



June 10, 2020

John D. Simon, Ph.D.
President
Lehigh University
27 Memorial Drive
Bethlehem, PA 18015 - 1588

UPS Tracking: 1Z 37X 7Y3 01 9598 3263

Dear President Simon:

This notice is to advise the directors and officials of Lehigh University (Lehigh; the University) that the U.S. Department of Education (the Department) will be conducting an off-site campus crime program review. This letter constitutes our written request for access, beginning on July 10, 2020, to the appropriate records, staff, and students of Lehigh so that the Clery Group 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*) and the Drug-Free Schools and Communities Act (*DFSCA*). 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 representative."

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 the 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."

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Lehigh is advised that the review process commences immediately upon receipt of this notification via UPS delivery and/or electronic mail. Therefore, the University must take immediate action to preserve all records and information that are currently in the custody of the institution, its officials and employees, or other agents and contractors. All such persons must be instructed to not alter, destroy, or remove any document, record or other source of information that may be directly or indirectly relevant in any manner to the Department's inquiry. This instruction applies to all such records and information, regardless of the date of creation or its current custodian or location. Lehigh is also advised that any failure to cooperate with 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/or the limitation, suspension, or termination of the institution's Title IV program participation, pursuant to 34 C.F.R. Part 668, Subpart G.

As the agency charged with enforcing the *Clery Act*, the Department must ensure that students, employees, and other stakeholders have accurate and complete information about Lehigh's campus safety and crime prevention policies, procedures, and programs. This information empowers campus community members and other stakeholders so that they can make informed decisions and play an active role in their own safety. The Department has received complaints that allege that the University engaged in a pattern of conduct that resulted in serious violations of the *Clery Act*. As part of our oversight activities, the Department also monitors media coverage of incidents of crime on campus. Taken together, the complaints and media accounts raise serious concerns about Lehigh's compliance and the effects that any violations may have on victims of crime and the accuracy and completeness of the University's crime statistics and other campus safety information. Please be advised that this review is a continuation of the Department's monitoring efforts and ongoing assessment of Lehigh's compliance with the *Clery Act*. The objective of this review is to further assess the nature and extent of any violations that may be identified and to ensure that effective remedial act is taken, as needed. Please note that this compliance review is separate and distinct from any investigations initiated by other offices within the Department, including the Office for Civil Rights.

The program review team will include Mr. Donald Tantum. Mrs. Jannetta Guinhouya and Mr. Brian Washington. The team has already begun its preparation for the review and the review is now considered to be open. It is not possible at this time to determine a completion date for all fact-finding. The initial examination period will cover the calendar years covered by the University's 2017, 2018 and 2019 Annual Security Reports (ASRs). The scope of the review may be adjusted at any time and additional records and information from other calendar years may be required as the case progresses. Lehigh must make every effort to provide the review team with timely access to all requested records, staff, students, and other information sources. To accomplish this review, the Department will require unrestricted access to unredacted copies of original University records pertaining to specific aspects of the institution's *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 Department officials.

Please inform all personnel with responsibilities related to campus safety and crime prevention, student and employee conduct, student affairs, athletics, fraternity and sorority relations, residence life, victim advocacy, Title IX, health services, and counseling, as well as any other

office with significant responsibilities for *Clery Act* or *DFSCA* compliance, about this review. It is essential that responsible officials or their designees be available by telephone or video conference and are prepared to answer questions and produce documents and information upon request. Officials should be advised that telephonic interviews (or interviews via Skype or Microsoft Teams) will be conducted and to expect Department officials to be in regular contact throughout the program review. Access to the right people and information is essential to an effective and efficient review. With that in mind, the Department respectfully requests that you advise all Lehigh officials to provide accurate, complete, and timely responses to all requests made by the review team. Furthermore, we ask that you take appropriate steps to ensure that no University official or agent encumbers or obstructs the review in any way.

The team will schedule a meeting with you or your designee(s) and other institutional officials to explain the program review process (Entrance Conference) and to gather preliminary information. Please advise Mr. Tantom of the names and titles of officials that will attend the entrance conference. This information must be transmitted to Mr. Tantom, via electronic mail at Donald.Tantom@ed.gov, by the close of business on June 19, 2020.

As discussed with Lehigh officials on June 10, 2020, the University will be required to produce records on a rolling basis. Please be advised that, due to cybersecurity concerns, the Department is only able to receive data in certain approved media formats. We will work with you to ensure that information is accessible and secure. The following documents must be submitted to Mr. Tantom, via electronic mail, by close of business on June 26, 2020:

1. Copies of the original 2017-2019 ASRs and AFSRs, and any revised versions of these reports that were produced for the purpose of complying with the *Clery Act*, along with credible evidence of distribution and/or redistribution. Suitable evidence of distribution may include a copy of an e-mail message used to transmit the report or other similar documentation.

By close of business on July 10, 2020, Lehigh must submit the following:

2. An "audit trail" showing all incidents of crime (organized by offense classification). Each entry must include the incident report number, the agency or office that provided information and/or generated the report, and the geographical locations ("Clery Geography", i.e.: on-campus, on-campus/residential facility, non-campus building/property or public property) that were reported to the Lehigh University Police Department (LUPD) or other Campus Security Authorities (CSAs), and were included in the statistical disclosures contained in the University's 2017-2019 ASRs.¹ A similar report must be submitted to substantiate the accuracy and completeness of the fire statistics that were disclosed in the 2017-2019 AFSRs. This information should be provided in spreadsheet format;

¹ The audit trails must identify the incidents that substantiated the University's crime statistics as they appeared in the original version of the ASR for each year and a separate accounting for any revisions that were made with a brief explanation for why those incidents were not reflected in the initial compilation.

3. An “audit trail” showing all arrests made by the LUPD or other state or local law enforcement agencies, and all referrals for disciplinary action against students or employees for violations of state laws and local ordinances related to the illegal possession, use, and/or distribution of drugs, liquor, and/or weapons that were included in the statistical disclosures contained in the University’s 2017-2019 ASRs. The audit trail must be organized by offense classification and include the incident/arrest/referral case number, the date and time of the underlying incident, the geographical location/Clery Geography category, the name of the accused, and the arresting agency or referring office;
4. A copy of the LUPD’s all activity/dispatch/call log for calendar years 2014-2019;
5. A copy of the LUPD’s daily crime log for calendar years 2014-2019;
6. A list of all Timely Warnings (TWs) and Emergency Notifications (ENs) issued by the University during calendar years 2014-2019, with a brief description of the means or media used to disseminate the TW and/or EN;
7. For each year under review, a list of all Campus Security Authorities (CSA), by position title or employing office, that the University had identified and advised of their duty to submit statistics for incidents of crime that were reported to them;
8. For the years under review, a list of all *Clery Act* training sessions conducted for persons identified as CSAs by topic and date, a list of attendees, and a copy of the primary training materials, and the training vendor (if not offered by Lehigh staff);
9. A list of all incident reports, complaints, and/or other statements of concern, regardless of their form, that were filed with any official of Lehigh University regarding the alleged misconduct of any kind by Lehigh University faculty (including Dr. Peterson and Dr. Novak) and copies of all such reports, complaints, or other communications and any corresponding supplemental documentations;
10. For each year under review, copies of all written requests made to state or local law enforcement agencies, with or without concurrent jurisdiction, and the responses from those state or local enforcement agencies, for statistics and information regarding incidents of crime that were reported as occurring on any part of the University’s Clery Geography;
11. For the years under review to current date, copies of any Memoranda of Understanding, Interagency Agreements, or other written arrangements, instructions, or procedures between the Lehigh University Police Department and Bethlehem Police Department or other state or local law enforcement agencies;
12. For the years under review to the current date, a copy of the organizational charts for the policing and security-related functions at Lehigh’s main campus and all colleges, schools, or other subdivisions within the University;

13. For the years under review to the current date, copies of all agreements and/or contracts with any private entities that provide any protective service, including communications, crowd control, physical security, medical services, counseling and psychological services, or any other service related to the University's campus safety operations;
14. For the years under review to the current date, provide a detailed description of all dispatch/response and recordkeeping systems (hardcopy; software; etc.) utilized by any University office or contractor with security-related responsibilities (LUPD, student and employee conduct, residence life, Title IX, human resources, athletics and medical facilities, etc.);
15. A complete set of the Lehigh University Police Department's Standard Operating 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;
16. Copies of all campus, patrol, and/or sector maps (with legends) utilized by the LUPD, any contract security entity, the City of Bethlehem Police Department, and/ or the University's real estate office;
17. For the years under review to the current date, provide a comprehensive list of all buildings and land owned or controlled by Lehigh University, including leased property (the list should include the address, the building code, category of the property-on campus, off-campus, on campus resident, public, etc.);
18. For the years under review to the current date, provide a list of all buildings and land owned or leased by any student organizations recognized by the University (the list should include the address, the building code, category of the property-on campus, off-campus);
19. For the years under review to current date, copies of any written agreements between the University and local homeowners, landlords, management companies, etc. for the provision of student housing services for students and/or employees with a focus on student athletes. The response to this item must address how housing stipends provided to student-athletes or other campus community members are transmitted to property owners or their agents;
20. For all years in the review period, copies of the University's Drug and Alcohol Prevention Program (DAAPP) materials and evidence of active distribution for all years in the review period;
21. A copy of the two most recent reports of biennial reviews conducted to assess the effectiveness of the University's alcohol and drug abuse prevention programs;

22. Copies of all educational and training program materials developed to promote awareness of rape, acquaintance rape, and other sex offenses, including the Primary Prevention, Risk Reduction, Bystander Intervention, and annual training on dating violence, domestic violence, sexual assault, and stalking, and the University's investigation and hearing processes, as required by the Violence Against Women Reauthorization Act of 2013;
23. A copy of the University's student and employee handbooks for the main campus and all colleges, schools, or other subdivisions within the University for academic years 2014-2019. Indicate **(flag/tab)** the specific portion or location that relates to the *Clery Act* or the *DFSCA*;
24. The relevant portion of any applications, brochures, disclosures, forms, and other publications related to the *Clery Act* or the *DFSCA* that is normally distributed to: 1) prospective students; 2) prospective employees; 3) first-time students; and 4) new hires at the University or any colleges, schools or subdivisions, etc., within the University. Please indicate **(flag/tab)** the specific portion that relates to the *Clery Act* or the *DFSCA*; and,
25. Institutional data showing the percentage of currently-enrolled students that receive Title IV, HEA program funding.

At the conclusion of all fieldwork, the review team may elect to meet with institutional officials to discuss any preliminary findings of violations, recommendations, and next steps that are known at that time (Exit Conference). You will receive an official written report at a later date.

All Personally Identifiable Information (PII) must be safeguarded. We have enclosed instructions for submitting data/documents containing PII. Please direct all the requested information to:

Mr. Donald Tantum
U.S. Department of Education
Clery Group
100 Penn Square East, Suite 511
Philadelphia, PA 19107

*Dr. Simon, President
Lehigh University (OPEID:003289 00)
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If you have any questions, please contact me on 215-656-6467 or at Donald.Tantum@ed.gov.
Thank you for your anticipated cooperation and prompt attention to this important matter.

Sincerely,



Lisa C. Bureau
Acting Director, Clery Group
Partner Enforcement and Consumer Protection
Federal Student Aid
U.S. Department of Education

cc: Mr. Jason D. Schiffer, Chief of Police, Lehigh University
Ms. Jennifer Mertz, Financial Aid, Lehigh University

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

All Personally Identifiable Information (PII) that is submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date, and place of birth).

All PII that is submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip and are encrypted with AES encryption.

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hardcopy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

Data submissions containing PII cannot be sent via fax.