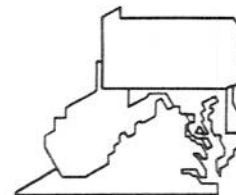




STUDENT FINANCIAL
ASSISTANCE PROGRAMS

U.S. DEPARTMENT OF EDUCATION
Case Management Division Northeast
The Wanamaker Building
100 Penn Square East, Suite 511
Philadelphia, PA 19107



REGION III

August 5, 1998

Dr. Judith Rodin
President
University of Pennsylvania
3451 Walnut Street
Philadelphia, PA 19104

Certified Mail # Z 343 346 473
Return Receipt Requested

FINAL PROGRAM REVIEW
DTERMINATION LETTER

PRCN: 199730314575

Dear Dr. Rodin:

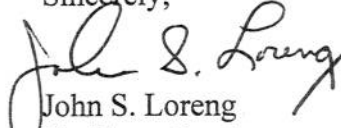
This letter responds to the University of Pennsylvania's (the University) submissions dated March 10, 1998 and July 8, 1998, provided in response to the above referenced February 6, 1998, program review report. The February 6, 1998, program review report covered the University's compliance with the Student Right to Know and Campus Security Act of 1990. The review covered the University's Campus Security Reports for 1995 and 1996, which covered statistics reported for 1994, 1995, and 1996. The February 6, 1998 program review report is incorporated by reference in its entirety into and made part of this final program review determination letter. It is attached hereto as attachment A.

Based upon the University's March 10, 1998 and July 8, 1998, responses and representations to our February 6, 1998 program review report, the University may now consider the program review report closed.

The University is advised that repeat findings in future program reviews may lead the Department to initiate an adverse action. An adverse action may include the imposition of a fine, or the limitation, suspension, or termination of the eligibility of the institution pursuant to part 668 Subpart G, of the Student Assistance General Provisions regulation, 34 CFR part 668.

Thank you for the cooperation and courtesy extended to the review team throughout this review. If the University should have any further questions, please contact the Philadelphia Case Team at (215) 656 – 6442.

Sincerely,


John S. Loreng
Co-Team Leader

Enclosure
As Stated

cc: Ms. Brenda Fraser
Associate General Counsel

Mr. John Fry
Executive Vice President

Mr. Odell Guyton
Corporate Compliance Officer

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

RECEIVED

JUL - 9 1998

OFFICE OF STUDENT FINANCIAL
ASSISTANCE

July 8, 1998

Mr. John S. Loreng
U.S. Department of Education
Case Management Division, NE
Wanamaker Building
100 Penn Square East, Suite 511
Philadelphia, PA 19107

Re: University of Pennsylvania Program Review

Dear Mr. Loreng:

To supplement the University's response to the Program Review Report, I am forwarding a letter from Odell Guyton, the University's Corporate Compliance Officer, certifying that the University's amended campus security report has been distributed to current students and employees. In addition, I am enclosing two printed versions of the University's amended campus security report, both of which were disseminated after the University responded to the Program Review Report on March 10: 1) the campus security report as it appeared in print in Almanac, the University's journal of record; and 2) the campus security report in brochure form, captioned "Campus Safety and Security: A Shared Responsibility."

I am sorry that the certification requested by the team took longer than anticipated. However, as I told Mr. Moore, we encountered several unforeseen difficulties in the process of preparing mailings to Health System employees.

I hope that the enclosed information will enable you to conclude your review. Please let me know if you have any questions.

Very truly yours,



Brenda Fraser

cc: Odell Guyton (w/enclosures)

UNIVERSITY of PENNSYLVANIA

Office of Audit & Compliance

Saint Leonard's Court
3819 Chestnut Street, Suite 214
Philadelphia, PA 19104-3106
Tel: 215-898-7260
Tel: 215-662-6232
Fax: 215-662-7265

July 8, 1998

Mr. John Loreng
Department of Education
Case Management Division
Wanamaker Building, Suite 511
100 Penn Square East
Philadelphia, PA 19107

Dear Mr. Loreng:

This letter is to confirm to the Department of Education that the recently amended safety brochure, "Campus Safety and Security, A shared Responsibility", was disseminated to students, faculty and staff at the University of Pennsylvania and University of Pennsylvania Health System.

Safety brochures were delivered to students, faculty and staff from May 6 to May 11, 1998 via campus mail and for those students living off campus, via U.S. mail. Dissemination of the brochure to University of Pennsylvania Health System employees was completed on July 2, 1998.

In addition, the campus crime statistics in the amended brochure were provided to students via E-mail on May 1, 1998.

Sincerely,

A handwritten signature in dark ink, appearing to read "Odell Guyton", with a long horizontal flourish extending to the right.

Odell Guyton, Esquire

UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

221 College Hall
Philadelphia, PA 19104-6303

Telephone: 215-898-7660
Facsimile: 215-898-8519

RECEIVED
MAR 10 1998
OFFICE OF STUDENT FINANCIAL
ASSISTANCE

March 10, 1998

VIA HAND DELIVERY

Mr. John S. Loreng
Team Leader
Case Management Division
U.S. Department of Education
3535 Market Street, Room 16200
Philadelphia, PA 19104

Re: Response to Program Review Report

Dear Mr. Loreng:

On behalf of President Rodin, I am forwarding the University's response to the Department's Program Review Report relating to your review of the University's compliance with the Crime Awareness and Campus Security Act. As you will see from the response, the University is making all of the improvements outlined in the program review report. In fact, the University already has implemented most of the Department's recommendations, and it expects to accomplish all of the recommended improvements within the next few weeks.

As the Department has directed it to do, the University has amended its 1997 campus security report. In order to disseminate the changes efficiently, the amended report includes statistics for four years. That is, the University's 1998 report will include the complete, amended 1997 report. The enclosed amended report has just been posted at the following Internet address: <http://www.upenn.edu/almanac/between/crimetoc.html>. The University will distribute the report in print after students return from spring break next week.

Also accompanying the University's response are: 1) a copy of the University's policy regarding dissemination of its campus security report to students and employees; and 2) documentation (including recruitment materials and correspondence) showing that the offices responsible for handling admissions for the University's 12 undergraduate and graduate schools include a statement about the availability of crime information in materials they provide to prospective students.

We appreciate the guidance the team provided during the review process. The University is committed to complying with the Act and welcomes any additional guidance the Department may offer.

Please let me know if you have any questions about the University's response.

Very truly yours,

A handwritten signature in cursive script, reading "Brenda Fraser".

Brenda Fraser

BF:an

Enclosures

Memorandum

DATE: March 9, 1998

TO: Nancy P. Klingler, ACD
John S. Loreng, Team Leader

FROM: James L. Moore, III, Institutional Review Spec.

RE: PENN Campus Security: Margaret Jakobson

Please be advised that the case team has received two telephone calls from Ms. Jakobson on 3/3 and 3/5. On both occasions, Ms. Jakobson was reminded that all inquiries regarding the PENN campus security review are to be addressed to Office of Public Affairs. No answers, information or representations specific to the PENN review, its processes, or its outcomes were offered to Ms. Jakobson.

The following items summarize the substantive issues of her calls:

- 1) Ms. Jakobson and her organization, Equal Rights Alliance (ERA), are disappointed that their complaint and its allegations are not specifically addressed in the program review report.
- 2) ERA's position is that the Department needs to have a comprehensive approach to findings of non-compliance with the Act to include findings under the Title IV financial responsibility regulations. The argument is that the Program Participation Agreement between the institution and the Department requires that all certifications, including Campus Security Reports, are accurate. If an institution prepares inaccurate certifications or reports, it should be found to not be financially responsible.
- 3) Sanctions for non-compliance under the Act should be imposed under Section 668.81 to include emergency action, fines, and L S & T actions.
- 4) ERA's complaint should have been referred to the Department's Office of the General Counsel.
- 5) As is customary in other program review reports, all Title IV funds disbursed to the institution should have been noted in the report.
- 6) President Judith Rodin should have been interviewed during the course of the review.
- 7) The finding of an unreported sex crime should have been a four-part finding to include the statistical omission, lack of timely warning, inadequate and/or omitted policy statements, and the inaccuracy of the institution's website.
- 8) ERA feels that more emphasis should be placed on the provisions of the Victim's Bill of Rights and importance of timely warnings to the campus community.
- 9) Complaints may be filed against PENN with the Department's Office of Civil Rights, the Justice Department, and the Internal Revenue Service for violations under their regulations in connection with campus security issues. These charges include violations under Title IX of the Higher Education Act, interstate commerce fraud, tax fraud, and violations of the RICO statute.
- 10) ERA also feels that the program review focused too closely on definition 1 of campus to the exclusion of the recognized student organization and third party definitions.

11) More careful comparisons should have been made between the Act 73 Pennsylvania Campus Security regulations and the CSR.

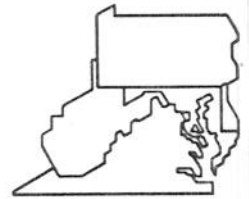
12) ERA wanted the case team to know that Senator Spector was convening hearings on CSR issues on 3/5 and that PENN would be represented Ms. Michelle Goldfarb, Director of the Office of Student Conduct.

Ms Jakobson ended her second call by thanking the team for its attention to her organization and its issues. She also expressed her appreciation for the Department's March 3, 1998 letter thanking her for her assistance. However, she did express some concern with the letter. She stated that the phrase "most appropriate findings" suggests that some findings were excluded. I assured her that this was not the case. Because ERA feels that some areas of non-compliance were not addressed, Ms. Jakobson stated that a second complaint against the University of Pennsylvania may be filed with this office in the future.



U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19104



REGION III

STUDENT FINANCIAL
ASSISTANCE PROGRAMS

ROOM #16200

March 3, 1998

Ms. Margaret Jakobson
Chief Advocate
Equal Rights Alliance
806 Main Avenue
Fargo, ND 58103

Re: University of Pennsylvania

I am writing to you in response to your complaint letters dated May 31, 1997 and June 9, 1997, regarding the University of Pennsylvania's compliance with the Crime Awareness and Campus Security Act of 1990. On June 30, 1997, the Philadelphia Case Team initiated a thorough review, extending over many weeks, of the University's compliance with the Act. Although the initial decision to conduct the review was made in response to the information published in the Philadelphia Inquirer in November 1996, we also considered the issues you raised.

Our February 6, 1998 program review report contained what we determined to be the most appropriate findings in light of the factual results of our review. Please know that the information which you provided was very useful and helpful for the conduct of the review. We believe that the program review report will provide further guidance to the University and consequently strengthen its compliance in the specific areas cited.

The Department appreciates the concerns raised by the Equal Rights Alliance, and particularly appreciates the personal attention that you have dedicated to this important issue.

Sincerely,

Nancy P. Klingler
Area Case Director
Case Management Division - Philadelphia