



September 13, 2006

Dr. Scott D. Miller
President
Wesley College
120 North State Street
Dover, DE 19901-3875

Certified Mail
Return Receipt Requested
7005 1160 0004 9625 0387

OPE ID: 00143300

Dear Dr. Miller:

I am writing to advise you of a complaint recently filed against Wesley College (Wesley) and to request your assistance in evaluating the issues raised by the complainant. On May 5, 2006, Security on Campus, Inc. (SOC), a national advocacy group, filed a complaint alleging violations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The complaint focuses on Wesley's handling of a sexual assault alleged to have occurred in February 2006.

When the U.S. Department of Education (ED) receives a complaint, our office evaluates the complainant's materials and determines an appropriate course of action. Because this complaint alleges serious Clery Act violations, it is necessary to examine Wesley's Clery Act compliance in more detail. In furtherance of our review, we are requesting detailed responses to a number of items below. Whenever possible, please ensure that your response addresses general institutional policies and procedures as well as the specific handling of the February 2006 incident that gives rise to this inquiry. In addition to providing information and documents for our consideration, the institution also should treat its response as an opportunity to respond to the complainant's concerns.

Specifically, the complainants allege that the institution failed to initiate certain actions required by the Clery Act including the issuance of a timely warning to the campus community. It is also alleged that Wesley failed to enter required information about the incident in a public crime log. The complaint states that these failures occurred even though the actions of Wesley's Office of Safety and Security (OSS) indicate that OSS officials believed that there was probable cause to believe that a sexual assault had occurred. OSS officials turned over information to the Dover Police Department and the alleged assailant was subsequently arrested.

It is alleged that student journalists were told that no timely warning was issued because Wesley officials had determined that "there was no continuing threat to students." This is true even though the alleged perpetrator remained on the campus where he was arrested three days later. Subsequent to the arrest, student journalists attempting to access certain

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information about the incident and were advised that, “the Federal Family Educational Rights and Privacy Act (FERPA) precluded disclosure” according to the complaint. Subsequent correspondence between institutional officials and SOC indicates that Wesley did not maintain a public crime log at the time of this incident. The complaint materials do indicate that some remedial measures were initiated pursuant to discussions with SOC.

The complainants also have raised a number of issues about Wesley’s OSS and Clery Act policies and procedures as well. A copy of the complaint is attached for your careful review and response to the allegations and concerns raised in it. ED has emphasized that the annual campus security report is first and foremost a consumer information tool. One of the primary purposes of the annual campus security report is the dissemination of accurate and complete crime statistics and policy information so that interested students, employees, and other stakeholders are aware of programs and services, can make sound decisions, and take proactive steps to provide for their own safety and well being.

At this point, it is necessary to better understand Wesley’s approach to Clery Act compliance and its position on the February 2006 incident. In accordance with our process, Wesley will be afforded an opportunity to respond to these allegations and present information in support of its position. We will not make any Final Determinations before considering all relevant information.

As part of our review process, we will need to evaluate additional information from the complainant and Wesley. In furtherance of our efforts, we respectfully request that you direct the appropriate officials to prepare a comprehensive response to all of the allegations outlined in the complaint and items #1-8 below:

1. A copy of Wesley’s 2004, 2005, and 2006 Annual Campus Security Reports;
2. A comprehensive explanation of Wesley’s policies and procedures for the development and distribution of its annual campus security reports. The explanation must address the identification of data sources for statistics, interaction with the Dover Police Department and the Delaware State Police and other law enforcement, the compilation of data, policy development and implementation, approval of the report, publishing of the report, and distribution of the report. Where necessary, the description of the above must address any divergence in the process for electronic and hardcopy versions of the report.
3. A copy of all records generated by any Wesley College official pursuant to the reporting of the alleged February 2006 sexual assault to campus security authorities. These records must include unedited, unredacted copies of all original incident reports and any revisions: all evidence, supplemental or investigative reports; and; any other memos, notes, electronic messages or database entries, or other record containing relevant information about this incident;
4. All guidance, policies, and procedures for the issuance of “timely warnings” as required by the Clery Act. It is our understanding that a timely warning was not issued in this case. Please explain the deliberations and rationale of the institution’s decision to not issue a warning. Please also provide copies of all timely warnings issued in 2005 and 2006.

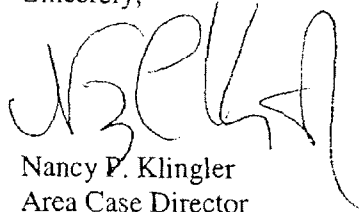
5. All guidance, policies, and procedures regarding the entry of incidents of crime reported into Wesley's public crime log. Please advise if a crime log entry was made as a result of the February 2006 incident. If an entry was made, please provide a copy. If the incident was not entered, please explain its omission. Please also explain when the institution began maintaining a public crime log. Please also provide a copy of the 2005 and 2006 crime log, whatever its form(s).
6. An explanation of Wesley's policies and procedures for "aftercare" for survivors of sexual assaults and other violent crimes to include counseling resources, healthcare, residence life programs, or other initiatives or accommodations typically made available to survivors in conformity with 34 CFR § 668.46 (b)(11), commonly referred to as the Campus Sexual Assault Victim's Bill of Rights;
7. Copies of all relevant publications including Wesley's Student Handbooks, and any other documentation provided to staff and students that pertain to any of the institution's campus security, conduct standards, or disciplinary programs; and,
8. Copies of all documents and other information necessary to support any and all representations made and positions taken in your response.

Wesley's response is intended to provide a full opportunity to provide information regarding these issues before this office renders any Final Determinations. For this reason, we respectfully request that Wesley prepare its response and supporting materials in as accurate and complete a manner as possible. After your response is received and thoroughly reviewed, this office will either issue a Final Determination or conduct additional analysis. If violations are noted, we will advise the institution of the exceptions, required corrective actions, and other appropriate measures that may be needed to bring Wesley into compliance with Federal statutes and regulations.

Please submit your response to my attention at the address on page # 1 of this letter within 30 days.

We appreciate your anticipated cooperation as we work together to resolve this important matter. If you have any questions, please call Mr. James Moore of this office on (215) 656-6495.

Sincerely,



Nancy P. Klingler
Area Case Director

cc: Mr. Eric R. Nelson, Chief Financial Officer
Chief, Office of Safety and Security

Enclosure