



OCT 25 2007

Brother Michael J. McGinniss, FSC, Ph.D.  
President  
La Salle University  
1900 West Olney Avenue  
Philadelphia, PA 19141-1199

**SENT BY FEDERAL EXPRESS**

OPE ID: 00328700

Dear President McGinniss:

This letter is to inform you that the U. S. Department of Education (Department) intends to fine La Salle University (La Salle) \$110,000 based on the violations of statutory and regulatory requirements outlined below. This fine action is taken in accordance with the procedures that the Secretary of Education (Secretary) has established for assessing fines against institutions participating in any or all of the programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070 *et seq.* (Title IV, HEA programs). Under the Department's regulations, the Department may impose a fine of up to \$27,500 for each violation. 34 C.F.R. § 668.84. As detailed below, this fine action is based on La Salle's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f) and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46.

Under the Clery Act, institutions participating in the Title IV, HEA programs must prepare, publish and distribute a Campus Security Report (CSR) annually by October 1. 34 C.F.R. § 668.41(e). The annual CSR must include a description of the institution's campus security policies in specific areas. 34 C.F.R. § 668.46(b). In addition, the CSR must report statistics for the three most recent calendar years concerning the occurrence of certain crimes on campus, in or on certain non-campus buildings or property and on public property. 34 C.F.R. § 668.46(c). The CSR must be distributed to current students and employees and be made available to applicants for admission and employment to provide them with accurate, complete and timely information about crime and safety on campus. 34 C.F.R. § 668.41(e). Institutions must also submit the crime statistics

Administrative Actions and Appeals Division  
830 First Street, NE | Union Center Plaza III | Washington, DC 20002-8019

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annually to the Department, which makes them publicly available. 34 C.F.R. § 668.41(e)(5). As discussed below, La Salle failed to submit accurate and complete campus crime statistics timely and to publish, distribute, and make available adequate and complete CSR's to current and prospective students and employees and to the Secretary as required by the Clery Act and the Department's implementing regulations; and, therefore, imposition of a fine is warranted. 34 CFR § 668.72(l).

From May 17 to August 26, 2005, the Department's School Participation Team - Philadelphia (SPT) conducted a program review at La Salle. The purpose of the review was to determine the accuracy and completeness of annual campus crime statistics submitted by La Salle to the Department and published in the CSR. The review also evaluated the adequacy of the campus security policy statements and procedures published by La Salle in the CSR and distributed to current and prospective students and employees and to the Department, for public dissemination. On January 25, 2006, the Department issued a Program Review Report to La Salle, which included the SPT's findings that La Salle had not complied with the Clery Act and the Department's regulations. On April 12, 2006, La Salle responded to the Program Review Report. The Department issued its Final Program Review Determination (FPRD) letter to La Salle on September 19, 2006 (Enclosure 1). The Department is taking this fine action based on findings in the FPRD, which concluded that La Salle failed to compile and submit accurate and complete annual campus crime statistics for the years examined and to publish and distribute adequate and complete CSR's for the 2002 and 2003 calendar years.<sup>1</sup>

#### **FAILURE TO REPORT AND MISREPORTING OF SPECIFIC INCIDENTS**

Federal regulations require that participating institutions compile and publish for the three most recent calendar years, accurate and complete campus crime statistics to inform current and prospective students and employees of important safety and security information. 34 C.F.R. § 668.46(c)(1). This CSR must include incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. The CSR must also include a statistical disclosure of arrests and disciplinary actions related to violation of federal or state drug, liquor, and weapons laws. The institution's policies and procedures must be published and distributed to all current students and employees and made available to prospective students and employees. To comply with these requirements, all incidents of crime on campus included in the categories listed above, that are reported to a campus security authority or law enforcement official must be

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<sup>1</sup> In a letter to the Secretary, La Salle's counsel requested that the school be allowed to appeal the FPRD. However, administrative decisions issued by the Secretary of Education and the Office of Hearings and Appeals have consistently determined that the Department's regulations allow an appeal of the findings in an FPRD only when the FPRD establishes financial liabilities. The findings in the FPRD sent to La Salle did not include any financial liabilities and no appeal was available. However, La Salle may appeal this proposed action.

included in the CSR and be properly reported according to the Uniform Crime Reporting (UCR) Systems definitions.

La Salle under-reported and misreported campus crime statistics in its CSR's for 2001 and 2002. Incorrect statistics for calendar year 2001 were published in La Salle's 2002 and 2003 CSR's. Incorrect statistics for calendar year 2002 were published in the 2003 CSR. La Salle took no action to correct these errors until after June 2004 when it arranged for an internal audit of its campus crime statistics. That audit determined that La Salle had omitted and/or misreported a number of incidents as shown in the chart below. Corrected crime data for the 2001 and 2002 calendar years was not disclosed to students and employees until the 2004 CSR was distributed on or about October 1, 2004. La Salle's failure to correctly compile and maintain its crime statistics also resulted in incorrect information being reported to the Department in 2002 and 2003. As a result of these incorrect reports from the school, the Department reported incorrect information regarding crime at La Salle to the public.

Campus Security Report Incident Classification	La Salle University Original Statistics Reported	La Salle University Revised Statistics	% Increase (Decrease)
<b>2001 Forcible Sexual Offense</b>	<b>0</b>	<b>2</b>	
<b>2001 Aggravated Assault</b>	<b>3</b>	<b>5</b>	
<b>2001 Burglary</b>	<b>17</b>	<b>37</b>	
<b>2001 Robbery</b>	<b>8</b>	<b>8</b>	
<b>2001 Motor Vehicle Theft</b>	<b>14</b>	<b>12</b>	
<b>2001 Arson</b>	<b>0</b>	<b>0</b>	
<b>2001 Totals</b>	<b>42</b>	<b>64</b>	<b>52.4%</b>
<b>2002 Forcible Sexual Offense</b>	<b>4</b>	<b>3</b>	
<b>2002 Aggravated Assault</b>	<b>1</b>	<b>5</b>	
<b>2002 Burglary</b>	<b>7</b>	<b>12</b>	
<b>2002 Robbery</b>	<b>12</b>	<b>10</b>	
<b>2002 Totals</b>	<b>24</b>	<b>30</b>	<b>25.0%</b>

*The first column in this chart lists the data reported by La Salle in its original Campus Security Reports. The second column reflects the revised data calculated by La Salle after an audit conducted under the supervision of La Salle's legal counsel and their consultant. The third column shows the percentage of change on the yearly totals from the original data reported by La Salle to the most recent data calculated.*

La Salle originally published and distributed inaccurate crime statistics for calendar years 2001 and 2002. In its response to the Program Review Report, La Salle conceded that its own internal audit confirmed that the crime statistics it reported to the Department and to its students and employees for those two years omitted and/or misreported certain crimes. As a result, those reports were inaccurate. La Salle did not disclose the corrected data to students and employees until the CSR for October 1, 2004, was distributed one or two

years after the original incorrect data was distributed. As noted in the Program Review Report, La Salle's original CSR incorrectly characterized crimes (such as reporting burglaries as thefts). Thus, the reports did not provide La Salle's students, employees and potential students and employees and the public with an accurate picture of crime at La Salle. La Salle's under-reporting of crimes appears to have been primarily attributable to the failure of La Salle's staff to ensure that crimes were properly reported to the responsible officials so that an incident report would be generated. The Program Review Report also identified other administrative problems at La Salle that contributed to the issuance of the incorrect reports including: poorly written and/or incomplete incident reports; the lack of a system for compiling and maintaining incident reports and other campus crime records; the use of crime terms not used in the CSR; lack of sufficient training for security staff; and the failure to coordinate information received from all sources.

In its response, La Salle asserts that: (1) it was proactive in correcting the misreporting and should not be subject to sanctions by the Department; and (2) that the policy and procedural weaknesses identified in the Program Review Report as contributing to the incorrect reporting of crime statistics in violation of the Clery Act and the Department's regulations were either not applicable to the violation and/or were not as severe as characterized in the Report.

However, La Salle's reported campus crime statistics clearly misrepresented the number of serious crimes on campus during the review period and resulted in incorrect information being given to La Salle's students and employees and the public. La Salle's own 2004 internal audit identified a total of 28 additional crimes (including forcible sex offenses and aggravated assaults) that were not previously included in the crime statistics distributed to students, employees, and the Department for 2001 and 2002. As noted in the Program Review Report, numerous policy, procedural, and operational weaknesses at La Salle contributed to the omissions and reporting errors that caused this violation.

The Clery Act requires institutions to ensure the accuracy of the data when it is presented to students and employees who can use the data to make decisions affecting their personal safety. Students and employees must be able to rely on the institution's reported statistics. La Salle's correction of the crime statistics one or two years after the original issuance of the report does not excuse its earlier failure to comply with its legal obligations. The correction of violations does not diminish the seriousness of not correctly reporting these incidents at the time they occurred.

#### **MISREPRESENTATION OF DISCIPLINARY REFERRAL STATISTICS**

Federal regulations require that institutions participating in the Title IV, HEA programs compile and publish accurate and complete campus crime statistics. To comply with these requirements, it is essential that institutions have established open lines of communication and appropriate mechanisms to coordinate information and statistics from all appropriate internal and external sources. 34 C.F.R. § 668.46(c)(1).

La Salle failed to properly disclose in the CSR's for the years 2001 and 2002, the number of persons who were referred for campus disciplinary action for violations of liquor and drug laws. The CSR's for those years reflected underreported crime statistics for these disciplinary actions. La Salle originally reported statistics for liquor and drug law disciplinary referrals and then revised those statistics after the 2004 internal audit. La Salle's corrected crime statistics for the 2001 and 2002 calendar years were not disclosed to students and employees until the 2004 CSR was distributed on or about October 1, 2004. La Salle also reported inaccurate crime statistics to the Department in 2002 and 2003, which resulted in incorrect information being provided to the public.

	Liquor Law Violations		Drug Law Violations	
	La Salle Originally Reported	La Salle Revised Statistics	La Salle Originally Reported	La Salle Revised Statistics
2001	19	29	9	9
2002	1*	87*	1	1
2003	68*	N/A	N/A	N/A

*The chart illustrates reporting errors identified by comparing La Salle's initial and revised statistics. The Department of Education's determinations based on a review of incident reports and disciplinary files originally included in the chart in the program review report have been removed in that they are not relevant to this notice.*

*\* Denotes a correction to the original text due to a typographical error as discussed with La Salle representatives.*

La Salle admits that the number of disciplinary referrals for liquor and drug law violations was significantly underreported in its published crime statistics for years 2001 and 2002. La Salle made certain corrections to those statistics after the internal audit was conducted in 2004. However, in its response to the Program Review Report, La Salle acknowledged that there were even more liquor and drug law violation referral cases that should have been included in its "revised" statistics, distributed after the 2004 internal audit. La Salle has not provided any additional information on what further corrections are needed to finally produce accurate campus disciplinary referral statistics for 2001, 2002 and 2003.

La Salle argues that the program review finding is incorrect and is based on a misunderstanding of La Salle's disciplinary system. La Salle further suggests that the Department's failure to understand La Salle's system led to a "presumption of inclusion" and caused the reviewers to label many infractions of campus conduct rules as violations of law and to include cases where the facts documented in the incident report were

ambiguous. La Salle also argues that it was proactive in correcting the misreporting, that sanctions should not be imposed and that the policy and procedural weaknesses identified as contributing to the violation were either not applicable to the violation and/or were not as severe as characterized.

La Salle's arguments, however, are contradicted by its own data. As detailed in the Program Review Report, La Salle originally reported 19 liquor law violations for 2001 and only one liquor law violation for 2002. After the 2004 revisions it initiated, La Salle changed these statistics to 29 and 87 respectively.

Similarly, for drug law violations, La Salle has conceded that several cases should have been included in the reported statistics but were omitted from the statistics in the 2004 CSR. The Program Review Report documented that La Salle originally reported nine drug law violations for 2001 and one drug law violation for 2002. After the 2004 revisions, La Salle changed these statistics to five and two respectively.

La Salle's admission that additional errors exist in its 2004 revisions to its crime statistics raises questions about its capability and commitment to reporting campus security violations for Clery Act purposes.

Moreover, La Salle's own statements and documents effectively concede that it did not comply with the requirements of the Clery Act and the Department's regulations in reporting campus crime statistics.

### **FAILURE TO PROVIDE TIMELY WARNINGS**

For crime prevention purposes, participating institutions must provide timely warnings to the campus community, when appropriate, on the following crimes:

1. Homicide, Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, and arrests for liquor and drug law violations, and illegal weapons possession;
2. Hate crimes;
3. Other crimes reported to campus security authorities under the institution's policy; and
4. Crimes considered to represent a threat to students and employees.

The Clery Act also requires that institutions' policies and procedures related to campus security be published in the CSR and include policies for issuing these timely warnings. It is essential that institutions provide timely warnings as frequently and systematically as needed to provide accurate and complete information to students and employees and to best ensure the safety and well being of the campus community.

La Salle has conceded that it did not issue "timely warnings" to the campus community after two sexual assault incidents that should have resulted in such a warning. Moreover, according to the Program Review Report, La Salle does not have an adequate policy on the issuance of such warnings.

La Salle disagrees and argues that the Clery Act does not prescribe how a timely warning should be considered or who should be involved in making that determination. La Salle claims that its process is reasonable, has proven to be effective, and is consistent with the Clery Act. With respect to the April 2003 and the June 24, 2004 sexual assault cases in particular, La Salle states that "based on what was known by the head basketball coaches in 2003 and by other La Salle officials in 2004, no timely warning was needed about the alleged April 2003 sexual assault." La Salle argues that it acted swiftly to eliminate any possible threat to the community by placing both of the accused students on interim suspension and therefore, no warning was needed. La Salle did inform the campus community about the June 24, 2004 incident on June 28, 2004.

The Clery Act and the Department's regulations do not specifically define when a warning is "timely." However, it is clear that the warning should be issued as soon as pertinent information is available to alert the campus community of potential threats and thereby enabling the community to protect itself and assist in preventing similar crimes. The Department does not agree that suspending the accused students achieves this requirement. The potential of a serious threat continued and should have been disseminated to the campus community.

La Salle concedes that there was never any official consideration of whether to issue a warning in regard to the April 2003 sexual assault because the institution's basketball coaches did not inform the school officials responsible for such warnings of the assault reported to them. Thus, La Salle did not follow its established procedures for considering such warnings in violation of the requirements of the Clery Act. This incident shows that La Salle did not have an appropriate process for communicating and reporting incidents in a timely manner to the officials who have the administrative responsibility for determining whether a timely warning should be issued.

#### **FAILURE TO MAINTAIN ACCURATE AND COMPLETE CRIME LOGS**

Institutions participating in the Title IV, HEA programs must maintain "a written, easily understood daily crime log" listing each crime, by the date it was reported, that occurred (1) on campus; (2) on a non-campus building or property; (3) on public property; or (4) within the campus police or security department's patrol area that it becomes aware of or is reported to it. 34 C.F.R. § 668.46(f). This reporting requirement applies to all categories of crime, not just those crimes listed in 34 C.F.R. § 668.46(c) (1) and (3). The log must include the nature, date, time, general location, and disposition of each offense.

La Salle failed to maintain an accurate and complete crime log as required by the Clery Act. Based on La Salle's response, we believe that it now properly documents the

disposition of any reported crimes in its crime log. La Salle has also amended its archived logs to reflect the revised 2004 statistics.

**REQUIRED POLICY STATEMENTS OMITTED OR INCOMPLETE**

Federal regulations require that institutions include policy statements in their CSR's. These disclosures are intended to fully inform the campus community about the institution's security policies and programs. The Department's regulations at 34 C.F.R. § 668.46(b)(4), specify that the institution's policy and procedures must include statements about the institution's campus crime policies, including:

- The law enforcement authority and practices of the institution's security personnel;
- Policies to encourage accurate and prompt reporting of all crimes to campus police and appropriate police agencies;
- Disclosure of alcohol and drug policies and educational programs;
- Disclosure of policies pertaining to sexual assault education, prevention and adjudication; and
- Notice to students that victims of sexual assault may change their academic or living arrangements.

La Salle failed to include certain required policy statements in its 2002 and 2003 CSR's. Specifically, the policy statements in those CSR's did not include: (1) required disclosures regarding the procedures for campus disciplinary actions in alleged sexual assaults; and (2) the required notification to students advising them of all the rights and protections under the Campus Sexual Assault Victims Bill of Rights. The CSR policy statements also did not provide a description of how crime statistics were compiled and did not state La Salle's policy on confidential incident reporting. In addition, the policy statements did not describe the alcohol and drug education programs offered by La Salle.

La Salle informed the Department that, after the 2004 internal audit, it revised the following policy statements:

- Assistance to victims with reporting crimes to the police;
- Policy statement regarding compilation of crime statistics;
- Statements regarding confidential reporting; and
- Description of alcohol and drug abuse programs.

The Department agrees that La Salle's revised policies since 2004 comply with the Department's regulations.

The Department recognizes that La Salle has initiated many corrective actions to improve its compliance with the Clery Act. However, these improvements do not diminish the seriousness of the violations that existed in the prior reporting periods. The Clery Act is intended to ensure that students, their families and institutional employees receive essential information that is accurate, complete, and timely so they can make informed decisions about their safety while on campus.

The Title IV statute and program regulations permit a fine of up to \$27,500 for each violation of any provision of Title IV or of any regulation or agreement implementing that title. 20 U.S.C. § 1094(c)(3)(B); 34 C.F.R. § 668.84(a). In determining the amount of a fine, the Department considers both the gravity of the offense and the size of the institution. 34 C.F.R. § 668.92. Pursuant to the Secretary's decision In the Matter of B'nai Arugath Habosem, Docket No. 92-131-ST (August 24, 1993), the size of an institution is based on whether it is above or below the median funding levels for the Title IV, HEA programs in which it participates.

In La Salle's case, the latest year for which complete funding data is available is the 2005-2006 award year. According to Department records, students enrolled at La Salle received \$2,638,241 in Federal Pell Grant funds; \$33,914,662 in Federal Family Education Loan (FFEL) funds; and \$2,658,342 in Campus-Based funds. The latest information available to the Department indicates that, for institutions participating in the Title IV programs, the 2005-06 median funding levels are \$809,374 for the Federal Pell Grant program; \$1,980,688 for the FFEL program, and \$284,848 for the Campus-Based programs. Accordingly, La Salle is not a small institution because its Federal Pell Grant, FFEL, and Campus-Based funding levels are all above the median.

As detailed in this letter, the violations involved here are serious and repeated, with severe harm to students and the campus community who must be able to rely on accurate reporting of crime statistics and disclosures of campus crime policies to take precautions for their safety and security. Moreover, the Department considers an institution's compliance with Clery Act requirements to be part of its administrative capability, and La Salle's failure to comply with those requirements constitutes an inability to administer properly Title IV programs.

After considering the gravity of the violations and the size of the institution, I have set the fine amount at \$110,000. I have assessed \$27,500 for failure to report and misreporting of specific incidents; \$27,500 for misrepresenting disciplinary referral statistics; \$27,500 for failure to provide timely warnings and to maintain an accurate and open crime log; and \$27,500 for failure to include required policy statements or inclusion of incomplete statements in its CSR's.

**The fine of \$110,000 will be imposed on November 16, 2007, unless we receive, by that date, a request for a hearing or written material indicating why the fine should**

Brother Michael J. McGinniss, FSC, Ph.D.  
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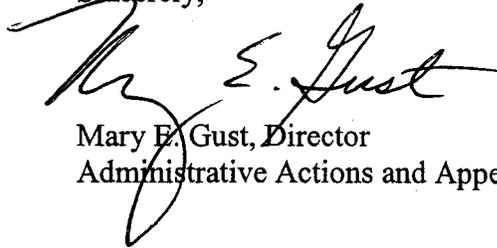
**not be imposed.** La Salle may submit both a written request for a hearing and written material indicating why a fine should not be imposed. If La Salle chooses to request a hearing or to submit written material, you must write to me, via the U.S. Postal Service or an express mail service, at the following address:

Administrative Actions and Appeals Division  
U. S. Department of Education  
Federal Student Aid  
Program Compliance/School Eligibility Channel  
830 First Street, NE, (Room 84F2)  
Washington, DC 20002-8019

If La Salle requests a hearing, my office will refer the case to the Office of Hearings and Appeals. That office will arrange for assignment of the case to an official, who will conduct an independent hearing. La Salle is entitled to be represented by counsel at the hearing and otherwise during the proceedings. If La Salle does not request a hearing, but submits written material instead, I shall consider that material and notify you of the amount of fine, if any, which will be imposed. **Any request for a hearing or written material that La Salle submits must be received by November 16, 2007; otherwise, the fine will be imposed on that date.**

If you have any questions or desire any additional explanation of La Salle's rights with respect to this action, please contact Bonnie Gibbons at (202)377-4284 or via e-mail at [Bonnie.Gibbons@ed.gov](mailto:Bonnie.Gibbons@ed.gov). Ms. Gibbons' facsimile transmission number is 202/275-5864.

Sincerely,



Mary E. Gust, Director  
Administrative Actions and Appeals Division

Enclosure



September 19, 2006

Brother Michael J. McGinniss, FSC, Ph.D.  
President  
La Salle University  
1900 West Olney Avenue  
Philadelphia, PA 19141-1199

**Certified Mail**  
**Return Receipt Requested**  
**7005 1160 0004 9625 0981**

**OPE ID: 00328700**  
**PRCN: 200530324635**

Dear President McGinniss:

This letter provides the U.S. Department of Education's (Department's) Final Program Review Determination (FPRD) regarding La Salle University's (La Salle; the University) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act; the Act) included in Section 485 of the Higher Education Act of 1965, as amended (HEA).

This FPRD is the result of a program review conducted by the Department's School Participation Team - Philadelphia (SPT). The SPT issued its program review report on January 25, 2006. La Salle submitted its response on April 12, 2006, which included a narrative explaining La Salle's position on the findings and 17 exhibits. The response focused on a number of corrective measures initiated since June 2004. The SPT has made final determinations on the findings in the program review report. These final determinations are based on a thorough analysis of La Salle's campus security policies and procedures; hardcopy incident reports; disciplinary referrals from calendar years 2001, 2002, and 2003; information from the University's internal audit in 2004; the results of interviews with current and former employees and students of La Salle and La Salle's response to the program review report and its exhibits. The original findings of the program review report are reported in depth in the January 25, 2006 program review report. To avoid the need to repeat the factual details included in that report, the program review report is incorporated into this FPRD by reference and is the Attachment to this letter. The issuance of this FPRD closes the Department's Clery Act review of La Salle. The final determinations reflected in this letter have not found that La Salle has any institutional liabilities relating to the misuse of federal funds. Therefore, the University may not appeal this Final Program Review Determination letter.

Due to the serious nature of the findings, we have referred this FPRD to the Department's Administrative Actions and Appeals Division (AAAD) for its consideration of possible administrative action against La Salle pursuant to 34 CFR Part 668, Subpart G. Such action may include a fine, or the limitation, suspension or termination of the institution's eligibility. If

**School Participation Team NE--Philadelphia**  
**The Wanamaker Building**  
**100 Penn Square East Suite 511**  
**Philadelphia, PA 19107-3323**

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AAAD initiates action, the institution will be notified under separate cover of that action. AAAD's notification will also include information regarding the institution's appeal rights and procedures on how to contest that action.

**A. FINDINGS AND PROGRAM DETERMINATIONS**

The original program review report findings are summarized below and include appropriate references and requirements. The Final Determination for each finding is detailed at the conclusion of the original text. The text of the program review report which is included in this letter is italicized.

**FINDING # 1: FAILURE TO REPORT AND MISCODING OF SPECIFIC INCIDENTS**

La Salle under-reported and miscoded campus crime statistics in its annual campus security reports (CSR) for 2001 and 2002. Incorrect statistics for calendar year 2001 were published in the University's 2002 and 2003 CSR's. Incorrect statistics for calendar year 2002 were published in the 2003 CSR. La Salle took no action to correct these errors until after June 2004 when it arranged for an internal audit of its campus crime statistics. That audit determined that the University had omitted and/or miscoded a number of incidents (as shown below). Corrected crime data for the 2001 and 2002 calendar years was not disclosed to students and employees until the 2004 CSR was distributed on or about October 1, 2004. La Salle's failure to correctly develop and maintain its crime statistics also resulted in incorrect information being reported to the Department in 2002 and 2003. As a result of these incorrect reports from the school, the Department reported incorrect information regarding crime at La Salle to the public.

Campus Security Report Incident Classification	La Salle University Original Statistics Reported	La Salle University Revised Statistics	% Increase/ (Decrease)
2001 Forcible Sexual Offense	0	2	
2001 Aggravated Assault	3	5	
2001 Burglary	17	37	
2001 Robbery	8	8	
2001 Motor Vehicle Theft	14	12	
2001 Arson	0	0	
2001 Totals	42	64	52.4%
2002 Forcible Sexual Offense	4	3	
2002 Aggravated Assault	1	5	
2002 Burglary	7	12	
2002 Robbery	12	10	
2002 Totals	24	30	25.0%
<i>The 2003 data originally included in the chart in the program review report has been removed in that it is not relevant to this final determination.</i>			

*The first column in the chart lists the data originally reported by La Salle on its Campus Security Reports. The second column reflects the revised data calculated by La Salle after an audit conducted under the supervision of La Salle's legal counsel and their consultant. The third column shows the percentage of change on the yearly totals from the original data reported by La Salle to the most recent data calculated.*

**REFERENCE:**

Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
20 USC § 1092 (f), as amended, Section 485 (f), Higher Education Act, as amended  
34 CFR § 668.46(b)-(c), General Provision Regulations  
Appendix E to Part 668 – Crime Definitions in Accordance With the Federal Bureau of  
Investigation's Uniform Crime Reporting Program

**REQUIREMENT:**

*Federal regulations at 34 CFR §668.46 (c)(1) require that participating institutions compile and publish for the three most recent calendar years accurate and complete campus crime statistics to inform current and prospective students and employees of important safety and security information. This Campus Security Report must include incidents of: homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. This report must also include a statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws. The institution's policies and procedures are required to be published and distributed to all current students and employees and made available to prospective students and employees. To comply with these requirements, all incidents of crime on campus, \*included in the categories listed above, that are reported to a campus security authority or law enforcement official must be included in the Campus Security Report and be properly coded according to the Uniform Crime Reporting (UCR) Systems definitions.*

**FINAL DETERMINATION – FINDING # 1**

The Department has concluded that La Salle originally published and distributed inaccurate crime statistics for calendar years 2001 and 2002. In its response to the program review report, La Salle conceded that its own internal audit confirmed that its original crime statistics that it reported to the Department and to its students and employees for those two years omitted and/or miscoded certain crimes. As a result, those reports were inaccurate. La Salle did not disclose the corrected data to students and employees until the CSR distributed on or about October 1, 2004, one to two years after the original incorrect data was distributed. As noted in the program review report, La Salle's original report miscoded crimes by incorrectly labeling one type of crime as another (such as reporting burglaries as thefts). The program review report also found that La Salle's under-reporting of crimes was mainly attributable to the failure of La Salle's staff to

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\* Denotes a correction to the original text

ensure that crimes were reported through proper channels so that an incident report is generated. The program review report also identified other administrative problems at La Salle that contributed to the issuance of the incorrect reports.

In its response, La Salle asserts: (1) that it was proactive in correcting the misreporting and should not be subject to sanctions by the Department; and (2) that the policy and procedural weaknesses identified in the program review report as contributing to the incorrect reporting of crime statistics in violation of the Clery Act and the Department's regulations were either not applicable to the violation and/or were not as severe as characterized.

However, La Salle's campus crime reported statistics clearly misrepresented the number of serious crimes on campus during the review period. La Salle's own 2004 internal audit identified a total of 28 additional crimes (including forcible sex offenses and aggravated assaults) that were not previously included in the crime statistics distributed to students, employees and the Department for 2001 and 2002. As noted in the program review report, we have determined that numerous policy, procedural, and operational weaknesses at La Salle contributed to the omissions and classification errors that caused this violation.

The Clery Act is first and foremost a consumer information law and institutions must ensure the accuracy of the data when it is presented to students and employees for their own personal safety. Students and employees must be able to rely on the institution's reported statistics. La Salle's correction of the crime statistics one or two years after the original issuance of the report does not excuse its earlier failure to comply with its legal obligations. The Department is pleased that La Salle has expanded its campus police patrol jurisdiction into the neighborhoods where its students travel and live and that additional foot and bicycle patrols and contract staff were brought on to support the existing security force. These are positive and proactive steps that were taken in response to the threat of crime against students, employees, and University property. However, the correction of violations does not diminish the seriousness of not correctly reporting these incidents at the time they occurred.

**FINDING #2: MISREPRESENTATION OF DISCIPLINARY REFERRAL STATISTICS**

La Salle failed to properly disclose the number of its liquor and drug law disciplinary referrals, which resulted in additional underreported crime statistics for the years 2001 and 2002 in its annual campus security reports (CSR). The chart below lists: (1) La Salle's originally reported statistics in each category; and (2) its revised statistics (according to the 2004 internal audit). La Salle's corrected crime statistics for the 2001 and 2002 calendar years were not disclosed to students and employees until the 2004 CSR was distributed on or about October 1, 2004. La Salle also failed to correctly report its crime statistics to the Department in 2002 and 2003, which resulted in incorrect information being provided to the public.

	Liquor Law Violations		Drug Law Violations	
	La Salle Originally Reported	La Salle Revised Statistics	La Salle Originally Reported	La Salle Revised Statistics
2001	19	29	19	5
2002	1*	87*	1	2
2003	68*	N/A	3	N/A

The chart illustrates reporting errors identified by comparing La Salle's initial and revised statistics. The Department of Education's determinations based on a review of incident reports and disciplinary files originally included in the chart in the program review report have been removed in that they are not relevant to this final determination.

\* Denotes a correction to the original text due to a typographical error as discussed with La Salle representatives.

**REFERENCE:**

Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
 20 USC § 1092(f), as amended,  
 Section 485 (f), Higher Education Act, as amended,  
 34 CFR § 668.46(c)(9), General Provision Regulations

**REQUIREMENT:**

Federal regulations at 34 CFR §668.46 (c)(1) require that participating institutions compile and publish accurate and complete campus crime statistics. To comply with these requirements, it is essential that institutions have established open lines of communication and appropriate mechanisms to coordinate information and statistics from all appropriate internal and external sources.

**FINAL DETERMINATION – FINDING # 2**

La Salle admits that liquor and drug law violations were omitted from their published crime statistics for years 2001 and 2002 and made certain corrections after the internal audit in 2004. In addition, in its response to the program review report, La Salle acknowledged that there were additional liquor and drug law violation referral cases that should have been included in its "revised" statistics (those distributed after the 2004 internal audit in the October 2004 CSR). See La Salle's Response, p. 20. The University provided no detail as to how many additional corrections are needed to their revised 2001 and 2002 statistics, or the original 2003 statistics in its 2004 CSR. La Salle argues that the finding is incorrect and reflects the Department's alleged failure to understand the University's disciplinary system. La Salle further suggests that the

Department's failure to understand its system led to a "presumption of inclusion" and caused the reviewers to label many infractions of campus conduct rules as violations of law and to include cases where the facts documented in the incident report were ambiguous. La Salle also argues that it was proactive in correcting the misreporting and that sanctions should not be imposed and that the policy and procedure weaknesses identified as contributing to the violation were either not applicable to the violation and/or were not as severe as characterized.

As detailed in the program review report, La Salle originally reported 19 LLVs for 2001 and only one LLV for 2002. After the 2004 revisions, La Salle changed these statistics to 29 and 87 respectively.

Similarly, under the heading "Referrals for Drug Law Violations," on page 22 of its response La Salle "concede[s] that several cases should have been included but were inadvertently omitted" from the 2004 CSR. The program review report documented that La Salle originally reported nine DLV's for 2001 and one DLV for 2002. After the 2004 revisions, La Salle changed these statistics to five and two respectively.

La Salle's admission that additional errors exist in its 2004 revisions to its crime statistics raises questions about the University's coding of campus security violations for Clery Act purposes. It is important that security officers that are trained to identify and interdict crimes that are alcohol and drug related are properly documenting the facts as they relate to violations of state laws. The Department also urges La Salle to separately code each incident for Clery purposes and then in accordance with all other reporting requirements.

The Department is pleased that La Salle has established a more formal protocol for counting disciplinary referrals for liquor law violations. We are available to work with the institution as it continues to develop and implement all necessary corrective actions to address the policy, procedural, and operational factors that contributed to this violation.

**FINDING # 3: FAILURE TO PROVIDE TIMELY WARNINGS OR TO MAINTAIN  
OPEN CRIME LOGS**

Finding #3 cited the University for its failure to issue "timely warnings" of threats to the safety and security of the campus community for two sexual assault incidents. The program review also determined that the University does not have an adequate policy on the issuance of such warnings. In addition, the finding cited the University for failure to maintain an accurate and complete crime log as required by federal regulations.

**REFERENCE:**

*Disclosure of Campus Security Policy and Campus Crimes Statistics Act,  
20 USC § 1092 (f), as amended,  
Section 485 (f), Higher Education Act, as amended  
34 CFR § 668.46 (b)(i), (e), and (f), General Provision Regulations*

### **REQUIREMENT:**

*For crime prevention purposes [34 CFR §668.46(e)], participating institutions must timely report to the campus community warnings on the following crimes:*

- *Homicide, Sex offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Arrests for Liquor and Drug Law Violations, and Arrests for Illegal Weapons Possession;*
- *Reported Hate Crimes;*
- *Other Crimes Reported to Campus Security Authorities Under the Institution's Policy; and*
- *Crimes Considered as a Threat to Students and Employees.*

*The Act also requires that the University's policies and procedures be published in the Campus Security Report and include policies for issuing these timely warnings. It is essential that the University provide these timely warnings as frequently and systematically as needed to provide the most accurate and complete consumer information possible in the interest of the safety and well being of the campus community.*

*Additionally, participating institutions must maintain "a written, easily understood daily crime log" listing all crimes, by the date it was reported, that occurred 1) on campus; 2) on a non-campus building or property; 3) on public property; or 4) within the campus police or security department's patrol area that it becomes aware of or is reported to it [34 CFR § 668.46 (f)]. This reporting requirement applies to all categories of crime not merely those crimes listed in 34 CFR §668.46 (c)(1) and (3). The log must include the nature, date, time, general location, and disposition of each offense.*

### **FINAL DETERMINATION – FINDING #3**

La Salle disagrees with this finding. The University contends that the Clery Act does not prescribe how a timely warning should be considered, or who should be involved in making that determination. The University claims that its process is reasonable, has proven to be effective, and is consistent with the Clery Act. With respect to the April 2003 and the June 24, 2004 sexual assault cases in particular the University states that "based on what was known by the head basketball coaches in 2003 and by other University officials in 2004, no timely warning was needed about the alleged April 2003 sexual assault." The University argues that it acted swiftly to eliminate any possible threat to the community by placing both of the accused students on interim suspension and therefore, no warning was needed. The University did inform the campus community about the June 24, 2004 incident on June 28, 2004.

We acknowledge that the Clery Act and the Department's regulations do not provide a specific definition for when a warning is "timely". However, it is clear that the warning should be issued as soon as pertinent information is available to alert the campus community of potential threats and thereby enabling the community to protect themselves and assist in preventing similar

crimes. The Department does not agree that suspending the students achieves this requirement. The potential of a serious threat continued and should have been disseminated to the campus community.

We also note that La Salle concedes that there was never an official consideration of whether to issue a warning in regard to the April 2003 sexual assault because the institution's basketball coaches failed to inform the school officials responsible for such warnings of the assault allegations they received. Thus, the University did not follow its established procedures for considering such warnings in violation of the requirements of the Clery Act.

Finding #3 also cites the University for failing to maintain an accurate and complete crime log as required by the Clery Act. Based on La Salle's response we believe that the University now properly documents the disposition of any reported crimes in its crime log. We are also satisfied that La Salle has amended its archived logs to reflect the revised 2004 statistics.

However, the Department remains concerned that there are still weaknesses in the University's process for communicating and reporting incidents in a timely manner to the officials who have the administrative responsibility for determining whether a timely warning should be issued. We are available to work with the University to assist in developing procedures that can help improve operational factors that contributed to this violation.

#### **FINDING # 4: REQUIRED POLICY STATEMENTS OMITTED OR INCOMPLETE**

La Salle was cited for its failure to include certain required policy statements in its Campus Security Reports. The review team noted specific policy deficiencies including the lack of a required notification to students advising them of all of their rights and protections provided under the Clery provisions referred to as the Campus Sexual Assault Victims Bill of Rights (CSAVBR).

#### **REFERENCE:**

*Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
20 USC § 1092(f), as amended,  
Section 485 (f), Higher Education Act of 1965, as amended  
20 U.S.C. §1011i, Section of 120 of the Higher Education Act, as amended  
34 CFR § 668.46 (b)(11) and (b)(4)(iii), General Provision Regulations*

#### **REQUIREMENT:**

*Federal regulations at 34 CFR §668.46 (b) (2) through (11) require that institutions include policy statements in their Campus Security Reports. These disclosures are intended to more fully inform the campus community about the institution's security policies and programs. In general, the institution's policy and procedures must include:*

- *The law enforcement authority and practices of the institution's police or security force;*
- *Reporting procedures for students and employees, and policies that governs the preparation of the incident report itself;*
- *Disclosure of alcohol and drug policies and educational programs;*
- *Disclosure of policies pertaining to sexual assault education, prevention and adjudication; and*
- *Notice to students that victims of sexual assault may change their academic or living arrangements.*

#### **FINAL DETERMINATION – FINDING #4**

Finding #4 of the program review report cited the University for its failure to include certain required policy statements in its 2002 and 2003 Campus Security Reports. Specifically, the policy statements in those reports did not include: (1) certain required disclosures regarding the procedures for campus disciplinary actions in alleged sexual assaults; and (2) the required notification to students advising them of all the rights and protections under CSAVBR. The Campus Security Report policy statements did not provide a description of how crime statistics were compiled and did not state the University's policy on confidential incident reporting. In addition the policy statements did not describe the alcohol and drug education programs offered by the University.

In its response, the University informed the Department that, after the 2004 internal audit, it revised the following policies:

- Assistance to Victims with Reporting Crimes to the Police
- Policy Statement Regarding Compilation of Crime Statistics
- Statements Regarding Confidential Reporting
- Description of Alcohol and Drug Abuse Programs.

Based on a review of the University's response the Department agrees that the institution's revised policies since 2004 comply with the Department's regulations.

The Department recognizes that La Salle has initiated many corrective actions to improve its compliance with the Clery Act; however, these improvements do not diminish the seriousness of the violations that existed in the prior reporting periods. The Clery Act is intended to ensure that students, their families and institutional employees receive essential information that is accurate, complete, and timely so they can make informed decisions about their safety while on campus.

**Brother Michael J. McGinniss, FSC, Ph.D.**  
**President**  
**La Salle University**  
**Campus Security FPRD – Page # 10**

In conclusion, the University is once again advised to take all necessary actions to ensure these violations do not recur. Furthermore, the University is advised that repeat findings in future program reviews or the failure to satisfactorily resolve the violations of this program review could result in additional adverse administrative action pursuant to 34 CFR Part 668, Subpart G, which may include a fine or the limitation, suspension, or termination of the institution's eligibility.

The University also is reminded that all pertinent program records relating to the period covered by this program review are subject to the normal record retention requirements outlined at 34 CFR § 668.24(e).

The Philadelphia SPT will continue to work with the University to ensure that the serious violations identified throughout the program review process are corrected. If you have any questions, please contact Mr. James L. Moore, III on (215) 656-6495 or Mr. Donald I. Tatum on (215) 656-6467.

Sincerely,



John S. Loreng  
Team Leader

**Attachment**

cc: Scott A. Coffina, Esquire, Counsel to the University  
Ms. Jean Avnet Morse, Executive Director, Middle States Association  
Ms. Cindy Davis, Manager, Program Review, AES/PHEAA



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January 25, 2006

Brother Michael J. McGinniss, FSC, Ph.D.  
President  
La Salle University  
1900 West Olney Avenue  
Philadelphia, PA 19141-1199

Federal Express Mail  
7926-4059-1877

OPE ID: 00328700  
PRCN: 200530324635

Dear President McGinniss:

Beginning May 17 and continuing until August 26, 2005, Mr. James Moore and Mr. Donald Tantum, Senior Institutional Review Specialists, conducted a program review focusing on La Salle University's (La Salle; the University) compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act; the Act). The findings of the review are presented in the enclosed report.

Our review disclosed several weaknesses in the University's campus security operations in general and its approach to the Act in particular. This program review report contains specific findings of non-compliance. These findings are referenced to the applicable Federal laws and regulations. Please review and provide a substantive response to each finding. The University's response must state with particularity the causes for the finding, and describe any steps already taken by the University to correct these findings. Your response should be sent directly to this office, to the attention of Mr. James Moore within 75 days of the date of this letter.

The Department will review the University's response to this draft report and issue a final report. The final report will explain what actions the University must take to comply with the Clery Act and the Higher Education Act of 1965, as amended. In addition, the Department will review the University's response to determine if any sanctions are appropriate. If the Department determines that

Philadelphia Team  
The Wanamaker Building | 100 Penn Square East | Suite 511 | Philadelphia, PA 19107  
(215) 656-6442 Main | (215) 656-6499 Fax

[www.federalstudentaid.ed.gov](http://www.federalstudentaid.ed.gov)  
1-800-4-FED-AID

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**Br. Michael J. McGinniss, FSC, Ph.D., President**  
**La Salle University**  
**Campus Security Program Review Report – Page 2**

sanctions are appropriate, it will provide the University with a separate notice and opportunity to appeal.

I would like to express my appreciation for the courtesy and cooperation extended during our site visit. If you have any questions regarding this report, please call the Philadelphia School Participation Team at (215) 656-6442. Your continued cooperation throughout the program review process is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "John S. Loreng". The signature is written in dark ink and is positioned to the right of the typed name.

John S. Loreng  
Team Leader

Enclosure

cc: Ms. Rose Lee Pauline, Asst. VP, Business Affairs and Affirmative Action  
Mr. Joseph J. Cicala, Ph.D., Dean of Students  
Mr. Arthur Grover, Director of Public Safety  
Mr. Allan B. Wendell, Assoc. Dean of Students  
Mr. Mark Badstubner, Asst. Director/ Community Development  
Ms. Cindy Davis, Manager, Program Review, PHEAA  
Middle States Association of Colleges and Schools - CHE

**Institutional Review Data Sheet  
La Salle University**

**Date of Review:** May 17-August 26, 2005

**Years Reviewed:** 2001, 2002, and 2003

**OPE-ID Number:** 00328700

**TIN:** 231352654

**Type and Control:** Private, Non-Profit

**Accreditation:** Middle States Association of Colleges and Schools  
- Commission on Higher Education

**Reviewing ED Officials:** James Moore  
Donald Tantum

**Title IV Funding (Total):** \$31,530,149 (2003-2004 Award Year)

**Selected Institutional Officials Contacted/Interviewed:**

Br. Michael J. McGinniss, FSC, Ph.D., President  
Ms. Rose Lee Pauline, Asst. VP, Business Affairs and Affirmative Action  
Mr. Joseph J. Cicala, Ph.D., Dean of Students  
Mr. Arthur Grover, Director of Public Safety  
Mr. Anthony Morinelli, Investigations, Department of Public Safety  
Mr. Franklin Wiedmann, Patrol Manager  
Mr. Allan B. Wendell, Assoc. Dean of Students  
Mr. Mark Badstubner, Asst. Director/ Community Development  
Mr. David Fleming, VP, Business Affairs and Treasurer

## INTRODUCTION

### A. THE UNIVERSITY

Founded in 1863 by the Christian Brothers teaching order established by St. John Baptist de La Salle, La Salle is a private, non-profit postsecondary institution. Currently, La Salle enrolls approximately 6,221 students from 37 states and 42 foreign countries. The University is organized into three schools (Arts and Sciences, Business, and Nursing) offering 47 undergraduate majors. Situated on 100 acres in North Philadelphia, the main campus is comprised of 54 buildings.

### B. SCOPE OF REVIEW

A program review was conducted between May 17, 2005 and August 26, 2005. The purpose of the program review was to examine the institution's compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Clery Act), set forth at §485(f) of the Higher Education Act of 1965, as amended (the HEA). Specifically, the objective was to determine the accuracy and completeness of campus crime statistics reported under the Clery Act for selected incident categories and La Salle's compliance with policy disclosure requirements in calendar years 2001, 2002, and 2003 as published in the University's Campus Security Reports. The program review team examined the institution's records related to campus security including incident reports maintained by the Office of Security and Safety and the Office of Community Development/Student Affairs, which also includes the Office of Residence Life. In addition, a significant amount of documentation was requested and reviewed from many other functional areas including the athletic department, business office, counseling department, real estate office, and various student organizations.

Approximately 10,000 campus security incident reports were provided for our review. These included hard copy incident reports, which were generated for many reasons other than to document criminal activity (e.g., maintenance issues.) In addition, the Student Affairs Office provided information regarding approximately 3,000 campus judicial actions initiated during the review period; hardcopy reports of these actions were requested on a sample basis and for specific types of violations.

We were advised that the Office of Security and Safety and the Office of Community Development/Student Affairs would be the primary source for substantially all records and information. The University indicated that no other security, investigative, or judicial activities were or are performed by any other University office or official. Therefore, even though the University contracts with a private security company to provide additional routine patrol support and for special events, and that company utilizes La Salle incident reports and submits them to the Department of Security and Safety, we did not request any information or records from the contractor. However, certain summary data regarding crime in the 14<sup>th</sup> and 35<sup>th</sup> Philadelphia police district were requested and reviewed (See Appendix A).

In addition, we relied on information from approximately 27 interviews of mostly current or former University employees. These interviews helped the case team obtain a more complete picture of institutional policies and practices related to campus security and Clery compliance.

During the review, several areas of non-compliance were identified. Once the University's response to this report is received, we will issue final determinations on any violations of applicable laws.

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in this report regarding the University's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, nothing in this report shall relieve the University of its obligation to comply with all statutory and regulatory provisions governing the Title IV Programs.

**C. FINDINGS AND REQUIREMENTS**

**FINDING # 1: FAILURE TO REPORT AND MISCODING OF SPECIFIC INCIDENTS**

The University failed to report all required incidents in its Campus Security Reports for the years under review, 2001, 2002 and 2003.

Campus Security Report Incident Description	Statutory Requirements	Reported Incidents	Differences (Underreported)
<b>2001 Forcible Sexual Offense</b>	0	2	
<b>2001 Aggravated Assault</b>	3	5	
<b>2001 Burglary</b>	17	37	
<b>2001 Robbery</b>	8	8	
<b>2001 Motor Vehicle Theft</b>	14	12	
<b>2001 Arson</b>	0	0	
<b>2002 Forcible Sexual Offense</b>	4	3	
<b>2002 Aggravated Assault</b>	1	5	
<b>2002 Burglary</b>	7	12	
<b>2002 Robbery</b>	12	10	
<b>2003 Aggravated Assault</b>	7	N/A	
<b>2003 Burglary</b>	16	N/A	
<b>2003 Robbery</b>	16	N/A	

The first column in the chart lists the data originally reported by La Salle on its Campus Security Reports. The second column reflects the revised data calculated by La Salle after an audit conducted under the supervision of La Salle's legal counsel and their consultant. The third column shows the percentage of change on the yearly totals from the original data reported by La Salle to the most recent data calculated.

The record keeping systems used by the Offices of Security and Safety and Community Development/Student Affairs makes it difficult to determine which incidents were used to arrive at the statistics in certain Clery categories and which incidents were omitted. This information is necessary to properly identify unreported and under-reported incidents.

An unreported incident is an incident that is reported to a campus security authority but is not documented and captured in the statistics. An under-reported incident is usually from a miscoding of the incident, which is also a violation.

The factors contributing to the reporting violations outlined above include:

- Poorly Written and/or Incomplete Incident Reports;
- No Systematic Compilation or Maintenance of Incident Reports and other records;
- Inclusion of Categories of Crime, such as Larcenies, not Required by the Act;
- Security Staff not Properly Trained;
- Lack of Proper Administrative Oversight;
- Improper coding of incidents resulting in inaccurate numbers for certain crime categories; and
- Failure to coordinate information from all sources.

#### **REFERENCE:**

Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
20 USC § 1092 (f), as amended, Section 485 (f), Higher Education Act, as amended  
34 CFR § 668.46(b)-(c), General Provision Regulations  
Appendix E to Part 668 – Crime Definitions in Accordance With the Federal Bureau of  
Investigation's Uniform Crime Reporting Program

#### **REQUIREMENT:**

Federal regulations at 34 CFR §668.46 (c)(1) require that participating institutions compile and publish for the three most recent calendar years accurate and complete campus crime statistics to inform current and prospective students and employees of important safety and security information. This Campus Security Report must include incidents of: homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. This report must also include a statistical disclosure of arrests and disciplinary actions related to violation of Federal or state drug, liquor, and weapons laws. The institution's policies and procedures are required to be published and distributed to all current students and employees and made available to prospective students and employees. To comply with these requirements, all incidents of crime on campus reported to a campus security authority or law enforcement official must be included

in the Campus Security Report and be properly coded according to the Uniform Crime Reporting (UCR) Systems definitions.

In our Final Program Review Determination letter, this office will advise the University of actions that may be required as a result of this violation.

**FINDING #2: MISREPRESENTATION OF DISCIPLINARY REFERRAL STATISTICS**

Disciplinary referral statistics were materially misrepresented in La Salle's Campus Security Reports due to the omission of Judicial Board referral data. According to La Salle's Lead Security Investigator, the only sources for statistics are incident reports from the Office of Security and Safety and the Community Development/Student Affairs Office. However, many other University offices and officials (such as employees in the Office of Resident Life) receive information that should be included in La Salle's Campus Security Report.

There were inadequate procedures for communication and coordination between the Office of Security and Safety and the Office of Community Development/Student Affairs during the review period. The weaknesses identified include the following:

- There was no standardized protocol for advising Security of incidents occurring in resident halls. Resident life staff were left to determine if Security involvement was needed on an ad hoc basis.
- There was significant lag time between the generation of a Community Development - Student Affairs incident report and the delivery of that report to the Department of Security. A delay of 30 days or more was standard during the review period.
- The relevant offices had no standardized report writing, coding, or control numbering systems in place during the review period. As a result, numerous accounts of the same event were frequently generated that could not be easily cross-referenced or otherwise linked to prevent contradictory accounts and duplicate counting of the same incidents. Our review disclosed that Security generally relied on Uniform Crime Reporting criteria while Community Development/Student Affairs relied on the standards in their conduct code.

Therefore, the University failed to compile and publish accurate and complete statistics regarding persons referred to the campus judicial system as a result of violations of Federal and State laws and University policies. The following chart illustrates reporting errors identified by comparing the University's referral statistics to a sample of incident reports and judicial files that resulted in or should have resulted in a disciplinary response based on available information:

	La Salle Originally Reported	La Salle Revised Statistics	Department of Education Determination	La Salle Originally Reported	La Salle Revised Statistics	Department of Education Determination
2002	19	29	101	9	5	15
2003	0	1	95	1	2	4
2004	0	N/A	91	3	N/A	16

The chart illustrates reporting errors identified by comparing La Salle's initial and revised statistics to samples reviewed by the Department consisting of incident reports and disciplinary files that resulted in or should have resulted in disciplinary measures.

In response to the high volume of cases heard by judicial boards at postsecondary institutions, the 1998 Amendments to the Higher Education Act added judicial referrals as a required reporting category. La Salle's Community Development/Student Affairs Office adjudicates approximately 1,000 such cases each academic year. For example, in the 2002-03 academic year, 1,001 such cases involving 1,096 separate incidents were handled through the disciplinary process. Violations of the University's alcohol policies usually account for more than half of all violations each year. No disciplinary referrals for liquor law violations were disclosed for calendar year 2002 in the original version of the Campus Security Report. Please see Appendix B for more information regarding the number of disciplinary cases at La Salle.

**REFERENCE:**

Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
 20 USC § 1092(f), as amended,  
 Section 485 (f), Higher Education Act, as amended,  
 34 CFR § 668.46(c)(9), General Provision Regulations

**REQUIREMENT:**

As previously stated, Federal regulations at 34 CFR §668.46 (c)(1) require that participating institutions compile and publish accurate and complete campus crime statistics. To comply with these requirements, it is essential that institutions have established open lines of communication and appropriate mechanisms to coordinate information and statistics from all appropriate internal and external sources.

In our Final Program Review Determination Letter, this office will advise the University of actions that may be required as a result of this violation.

**FINDING # 3: FAILURE TO PROVIDE TIMELY WARNINGS OR TO MAINTAIN OPEN CRIME LOGS**

For the years under review, the University did not issue timely warnings regarding serious or on-going threats to the safety and security of the campus community.

Two incidents of alleged sexual assault during 2003 and 2004 are examples of this violation in that timely warnings to the campus community would have been appropriate but were not provided.

- In April 2003, a female student enrolled at La Salle reported to one or two basketball coaches that she had awakened in her room to find a male student sexually assaulting her. However, the staff of La Salle's athletic department did not report the incident to appropriate officials, and thus no warnings were issued.
- In mid-2004, a second female employed by La Salle as a summer basketball camp counselor reported to a basketball coach that she was sexually assaulted while she was under the influence of alcohol on La Salle's grounds by two members of the men's basketball team. The staff members of La Salle's athletic department did not report the incident to appropriate officials and thus no warnings were issued.

Copies were requested of all warnings prepared and distributed to University students and employees during the review period based on this requirement. The documentation demonstrated that many serious incidents reported to campus security authorities, including those involving major crimes against persons and property, did not result in a required warning. Moreover, many of the warnings submitted for review were in the form of "Crime Bulletins" that were distributed solely to security officers during roll call as opposed to campus-wide announcements as required by the Clery Act. The institution's incident reports detailed serious crimes against persons and property including assaults, burglaries, robberies, and indecent exposures. In many cases, there were offenses reported involving multiple victims in a single geographical area or during a particular time period that would also require a warning to be distributed. Announcements to be aware of such offenses and guidance on what to do if confronted with these types of offenders are required.

Through our analysis of Campus Security Reports and interviews, we also determined that the University does not have an adequate policy on the issuance of these warnings as required by the Act. The decision to issue a warning is made by a small group of senior officials including, but not limited to, the Dean of Students, the Director of Communications, and the Director of Security and Safety. This ad hoc group meets on an as-needed basis. However, it is not entirely clear what factors are considered or what drives the decision-making process. All recent versions of the University's Campus Security Reports includes the following language,

"In instances when crimes occur that may endanger members of the University community, the department publishes and distributes bulletins and e-mail notifications.

The purpose of these notices is to alert the community to serious events so that they may take appropriate precautions.”

This policy statement is vague in that it does not describe the types of events or incidents that warrant such a warning.

The University also failed to maintain an accurate and complete crime log in accordance with the Federal regulations. The crime log entries are reviewed and coded by University officials and placed into a database to generate reports. The review team acquired and reviewed a copy of the approximately 174 log entries for the review period and determined that incidents were underreported and required information not included. For example, in the crime log, only one incident lists the disposition of the case. Approximately 173 criminal offenses (not including the arrests and disciplinary referrals for liquor, drug, and weapons offenses) were included in the institution's Campus Security Reports during 2001, 2002, and 2003. The University was required to include log entries for all criminal incidents, arrests and referral cases. The University is located in an area with a relatively high crime rate however; the majority of logged incidents were in the theft category. A smaller number of assaults, burglaries, and sex offenses were also included. As a result of La Salle's internal audit during the Summer of 2004, a total of 65 burglaries were disclosed in the 2004 Campus Security Report. However, during each of the years under review, only 20 burglaries are listed and no adjustments or clarifying entries were made to the crime log. The Department believes these reported figures are inaccurate.

It is essential that the University provide these warnings frequently and in a systematic manner to provide the most accurate and complete consumer information possible in the interest of the safety and well being of the campus community.

#### **REFERENCE:**

Disclosure of Campus Security Policy and Campus Crimes Statistics Act,  
20 USC § 1092 (f), as amended,  
Section 485 (f), Higher Education Act, as amended  
34 CFR § 668.46 (b)(i), (e), and (f), General Provision-Regulations

#### **REQUIREMENT:**

For crime prevention purposes [34 CFR §668.46(e)], participating institutions must timely report to the campus community warnings on the following crimes:

- Homicide, Sex offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Arrests for Liquor and Drug Law Violations, and Arrests for Illegal Weapons Possession;
- Reported Hate Crimes;

- Other Crimes Reported to Campus Security Authorities Under the Institution's Policy;  
and
- Crimes Considered as a Threat to Students and Employees.

The Act also requires that the University's policies and procedures be published in the Campus Security Report and include policies for issuing these timely warnings. It is essential that the University provide these timely warnings as frequently and systematically as needed to provide the most accurate and complete consumer information possible in the interest of the safety and well being of the campus community.

Additionally, participating institutions must maintain "a written, easily understood daily crime log" listing all crimes, by the date it was reported, that occurred 1) on campus; 2) on a non-campus building or property; 3) on public property; or 4) within the campus police or security department's patrol area that it becomes aware of or is reported to it [34 CFR § 668.46 (f)]. This reporting requirement applies to all categories of crime not merely those crimes listed in 34 CFR §668.46 (c)(1) and (3). The log must include the nature, date, time, general location, and disposition of each offense. Therefore, the University must establish policies and procedures to ensure that the crime log is updated in an accurate and complete manner and available for review upon request.

In response to this finding, the University must provide copies of all warnings that were issued to students and employees regarding any of the on-campus incidents disclosed in the University's 2004 Campus Security Report. The Department will conduct a thorough review of timely warnings and of the crime log.

In our Final Program Review Determination letter, this office will advise the University of actions that may be required as a result of this violation.

#### **FINDING # 4: REQUIRED POLICY STATEMENTS OMITTED OR INCOMPLETE**

La Salle failed to include certain required policy statements in its Campus Security Reports which are intended to enable students and parents to make informed decisions and to be aware of available resources and recourse in the event of certain crimes. Specifically, the Policy did not contain the disclosure regarding procedures for campus disciplinary action in alleged sexual assault cases.

The review team noted specific policy deficiencies including the lack of a required notification to students advising them of all of the rights and protections provided under the Clery provisions referred to as the Campus Sexual Assault Victims Bill of Rights (CSAVBR) as set forth in §485(f)(8) of the HEA and 34 C.F.R. 668.46(b)(11). For example, the University's Campus Security Report does not include a clear statement that institutional personnel will assist the student in notifying appropriate law enforcement authorities in the event of certain crimes. Even though in a separate section, the Report does reference that security officers will provide various assistance, the law requires this disclosure as part of the CSAVBR to emphasize the importance

of timely and meaningful assistance in sexual assault cases. Therefore, this policy statement does not provide the type of actual notice contemplated by 34 CFR §668.46 (b)(11)(iii).

We also note that the Campus Security Report did not include a policy statement detailing how crime statistics were compiled for the years under review. Additionally, the reports lacked any policy discussion of any confidential incident reporting schemes or the institution's position regarding voluntary statistics-only reporting by professional or pastoral counselors as required by 34 CFR §668.46(b)(4)(iii). Finally, the Campus Security Report does not describe alcohol and drug-abuse education programs offered in compliance with the HEA under section 120 (a) and (b).

**REFERENCE:**

Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
20 USC § 1092(f), as amended,  
Section 485 (f), Higher Education Act of 1965, as amended  
20 U.S.C. §1011i, Section of 120 of the Higher Education Act, as amended  
34 CFR § 668.46 (b)(11) and (b)(4)(iii), General Provision Regulations

**REQUIREMENT:**

Federal regulations at 34 CFR §668.46 (b) (2) through (11) require that institutions include policy statements in their Campus Security Reports. These disclosures are intended to more fully inform the campus community about the institution's security policies and programs. In general, the institution's policy and procedures must include:

- The law enforcement authority and practices of the institution's police or security force;
- Reporting procedures for students and employees, and policies that governs the preparation of the incident report itself;
- Disclosure of alcohol and drug policies and educational programs;
- Disclosure of policies pertaining to sexual assault education, prevention and adjudication;  
and
- Notice to students that victims of sexual assault may change their academic or living arrangements.

In our Final Program Review Determination letter, this office will advise the University of actions that may be required as a result of this violation.

#### **D. REQUIRED ACTIONS**

The University must address the findings identified in this program review report. This can include challenging our findings and/or offering additional information. The University must conduct an institutional self-study of its Clery Act compliance in previous years. The University's response is due within 75 days from the receipt of this program review report.

The University must conduct a comprehensive review of its campus security policies and procedures with specific attention to the coding of incidents, the collection and compilation of data, and the production of the annual Campus Security Report. Then, the University must prepare a detailed report of its findings.

- This assessment must describe the method by which the 2003 Campus Security Report was produced and distributed. Secondly, the assessment must specify what changes, if any, were implemented with regard to the compilation of statistics for and production of the 2004 and 2005 Campus Security Reports respectively.
- The report must detail any relevant personnel, policy and procedural changes implemented subsequent to the 2005 Campus Security Report or any proposed changes that may affect the compilation of statistics or the production of future reports. Please be as precise in your descriptions and explanations as possible.
- The following items should guide your responses:
  - a. What was the stated policy in place at the time;
  - b. What actions/inactions were actually carried out notwithstanding that policy, based on the current examination;
  - c. Who was responsible for carrying out the function, and who was responsible for supervising that function (please do not include employee's names, use positions only);
  - d. Why did the violation or weakness occur;
  - e. What procedural changes were/will be made to ensure that this violation did/does not recur;
  - f. What specific policy changes were/will be made to address this condition; and
  - g. Who will be responsible for carrying out these new policies and procedures?

Adequate responses must be given with regard to each finding as well as any additional violations or weaknesses that are identified in your comprehensive review.

Since June 2004, we do note that the University has already implemented some corrective actions to improve these deficiencies, as follows:

- Commissioned for an internal investigation and campus security audit to identify its weaknesses.
- Improved lighting for walkways and parking lots was added;
- Installed additional security cameras and surveillance equipment;
- Utilized contract security patrols to assist the campus force; and
- Established a plan to offer new training programs in a number of mission-critical areas to include report writing.

In the Final Program Review Determination letter, this office will advise the University of any additional actions it must take to close the program review. Additionally, we will notify the University of any other actions that will be required as a result of the non-compliance identified in this report.

A copy of all documents and/or records produced to respond to this report must be submitted as part of the University's response to this program review report. Any exceptions must be discussed with the review team.

As part of the Final Program Review Determination letter, the University will be required to prepare and distribute a supplemental Campus Security Report disclosing revised policies and statistics for calendar years 2001, 2002, 2003, and 2004.

**PART ONE OFFENSES**  
**35TH DISTRICT "I" AND "M" SECTORS**  
**14TH DISTRICT "F" AND "Z" SECTORS**  
**2001, 2002, 2003**

35TH DISTRICT		2001	
CLASSIFICATION	M	I	TOTAL
MURDER	2	0	2
RAPE	5	7	12
ROBBERY	15	54	69
AGG/ ASSAULT	37	63	100
BURGLARY	51	57	108
THEFT	205	106	311
VEHICLE THEFT	58	99	157
TOTAL	438	323	761

14TH DISTRICT		2001	
CLASSIFICATION	F	Z	TOTAL
MURDER	3	1	4
RAPE	1	2	3
ROBBERY	19	13	32
AGG/ ASSAULT	32	25	57
BURGLARY	20	29	49
THEFT	50	36	86
VEHICLE THEFT	28	22	48
TOTAL	151	128	279

35TH DISTRICT		2002	
CLASSIFICATION	M	I	TOTAL
MURDER	2	0	2
RAPE	5	5	10
ROBBERY	15	63	78
AGG/ ASSAULT	45	48	93
BURGLARY	38	69	107
THEFT	137	136	273
VEHICLE THEFT	77	61	138
TOTAL	352	349	701

14TH DISTRICT		2002	
CLASSIFICATION	F	Z	TOTAL
MURDER	0	0	0
RAPE	1	3	4
ROBBERY	22	10	34
AGG/ ASSAULT	27	19	46
BURGLARY	19	26	45
THEFT	42	43	85
VEHICLE THEFT	24	26	49
TOTAL	144	127	271

35TH DISTRICT		2003	
CLASSIFICATION	M	I	TOTAL
MURDER	4	0	4
RAPE	4	9	13
ROBBERY	35	76	111
AGG/ ASSAULT	47	41	88
BURGLARY	60	39	99
THEFT	315	97	412
VEHICLE THEFT	79	52	131
TOTAL	535	301	836

14TH DISTRICT		2002	
CLASSIFICATION	F	Z	TOTAL
MURDER	1	1	2
RAPE	7	3	10
ROBBERY	22	9	31
AGG/ ASSAULT	22	17	39
BURGLARY	21	23	44
THEFT	49	35	84
VEHICLE THEFT	12	16	28
TOTAL	130	108	238

**APPENDIX A**

La Salle University Campus Security  
 Program Review  
 Philadelphia Police Department  
 14<sup>th</sup> and 35<sup>th</sup> Police District  
 Statistics

**RESEARCH & PLANNING UNIT**  
**STATISTICAL SECTION**  
 12/16/2004

**PART ONE OFFENSES  
35TH DISTRICT  
2001, 2002, 2003**

35TH DISTRICT		2001																		
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	TOTAL
MURDER	1	5	0	0	0	1	0	1	2	0	0	0	0	0	0	0	1	0	1	12
RAPE	5	8	3	4	3	8	2	10	6	6	2	0	1	1	2	7	4	8	82	
ROBBERY	80	92	18	83	74	58	30	73	60	51	42	6	19	2	9	10	81	32	80	800
AGG/ ASSAULT	81	52	18	57	58	42	64	88	97	38	50	1	63	9	3	11	54	37	63	778
BURGLARY	68	89	28	54	80	108	31	42	51	47	26	5	87	5	3	9	69	25	42	813
THEFT	147	318	83	156	182	178	114	137	205	130	80	18	108	14	5	34	118	87	171	2278
VEHICLE THEFT	120	151	76	75	123	87	38	82	89	40	47	6	71	1	13	18	98	81	84	1282
TOTAL	624	775	236	427	582	492	263	436	522	436	223	32	323	23	34	52	378	276	422	5724

35TH DISTRICT		2002																		
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	TOTAL
MURDER	2	2	0	1	2	1	2	1	1	0	0	0	0	0	0	0	4	0	1	18
RAPE	5	8	0	3	9	6	5	8	3	0	4	2	7	0	0	0	7	4	2	71
ROBBERY	51	89	27	57	71	44	32	45	61	47	18	1	27	0	0	0	48	28	40	693
AGG/ ASSAULT	53	88	21	48	53	30	48	48	45	39	36	1	48	0	0	0	52	38	54	685
BURGLARY	53	96	27	42	62	80	33	48	38	34	39	1	69	0	0	0	72	27	48	735
THEFT	121	282	77	129	148	154	81	86	137	118	79	1	136	0	0	0	123	89	146	1886
VEHICLE THEFT	117	129	68	87	113	78	41	43	77	49	41	0	81	0	0	0	87	40	80	1099
TOTAL	602	822	236	427	582	492	263	436	522	436	223	32	323	23	34	52	378	276	422	5717

35TH DISTRICT		2003																		
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	TOTAL
MURDER	4	6	2	0	2	1	1	1	2	0	3	2	2	0	0	0	3	1	3	31
RAPE	6	4	3	9	7	4	2	6	4	5	7	0	9	0	0	0	10	4	7	90
ROBBERY	53	94	25	81	80	35	31	50	57	40	28	1	45	0	0	0	38	19	46	691
AGG/ ASSAULT	39	65	14	47	38	20	43	65	71	33	61	1	41	0	0	0	37	34	52	625
BURGLARY	39	78	21	33	57	57	20	34	40	27	38	1	78	0	0	0	30	33	33	698
THEFT	118	234	80	99	173	128	89	70	133	120	78	0	167	0	0	0	97	63	120	1878
VEHICLE THEFT	117	133	69	73	107	79	31	41	79	38	37	0	81	0	0	0	70	33	51	1080
TOTAL	602	822	236	427	582	492	263	436	522	436	223	32	323	23	34	52	378	276	422	5714

\*Sectors L,N,O AND P were taken over by another district in March of 2001

APPENDIX A

La Salle University Campus Security  
Program Review  
Philadelphia Police Department  
14<sup>th</sup> and 35<sup>th</sup> Police District  
Statistics

RESEARCH & PLANNING UNIT  
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APPENDIX A

La Salle University Campus Security  
Program Review  
Philadelphia Police Department  
14th and 35th Police District  
Statistics

**PART ONE OFFENSES**  
**14TH DISTRICT**  
**2001, 2002, 2003**

14TH DISTRICT		2001																										TOTAL			
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	1	2	3	TOTAL	
MURDER	2	2	2	0	2	0	0	0	0	1	0	0	1	0	1	3	0	0	0	1	0	0	2	0	0	0	0	0	0	0	21
RAPE	5	4	9	-1	4	0	1	4	3	1	6	3	2	4	1	2	2	1	0	0	0	2	0	6	6	0	1	0	0	71	
ROBBERY	32	19	34	38	43	0	26	29	21	11	30	18	16	20	18	16	75	35	15	4	10	5	4	20	30	0	7	0	5	609	
AGG/ ASSAULT	34	24	22	10	31	0	18	27	14	11	42	17	16	22	5	14	63	16	18	0	3	0	3	43	42	0	10	0	4	588	
BURGLARY	25	32	38	26	63	0	36	18	64	22	36	68	21	69	62	35	40	26	20	8	24	18	14	67	37	0	6	1	18	919	
THEFT	97	43	88	190	105	0	71	51	97	78	122	138	31	115	107	99	163	67	45	28	72	30	32	100	128	0	49	17	69	2312	
VEHICLE THEFT	55	23	84	12	32	0	34	23	65	20	34	65	21	72	47	70	66	60	42	9	80	12	9	66	41	0	38	2	14	1160	
TOTAL	250	143	262	245	270	0	168	152	264	143	271	327	107	293	236	237	431	216	138	47	190	67	62	312	266	128	111	29	100	3669	

14TH DISTRICT		2002																										TOTAL			
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	1	2	3	TOTAL	
MURDER	0	1	0	1	1	0	0	1	0	2	1	1	0	1	0	1	4	1	0	0	0	0	0	1	0	0	0	0	0	16	
RAPE	3	2	2	3	7	0	0	1	0	0	7	5	4	5	3	1	4	1	1	0	2	1	0	10	2	0	1	0	0	69	
ROBBERY	28	18	30	29	31	0	20	27	16	4	31	18	6	34	15	23	63	18	10	2	6	5	4	22	27	0	3	1	12	524	
AGG/ ASSAULT	27	22	36	12	34	0	18	34	18	16	31	13	18	26	1	8	36	13	14	3	0	1	1	36	29	0	10	1	8	907	
BURGLARY	42	37	37	25	37	0	30	26	69	28	39	72	19	63	68	49	44	21	16	6	48	15	11	60	27	0	18	2	22	963	
THEFT	97	41	86	124	102	0	75	91	89	34	93	105	26	106	120	89	136	81	44	9	89	31	35	96	100	0	58	10	35	2668	
VEHICLE THEFT	37	32	82	27	45	0	26	17	48	20	47	69	15	40	37	46	67	42	29	6	42	3	9	35	30	0	14	1	9	903	
TOTAL	234	161	262	221	257	0	147	170	187	240	304	249	263	86	271	244	216	348	177	116	26	187	66	60	260	215	126	102	45	84	6099

14TH DISTRICT		2003																										TOTAL			
CLASSIFICATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	1	2	3	TOTAL	
MURDER	2	3	0	1	0	0	1	0	0	2	0	1	0	1	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0	19	
RAPE	4	3	3	2	5	0	4	3	1	2	2	1	3	1	0	1	2	0	3	0	0	0	1	3	3	0	1	0	0	68	
ROBBERY	40	13	46	30	37	0	36	30	18	11	35	20	12	33	15	15	64	12	20	3	11	8	8	44	29	0	8	1	2	919	
AGG/ ASSAULT	28	14	43	14	38	0	15	30	15	23	34	11	21	23	4	9	39	12	13	0	3	0	0	42	29	0	4	0	3	508	
BURGLARY	25	29	34	27	24	0	25	18	44	19	31	27	25	66	32	27	36	20	12	12	26	8	9	65	30	0	13	2	8	717	
THEFT	105	31	91	114	90	0	60	64	103	51	66	63	23	131	103	68	165	65	53	16	69	32	31	90	77	0	46	5	38	2062	
VEHICLE THEFT	62	20	48	36	50	0	18	15	58	34	40	103	19	71	72	81	85	40	26	6	42	3	4	68	35	0	32	0	8	1070	
TOTAL	266	112	265	224	253	0	130	178	182	236	141	228	256	113	316	223	201	383	139	127	37	151	51	60	262	203	108	104	6	69	5036

RESEARCH & PLANNING UNIT  
STATISTICAL SECTION  
12/16/2004

**OTHER SEXUAL OFFENSES**  
**35TH DISTRICT "I" AND "M" SECTORS**  
**14TH DISTRICT "F" AND "Z" SECTORS**  
**2001, 2002, 2003**

35TH DISTRICT		2001		
CLASSIFICATION	F	M	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	2	2	4	
CORRUPTING MINORS	0	0	0	
IDS(MALE COMPLAINANT)	1	3	4	
IDS(FEMALE COMPLAINANT)	0	0	0	
PUBLIC INDECENCY	5	4	9	
STATUTORY SEXUAL ASSAULT	1	0	1	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	0	0	0	
LURING CHILD	0	0	0	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>9</b>	<b>9</b>	<b>18</b>	

14TH DISTRICT		2001		
CLASSIFICATION	F	Z	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	0	1	1	
CORRUPTING MINORS	0	0	0	
IDS(MALE COMPLAINANT)	0	0	0	
IDS(FEMALE COMPLAINANT)	0	0	0	
PUBLIC INDECENCY	0	1	1	
STATUTORY SEXUAL ASSAULT	0	1	1	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	0	0	0	
LURING CHILD	1	0	1	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>4</b>	

35TH DISTRICT		2002		
CLASSIFICATION	F	M	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	5	1	6	
CORRUPTING MINORS	1	0	1	
IDS(MALE COMPLAINANT)	0	1	1	
IDS(FEMALE COMPLAINANT)	2	2	4	
PUBLIC INDECENCY	3	0	3	
STATUTORY SEXUAL ASSAULT	2	2	4	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	0	0	0	
LURING CHILD	0	0	0	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>13</b>	<b>6</b>	<b>19</b>	

14TH DISTRICT		2002		
CLASSIFICATION	F	Z	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	2	0	2	
CORRUPTING MINORS	0	0	0	
IDS(MALE COMPLAINANT)	0	0	0	
IDS(FEMALE COMPLAINANT)	0	1	1	
PUBLIC INDECENCY	0	0	0	
STATUTORY SEXUAL ASSAULT	0	1	1	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	1	1	2	
LURING CHILD	0	0	0	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>6</b>	

35TH DISTRICT		2003		
CLASSIFICATION	F	M	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	4	1	5	
CORRUPTING MINORS	0	0	0	
IDS(MALE COMPLAINANT)	0	0	0	
IDS(FEMALE COMPLAINANT)	0	1	1	
PUBLIC INDECENCY	0	0	0	
STATUTORY SEXUAL ASSAULT	0	0	0	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	0	1	1	
LURING CHILD	0	0	0	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>7</b>	

14TH DISTRICT		2003		
CLASSIFICATION	F	Z	TOTAL	
INCEST	0	0	0	
INDECENT ASSAULT	0	4	4	
CORRUPTING MINORS	0	0	0	
IDS(MALE COMPLAINANT)	0	0	0	
IDS(FEMALE COMPLAINANT)	1	1	2	
PUBLIC INDECENCY	2	1	3	
STATUTORY SEXUAL ASSAULT	1	0	1	
OPEN LEWDNESS	0	0	0	
AGG/INDECENT ASSAULT	0	0	0	
LURING CHILD	1	1	2	
SEXUAL ABUSE OF CHILDREN	0	0	0	
<b>TOTAL</b>	<b>5</b>	<b>7</b>	<b>12</b>	

**APPENDIX A**

La Salle University Campus Security  
Program Review  
Philadelphia Police Department  
14<sup>th</sup> and 35<sup>th</sup> Police District  
Statistics

APPENDIX B

La Salle University Campus Security  
Program Review  
Community Development/Student  
Affairs

FIVE YEAR SUMMARY OF DISCIPLINARY CASES

	2003-2004	2002-2003	2001-2002	2000-2001	1999-2000
Summary of Disciplinary Cases					
Total Number of Full Time Students	3314	3136	3116	3150	2919
Total Number of Resident Students	2056	2035	2062	1963	1860
Total Number of Cases	862 (1)	1001 (2)	830 (3)	751 (4)	813 (5)
Resident Students	813	918	766	693	770
Commuter Students	49	83	64	58	43
Responsible	683	778	727	670	663
Charges Dropped/Not Responsible	166	199	89	72	88
Open Cases	11	15	9	7	52
Open Cases (No longer enrolled)	2	9	5	2	10
Conduct Warning	296	401	354	335	394
Specific Probation	329	345	332	304	233
General Probation	52	29	34	23	31
Suspension from the University	5	3	5	6	5
Dismissal	1	0	2	2	
Alcohol Violations	494	583	407	439	499
Interim Suspension of Housing	5	7	9	6	8
Interim Suspension from the University	3	4	5	6	
Suspension of Housing	32	23	22	41	31
Judicial Board Hearings	24	27	18	28	34
Administrative Hearings	9	12	8	17	9

(1) 59 of these cases involved more than one incident. The total number of incidents was 929.  
 (2) 68 of these cases involved more than one incident. The total number of incidents was 1096.  
 (3) 50 of these cases involved more than one incident. The total number of incidents was 909.  
 (4) 42 of these cases involved more than one incident. The total number of incidents was 827.  
 (5) 74 of these cases involved more than one incident. The total number of incidents was 972.

**SETTLEMENT AGREEMENT**

This Agreement is made by and between La Salle University of Philadelphia, Pennsylvania, (OPE ID #00328700) (La Salle) and the United States Department of Education (Department), Federal Student Aid (FSA), acting through its Director, Administrative Actions and Appeals Division, and is effective the latest date opposite the signatures below.

A. On October 25, 2007, the Department sent a letter to La Salle informing La Salle that the Department intended to fine La Salle \$110,000 (hereafter "the proposed fine action") based on the Department's findings that La Salle had failed to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) included in §485(f) of the Higher Education Act of 1965, as amended. Under the Clery Act, institutions of higher education are required to report accurate and complete campus crime statistics to the Department and to the institution's students and their parents. The Clery Act also requires institutions to establish and maintain certain procedures and records.

B. In accordance with the Department's regulations, La Salle appealed the proposed fine action and requested a hearing on November 9, 2007.

C. La Salle and the Department have agreed to resolve the proposed fine action without any further administrative procedures.

D. La Salle expressly denies that it is liable to the Department for any fines in connection with this matter. La Salle is resolving the matter to avoid further expense. Nothing in this Agreement shall constitute an admission of liability or wrongdoing by La Salle.

In consideration of the mutual covenants and conditions contained in this Agreement, and intending to be legally bound, the parties agree as follows:

1. La Salle agrees to pay \$87,500 to the Department to resolve the proposed fine action. La Salle will present a check for \$87,500 to the Department with duplicate originals of this Agreement signed by an authorized official of La Salle

2. La Salle hereby withdraws its appeal of the proposed fine action. The Department and La Salle agree that the proposed fine action is fully resolved.

3. The Department agrees not to initiate any further administrative action against La Salle based on the Clery Act findings included in the letter issued on October 25, 2007.

4. La Salle agrees to take appropriate action to fully comply with the Clery Act and ensure that all future Clery Act reports are accurate and complete. La Salle also agrees to provide the Department with its current crime reporting/Clery Act policies.

5. La Salle's execution of this Agreement does not constitute an admission of wrongdoing.

6. This Agreement does not waive, compromise, restrict, or settle:

a. Any past, present, or future violation of the criminal or civil fraud laws of the United States.

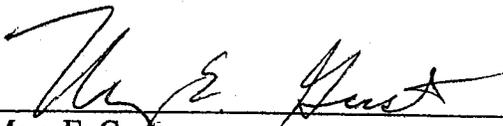
b. Any presently pending or future action taken by the United States under the criminal laws or civil fraud laws of the United States. The Department is not aware of any such actions pending against La Salle based on the Clery Act issues addressed in this Settlement Agreement.

La Salle and ED each warrant that the undersigned representative is authorized to sign this Agreement on its behalf.

Dated: June 27, 2008, 2008

  
Name: MATTHEW S. McMANNES  
Title: Vice-President  
for La Salle University

Dated: July 8, 2008

  
Mary E. Gust  
Director, Administrative Actions  
and Appeals Division  
Federal Student Aid  
for the United States Department of Education