March 21, 2013

Dr. Holden Thorp  
Chancellor  
University of North Carolina at Chapel Hill  
103 South Building  
Chapel Hill, North Carolina 27599

Dear Chancellor Thorp:

This letter constitutes our written request to the officials of the University of North Carolina at Chapel Hill (UNC; the University), Chapel Hill, NC for access beginning April 2, 2013 to the appropriate records, staff and students of UNC so that Ms. Janet Pearlman, Ms. Cynthia Floyd-Davis, Ms. Jannetta Guinhouya, and Mr. Donald Tantum can conduct a program review to evaluate your institution’s compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The University was initially apprised of this review via a telephone call to your office on Wednesday, March 20, 2013.

The regulatory authorities for this review are cited below.

34 C.F.R. 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 C.F.R. 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.”

34 C.F.R. 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 this 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 C.F.R. Part 668, Subpart G.
On February 20, 2013, the U.S. Department of Education (Department) received a complaint alleging that the UNC is in violation of several provisions the Clery Act. Specifically, the complaint asserts that UNC has failed to accurately and completely disclose its campus crime statistics. The complainants also allege that UNC has not developed and implemented certain required policies and procedures regarding the proper response to campus sexual assaults and the adjudication of such offenses by campus judicial bodies. The objective of the program review is two-fold: the review team will evaluate the complainant’s allegations as well as the University’s overall Clery Act compliance. The program review team will begin its work at approximately 9:00 A.M. of April 2, 2013. It is not possible at this time to determine a completion date for all field work in this case. Please note that this compliance review is separate and apart from any investigation that may initiated by the Department’s Office for Civil Rights or any other government agency.

The initial examination period will cover the campus crime statistics for all calendar years covered by UNC’s 2012 ASR (encompassing calendar years 2009-2011) as well as its campus crime statistics for calendar year 2012; however, production of records and information from or pertaining to other calendar years may be required as the program review progresses. The University must provide the review team with immediate access to all requested records, staff, students, and other information sources. To conduct the review effectively and efficiently, the Department will require unrestricted access to unredacted originals of University records pertaining to all aspects of Clery Act compliance. Please be advised that we will endeavor to protect the confidentiality and privacy rights of all individuals identified in University records that are provided to U.S. Department of Education officials.

Please inform all personnel with responsibilities involving or related to campus policing and security, judicial affairs, student affairs, fraternity and sorority relations, residence life, athletics, victim advocacy, and counseling, as well as any other office with significant responsibilities for Clery Act compliance at UNC so that they or their designees are aware of the review and can be available during the site visit. We respectfully request that you advise all relevant officials to provide accurate, complete, and timely responses to all requests made by the review team. Our access to employees and students for the purpose of conducting interviews is an essential part of the campus security program review process. In-person and telephone interviews will be conducted throughout the program review. As such, we request your assistance to help ensure that employees and students make themselves available in a timely manner upon request. Furthermore, we ask that you take appropriate steps to ensure that no University official or agent encumbers or obstructs the program review process in any way.

Upon their arrival, the team will meet with you or your designee(s) and other institutional officials to explain the program review process (Entrance Conference).

At the conclusion of the review, the reviewers may elect to meet with institutional officials to discuss any violations, recommendations, and next steps that are known at that time (Exit Conference). You will receive an official written report at a later date.
Please have the following documents and information available for examination upon the team’s arrival on April 2nd:

Copies of the three most recent Annual Security Reports and Annual Fire Safety Reports prepared by UNC for purposes of complying with the Clery Act;

A list of all incidents of crime reported to the UNC Police Department and/or other campus security authorities (CSAs) during calendar years 2009-2012;

A list of all timely warnings and emergency notifications issued by UNC during calendar years 2009 - 2012 and a description of the means or media used to disseminate the warning or notification;

A copy of the UNC Police Department’s daily crime logs for calendar years 2009 – 2012;

A list of all positions meeting the definition of a CSA as that term is defined in the Clery Act;

A copy of the catalog and student handbook for the University and for each separate College, school, division, or location within UNC for the academic years 2009 - 2012; Indicate (flag/tab) the specific content (if any) that relates to the Clery Act;

A copy of the organizational chart for the policing and security-related functions for the University and for all Colleges, schools, etc. within UNC;

A complete set of the UNC 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, building/campus evacuations, emergency management and operations, sexual assault, and active shooter scenarios);

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 UNC that address campus crime and campus security issues (if any);

Copies of all agreements and/or contracts with any agencies or organizations that provide any protective service, security, crowd control, counseling, mediation, alternative dispute resolution, or other service related to the University’s policing, security and safety programs;

A detailed description of all dispatch/response and recordkeeping systems (hardcopy; software; etc.) utilized by any University office or contractor with security-related responsibilities (police, judicial affairs, residence life, student life; etc.);

Copies of all campus, patrol, and/or sector maps (with legends) utilized by the UNC Police, contract security agency, and/or the University’s real estate office;

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 or property – whether on campus, resident, on-campus-other, off campus, public, etc.);
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,

A copy of UNC’s Drug and Alcohol Abuse Prevention Program materials and a copy of its two most recent Biennial Review reports regarding the effectiveness of its DAAPP as required by the Drug-Free Schools and Communities Act.

If you have any questions, please contact Ms. Janet Pearlman on 202-377-4845 or at janet.pearlman@ed.gov. Thank you for your anticipated cooperation and attention to this important matter.

Sincerely,

James L. Moore, III
Compliance Manager
Clery Act Compliance Division/AAASG

cc: Mr. Jeffrey B. McCracken, Director of Public Safety and Chief of Police, UNC
    Ms. Shirley A. Ort, Associate Provost and Director of Scholarships and Student Aid, UNC