A. Federal Student Financial Aid Penalties for Drug Law Violations

Upon enrollment, the Higher Education Opportunities Act (HEOA) mandates each institution must provide written notice that advises the student that a conviction (while receiving financial aid) of any offense involving the possession or sale of illegal drugs will result in a loss of federal student eligibility.

When completing the Free Application for Federal Student Aid (FAFSA), question 23 asks if the students have ever been convicted of a drug-related offense. Answering the question untruthfully could result in fines, imprisonment, or both.

Convictions count only if they were for an offense that occurred during a period of enrollment for which the student was receiving federal aid. A conviction does not count if it was reversed, removed from the student’s record, or if the conviction occurred when the student was a juvenile, before the age of 18 (unless the student was tried as an adult).

According to the law, the following chart indicates the period of ineligibility for federal student aid. (A conviction of sale of drugs includes conviction for conspiring to sell drugs.)

<table>
<thead>
<tr>
<th></th>
<th>Possession of Illegal Drugs</th>
<th>Sale of Illegal Drugs</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>One year from date of conviction</td>
<td>Two years from date of conviction</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Two years from date of conviction</td>
<td>Indefinite period</td>
</tr>
<tr>
<td>Third Offense</td>
<td>Indefinite period</td>
<td></td>
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</tbody>
</table>

Standards for a qualified drug rehabilitation

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federal or state-licensed hospital, health clinic, or medical doctor company.

B. Standards of Satisfactory Academic Progress for Financial Aid Eligibility Policy and Procedures

I. INTRODUCTION

Federal regulations require that schools participating in Title IV student financial aid programs are required to establish, publish, and apply reasonable standards for measuring whether a student has maintained satisfactory progress in his or her course of study.
The University of North Dakota has published academic standards which all students are required to meet in order to retain satisfactory standing and to continue enrollment at the University. Recipients of and applicants for financial aid are subject to the satisfactory rate of progress as described below.

Students who fail to make satisfactory progress as measured against either the academic standard (qualitative determination) or the rate of progress standard (quantitative determination) shall be ineligible to receive federal financial assistance until eligibility has been reestablished. Federal financial assistance includes: Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, State Student Incentive Grant, Federal Work Study, Federal Perkins Loan, Federal Nursing Loan, Federal Direct Loans, Federal Direct PLUS Loan, Federal Direct GradPLUS Loan, Health Profession Student Loans, and Primary Care Loans.

II. MAINTAINING SATISFACTORY PROGRESS

A. Academic Standard (Qualitative Determination)

1. Undergraduate Students
   a. Students classified as juniors or seniors by the Registrar or students who have attended UND for two years (defined as 4 academic semesters) or more must have a minimum cumulative grade point average of 2.00. All other undergraduate students who meet the University’s minimum academic standards as defined in the UND Undergraduate Catalog meet this standard.

2. Graduate Students
   a. Graduate students who have been in attendance for two academic years or more as a graduate student must have a minimum 3.0 cumulative grade point average to meet this standard.

3. Law Students
   a. Law students who have been in attendance for two academic years or more as a law student must have a minimum 2.0 cumulative grade point average to meet this standard.

4. Students who have been academically suspended or dismissed do not meet this standard.

5. The student’s cumulative grade point average will be reviewed at the end of each regular period of enrollment.

6. Medical students
   Medical students don’t receive grades; therefore, they do not have a GPA. Medical students who meet the Medical School’s academic standards as defined in the Medical School Bulletin and who have not been academically suspended or dismissed meet this standard.

B. Rate of Progress Standard (Qualitative Determination)

1. Maximum Timeframe
   a. Undergraduate Students
Undergraduate students shall be making satisfactory progress for financial aid purposes if their program of study is completed within 150% of the length of the program (a maximum of 187 attempted credits for all programs except Accountancy, Chemical Engineering, Clinical Laboratory Science, Civil Engineering and Nursing).

Post-baccalaureate students (not admitted to graduate, law or medical programs of study) enrolled in an educational program that leads to an undergraduate degree or teacher certification are also subject to the undergraduate maximum timeframe standard.

b. Graduate Students
Students admitted to the Graduate School shall be making satisfactory progress for financial aid purposes if their program of study is completed within a maximum of 135 attempted credits.

c. Law Students
Students enrolled in the Law School shall be making satisfactory progress for financial aid purposes if their program of study is completed within a maximum of 135 attempted credits.

d. Medical Students
Students enrolled in the MD program shall be making satisfactory progress for financial aid purposes if their program of study is completed within a maximum of 218 attempted credits.

e. The maximum timeframe standard will be reviewed at the end of each regular period of enrollment for Undergraduate and Graduate students. Medical students will be reviewed annually at the end of the academic year. Law students will be reviewed annually at the end of the summer session.

f. Students exceeding maximum credits and pursuing a second degree or multiple majors will be reviewed on a case-by-case basis.

2. Minimum Percentage of Completed Hours

a. In order to earn enough credits to graduate within the above maximum number of attempted hours, students are required to successfully complete two-thirds (66.667%) of the cumulative credit hours attempted.

b. The percentage of completed hours standard will be reviewed at the end of each regular period of enrollment for Undergraduate and Graduate students. Medical students will be reviewed annually at the end of the academic year. Law students will be reviewed at the end of each regular period of enrollment.

3. Attempted Credits

Credits enrolled in as of the financial aid census date (see Student Financial Aid calendar for term’s census date) or added after the census date are considered attempted; credits dropped after the census date are considered attempted but not completed in the percentage of completed hours standard.

4. Completed Credits

Successfully completed credit hours are those for courses in which a student receives a “passing” grade with the following exceptions, which will not count as credit hours completed:
a) Undergraduate grades of Incomplete (I), CD (EHD only), NR, U, Withdrawal (W), CW (EHD only), and F.

b) Graduate School grades of I, CD (EHD only), NR, D, U, UP, W, CW (EHD only), and F.

c) Law School grades of I, NR, U, W, and F.

d) Medical School grades of U, W, and NR.

5. The cumulative total of credit hours attempted and completed will be used to determine satisfactory rate of academic progress.

6. Transfer Credits

Credits attempted at other post-secondary institutions and recorded in transfer by the University will be included in the determination of both credit hours attempted and credit hours completed.

7. Coursework that does not count toward the graduation requirements at UND (i.e. Math 102 Intermediate Algebra, all audited coursework) is also not counted in the Rate of Progress Standard.

8. Repeated Courses

Credits for repeated courses are counted as attempted but not completed. A repeated course is only counted once as a completed course.

III. CRITERIA TO REESTABLISH SATISFACTORY PROGRESS

Students who have failed to meet the academic standard and/or the rate of progress standard will be contacted by Student Financial Aid staff once their satisfactory academic progress has been evaluated. Students may reestablish a determination of maintaining satisfactory progress through the following procedures:

A. Academic Standard (Qualitative Determination)

1. Suspended or Dismissed Students

Students who have been suspended or dismissed for failure to maintain the University’s minimum academic standards as defined in the UND Bulletin corresponding to his or her enrolled status as an undergraduate, graduate, medical or law student, must petition their respective college for reinstatement. Appropriate forms can be obtained from the Dean’s Office of the corresponding college.

2. Failure to Maintain the Required Cumulative GPA

Students who fail to meet the required cumulative grade point average may reestablish satisfactory academic standing by successfully bringing their cumulative grade point average up to the required minimum.

B. Rate of Progress Standard (Quantitative Determination)

Students may re-establish a satisfactory rate of progress by successfully completing two-thirds of the cumulative credits attempted.
If the petition is approved, the student will be deemed to be making a satisfactory rate of progress.

Petitions may be approved with stipulations and the student placed in a probationary status.

a. If the student fails to meet satisfactory academic progress standards after the next monitoring period, but does meet the stipulations of the petition approval, the student MAY be continued in a probationary status and progress will be reviewed after the next monitoring period.

b. If the student fails to meet the stipulations of the petition approval and/or fails to meet a progress standard other than the standard(s) applicable to the previous petition, the student must submit a new petition for review of financial aid eligibility.

Suspended or dismissed students who have been reinstated will be deemed to be meeting the academic standard for the purposes of this policy provided that they meet all other eligibility criteria stated herein.

Normally, such a petition must be filed within thirty days of the date of the letter of notification of failure to make satisfactory progress.

IV. REQUESTS BY INDIVIDUALS FOR EXCEPTIONS TO THE POLICY: CAUSES AND PROCEDURES

Two criteria must be met to maintain satisfactory progress — an academic standard and a rate of progress standard. Procedures to process reinstatement requests from suspended or dismissed students are discussed above. Causes and procedures for petitions related to the required cumulative grade point average and the rate of progress standard follow. Students must have extenuating circumstances in order to petition. These circumstances include but are not limited to: death or illness of a family member or significant person in student’s life, illness or injury of the student, familial or personal issues, mental health or emotional problems, and legal issues. Proper documentation must be provided that supports any and all circumstances. Extenuating circumstances do not include: working too much, not understanding the satisfactory academic progress policy, not knowing important academic and financial dates of the university, and being advised by your academic advisor or other university professional.

Students will be allowed to submit three petitions to the Student Financial Aid Office for review. On the third petition, an internal committee (made up of advisors and administrators within the Student Financial Aid Office) will review the student’s circumstances and determine whether or not the student is making satisfactory academic progress. For the fourth and any subsequent petition, unless extreme extenuating circumstances can be documented, the Student Financial Aid Office will deny the petition, and the student may appeal to the UND Student Financial Aid Satisfactory Progress Appeal Board.

A. Failure to Maintain the Required Cumulative GPA

1. Students who fail to meet the minimum institutional cumulative grade point average after the third semester of attendance will be notified by the Student Financial Aid Office and continue to receive Title IV financial aid until compliance is reviewed at the end of the next monitoring period.

2. Students who are not in compliance after the warning period because of mitigating circumstances that are verifiable may petition for a review of this determination. Normally, such a petition must be filed within thirty days of the date of the notification of failure to meet this academic standard.
B. Exceed Maximum Timeframe

1. Students who have attempted 140% of the maximum timeframe standard will be notified by the Student Financial Aid Office and continue to receive Title IV financial aid.

2. Students who have exceeded the maximum timeframe standard are placed on financial aid suspension and are ineligible for Title IV aid. Students who fail to meet this rate of progress standard because of mitigating circumstances that are verifiable may petition for a review of this determination. Normally, such a petition must be submitted within thirty calendar days from the first day of the date of the letter of notification of failure to make satisfactory progress.

C. Failure to Maintain the Minimum Percentage of Completed Hours

1. Students who are not in compliance because of mitigating circumstances that are verifiable may petition for a review of this determination. Normally, such a petition must be submitted within thirty calendar days from the first day of the date of the letter of notification of failure to make satisfactory progress.

D. Students who fail to meet the rate of progress standards and/or the cumulative GPA requirement may petition, following a 36-month period of non-enrollment at UND, for a review of this determination.

Petitions will be handled on an individual basis. The student’s first step shall be to complete the Satisfactory Academic Progress form and the Satisfactory Academic Progress Documentation Form, which is then returned to the Student Financial Aid Office. If the petition is approved, the student will be deemed to be making a satisfactory rate of progress.

V. APPEAL PROCEDURES

Appeal of a petition which has been denied by the Student Financial Aid Office may be made in writing to the Vice President for Student Affairs (VPSA) within 15 days of notification of denial. The VPSA shall assemble a quorum which shall consist of at least four members of the Student Financial Aid Satisfactory Progress Appeal Board within 30 days of receipt of the written appeal. A student’s appeal for reinstatement of student financial aid will not be heard following the last day to drop a full-term course or withdraw from school each semester.

This Board shall be a standing body, appointed annually by the VPSA, composed of the following: Registrar (or designee), two student representatives recommended by Student Government, four representatives (at least two of them faculty) representing Academic Affairs recommended by the Vice President for Academic Affairs, and two Student Affairs staff members, of which one shall act as chair. If the appeal is approved by the Board, the student will be deemed to be making a satisfactory rate of progress. The decision of the Appeal Board shall be final.

VI. EDITORIAL NOTE BY THE UND STUDENT FINANCIAL AID SATISFACTORY PROGRESS APPEAL BOARD

The Satisfactory Progress Appeal Board defines “attempted hours” as: any course in which a student is registered on or after the financial aid census date. Census date is on the Student Financial Aid Office’s calendar each semester. A course dropped after this date is considered as attempted hours for financial aid. These hours appear on, and are monitored on, the official records and transcripts maintained by the University.

There are many reasons for dropping a class such as the suggestion or recommendation of an academic advisor, receiving an unacceptable grade, or part-time employment being too demanding on class schedule, etc. To
remain eligible for financial aid, two-thirds (2/3’s) of all hours attempted at UND must be successfully completed. An exception to this policy can be requested through an appeal process but is granted only when acceptable extenuating circumstances exist. Reasons such as those listed above are not sufficient for granting an exception to the policy because financial aid was dispersed based on the total number of credits enrolled in as of the financial aid census date.

Please note: Paying or not attending for one or numerous semesters does not automatically reinstate your federal financial aid eligibility. Federal regulations state that for all enrolled students all credits must be counted as attempted even if no aid was received for the semester that the courses were dropped. Repeating a course can adversely affect the percentage of courses completed. If a student retakes a course, credits for the repeated course are counted as attempted but not completed.

Questions relative to the policy can best be answered by an advisor or administrator in the Student Financial Aid Office.

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