SEOG, Perkins loans, and work study) preceding award year July 1 to June 30 on or before Oct. 1.

IPEDS Reporting

The ED requires community colleges on or before Oct. 31 to complete surveys conducted

as part of the Integrated Postsecondary Education Data System (IPEDS) to meet the qualifications of the requirements under Title VI and VII, and the ADA. The fall semester data collection typically opens in September and closes in October.

Compliance Matters is published quarterly by the Director of Governmental Affairs and the IVCCD Compliance Review Committee to provide updates about important compliance, risk management, equal employment opportunity, and District policies.

*Please email ideas or submissions to Cindy Schulte,
Director of Governmental Affairs, at Cindy.Schulte@iavalley.edu.*