



June 10, 2009

Dr. Daniel Fogel, President
University of Vermont
344-353 Waterman Bldg.
85 South Prospect St.
Burlington, VT 05405

OPE ID: 00369600

Dear President Fogel:

This letter constitutes our written request to the officials of the University of Vermont for access, beginning July 7, 2009, to the HEA records, staff and students of the University of Vermont-Burlington (the University; UVM), Burlington, VT, so that Ms. Linda Shewack, Mr. Edward Buckley, and Mr. Mark Malbeouf can conduct a program review at UVM. This program review will evaluate UVM's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). UVM was selected from a sample of institutions of higher education with sworn police departments for a review as part of our on-going efforts to ensure compliance with the Clery Act. This review is not the result of any specific complaint or allegation of non-compliance.

We have scheduled this program review to coincide with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation's Criminal Justice Information Service (CJIS) Audit Unit will be conducting at UVM. The U.S. Department of Education (ED) is partnering with the CJIS Audit Unit to ensure accurate crime reporting on America's college campuses. The regulatory authorities for this visit are cited below.

34 CFR Section 668.24(d)(2) "An institution shall make its records readily available for review by the Secretary or the Secretary's authorized representative at an institutional location designated by the Secretary or the Secretary's authorized representatives."

34 CFR Section 668.24(f)(1) "An institution that participates in any Title IV, HEA program and the institution's third party servicer, if any, shall cooperate with an independent auditor, the Secretary, the Department of Education's Inspector General, the Comptroller General of the United States, or their authorized representatives, a guaranty agency in whose program the institution participates, and the institution's accrediting agency, in the conduct of audits, investigations, program reviews, or other reviews authorized by law."

Federal Student Aid- School Participation Team Boston/New York
830 First St. N.E., Washington, D.C. 20202
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34 CFR Section 668.24 (f)(2) “The institution and servicer must cooperate by - (ii) Providing reasonable access to personnel associated with the institution’s or servicer’s administration of the Title IV, HEA programs for the purpose of obtaining relevant information.”

Failure to provide access to the program review team will result in the U.S. Department of Education initiating an administrative action against the institution. An administrative action may include, but is not limited to: the imposition of a formal fine and/or the limitation, suspension or termination of the institution’s Title IV program participation, pursuant to 34 CFR Part 668, Subpart G.

The program review team will arrive at the UVM Police Department at approximately 9:00 a.m. Tuesday, July 7, 2009. At that time, the program review team will discuss the program review process with UVM Police officials and will conduct a preliminary examination of the materials requested below. After this initial briefing, we will conduct an entrance interview with representatives from all offices with responsibilities for any aspect of UVM’s campus security and student disciplinary programs. Representatives from other offices are also welcome to attend and participate. We ask that you or your designee determine who should be in attendance and notify those officials accordingly. Please also arrange for an appropriate meeting space for the entrance conference.

The review will focus initially on UVM’s Clery Act compliance during calendar year 2007 but may be extended if necessary. We respectfully request that the University provide the review team with immediate access to all requested records and information sources. We will need unrestricted access to unredacted originals of incident reports generated by UVM’s Police Department and other offices involved in security-related functions such as Judicial Affairs, Residence Life, and Student Affairs. Please be advised that we will make every effort to protect the confidentiality and privacy rights of all individuals identified in records that are provided to ED officials.

Our access to employees and students for the purposes of conducting interviews is an essential part of the review process. As such, we request your assistance to help ensure that employees and students are made available during the review.

At the conclusion of the review, the review team may meet with institutional officials to discuss any preliminary findings, recommendations, and next steps. Follow-up telephone conferences may be necessary as well. UVM will receive an official written report at a later date.

In preparation for the review, please provide the following information within 15 days of receipt of this letter:

1. A list of all Campus Security Authorities for Clery Act purposes (positions and offices are sufficient);

2. A copy of the catalog and student handbook for the University and for each separate College, school, division, or location within UVM for academic years 2006-2007 and 2007-2008; Indicate (flag/tab) the specific portion or location that relates to the Clery Act.
3. A list of all incidents of crime reported to the UVM Police Department or other campus security authority in calendar year 2007;
4. A copy of the organizational chart for the policing and security-related functions for the University and for all Colleges, schools, etc. within UVM;
5. A complete set of the UVM Police Department's Standard Operation Procedures regarding the following functions (dispatch, response to calls, report writing, arrests including issuance of citations, and protocols for arson, sexual assault, and active shooter scenarios);
6. The relevant portion of any applications, brochures, disclosures, forms, and other publications related to the Clery Act that is normally distributed to 1) prospective students; 2) prospective employees; 3) first-time students; and, 4) new hires of the University and all Colleges, schools, etc. within UVM that address campus crime and campus security;
7. Copies of all agreements and/or contracts with any agencies or organizations that provide any protective service, security, counseling, or other service related to the University's policing, security and safety programs;
8. A detailed description of all dispatch/response and recordkeeping systems (hardcopy; software; etc.) utilized by any University office or contractor with security-related responsibilities (UVM Police, Judicial Affairs, Residence Life, Student Life; etc.);
9. Copies of all campus, patrol, and/or sector maps (with legends) utilized by the UVM Police, contract security agency, and/or the University's real estate office;
10. A comprehensive list of all buildings and land owned or controlled by the University including leased property (the list should include the address, the building code, and category of the property-on campus-resident, on-campus-other, off campus, public, etc):
11. A list of all buildings and land owned by any University-recognized student organizations including leased property (the list should include the address, the building code, category of the property-on campus, off-campus) and,
12. Copies of the two most recent Campus Security Reports prepared by UVM for purposes of complying with the Clery Act and evidence of when these reports were distributed to the UVM community.

All Personally Identifiable Information (PII) must be safeguarded. We have enclosed instructions for submitting data and/documents containing PII. We also request that you not redacted any of the data on the copies submitted. Please direct this information to:

ATTN: Linda Shewack
U.S. Department of Education
Federal Student Aid/PC/SEC
830 First Street, NE – UCP3, Room 74B1
Washington, DC 20002

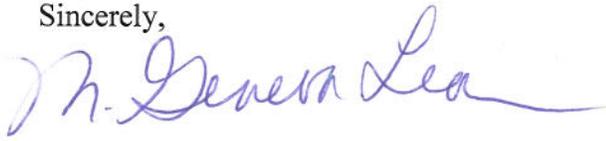
The following additional materials must be available for our review upon our arrival at the UVM Police Department on July 7, 2009:

1. A list of all UVM officials (name & position) scheduled to participate in the program review entrance conference;
2. An “audit trail” that includes a list of all incidents of crimes (organized by category of crime and incident report number) reported to the UVM Police Department or other campus security authority that were included in the statistical disclosures contained in UVM’s Campus Security Reports for the 2007 calendar year (this should include the date and time of the incident, name of the accused, type and location of the offense, and the incident number);
3. An “audit trail” that includes a list of all arrests and disciplinary referrals (organized by category of crime) to the institution’s student disciplinary process for violations of laws or institutional policies involving alcohol, drugs, and weapons during the 2007 calendar year that were included in the statistical disclosures contained in UVM’s Campus Security Reports, which shall include referrals from any campus housing on/off campus and counseling offices (this should include the date and time of the incident, name of the accused, type and location of the offense);
4. A list of all timely warnings issued by UVM during calendar year 2007 and a description of the means or media used to disseminate the warning; and
5. A copy of UVM’s daily crime log for calendar year 2007 (hardcopy or electronic).

Access to additional records and information will be requested throughout the review process as needed. Please note that subsequent requests may cover time periods other than those specified above. We look forward to working with you and your team at UVM. We respectfully request that you emphasize the importance of this review so that we can make the best use of everyone’s time and resources.

If you have any questions, please do not hesitate to call Ms. Linda Shewack at 202-377-4071.
Thank you in advance for your cooperation throughout the program review process.

Sincerely,



Ms. Geneva Leon, Director
School Participation Teams-Northeast

cc: Dr. Gary Margolis, Director of Police Services, UVM
Ms. Marie Johnson, Director of Financial Aid, UVM
Mr. David Nestor, Associate VP Student & Campus Life & Dean of Students
Ms. Stacey Aileen Miller, Director of Residence Life