

JS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Junious R. Stanton
372 JFK Blvd.
Lawnside, NJ 08045

Cheney University National Alumni
Association
1837 University Circle
P.P. Box 121
Cheyney, PA 19319-0121

Heading Cheyney's Call
One Liberty Place
36th Floor
1650 Market Street
Philadelphia, PA 19103

and

Kristian Justice

Plaintiffs

v.

Governor Tom Corbett
Pennsylvania Office of the Governor
225 Capitol Building
Harrisburg, PA 17120

Pennsylvania Board of Governors
2986 N. 2nd Street
Harrisburg, PA 17110

and

Arne Duncan, Secretary of Education for
the United States Department of
Education
U.S. Department of Education
400 Maryland Ave. SW
LBJ Education Building, 7W311
Washington DC 20202

Defendants

Civil Action

14 6172

No.

Jury Trial Demanded

COMPLAINT – CIVIL ACTION

Class Plaintiffs, Junious R. Stanton, Cheyney University National Alumni Association, Heading Cheyney's Call and Kristian Justice ("Plaintiffs") by and through their undersigned counsel, bring the instant action seeking relief on their behalf and all other citizens of the Commonwealth of Pennsylvania impacted by the systematic discrimination and failure to comply with Federal Statutes and the specific directives of United States v. Fordice, 505 U.S. 717 (1992) of Defendants and make the following allegations.

JURISDICTION AND VENUE

1. This Court has original jurisdiction to hear this complaint and request for declaratory and injunctive relief for deprivations under color of state law of Plaintiffs federal civil rights under Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VI") to redress and enjoin the discriminatory practices of Defendants.

2. Venue is proper in the Eastern District of Pennsylvania by reason of 28 U.S.C. § 1391 (b) because a substantial number of the acts and omissions that give rise to this Complaint occurred in this judicial district.

PARTIES

3. Plaintiff, Junious R. Stanton, is an African American male residing at 372 JFK Blvd., Lawnside, NJ 08045. Mr. Stanton is a 1969 graduate of Cheyney University of Pennsylvania.

4. Plaintiff, Cheyney University National Alumni Association ("CUNAA") is a 501(C)(3) corporation with an address of 1837 University Circle, P.P. Box 121 Cheyney, Pa 19319-0121.

5. CUNAA is composed of graduates of Cheyney University of Pennsylvania and is dedicated to financially supporting current Cheyney students and assuring that Cheyney remains a viable institution. CUNAA serves over 30,000 graduates and connects alumni and current students.

6. Heading Cheyney's Call ("HCC") is presently an unincorporated association of Cheyney Alumni, current professors, former professors, students and persons dedicated to the long-term survival of Cheyney University.

7. Members of HCC are impacted by Defendants' discrimination with respect to Cheyney University of Pennsylvania and wish to enforce their rights under the Equal protection Clause of the Fourteenth Amendment.

8. HCC has an address at One Liberty Place, 36th Floor 1650 Market Street, Philadelphia, PA 19103.

9. HCC's mission is to ensure equity and excellence in higher education and it engages in community organizing and awareness campaigns on higher education issues impacting Cheyney University of Pennsylvania.

10. Kristian Justice is currently a matriculating student at Cheyney University of Pennsylvania, a student member of Cheyney's Council of Trustees, a student government residence council member and "Miss Cheyney 2014."

11. Defendant Tom Corbett is Governor of the Commonwealth of Pennsylvania and is sued in his official capacity.

12. ~~As Governor,~~ Corbett is responsible reviewing proposed budgets from all state agencies and ultimately submitting his budget to the state's legislature for approval.

13. Corbett maintains authority to veto specific line items in the state's budget

14. Defendant Pennsylvania Board of Governors, 2986 N. 2nd Street, Harrisburg, PA 17110, is responsible for establishing System-wide policies by which all State System universities operate, including Cheyney University of Pennsylvania.

15. As such, the Board of Governors appoints Cheyney University of Pennsylvania's president, approves new academic programs, sets tuition, and coordinates and approves the annual State System operating budget.

16. The Defendant members of the Board of Governors are:

- Guido M. Pichini
- Laura E. Ellsworth
- Ronald G. Henry
- Sen. Richard Alloway II
- Rep. Matthew E. Baker
- Jennifer G. Branstetter
- Marie Conley
- Gov. Tom Corbett
- Carolyn C. Dumaresq
- Christopher H. Franklin
- Todd Garrett
- Chelsea E. Getsy

- Rep. Michael K. Hanna
- Jonathan B. Mack
- David M. Maser
- Joseph F. McGinn
- Robert S. Taylor
- Aaron A. Walton
- Sen. John T. Yudichak

17. Defendant members of the Board of Governors are sued in their official capacity.

18. Defendant Arne Duncan is the Secretary of Education for the United States Department of Education ("Department of Education.")

19. The Department of Education maintains an Office for Civil Rights ("OCR") which is charged with ensuring equal access to education through "vigorous enforcement of civil rights."

20. OCR is duty bound and required by law to enforce Title VI of the Civil Rights Act of 1964 which prohibits discrimination in programs that receive federal financial assistance from the Department of Education.

21. OCR's core work is identifying, ending, and remedying discrimination against America's students, particularly where such is based upon race and long-standing patterns of discrimination.

22. Defendant Board of Governors receives federal funding for its higher education system including student financial aid and research grants.

BACKGROUND FACTS GIVING RISE TO CLAIMS

23. Founded in 1837, Cheyney University of Pennsylvania ("Cheyney") is the oldest higher education institution in the country established for the education of African Americans.

24. Cheyney has enjoyed a distinguished national and international reputation and has for years, in the face of documented discriminatory practices, graduated numerous African Americans who have made significant contributions to Pennsylvania.

25. In 1969 the federal government concluded that Pennsylvania was one of ten states that operated a racially segregated system of higher education that violated Title VI of the Civil Rights Act of 1964.

26. Pennsylvania undertook a futile attempt to remedy the vestiges of long-standing discriminatory practices with ad-hoc programs and commitments that did not adequately address its segregated system of higher education.

27. In 1983 Cheyney became a public institution of the State System of Higher Education and consequently became an even greater victim to its discriminatory practices.

28. The State System of Higher Education is governed and all its corporate powers are exercised by the Defendant Board of Governors, the majority of whom are appointed by the Governor of the state.

29. The Defendant Board of Governors establishes fiscal, personnel and educational policy, coordinates the development of curricula, and develops rules for faculty appointments and other functions.

30. In June 1992, ~~the~~ United States Supreme Court issued its decision in United States v. Fordice, 505 U.S. 717 (1992).

31. Fordice required Pennsylvania to finally and permanently dismantle its discriminatory educational policies such as influencing student enrollment decisions and fostering segregation in all facets of its education system that were traceable to its prior system of de jure segregation.

32. Fordice further ordered Pennsylvania to review its discriminatory practices that had negatively impacted Cheyney, such as program duplication and institutional mission assignments.

33. Recognizing its history of de jure educational segregation, Pennsylvania under the leadership and guidance of then-Governor Tom Ridge agreed to specific commitments with OCR.

34. Pennsylvania's commitments were outlined and detailed in the 1999 "Partnership Report and Commitments" (the "Commitment.") Attached as Exhibit "A" to this Complaint is a relevant excerpted portion of the Commitment which is incorporated herein to this Complaint as if restated in its entirety.

35. OCR mistakenly anticipated that Pennsylvania would act in good-faith and implement the promises in the Commitment and such would be effective in expanding access to higher education for African Americans, revitalizing Cheyney and increasing the retention and graduation of African American students in Pennsylvania.

36. In the Commitment, Pennsylvania promised OCR that it would take certain specific actions as part of an even more specific goal for the "Revitalization of Cheyney University of Pennsylvania."

37. Among these specific promises in the Commitment and pursuant to Fordice was: “The development and strengthening of several academic programs at Cheyney, including computer science, middle school certification, geographic information systems, emerging technology, pre-professional programs and hotel, restaurant and institutional management programs.”

38. To satisfy the promises made in the Commitment that it would develop and strengthen the identified academic programs, Pennsylvania promised to limit the expansion within the State System’s regional universities in the identified academic program areas.

39. This promise meant that the State was committing to not having “unnecessary program duplication.”

40. Fordice recognized the perniciousness of unnecessary program duplication to schools like Cheyney and defined it as “[t]hose instances where two or more institutions offer the same nonessential or non-core program. Under this definition, all duplication at the bachelor’s level of non-basic liberal arts and sciences course work and all duplication at the master’s level and above are considered to be unnecessary. The Court reasoned that program duplication was undeniably “part and parcel of the prior dual system of higher education—the whole notion of ‘separate but equal’ required duplicative programs in two sets of schools—and that the present unnecessary duplication is a continuation of that practice.”

41. In violation of the promises made in the Commitment, the Equal Protection Clause and Fordice, Defendants have allowed and affirmatively encouraged duplication of Cheyney’s unique programs, which has perpetuated a

state-endorsed ~~system of~~ completion that demonstrates a bias and preference for the vitality of other schools to the detriment of Cheyney.

42. To assure that the State fulfilled its promises to Cheyney and the citizens of the State made in the Commitment, the State and OCR agreed that monitoring of the promises in the Commitment would occur.

43. Upon information and belief, OCR, pursuant to the Commitment, conducted an analysis and determined that the State was not complying with its promise and obligations made in the Commitment, was non-compliant with the Fordice mandate and violating the Equal Protection Clause all of which made the State in violation of Title VI.

44. OCR has failed in its enforcement obligations under Title VI and has allowed the State to be out of compliance with Fordice and the promises made in the Commitment.

45. In violating its promises, Defendants have continued to maintain a separate and wholly unequal educational system.

COUNT I
VIOLATION OF TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000

46. Plaintiffs incorporate paragraphs 1 through 45 of this Complaint as if fully set forth herein.

47. Defendants have engaged in a pattern and practice of intentional discrimination with respect to Cheyney in violation of Title VI of the Civil Rights Act of 1964 by maintaining a segregated system of higher education.

48. Defendants have engaged in ~~pattern~~ and practice of long term failure to perform their duty to enforce state and federal laws for the provision of equal educational opportunity with respect to Cheyney.

49. Defendants have continued to operate a segregated system of higher education and continue to take actions to perpetuate that segregated system in violation of Title VI of the Civil Rights Act and in violation of the promises made in the Commitment.

50. Defendants have failed in their duty to bring Cheyney into parity with its traditionally white State System of Higher Education schools; specifically by failing to provide increased funding to Cheyney by failing to make market improvements in facilities, and by perpetuating unnecessary program duplication.

51. OCR has refused to enforce Federal Law requiring Defendants to cease their discriminatory conduct in violation of Title VI.

52. Plaintiffs are now suffering and will continue to suffer irreparable injury and damages as a result of Defendants' unlawful conduct unless the Court grants the relief requested herein.

COUNT II
VIOLATION OF THE EQUAL PROTECTION CLAUSE

53. Plaintiffs incorporate by reference paragraphs 1 through 52 of this Complaint as if fully set forth herein.

54. Defendants have engaged in a pattern and practice of intentional discrimination with respect to Cheyney in violation of the Equal Protection Clause of the Fourteenth Amendment and under Fordice.

~~2-55~~ Defendants have continued to operate a segregated system of higher education and continue to take actions and inactions to perpetuate that segregated system in violation of the Equal Protection Clause and Fordice.

56. Defendants have failed in their duty to bring Cheyney into parity with its traditionally white State System of Higher Education schools, in violation of the Equal Protection Clause and Fordice.

57. Defendants have allowed and promoted duplicate unique programs already in existence at Cheyney by approving and providing better resources at other schools in violation of the Equal Protection Clause and Fordice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court:

- a. adjudge, decree and declare that Defendants, and each of them, are in violation of Title VI of the Civil Rights Act of 1964;
- b. enforce the promises made in the Commitment;
- c. compel OCR to monitor and enforce the promise made in the Commitment
- d. eliminate and further avoid unlawful unnecessary duplication of academic programs;
- e. expand mission and program uniqueness and institutional identity of Cheyney, requiring both the enhancement of existing program offerings at the and the development of new, high-demand programs that will not be duplicated;
- f. develop programmatic niches of areas or areas of excellence in, at a minimum, two or more high demand clusters, within the next three to four

years as a starting point, which new programmatic niches will have the capacity to spin-off newly created programs well into the future without the detrimental impact of unnecessary duplication or the potential of unnecessary duplication;

- g. transfer specific programs to Cheyney to remedy specific violations of law and to advance the larger remedial requirements to maintain a desegregated system of higher education that operates in compliance with the law;
- h. merge specific programs and institutions where essential to effectively meet these same desegregation obligations;
- i. provide for adequate resources to Cheyney necessary to ensure successful implementation of the remedy, including, but not limited to, funding, facilities, faculty, staff, recruiting and marketing;
- j. establish permanent reforms of State education policies and practices necessary to fully implement the remedy;
- k. provide for sufficient oversight and monitoring mechanisms necessary to ensure successful implementation of the remedy; and,
- l. grant such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable.

TUCKER LAW GROUP, LLC

By:



Joe H. Tucker, Jr., Esquire
Douglas K. Jenkins, Esquire
1617 JFK Boulevard, Suite 1700
Philadelphia, PA 19103
(215) 875-0609
Attorneys for Plaintiffs

VERIFICATION

I, Junious R. Stanton, hereby certify that I, as the Plaintiff in this matter, am authorized to execute this Verification. I verify that the averments made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The averments are based upon information which I have furnished to my legal counsel. I understand that statements in the foregoing pleading are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

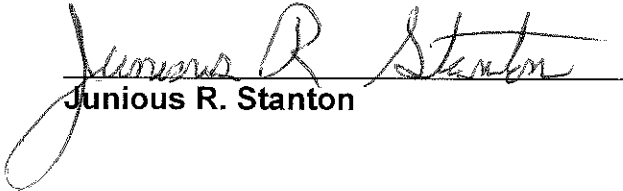

Junious R. Stanton

EXHIBIT A

PARTNERSHIP REPORT
and COMMITMENTS

COMMONWEALTH OF PENNSYLVANIA
and UNITED STATES DEPARTMENT
OF EDUCATION,
OFFICE FOR CIVIL RIGHTS

1999





COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

April 26, 1999

Honorable Richard W. Riley
Secretary of Education
United States Department of Education
600 Independence Avenue, S.W.
Washington, D.C. 20202-0100

Dear Secretary Riley:

Enclosed please find the Partnership Report and Commitments prepared cooperatively by the Commonwealth of Pennsylvania and the United States Department of Education, Office of Civil Rights (OCR). As you know, the Report and Commitments are the result of an extensive partnership process that was suggested by OCR to the Commonwealth as a means to address the parties' responsibilities under Title VI of the Civil Rights Act of 1964 (Title VI) and the United States Supreme Court's decision in United States v. Fordice, 505 U.S. 717, 112 S.Ct. 2727 (1992).

Further, the Report and Commitments are an expression of the Commonwealth's continued and substantial effort to enhance the opportunities for African Americans to participate in and benefit from higher education in Pennsylvania and to increase the opportunity for access, retention, graduation and advancement into graduate and professional education programs in the Commonwealth.

Through this letter, I request that, on behalf of the United States Department of Education, you accept this document and adopt the agreements and commitments as set forth in the Partnership Report and Commitments.

Sincerely,

A handwritten signature in black ink that reads "Tom Ridge".

TOM RIDGE
Governor

Enclosure



THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

May 12, 1999

Honorable Tom Ridge
Governor of Pennsylvania
225 Main Capitol Building
Harrisburg, Pennsylvania 17120

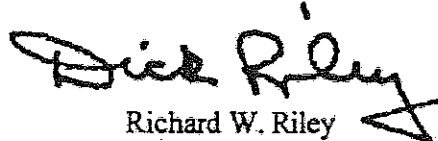
Dear Governor Ridge:

Thank you for sending me the "Commonwealth of Pennsylvania/United States Department of Education, Office for Civil Rights (OCR) Partnership Report and Commitments." I have been closely following the progress of this joint venture to increase access to higher education opportunities in Pennsylvania, and I am pleased to accept this document on behalf of the United States Department of Education.

The commitments developed by the Partnership promise a high level of support by all components within the Pennsylvania education system for efforts to expand higher education opportunities for minority students in Pennsylvania. We anticipate that the successful implementation of these commitments will be effective in expanding access to higher education, in revitalizing our country's oldest historically black university, and in increasing the retention and graduation of minority students in Pennsylvania, consistent with the goals of our Partnership.

I especially want to thank your Department of Education and its Chief Counsel as well as the other Pennsylvania representatives on the Pennsylvania/OCR Working Group for all of their hard work throughout our Partnership process. Their persistent dedication and your commitment to the goals of our collaborative effort have ensured its success. The Department looks forward to a continued, highly constructive working relationship with Pennsylvania as the Partnership commitments are implemented over the coming years.

Yours sincerely,


Richard W. Riley

PARTNERSHIP REPORT and COMMITMENTS

Commonwealth of Pennsylvania – U.S. Department of Education, Office for Civil Rights

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PARTNERSHIP REPORT and COMMITMENTS

Commonwealth of Pennsylvania – U.S. Department of Education, Office for Civil Rights

Introduction

In May of 1996, the Commonwealth of Pennsylvania and the United States Department of Education, Office for Civil Rights, entered into a unique Partnership for the purpose of improving the educational opportunities for African Americans attending Pennsylvania's public institutions of higher education. Throughout the Partnership process, the Commonwealth and the Office for Civil Rights (the "Partners") have engaged in an intensive examination of access, enrollment, retention, and graduation of African American students at institutions of higher education within the Commonwealth. The Partnership process, as it was developed here, has been a joint, cooperative effort and has not attempted to make legal findings or to conduct any type of legal proceedings.

The result of the Partnership process is the following three-part report, prepared jointly by the Partners:

Part I of this report provides an historical overview of Pennsylvania's system of public higher education, including an outline of Pennsylvania's original five-year desegregation plan and a summary of the Commonwealth's recent efforts to increase African American students' access, retention, and graduation in higher education.

Part II summarizes the development and accomplishments of the Partnership process.

Part III sets forth Partnership Commitments that OCR anticipates will, when implemented, result in the elimination of the remaining vestiges from Pennsylvania's previously segregated system of public higher education.

I. OVERVIEW OF PENNSYLVANIA'S SYSTEM OF HIGHER EDUCATION

A. Pennsylvania's System of Public Higher Education

In contrast to many states, the Commonwealth of Pennsylvania does not have an integrated system of higher education. Rather, higher education in Pennsylvania has evolved into four distinct sectors, three of which receive financial support through annual Commonwealth appropriations: the State System of Higher Education universities; the state-related universities; and the community colleges. (The fourth section is, of course, made up of the private institutions which do not receive any state appropriations.) Each of the aforementioned three sectors is independently governed, although the State Board of Education is charged with providing periodic guidance to all institutions financed, in whole or in part, by state appropriations.

The first sector of public institutions, the State System of Higher Education (State System) was established by statute in 1983. (24 P.S. §20-2002-A). The State System of Higher Education consists of: Bloomsburg University of Pennsylvania; California

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University of Pennsylvania; Cheyney University of Pennsylvania; Clarion University of Pennsylvania; East Stroudsburg University of Pennsylvania; Edinboro University of Pennsylvania; Indiana University of Pennsylvania; Kutztown University of Pennsylvania; Lock Haven University of Pennsylvania; Mansfield University of Pennsylvania; Millersville University of Pennsylvania; Shippensburg University of Pennsylvania; Slippery Rock University of Pennsylvania; and West Chester University of Pennsylvania.

The State System is governed and all of its corporate powers are exercised by the twenty-member Board of Governors, who, with the exception of the six government official members, are appointed by the Governor with the advice and consent of the Senate. (24 P.S. §20-2004-A).

The state-related institutions in the Commonwealth, Lincoln University, the Pennsylvania State University, Temple University, and the University of Pittsburgh, comprise the second distinct sector of public higher education. These institutions are neither owned nor controlled by the Commonwealth. Each of these universities operates under a separate, nonprofit corporate charter and independent governing board. Nevertheless, these institutions are recognized in state law as "an integral part of a system of higher education in Pennsylvania" (See, 24 P.S. §§2510-2, 2510-202, 2510-402), and state government officials sit on their Boards of Trustees in various capacities, some with voting privileges and some without. As instrumentalities of the Commonwealth, each state-related university receives an annual appropriation which provides only partial support for specific line items.

Finally, the fifteen community colleges in Pennsylvania are frequently referred to as public colleges, but they also are neither owned nor controlled by the Commonwealth. Each college operates under an approved plan and is governed by a local board of trustees which is accountable to the local government sponsor of the college. As a general rule, funding for community colleges is furnished one-third by Commonwealth appropriation, one-third by local funds, and one-third by student tuition. (See, 24 P.S. §19-1913-A, 22 Pa. Code §35.62).

The fifteen community colleges in Pennsylvania are as follows: Bucks County Community College; Butler County Community College; Cambria County Community College; Community College of Allegheny County; Community College of Beaver County; Community College of Philadelphia; Delaware County Community College; Harrisburg Area Community College; Lehigh Carbon Community College; Luzerne County Community College; Montgomery County Community College; Northampton County Area Community College; Northwest Pennsylvania Technical Institute; Reading Area Community College; and Westmoreland County Community College.

B. Pennsylvania's 1983-1988 Desegregation Plan

In 1969, the Office for Civil Rights in the former United States Department of Health, Education and Welfare ("HEW") determined that the Commonwealth of Pennsylvania was one of ten states operating a racially segregated system of higher education in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d, *et seq.*). Over

the next several years, Pennsylvania worked to develop a plan for eliminating the illegal vestiges of the formerly segregated system of higher education.

In July 1983, OCR accepted the Commonwealth's plan entitled, The Commonwealth of Pennsylvania Plan for Equal Opportunity in the State-Supported Institutions of Higher Education (Plan). This comprehensive five-year plan was designed to provide the remediation activities necessary to meet the mandates of Title VI relative to state-supported higher education in Pennsylvania. The Plan included a wide range of measures and activities in areas such as enhancement of the historically black colleges and universities, desegregating student enrollments through increased recruiting of African American students and improved retention programs, and desegregating faculties, staffs and governing boards.

Throughout the five years of the Plan, Pennsylvania submitted to OCR detailed yearly progress reports of Pennsylvania's efforts to achieve the goals outlined in the Plan. Additionally, in November 1988, Pennsylvania submitted to OCR a "Five Year Summary" of the Plan's accomplishments.

C. Summary of Pennsylvania's Recent Efforts to Increase African American Students' Access, Retention, and Graduation in Higher Education (1988-1998)

Following expiration of the Commonwealth's Desegregation Plan in 1988, but prior to any further OCR involvement, Pennsylvania remained committed to providing equal educational opportunities to African American students. Pennsylvania's public institutions have worked both independently and collectively to address the issues of access, retention, and graduation of African American students in Pennsylvania's public institutions of higher education.

Specifically, Pennsylvania, in concert with its public institutions of higher education, has undertaken a number of initiatives designed to maximize higher education opportunities for African Americans. The following summary provides an overview of some of these initiatives, but is not intended to be all-inclusive.

1. Pennsylvania Department of Education

As the state agency charged with general oversight of the public institutions of higher education receiving federal funds, the Pennsylvania Department of Education (PDE) has various functions, including monitoring and reporting. PDE has also taken a proactive role in encouraging and directing these institutional efforts.

In August 1988, PDE's Commissioner of Higher Education requested that each public institution submit three to five year plans outlining each institution's intentions to improve the status of African Americans with regard to enrollment, retention, graduation, and representation on governing boards as well as within faculty, support staff, and management groups. Accordingly, these institutions had to reevaluate current practices and design strategies to effect future change.

Later in 1988, in an effort to increase community interest and involvement in the pursuit of postsecondary education, PDE convened a meeting with clergy serving African American and Latino communities. In this meeting, PDE assembled the clergy, college and university officials, and representatives of the Pennsylvania Higher Education Assistance Agency (PHEAA) to discuss strategies to engage minority youth more effectively in planning for postsecondary education. As a result of that effort, educational programs linking local churches and communities with neighboring educational institutions were developed as a tool for improving success rates in postsecondary experiences.

Continuing its focus on access of minority students to higher education, PDE shared new goals with the public institutions in 1989. By enumerating statistical benchmarks, PDE intended to enhance student participation, retention of students, students' completion of programs, racial diversity of faculty and administrators, and racial diversity of governing boards. Over the next several years, PDE continued to monitor the efforts of public institutions in achieving the goals articulated in 1989. In October 1991, the Secretary of Education submitted to the Pennsylvania Legislative Black Caucus, a report on the status of minorities in higher education.

In January of 1993, PDE detailed a plan of action in its report entitled, Plan To Improve Minority Student Achievement In Higher Education. This plan provided a blueprint for the institutions to follow to ensure that minority students were fully incorporated into the mainstream of higher education in Pennsylvania.

Also, in 1993, PDE launched a series of initiatives designed to address the mounting racial problems experienced on college campuses across the country, including those located in the Commonwealth. Together with the State System and the Pennsylvania Human Relations Commission (PHRC), PDE created The Pennsylvania Task Force on Intergroup Relations in Higher Education. The primary purpose of this task force was to survey and generate resources for institutions to handle issues of racial unrest on campuses. The Pennsylvania Task Force on Intergroup Relations in Higher Education developed and released five committee reports: (1) Report of the Committee on Integrating the Campus, (2) Intergroup Behavior On Campus, (3) Town-Gown Relations, (4) Staff Development, and (5) Curriculum. These reports were distributed to each institution of higher education to serve as resource documents.

Since its establishment in 1971, The Higher Education Equal Opportunity Program (Act 101) (24 P.S. §§2510-301, et seq.) has provided support services for undergraduate students whose cultural, economic, and educational disadvantages might impede their ability to pursue successfully higher education opportunities. Through a program of tutoring, counseling, curricular innovation and cultural enrichment activities, students develop as campus leaders and graduate with marketable skills. The program currently enrolls approximately 14,000 students, one-third of whom are African American. As of this year, seventy-six of the Commonwealth's institutions, including all of the Commonwealth's upper division public universities, have Act 101 Programs.

The Equal Opportunity Professional Education Program, a scholarship program for graduate and professional education for students graduating from the Commonwealth's two historically Black institutions, has been funded consistently by the Commonwealth since its inception in 1983. The Commonwealth designed this program to advance two broad goals of the five-year Plan: (1) the strengthening and enhancement of the Commonwealth's two traditional black institutions, Cheyney University of Pennsylvania and Lincoln University, and (2) the elimination of the disparity in the proportion of entering black and white graduate students in the state-supported institutions. In 1998, this program was restructured to further enhance these goals and the name was changed to The Horace Mann Bond-Leslie Pinckney Hill Scholarship, commemorating the first African American presidents of Lincoln and Cheyney, respectively. The program now provides full scholarships for medical, dental, or law school education at Temple University, Pennsylvania State University, and the University of Pittsburgh to eligible graduates of Lincoln University and Cheyney University of Pennsylvania. To date, this program has supported over fourteen hundred students.

2. The State System of Higher Education (State System)

In 1988, the State System Board of Governors adopted an equity plan for all State System institutions entitled, The Affirmative Action and Equal Opportunity Plan: A Prospectus.

Since 1989, the State System's Office of Social Equity has sponsored the Philadelphia Partnership, a joint program with the Philadelphia School District, designed to increase the number of minority and low income students who, upon graduation from high school, attend and graduate from college. This intensive program offers students recruited in their sophomore year of high school a systematic, three-phase college preparation program, concluding with high school graduation and matriculation to college.

In addition to educational activities offered during the academic year, the program has three summer components. The summer components offer academic and behavior skills through a variety of experiential learning activities. Students who successfully complete the summer components of the program, and choose to matriculate to one of the fourteen State System universities, begin college during the summer following high school graduation. Since the program was initiated in 1989, a longitudinal research and evaluation study has demonstrated the success of the program.

In 1993, the System commissioned a comprehensive study on the continued vitality of Cheyney University, which found serious concerns in numerous areas such as governance, institutional advancement, fiscal affairs and physical plant. A 1997 follow-up report identified some progress, but few items that were actually completed. The 1993 report served as the starting point for the "Proposal for the Revitalization of the Facilities and Academic Programs at Cheyney University of Pennsylvania." That Revitalization Proposal is referred to below and incorporated herein as part of the Partnership commitments. (See Appendix E)

Recently the System implemented the Academic Passport Program, which provides admission to the System's institutions for any student who earns an Associate Degree from a Pennsylvania community college.

In July 1994, the State System Board of Governors approved an updated equity plan designed for the remainder of the decade, entitled, Excellence and Equity -- A Plan for Building Community in Pennsylvania's State System of Higher Education.

In addition to state-wide efforts, all of the individual State System institutions have instituted effective programs and initiatives designed to secure a diverse student population. While many of these programs are unique to the institution, there are commonalities that can be summarized.

First, the institutions have strengthened their outreach efforts to attract minority students to their campuses. These outreach efforts rely, in part, on the development of partnerships with high schools, community organizations, community colleges and churches that serve minority students. The use of peer recruitment and on-site visitation targeted at minority students has also met with great success at various institutions. One example of such a program is the Summer Institute Enrichment Program sponsored by West Chester University. Also, many institutions have optimized financial assistance for minorities by "packaging" available funding sources.

Second, efforts to increase retention of minority students have resulted in an expansion of on-campus services, including academic and social advising, the creation of multicultural centers, and mentoring programs with faculty and students of color. Many other programs target early identification and intervention for high risk minority students.

Finally, all of the institutions in the State System are committed to full participation by African American students in campus activities. To achieve this goal, it has been necessary to develop programs, both administration and student initiated, that promote a positive climate for diversity on campus. Such programs may be educational or experiential in nature and have proved critical to the retention and graduation of African Americans.

3. The State-Related Universities

a. The Pennsylvania State University (Penn State)

Since 1989, Penn State has continued its support of the Commonwealth's efforts of student recruitment and retention activities through many diverse programs.

The Buddy System has been successful in helping incoming African American freshmen adjust to the University environment. African American freshmen are linked with faculty, staff, and administrators throughout the University. This linkage offers a worthwhile sounding board for the new students while also sensitizing the faculty and staff to the needs of students.

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Penn State works cooperatively in partnerships with school districts in the cities of Reading, Pittsburgh, Erie and Philadelphia to help minority middle school children aspire to higher education.

Student initiatives that contribute to promoting a positive climate for diversity include the Ebony and Ivory Program, co-sponsored annually by a predominantly Black and a predominantly White social fraternity and Project Growth. These programs are designed to heighten awareness of diversity issues and to facilitate coalition building.

Penn State has three community recruitment centers in Harrisburg, Philadelphia, and Pittsburgh. These centers provide a visible presence in locales with large populations of African American students, and strengthen recruitment efforts.

One strategy, employed to reduce retention disparities, is the development of specialized forms of academic support to meet the specific needs of different constituencies. As an example, Academic Assistance Programs (AAP) offers special support, including developmental courses, to students from educational and/or economically disadvantaged backgrounds. Another part of this effort is the Penn State Educational Partnership Program (PEPP), which reaches out to economically and/or educationally disadvantaged middle school students, through their city school districts, with academic and college preparatory programs.

Early in 1998, Penn State introduced A Framework To Foster Diversity At Penn State: 1998-2003 (See Appendix F). This document describes the efforts that Penn State will continue to take to promote diversity as an essential ingredient in its quest for greater excellence.

b. Temple University

Temple University remains committed to achieving the goals of the Plan.

Temple's efforts to date have resulted in the achievements reported by *Black Issues in Higher Education*:

Of the top producers of baccalaureate degrees to African-American students across all disciplines, Temple University ranks third among TWIs (traditionally white institutions) and forty-fourth among all institutions for all minority groups.

Temple ranks eighteenth for African Americans and thirty-third for all minority groups as a top producer of Master's degrees.

Temple ranks ninth for African Americans and thirty-seventh for all minority groups as a top producer of doctoral degrees.

Temple University is among the top four institutions in the number of African-American faculty in tenure/tenure-track appointments.

Temple has established a number of partnerships and programs in collaboration with urban schools to help improve basic education in the city and to increase the available applicant pool of graduates from urban high schools. The North Philadelphia Community Compact for College Access, for example, is a joint endeavor of Temple, the Community College of Philadelphia, the School District of Philadelphia, and local community-based organizations. The purposes of the Compact are to strengthen curriculum pedagogy with a special focus on engaging ninth grade students to work at or above grade level and preparing seniors to enter college without the need for remediation; to create model programs that will improve the transition to college for graduates of the area's comprehensive high schools; and to mobilize community organizations to support families' efforts to help young people graduate from high school and go on to higher education. Additionally, Temple has volunteered to lead the efforts of the William Penn Cluster Resource Board in identifying and bringing together community and business resources to increase performance and achievement in the ten schools of the William Penn Cluster; the College of Education engages teachers in the William Penn Cluster in a professional development program; Temple sends 250-300 undergraduate students each term to work with community-based after school programs; and Temple places 400 preservice teachers each term in schools in Philadelphia and the Philadelphia area.

Temple University continues to make a concerted effort to identify, recruit, and enroll a diverse student body through the University's undergraduate recruitment and admissions programs. The University has implemented a number of programs to recruit under-represented minorities into the fields of mathematics, science, computer science and engineering.

Temple has also committed attention and resources to its sizable transfer student population. Dual Admissions and Core-to-Core Transfer agreements have been established with the Community College of Philadelphia and three other area community colleges that guarantee conditional Temple admissions, scholarships to those with GPA's above 3.0 and acceptance of the transfer degree in lieu of Temple's Undergraduate Core Curriculum requirements, for the colleges' Associate degree graduates. In addition, an increasing number of program-to-program articulation agreements with community colleges provide clear information about Temple's major requirements and which community college courses are equivalent to Temple courses. All of these agreements facilitate the academic success of students transferring to Temple, by ensuring that their prior academic achievement is recognized appropriately, that they have the necessary information with which to prepare for Temple's academic majors, and that the transition from a community college to the University is as smooth and educationally effective as possible. This benefits those students who need or choose to begin their higher education at a two-year institution, but are able to earn a Bachelor's degree if the community college and University cooperate to provide a seamless transfer process. Temple has, as well, developed with Lincoln University a joint program in Journalism, and with Cheyney University a joint 3-2 program for Journalism and Broadcasting.

Through the recruitment efforts of the Graduate School, the total enrollment of disadvantaged and under-represented groups in the graduate student population has increased significantly. Funds from the Horace Mann Bond-Leslie Pinckney Hill Scholarship (formerly the Equal Opportunity Professional Education Program) support the effort to attract, train, and graduate students from Lincoln and Cheyney Universities. One of the missions of Temple's Future Faculty Fellows Program is to recruit high-achieving students from diverse ethnic groups across the country for Master's or Doctoral programs at Temple. The Graduate School also runs a summer science program to encourage the interest of minority undergraduate science majors and help prepare them for graduate study in the sciences.

A full account of Temple University's programs and activities in support of the Plan is provided in the report, *Temple University's Effort to Recruit and Retain Underrepresented Minorities, September 1998*.

c. The University of Pittsburgh

The University of Pittsburgh also continues to address the goals established by the Commonwealth in 1988-89. The programs established at Pittsburgh are based on an "academic pathway" that begins at the secondary level and extends through postdoctoral programs.

Investing Now is one of the pre-college programs whose purpose is to keep under-represented high school students achieving at high academic levels from the ninth through twelfth grades. Investing Now facilitates the students' pursuit of college majors and subsequent careers in engineering, mathematics and science. To assist with recruitment in the Undergraduate programs, there is a series of programs focused on recruiting the minority student.

The Nurse Recruiting Coalition (NRC) Program is a consortium of hospitals and schools of nursing in Allegheny County whose purpose is to recruit, support, and graduate African American nursing students who will practice nursing in Allegheny County. NRC students receive financial, academic, and social support.

The Student Support Services Project at Pittsburgh is designed to provide additional academic support to first generation and low income students, through counseling, mentoring, academic advising, learning skills instruction, and tutoring.

Graduate and professional programs are the next step in the academic pathway. One merit-based scholarship program, the K. Leroy Irvis Fellowship Program, was established by the Provost's Office over five years ago to increase the recruitment of academically outstanding African American graduate students. The Provost's Office provides each fellow a full stipend and tuition for their first year at the University. This initial award is contingent on the home school's offer of continued support for subsequent years provided the student maintains the necessary academic progress to qualify for continued assistance.

The last step in the academic pathway is the Postdoctoral Program. The African American Postdoctoral Fellowship Program was established to prepare recent African American doctoral degree recipients for tenure-stream appointments at Pittsburgh and to enhance the diversity of its faculty.

The parties and the institutions of higher education recognize that programs relating to admissions or financial aid that are operated in a race conscious manner must conform with the requirements of Title VI of the Civil Rights Act of 1964 and its implementing regulation, applicable Federal Court case law, including United States v. Fordice, 505 U.S. 717, 112 S.Ct. 2727 (1992), Regents of the University of California v. Bakke, 438 U.S. 265 (1978), and the U.S. Department of Education's published policy regarding race-targeted financial aid, 59 Federal Register 4271 (Feb. 23, 1994), so long as they are controlling law.

d. Lincoln University

Over the years, Lincoln has employed such programs as the Lincoln Advanced Science and Engineering Reinforcement Program (LASER). This program is recognized nationally as a model for training and recruiting minority students to excel in science and to go on to advanced degrees in aerospace and other engineering fields. Additionally, the Freshman Assembly Program exposes the entering students to a core of human knowledge so that they might better understand the basic concepts, principles, and ideas that help to shape the educated person.

Efforts to increase minority participation in higher education include the development of partnerships with local secondary schools and formal articulation agreements with several local and regional institutions.

Philadelphia's first Charter School, the World Communications Charter School (WCCS), is now located in Lincoln's Urban Center. The WCCS is designed to introduce students to strategies that require utilization of communications technology in problem solving and the gathering of information.

The Freshman Enrichment Program (FEP) is administered by the Urban Educational Foundation in Philadelphia and seeks to expose talented high school seniors throughout the Philadelphia area to a wide variety of academic subjects. FEP was designed for high school seniors who are selected by their counselors. These students have combined SAT scores of 1000 or more. One of the goals of FEP is to attract racially diverse groups of students to the campus.

Lincoln University, through its Equal Educational Opportunity Plan, continues to increase the number of minorities who receive Bachelor's and Master's degrees from its various departments and programs.

In order to increase the number of minority graduates from its programs, Lincoln University seeks to provide those students, who need developmental academic support,

with academic support programs, counseling, and tutoring programs. The University also attempts to maintain a culturally and ethnically diverse faculty.

4. The Community Colleges

Since 1988, the community colleges have continued to pursue the goal of improving access for African American students. Examples of these programs include:

Butler County Community College offers, as part of its pre-college programs, the College in a High School Program where high school students enroll in college courses at their local high school. Students can obtain 15 credits by the time they graduate from high school. Through Butler's Academic Center for Enrichment and the ACT 101 Program, all minority students are eligible for free tutoring services to assist with retention and graduation of students.

Since 1989, the Community College of Philadelphia (CCP) has worked in conjunction with the Philadelphia Public School Board on Project Access. This program motivates high school seniors, who otherwise would not seek to attend college, to continue their education by sending each student a special certificate of admission.

CCP engages in several partnerships with secondary schools. The college's Scholars Program offers a free course to seniors from designated high schools. These students have the opportunity to view college classes before they decide to enroll.

CCP has also instituted a number of successful programs including the Alliance for Minority Participation, a consortium of institutions in the Greater Philadelphia area with the shared mission of doubling the number of under-represented minorities receiving baccalaureate degrees in the Sciences, Engineering and Math, and the Minority Fellowship Program, where full-time faculty members became mentors of participating fellows.

At the Harrisburg Area Community College, continued usage of the Minority Student Tracking Project has facilitated the entry of under-represented groups into the college. Several other programs are used to enhance the minority student population including the Building Bridges Program. This program utilizes student facilitators to discuss issues of race relations either in class, at the invitation of faculty, or during open sessions held in the Student Center.

Montgomery County Community College's efforts in the area of recruitment are focused on building relationships with local minority groups, churches, civic groups and social organizations. The college also publishes a minority scholarship brochure.

II. DEVELOPMENT OF THE PARTNERSHIP PROCESS

A. United States v. Fordice

On June 26, 1992, the United States Supreme Court issued its decision in United States v. Fordice, 505 U.S. 717, 112 S.Ct. 2727 (1992). In Fordice, which involved the State of Mississippi's formerly de jure segregated system of higher education, the Court spoke -- for the very first time -- about what can and should be required to desegregate a previously segregated state higher education system.

The Court found that, under Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment to the United States Constitution, race neutral policies alone are not sufficient to determine that a state has effectively discharged its affirmative obligation to dismantle a formerly segregated system of higher education. According to the standards announced by the Court, "[i]f policies traceable to the de jure system are still in force and have discriminatory effects, those policies too must be reformed to the extent practicable and consistent with sound educational practices." Fordice, 112 S.Ct. at 2737.

The Court urged an examination of a wide range of factors to determine whether "[a] state has perpetuated its formerly de jure segregation in any facet of its institutional system." Fordice, 112 S.Ct. at 2735. As identified by the Court, a few examples of this wide range of possible factors include, but are not limited to, the following: admissions standards; program duplication; institutional mission assignments; and continued operation of an inappropriately large number of previously segregated institutions. The Court went on to note:

If the State perpetuates policies and practices traceable to its prior system that continue to have segregative effects -- whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system -- and such policies are without sound educational justification and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system. Fordice, 112 S.Ct. at 2736.

B. OCR's Federal Register Notice

In response to inquiries concerning the effect of Fordice, on January 31, 1994, the United States Department of Education, Office for Civil Rights (OCR) published a Notice in the Federal Register, 59 Fed. Reg. 4271 (1994), outlining the procedures and analysis that OCR planned to follow in future investigations of states with a history of segregated systems of higher education.

The Notice stated that OCR planned to apply the Fordice standard to all pending Title VI evaluations of statewide higher education systems with OCR-accepted desegregation plans that had expired, including Pennsylvania, Florida, Kentucky, Maryland, Texas, and Virginia. Specifically, the Notice explained that OCR planned to examine a wide range of factors to ensure that the vestiges of these States' systems have been eliminated.

The comprehensive array of factors that OCR planned to consider included those addressed in Fordice and those reflected in the ingredients for acceptable desegregation plans specified in the Department's "Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education," published in the Federal Register on February 12, 1978, (43 Fed. Reg. 6658). 59 Fed. Reg. 4272.

Additionally, OCR reaffirmed in the Notice its position that States may not place an unfair burden upon black students and faculty in the desegregation process and that State systems of higher education may be required to strengthen and enhance historically black institutions. Further, OCR announced that it planned to "strictly scrutinize state proposals to close or merge traditionally or historically black institutions, and any other actions that might impose undue burdens on black students, faculty, or administrators or diminish the unique roles of those institutions." 59 Fed. Reg. 4272.

C. Summary of the Partnership Process

From the conclusion of Pennsylvania's five-year Plan in 1988, until the current review which officially began in May of 1996, OCR did not comment upon the status of the Commonwealth's compliance with Title VI. However, in September 1995, Norma V. Cantu, Assistant Secretary for Civil Rights for the United States Department of Education, informed the Commonwealth of OCR's intent to reexamine the status of Pennsylvania's desegregation efforts in its state-supported system of higher education. In her September 1995 letter to Governor Ridge (attached hereto as Appendix A), Assistant Secretary Cantu indicated that Pennsylvania had not successfully completed the requirements of the 1983-1988 desegregation plan. However, she also acknowledged that, since the five-year plan ended in 1988, OCR's information may be incomplete.

Governor Ridge designated James M. Sheehan, Chief Counsel at the Pennsylvania Department of Education, as his representative to work with OCR on this project. Over the next few months, Mr. Sheehan and his staff worked with OCR in selecting an approach to the examination of Pennsylvania's system of higher education. At the urging of OCR, a "Partnership" approach was adopted as the most meaningful, non-adversarial methodology.

Consequently, a "working group" was created to steer the analysis. Membership on the working group included representatives of the Governor's Office, PDE, each sector of public higher education (State System, state-related universities, including Lincoln University, and community colleges), private colleges and universities, the business community, and OCR (See, "Partnership Working Group Participants," attached hereto as Appendix B). The first meeting of the working group was held on May 1, 1996. The first few meetings were devoted to the task of defining the role of the working group and designing an analytical framework for examining the status of opportunities for African Americans in the state-supported system of higher education in Pennsylvania (See, "Analytical Framework," attached hereto as Appendix C). Most of the working group

meetings were held in the state offices or the State System offices, but the working group also met at Lincoln, Cheyney, and Penn State Universities.

In the fall of 1996, the working group solicited input, held meetings and accepted written submissions from "stakeholders" throughout the Commonwealth, seeking personal narratives, other information, and possible recommendations from individuals with personal experience or interests in the status of African Americans in the Pennsylvania system of higher education.

During the Spring of 1997, OCR submitted a document request to PDE, the State System, and Penn State University. During July and August 1997, PDE, the State System, and Penn State submitted responses to OCR's request.

From September through December 1997, OCR conducted site visits to Lock Haven University, Mansfield University, Penn State University, West Chester University, and Cheyney University.

At the March 1998 meeting of the Partnership Working Group, OCR informed Pennsylvania that, in light of what it had learned through the Partnership process, it was narrowing the scope of its concerns to the following three issues:

1. Cheyney University Facilities.
2. Reservation of Unique Program Areas for Cheyney.
3. Enhancement of Initiatives at the historically white colleges and universities, specifically concentrating on Penn State and those schools in the "Southeastern quadrant of the Commonwealth," in the following areas:
 - a. Campus Climate;
 - b. Student Recruitment; and
 - c. Student Retention.

(See, OCR's March 13, 1998 letter attached hereto at Appendix D).

III. PARTNERSHIP COMMITMENTS

The Commonwealth of Pennsylvania is committed to ensuring equal access to high quality education for all of the Commonwealth's citizens regardless of race, color, or national origin. Thus, the Commonwealth has been, and will continue to be, engaged in on-going efforts to provide African Americans with the full opportunity to participate in the benefits of public higher education in Pennsylvania and to assist in providing equal access, retention, and graduation for African American students in the Commonwealth.

In May 1996, the Commonwealth, represented by the Pennsylvania Department of Education and the State System, and the United States Department of Education, Office for Civil Rights (OCR) (the Partners), embarked on a joint venture designed to assess and address the challenges in providing higher education opportunities for African American students in Pennsylvania. This Partnership was formed in recognition that both Pennsylvania and the government of the United States, as well as other interested parties and stakeholders, share a common goal of continuing and enhancing equal access to educational opportunity. The Partnership process, as it was developed here, has been a joint, cooperative effort and has not attempted to make legal findings or to conduct any type of legal proceedings. Nonetheless, it has been the hope and expectation of the Partners that any specific concerns which might be identified within the course of implementing the Partnership commitments will be addressed within the context of the goals of the Partnership and by means of the Partnership process.

Throughout the course of the Partnership activities, it has been the Partners' expectation that any specific concerns that arose in light of the Fordice decision and Title VI of the Civil Rights Act of 1964 (Title VI) would be addressed within the context of the Partnership process. The Partnership Commitments, set forth herein, are the result of the extensive Partnership process. They are an expression of the continued effort on the part of the Commonwealth to enhance the opportunities for African Americans to participate in the benefits of higher education in Pennsylvania and to increase the opportunity for access, retention, graduation and advancement into graduate and professional education programs in the Commonwealth.

The United States Department of Education, Office for Civil Rights, has played an integral role in the Partnership process. OCR proposed the Partnership process as a cooperative approach to fulfilling its responsibilities pursuant to Title VI and the Supreme Court decision in Fordice. More specifically, OCR proposed that the Partnership process would include the examination of a wide range of factors to ensure that any vestiges of the prior dual system of higher education in Pennsylvania have been eliminated.

OCR hereby acknowledges the substantial efforts and accomplishments Pennsylvania has made under its desegregation plan and subsequent thereto in support of meeting its obligations under Title VI and Fordice. These legally appropriate steps demonstrate Pennsylvania's good faith commitment to eliminating the vestiges of the prior segregated system. OCR anticipates that successful implementation of the actions outlined in the Partnership Commitments will effectively address and resolve any remaining Title VI and Fordice issues within the Pennsylvania public institutions of higher education.

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During the period of implementation of the Partnership commitments (1999 through 2004), OCR will not initiate enforcement action against Pennsylvania based on a claim of statewide segregation against African Americans in the Commonwealth's public higher education system, unless good faith efforts to resolve such issues by means of the Partnership have been attempted and exhausted. At the conclusion of the implementation period, the Partners will determine whether these commitments have been fully implemented and whether the Title VI and Fordice issues have consequently been resolved. If so, OCR will formally acknowledge, in writing, that Pennsylvania has eliminated all vestiges of segregation in the public system of higher education, in accordance with Fordice, Title VI, and other applicable federal regulations. It is understood, however, that should the Partners not be able, in good faith, to resolve matters by means of this process, OCR reserves the right to determine, by other means, whether the requirements of the law have been satisfied regarding the outstanding issues set forth herein, taking into account Pennsylvania's accomplishments under this Partnership.

The historically black universities in the Commonwealth of Pennsylvania are Cheyney University of Pennsylvania, a historically black university within the State System of Higher Education, and Lincoln University, a historically black state-related university. The historically white universities in the State System of Higher Education are: Bloomsburg University of Pennsylvania; California University of Pennsylvania; Clarion University of Pennsylvania; East Stroudsburg University of Pennsylvania; Edinboro University of Pennsylvania; Indiana University of Pennsylvania; Kutztown University of Pennsylvania; Lock Haven University of Pennsylvania; Mansfield University of Pennsylvania; Millersville University of Pennsylvania; Shippensburg University of Pennsylvania; Slippery Rock University of Pennsylvania; and West Chester University of Pennsylvania. The historically white state-related universities include Pennsylvania State University; Temple University; and the University of Pittsburgh. Additionally, the Commonwealth is served by 15 Community Colleges whose populations are, in general, diverse.

Although the primary parties to the Partnership are the Commonwealth of Pennsylvania, including PDE and the State System, and OCR, each of the public institutions of higher education is also a party, in the sense that each institution is agreeing to make its best efforts to fulfill, within the limits of its authority, those commitments within its purview. These additional parties include the state-related institutions, the community colleges and the State System institutions. It is understood that the commitments agreed to herein apply to all applicable branch campuses and any new branch campus(es) that may be established during the life of the Partnership. It is also understood by the parties that when the public agencies or institutions of higher education in Pennsylvania implement any of the Partnership commitments or operate any other programs relating to admissions or financial aid in a race conscious manner, they must operate in conformity with Title VI of the Civil Rights Act of 1964, and its implementing regulation, applicable Federal Court case law, including Fordice, Regents of the University of California v. Bakke, 438 U.S. 265 (1978), and the U.S. Department of Education's published policy regarding race-targeted financial aid, 59 Federal Register 4271 (Feb. 23, 1994), so long as they are controlling law.

The following are the commitments agreed to by the parties to this Partnership:

A. Pennsylvania Commitments:

1. Revitalization of Cheyney University of Pennsylvania

The Commonwealth and the State System commit to revitalizing, including making appropriate legislative requests, the facilities and academic programs of Cheyney University of Pennsylvania in accordance with the Revitalization Plan adopted in 1998 by the State System Board of Governors' OCR Review and Recommendation Committee. The Revitalization Plan is attached hereto at Appendix E. As set forth more fully therein, the Revitalization Plan provides, among other things, the following:

- a. The appointment of new members to Cheyney's Council of Trustees.
- b. The loaned services of a highly successful professional for Cheyney's institutional advancement efforts (including public relations, alumni affairs, and development).
- c. Continuing support for the Cheyney University Keystone Academy for honors students. In support of this commitment, the Commonwealth will include a special line item for \$500,000 in the State System's 1999-2000 appropriations request to cover the cost of the Academy's pilot cohort, and will request subsequent appropriations of \$1 million for year two, \$1.5 million for year three, and \$2 million for all subsequent years. The level of funding from the Commonwealth will be reduced proportionately as the University succeeds in building an adequate endowment to support this program.
- d. The development and strengthening of several academic programs at Cheyney, including computer science, middle school certification, geographic information systems, emerging technology, pre-professional programs, and hotel, restaurant and institutional management programs.
- e. The State System will limit the expansion within the State System's regional universities, of the programs listed in sub-paragraph "d" above. However, these programs will not be Cheyney's exclusive domain in all cases because, in some instances, other universities already have some of these programs (e.g., professional programs and hotel, restaurant and institutional management programs).
- f. A commitment to fund five capital projects totaling approximately \$10.4 million has been made and design is in progress for all five projects. Funding for five additional authorized capital projects totaling approximately \$10.3 million will be requested within the next five years. New authorization and funding for four additional new projects totaling approximately \$15.8 million will also be sought to renew existing facilities

on the Cheyney campus by the start of 2002-2003 academic year. Upon the legislative authorization and completion of the aforementioned projects, approximately \$36.5 million will have been invested for renewal and upgrade of fourteen Cheyney University facilities. (See Appendix E, "A Proposal for the Revitalization of the Facilities and Academic Programs at Cheyney University of Pennsylvania").

- g. Continuing support for the recently enhanced Horace Mann Bond-Leslie Pinckney Hill Scholarship program designed to encourage and assist students of Cheyney and Lincoln Universities to enter professional education programs.

2. Continuation of the Commonwealth's Efforts to Enhance Campus Climate, Student Recruitment, and Student Retention for African American Students Attending the Historically White Colleges and Universities in the Southeastern Quadrant of the Commonwealth and the Pennsylvania State University.

The Commonwealth and its public institutions of higher education have long been engaged in efforts to improve the recruitment and retention of African American students to and in the Historically White Colleges and Universities. The Commonwealth, the State System and the individual institutions are committed to the continuing support, implementation, and where possible and productive, the augmentation of these efforts. Specifically, the Commonwealth, the State System and the individual institutions commit to implementing the following actions during the five-year implementation period:

- a. Representatives from Cheyney, West Chester, Penn State (including the Delaware County and Abington campuses), the Community College of Philadelphia, and the Delaware County Community College will review and develop curriculum and program pathways designed to streamline the student transfer process. This review process will begin during the spring semester of 1999. A final report of these transfer pathways will be submitted to OCR by the end of the fall semester of 1999. The intermediate steps and milestone dates are as follows:

March 31, 1999	Each institution will identify an appropriate representative for the review group;
April 30, 1999	First Group Meeting
May 31, 1999	Identification of Institutional Pathway Barriers
August 31, 1999	Identification of Strategies to Streamline the Transfer Process
October 29, 1999	Partnership Institution Review and Adoption of Transfer Process
November 30, 1999	Submit Final Report to OCR

Additionally, the institutions will accomplish the following goals:

- (1) Design and implement an enhanced recruitment schedule for community colleges (to be completed by December 1, 1999).
 - (2) Produce a marketing plan for recruitment of transfer students. This plan will include transfer brochures that clearly explain transferable credits from community colleges to Cheyney University and to West Chester University (this effort is already underway and will be completed by May 1999).
 - (3) In furtherance of the articulation policy adopted by the SSHE Board of Governors on January 18, 1999, the SSHE and community colleges will implement the existing articulation agreements between Cheyney University and the Community College of Philadelphia and Delaware County Community College, as well as between West Chester University and the Community College of Philadelphia and Delaware County Community College.
 - (4) Update the ARTSYS statewide computer information system to ensure that courses taken at the respective community colleges are comparable with SSHE courses at Cheyney and West Chester and fully transferable, subject to continual review.
 - (5) Enhance recruitment activities at the respective community colleges by representatives of Cheyney University and West Chester University (to commence in January 1999 and extend through May 1999).
- b. Continued support for the Act 101 Programs, Academic Development Programs, and the State System Board of Governors' scholarship programs.
 - c. Continued support for the dramatically successful "Partnership Program" which the State System initiated in 1989 with the Philadelphia School District, and which now has been expanded to include Pittsburgh, Erie and Harrisburg. Effective the summer of 1999, nearly 300 new students from more than 40 schools in eight districts serving four urban areas will be entering this program. The State System hereby commits to incrementally increasing the number of students served in this program during the implementation period so that by the 2002-03 academic year a minimum total of 1000 students will be enrolled in the program.
 - d. The State System Board of Governors reaffirms its commitment to maximize access to higher education for all Pennsylvanians through the

continued implementation of an Academic Passport to the State System of Higher Education. Community college students who have earned the associate of arts (A.A.) or the associate of science (A.S.) degree in a transfer program containing a minimum of 30 credits of liberal arts courses for the A.S. and 45 credits of liberal arts courses for the A.A. shall be considered to have an Academic Passport, which allows them to transfer to any State System University and receive credit toward graduation for all coursework successfully completed for credit for the associate degree. Specifically, Community College of Philadelphia and the Delaware Community College commit to meeting with the State System Universities in their region to develop academic pathways to facilitate the transfer of community college credits/degrees to the State System Universities. These meetings will occur during the implementation period with the goal of increasing the number of transfer students by 15 percent for the 2001-02 cohort over the 1997-98 cohort transfer rate.

- e. The Community College of Philadelphia commits to continuing the Developmental Education program which provides academic and counseling assistance to under-prepared students to help these students succeed in college. By affirming this commitment, the college will continue to ensure that its developmental education program provides an outcomes-oriented pathway for under-prepared students to achieve a higher education degree. Commensurate with the needs of the community, the college will assure that adequate resources (e.g., courses, trained faculty, counselors, orientation strategies, mentors) are available to support the developmental and academic needs of these students. Additionally, ongoing assessment of development education practices and initiatives will occur to assure effective education and service delivery systems.
- f. The Pennsylvania State University commits to continuing Penn State's numerous recruitment and retention activities. Specifically, Penn State will continue the Penn State Educational Partnership Program (PEPP) which reaches out to economically or educationally disadvantaged middle school students with academic and college preparatory courses; the Academic Assistance Program for under-prepared students; the Bunton-Waller scholarship program; and the nationally recognized Campus Environment Team initiatives.

Penn State also agrees to continue to provide significant support for student organizations that enhance the co-curricular experiences of minority students, such as the Black Caucus and the Minority Roundtable or successor programs.

Penn State will also implement the goals set forth in its publication, "A Framework to Foster Diversity at Penn State: 1998-2003," which is attached hereto at Appendix F.

Finally, Penn State will work with Cheyney to develop linkages in academic programs, incorporating the following strategies:

- (1) Penn State will include at least one undergraduate student from Cheyney in the Penn State Summer Research Opportunities Program (SROP), with the intention of increasing the number of Cheyney students participating in future summer programs.
 - (2) All Penn State Colleges agree to participate in Cheyney's annual career fairs program.
 - (3) During the 1999-2000 academic year, Penn State will develop direct graduate program linkages with Cheyney in Hotel, Restaurant and Institutional Management, Computer Science and Geographic Information Systems.
- g. The State System Universities and the community colleges within the southeastern quadrant of the Commonwealth, as well as Penn State University, will continue their extensive efforts to ensure and enhance the diversity of their faculty and staffs. Included are such activities as wide-area advertising of vacancies, attendance at conferences in academic disciplines and maintaining networks of contacts for the purposes of enhancing the diversity of applicant pools for vacancies on campus. The institutions will also continue to implement hiring procedures that ensure minority applicants are given full and fair consideration for the positions for which they are qualified.

B. OCR Commitments

1. OCR commits to providing technical assistance to the Commonwealth, the State System universities, the state-related universities and the community colleges, as requested, in developing programs and activities to enhance the climate for African American students, faculty, and staffs in the campuses of the Commonwealth's public institutions of higher education. Already planned is a Penn State and State System Racial Harassment Conference in which OCR will participate.
2. OCR will provide Pennsylvania with technical assistance in identifying promising practices to increase African American students' access to, retention in, and graduation from the Commonwealth's public higher education institutions and will share with Pennsylvania other information relevant to the issues addressed by the Partnership.

3. OCR will work cooperatively with Pennsylvania to implement the commitments set forth in this Partnership agreement and will provide regular feedback and constructive assistance to Pennsylvania on meeting these commitments.
4. During the implementation period, OCR will report to the working group semi-annually on its efforts to fulfill the commitments adopted herein.

C. Monitoring

Progress toward meeting the Partnership commitments will be assessed by the Partners during the time period set forth for the completion of the commitments. During this period, the Partnership Working Group will meet at least every six months to assess the progress of the implementation of the commitments. The Working Group will examine sufficient information to determine progress in relation to the commitments and will consider any information provided by interested stakeholders. The Working Group will prepare and submit annual factual reports to the Governor of the Commonwealth and to the Assistant Secretary for the Office for Civil Rights, beginning in June 1999 and a final factual report in June 2004. By December 2004, the Partners (the Commonwealth and OCR) will have conducted an analysis to determine whether the Partnership commitments have been met and whether any remaining Title VI and Fordice issues have consequently been resolved. If so, the Partnership will be concluded.

The parties are committed to resolving all matters set forth herein through the Partnership process. As noted in Section III above, if, by December 2004, the Partners determine that the actions outlined in the Partnership commitments have been implemented and that the Title VI and Fordice issues have consequently been resolved, OCR will acknowledge formally, in writing, that Pennsylvania has eliminated all vestiges of segregation in the public system of higher education, in accordance with Fordice, Title VI, and the applicable Federal regulations.

The Partners' decision regarding the Commonwealth's elimination of vestiges of the prior segregated system will be premised, in part, upon the Commonwealth's implementation of the aforementioned Partnership commitments; that decision will also be based on an analysis of whether any remaining disparities such as in access, retention or graduation rates between African American and white students in the Commonwealth are traceable to such past policies and practices. It is also understood, however, that should the parties not be able, in good faith, to resolve matters by means of this process, OCR reserves the right to determine, by other means, whether the requirements of the law have been satisfied regarding the outstanding issues set forth herein, taking into account Pennsylvania's accomplishments under this Partnership.

The Partnership Report and Commitments are hereby acknowledged and agreed to:

For the United States Department of Education, Office for Civil Rights:

Norma V. Cantú 4-14-99
Norma V. Cantú Date
Assistant Secretary
for Civil Rights

Raymond C. Pierce 14 April 1999
Raymond C. Pierce Date
Deputy Assistant Secretary
for Civil Rights

Susan Bowers 4-14-99
Susan Bowers Date
Senior Enforcement Director - East

Wendella P. Fox 4/14/99
Wendella P. Fox Date
Director, Philadelphia Office

The Partnership Report and Commitments are hereby acknowledged and agreed to:

For the Pennsylvania Department of Education:

Eugene W. Hickok 4/20/99
Eugene W. Hickok Date
Secretary of Education

For the State System of Higher Education:

James H. McCormick 3/5/99
James H. McCormick Date
Chancellor

For Lincoln University:

James Donaldson 4/8/99
Dr. James Donaldson Date
Acting President

The Partnership Report and Commitments are hereby acknowledged and agreed to:

For the Community Colleges:

Leland W. Myers 4/13/99
Leland W. Myers Date
Executive Director
Pennsylvania Commission for
Community Colleges

For The Pennsylvania State University:

John R. Brighton 4-5-99
Dr. John Brighton Date
Provost

For Temple University:

Corrinne A. Caldwell 3/22/99
Dr. Corrinne A. Caldwell Date
Acting Provost

For the University of Pittsburgh:

James V. Maher 3/31/99
Dr. James V. Maher Date
Provost

E

A Proposal for the Revitalization of the Facilities and Academic Programs at Cheyney University of Pennsylvania (Revised)

The Office of Civil Rights (OCR) Review and Recommendations Committee was appointed by the Chairman of the Board of Governors of the State System of Higher Education and tasked to formulate a proposal that would address those recommendations in OCR's report to the Commonwealth that relate to Cheyney University of Pennsylvania. Pending the approval of the Board, such proposal is forwarded herewith to the Department of Education – the coordinating chair for the Office of Civil Rights/Pennsylvania Partnership review. The committee will monitor the implementation of the proposal until such time as this responsibility is transferred to one or more of the standing committees of the Board.

Throughout its deliberations, the work of this committee has been conducted with the assistance and collaboration of the President of Cheyney University and his staff. Based on a thorough review of the relevant fiscal, material, and human resource factors, the committee proposes a multi-faceted, multi-year programmatic/physical facilities effort. Its goals are the establishment of a distinguishing academic program at Cheyney University and simultaneous revitalization of the quadrangle area of the university. The new programs will attract increased enrollment, and the facilities modifications will modernize historic structures for state of the art instruction and redirect the center of campus activity to the most historic and picturesque section of the university.

Present Status

Several key components of this multi-faceted effort already have been initiated. These include:

1. The Office of the Governor has reappointed and the Senate has confirmed Robert Bogle and Wendell Whitlock to the Cheyney University Council of Trustees. Mr. Bogle is the current chair of the council. Three new appointments (Dongkyu Bak, Ronald White, and Robert Wonderling) have been made to fill existing vacancies or expired terms, and one additional new appointment is being considered. These appointments will enhance the effectiveness of the council by bringing the membership to full strength. Moreover, the new appointees represent a wealth of management experience and bring to the university potentially highly valuable networks of contacts within the business community. Copies of the biographies of the new appointees are at Tab A.

2. A professional audit of Cheyney University's institutional advancement needs and activities has been completed to enhance the university's advancement efforts. An executive summary report of this audit is attached at Tab B.
3. The loaned services of a highly successful professional, Ms. Shirley Dennis, have been obtained from PECO Energy Company to help the university develop strong programs in public relations, alumni affairs, and development. Ms. Dennis' service will fill a long-standing shortfall in the university's professional staffing and will greatly contribute to achievement of the recommendations contained in the advancement audit. Commencing July 1, 1998, she will serve at Cheyney three days a week for a period of nine months and at no cost to the university. A copy of Ms. Dennis' biography is at Tab C.
4. Site visits to review and assess the status of the university's physical facilities have been made by key members of the Commonwealth Administration including the Secretaries of Education and General Services and members of their respective staffs; the chairman and various members of the Board of Governors; the OCR Review and Recommendations Committee; and representatives of the Office of the Chancellor. The Commonwealth Administration has participated in the preparation of this proposal and remains committed to the enhancement of Cheyney University.
5. Funds (\$5.9 million) have been released for Phase One of the university's utilities infrastructure project. The design for this project is underway.
6. Funds (\$2.2 million) have been released for the design and renovation of Duckrey Hall. The Department of General Services is presently accepting bids for this project. Once a bid has been accepted, a contract awarded, and the contractor notified, it is estimated that work could be completed within six months.
7. In order to expedite the completion of other related projects for which funding already has been authorized and programmed, the Secretary of the Department of General Services has agreed to the following:
 - Release of the funding document (\$1.1 million) which will permit completion of the repair of the university library. It is estimated that work should begin by fall 1998.
 - Support release of \$4.2 million for the preservation and renovation of Biddle Hall and the preservation of Burleigh Hall and Emlen Hall and direct the Bureau of Engineering and Architecture to proceed with finalization of the design to permit construction to begin in fiscal year 1998.
 - Upon receipt of a letter of justification from the Office of the Chancellor, legislative approval will be requested to utilize the authorized funds to raze

rather than renovate the Evangeline Rachel Hall building and the university water tower.

8. The Commonwealth's recent redesign and enhancement of the former Equal Opportunity Professional Education Program (now to be entitled the Horace Mann Bond - Leslie Pinckney Hill Scholarship) will be a significant complement to the overall effectiveness of the other enhancement efforts addressed in this proposal.

Programs

Cheyney University will continue to offer a full array of undergraduate and graduate degree programs, giving special emphasis to those with the greatest growth potential. Concurrently, there will be a dedicated effort to develop academic offerings that are unique to Cheyney. More details about this two-pronged effort is contained in the document at Tab D entitled "A Proposal to Establish Distinguishing Academic Programs at Cheyney University of Pennsylvania."

The university's honors program, initiated during the 1997-98 academic year, will be the centerpiece of the program initiatives within this proposal.

From among the university's various academic offerings, a maximum of 50 students per year will be admitted to the Cheyney University Keystone Academy. A principal incentive of the academy will be that participants receive full tuition support. This support is contingent on the student's commitment to year-for-year service within the Commonwealth after graduation, or in the case of students pursuing professional degrees, after completion of medical, dental, or law school. Students will be required to reimburse the Commonwealth for the period(s) of support received if they fail to graduate or for any difference between the period(s) of support received and the year-for-year service provided to the Commonwealth.

The initial academy class will convene in the fall 1999 semester. The committee will recommend that the Board of Governors approve inclusion of a special line item for \$500 thousand in the State System's 1999-2000 appropriations request to cover the cost of the pilot cohort. Subsequent appropriations will be \$1 million for year two, \$1.5 million for year three, and \$2 million for all subsequent years. The level of funding from the Commonwealth will be reduced proportionately as the university succeeds in building an adequate endowment to support this program.

As addressed in the university's draft document at Tab D, the academic offerings which will be strengthened or developed include computer science, middle school certification, geographic information systems, technology education, pre-professional programs, and hotel, restaurant and institutional management.

Staffing requirements for these programs have been carefully and thoroughly reviewed. Based on projected enrollments, and considering present staffing levels and projected losses, the faculty and staff requirements for the proposed program initiatives

can be met with little or no increase in the university's present complement. As part of ensuring complement control, the university is conducting an on-going review of every program to identify academic programs that are under-subscribed. Some programs, such as French and industrial arts, already have been placed in moratorium. Based on the results of the present review, others may be recommended to the council of trustees for similar action.

Facilities

Capital funding totaling \$64.3 million has been authorized for Cheyney University.* Of this total, \$25.8 million are committed in the Academic Facilities Renovation Program (AFRP), including the \$15.8 million request for new authorization. An overview of the facilities efforts, the related funding requirements, and the proposed schedule of activities between fiscal year 1997-98 and fiscal year 2002-2003 is at Tab E.

As mentioned, the historic quadrangle will be the centerpiece structural component of the proposed revitalization effort. The units which make up this area, their present and intended status, and relative priority in terms of funding availability and construction time are listed below.

1. **Utility Infrastructure (Phase Two).** This project overlays all of the facilities renovation efforts and is central to the ultimate success of the university's programmatic initiatives. It includes installation of the fiber optic cable for the backbone to form the university-wide computer network. Funding of \$2.9 million has been authorized for this project and identified in the AFRP for release in fiscal year 1999-2000.
2. **Biddle Hall.** Will continue to be a general classroom facility, to include special needs for math and computer classes, Funds for its exterior preservation and interior renovation in the amount of \$1.6 million have been authorized and are included in the AFRP. Construction contract award is scheduled in fiscal year 1998-99.
3. **Emlen Hall.** External preservation funds of \$1.57 million are in the AFRP, and new authorization of \$4.9 million for interior renovation has been requested. This facility will become the central living/learning center for the Cheyney University Keystone Academy. New authorization must be approved by the legislature in a capital act. Funding has been identified in the AFRP for release in 2000-01
4. **Burleigh Hall.** Will become a one-stop-shopping complex for student services activities, such as the admissions office, registrar, financial aid, accounts receivable, etc. Funding of \$1 million is in the AFRP for external preservation, and new funding of \$2.1 million for internal renovation will be included in the 1999-2000 capital

* Total of all capital projects authorized in a capital act which may be funded with Commonwealth bond proceeds. As indicated in items 5 and 6 of the section entitled "present status," \$8.1 million is already in progress. As stated above, \$25.8 million has been committed in this OCR plan. Funding for the remaining projects will be requested in future years.

appropriations request. The new authorization must be approved by the legislature in a capital act. Funding has been identified in the AFRP for release in 2002-03.

5. **Carnegie Hall.** Not in use at present due to water damage and discovery of asbestos. This building will become the primary site for the school of education. Funding of \$4.5 million has been authorized for this project. Funding has been identified in the AFRP for release in 2001-02.
6. **Browne Hall.** This will remain the university's tutorial center and a general classroom facility. The building requires only cosmetic upkeep and routine maintenance.
7. **Dudley Hall.** The facility will continue to be used for theater arts. It requires only cosmetic upkeep and routine maintenance.
8. **Humphreys Hall.** The final element in the revitalization of the campus quadrangle will be relocation of the offices of the president and senior staff to this facility. A request for \$3.8 million was made in the fiscal year 1999-00 capital appropriation request. The request must be approved by the legislature in a capital act. Funding has been identified in the AFRP for release in 2002-03.

The Ada Georges dining facility, Evangeline Rachel Hall Education Building, and the Marcus Foster student union are not part of the quadrangle complex. However, in light of the effect that these facilities have on the students' overall quality of life, their renovation is strongly recommended for priority consideration. Funding in the amount of \$650 thousand has been authorized for renovation of Ada Georges. The Secretary of General Services has agreed to request the legislature to approve funding authorized for renovation of the Evangeline Rachel Hall building be used to demolish the building and supporting structures and restore the site. The facility is no longer required to support the university's educational programs. It represents a safety hazard and detracts from the overall aesthetic appearance of the campus. Funding for both projects has been identified in the AFRP. The Board of Governors included a \$4.9 million project for renovation of the student union in the fiscal year 1999-00 capital appropriations request.

Two other buildings – Armstrong House and Melrose Cottage – feature prominently in the overall effectiveness of this revitalization effort. Funding of \$320 thousand has been requested for release for the preservation of Armstrong House. In view of the historical nature of the house, it is being considered for use as a museum. Additional future planning must be accomplished to obtain legislative approval and funding for this purpose. The proximity of Melrose Cottage to the quadrangle will diminish the overall effect of the revitalization effort if the cottage's present level of serious deterioration is not corrected. Accordingly, AFRP funds of \$300 thousand have been identified for release in fiscal year 1999-00 for the preservation and restoration of this facility.

The above listed projects are in various stages of planning, funding, or completion.

Contingent on continued adequate funding support, it is estimated that the overall revitalization can be fully completed within 5 years. The Commonwealth has committed to funding the program as part of the AFRP for the year 2002-03.

TAB D

A Proposal to Establish Distinguishing Academic Programs at Cheyney University of Pennsylvania

Background

Cheyney University offers a full array of undergraduate and graduate degree programs. During 1997-98, a total of 42 degree programs were active, including 37 baccalaureate and five masters. Of these, the six most popular were Social Sciences, Business Administration, Elementary Education, Communications, Biology, and Computer Science. Demand for graduates in these fields is greatest in business and education. In fall 1997, eight undergraduate and three graduate programs had less than nine majors. An additional eight programs are currently in moratorium.

The university is making a concerted effort to increase enrollments with a two-pronged strategy. To increase enrollments and support the special character and distinguishing mission of Cheyney University, we propose that the institution enhance selected existing programs and create and aggressively market several high quality academic programs that will be unique to the university and support its historical commitment to serving unserved or underrepresented populations in higher education. In this regard, these new and strengthened academic programs would provide a multicultural, technological, and urban thrust within the State System of Higher Education.

We propose that the following programs be strengthened or developed, including several which could be collaborative with other State System universities, and others which would be unique, regionally, to Cheyney University. All of these programs should be promoted aggressively and publicized throughout the Commonwealth. With this attention, we would project an increase in enrollments at the university by 565 students by the year 2002.

Programs selected for development or enhancement

1. **Computer Science** – this program is part of the Department of Mathematics and information sciences. The program educates students within the primary areas of Computer Science. Graduates are awarded the Bachelor of Arts in computer and business applications, mathematics, and scientific problem solving with an emphasis on the principles of software engineering. The number of FTE student majors for 1997-98 is 54 (6th largest), and projections show a slight growth to 63 FTE by 2002 with enhancement, the growth should reach 115 by 2002. The current facility, Biddle Hall, is part of the "Shared Capital Campaign." The university hopes to have matching funds by January 1999 to renovate this facility. Cheyney University plans to seek accreditation of this program, which would make it unique among System universities and should increase its appeal and value. **Transportation** – Cheyney University is proposing a new program to be jointly developed by the computer science and business administration programs. This new program will involve geographic databases, including routing (driver guides), global positioning systems,

traffic, land use, and market projections for city and county planners. Data warehousing has become an important concept in computer science and is used by insurance companies (e.g., actuarial projections) and transportation companies (e.g., UPS) as well as by city and county planners. No new resources (human or facilities) are needed in the initial phases of the transportation program. Upgrades in computer hardware and software are desirable. For this new program area, we project 37 new students by 2002 (10 the first-year and 15 thereafter).

2. **Cheyney University of Pennsylvania Honors Academy** — building upon the Honors program established in 1997 with 21 first-time students, the Cheyney University of Pennsylvania Honors Academy will accept students with outstanding potential in any major, but will focus on the academic areas identified in this proposal for enhancement or as new distinguishing or unique programs. To attract top students, admission requirements and qualifications would be high, and students would have to maintain appropriate levels of personal and professional performance. Entrants to the Academy would receive full support (tuition, fees, room and board), contingent upon their commitment to year-for-year service within the Commonwealth after graduation, or in the case of students pursuing professional degrees through EOPEP, after completion of medical or dental or law school. Students will be required to reimburse the Commonwealth for the period(s) of support received if they fail to graduate or for any difference between the period(s) of support received and the year-for-year service provided to the Commonwealth. It is proposed that the enrollment goals for the Academy be 50 students per year, commencing in fall 1998 and including the 21 students currently in the Honors program, and building to a maximum enrollment of 200 students by the year 2002. Emlen Hall is proposed as a living-learning center for this program. Renovation of the interior of the Emlen complex is needed. Support for each Honors Academy student (tuition, fees, room and board) also would be required.
3. **Hotel, Restaurant, and Institutional Management** — this program is housed in the department of education and professional services. Graduates are awarded a Bachelor of Science in hotel, restaurant and institutional management. Students receive instruction in five management areas: accounting/finance administration, human resources, marketing, and operations management. Specialized course work is combined with 1,200 hours of progressive internship experiences so that graduates have both a theoretical background and hands-on experience. Total FTE majors in 1997-98 was 50, with projected growth to 71 by 2002, with significant enhancement. We are proposing increased marketing and perhaps one or two new tracks to enhance the program and increase enrollments.
4. **Middle School Certification** — Cheyney University can extend and enhance the role it currently plays in teacher preparation by ensuring that a greater number of highly qualified minorities enter the profession of teaching. A viable approach would be to offer a new program leading to certification for middle school teachers.

Educators have only recently focused on students in the middle grades. In the late 1980s, several reports emerged identifying the needs of early adolescents and recommended some educational remedies for students in the middle years. Since then, there has been a deepening national commitment to the improvement of the education of early adolescents with a strong emphasis on personal growth and development (Callahan, 1992).

If we look at some of the different ways that public schools in the middle grades are structured, we find differences in the way they are configured, differences in school size, varying school goals, and different staffing and licensure patterns. These aspects of diversity appear to present a series of tradeoffs in educating students in the middle grades. What is consistently being identified as important for educating students in the middle grades, however, is that the development needs of early adolescents must be acknowledged and considered in developing and organizing programs which, in turn, have educational implications particularly in teacher education.

One of the newer trends in teacher education is to offer teacher certification programs in middle school education. Some states have already moved in this direction. In addition, a number of professional organizations have developed standards that address the preparation of teachers at the middle school level, especially in science and math. Traditionally, teachers have not been formally prepared to teach within the new organizational structures emerging in our country's middle schools (i.e., the use of small learning communities).

The Department of Education and Professional Services at Cheyney University recognizes that there is a dire need to attend to the needs of the 10-14 year-old age group attending Pennsylvania's urban schools. They need to be provided with a more effective transition from self-contained classrooms and child-centered caring of elementary teachers to program-centered, departmentalized schedules in the junior and senior high schools. We recognize that students differ in their development. Their substantive educational experiences require innovative efforts to encourage them to stay in school to continue their formal education.

We propose offering a teacher certification that would prepare teachers to teach effectively at the middle school level particularly in an urban environment. Some of the more innovative areas to be emphasized throughout the curriculum would include: developing competence in the use of technology, classroom management and inclusion strategies; developing competence in articulating and involving parents or guardians in the education of their children; utilizing interdisciplinary teacher techniques especially in language, arts, social studies, mathematics, and science; using more variation in instructional methodology, and making more use of strategies for cooperative learning.

It is predicted that inner-city schools and those in rural areas will have the most difficulty attracting teachers (Adams Job Almanac, 1997). Therefore, this program

will be designed to address that need. In keeping with Cheyney University's mission, this program is another way of ensuring its commitment to providing programs that are responsive to the needs and aspirations of a vibrant urban and suburban community. Enrollments should reach 39 students by 2002.

With regard to resources, there are several faculty members in the liberal arts and sciences and education departments who possess expertise and previous work experience teaching at the middle school level. Therefore, it may not necessitate the need to employ additional faculty in order to implement this type of program. Professional development, however, may be required. There is ample space throughout the campus community to accommodate the physical space required for this type of program. With the use of innovative scheduling, an additional program could easily be accommodated. If need be, the telecommunications system would make it possible for the university to offer courses through distance learning to teachers and administrators in the field.

Opportunities will be provided for collaborative efforts between and among the subject matter area faculty and education faculty to provide interdisciplinary curricula. Collaborate efforts will also be established with appropriate technological industries to enhance the design and delivery of professional development programs for teachers and administrators in the field. Examples would include remote supervision and distance learning.

5. Geographic Information System (GIS) – GIS includes remote sensing, computer mapping, quantitative methods, and computational science. This proposed new degree program will provide a specialization in geography that allows students to develop knowledge and skills of informational analysis that is applicable in a variety of applied geography fields. Demands for these applications are coming from commercial, industrial, governmental, and educational areas. Cheyney has a half-time faculty member with expertise in this area. The University plans to increase her employment to full-time for fall 1998. There are no special facilities requirements to meet the needs of this interdisciplinary program. Minor modifications of existing space and additional computer hardware would be desirable. Thirty students are projected for this new program.
6. Technology Education – this interdisciplinary degree program will be designed to prepare students for a variety of technologically oriented occupations. In today's marketplace, employers need graduates with skills in technical writing, research, and analysis. Related to these skill areas are knowledge bases in technological fields including, but not limited to, computer and information systems, health care management, recreation, and distance education/communications. This program will be designed to be flexible in meeting the needs of non-traditional students who are already employed or of employers who have specific training objectives. The program will offer a degree and certification option. With regard to resources, initially a faculty member with a technology background will be hired to direct the program staffed by current personnel. Other faculty members will be hired on temporary

appointments. As the program grows, regular permanent faculty positions will be established. The enrollment projection would total 110 by 2002.

7. Pre-professional Program (i.e. medicine, dentistry, and law). Cheyney University will strengthen and enhance its pre-professional programs through better marketing and the inclusion of an honors curriculum and program (see number 2 above) for these students. The pre-law program will complement and feed into the Widener University—State System Agreement which provides inducements and scholarships for System graduates and promising undergraduates to enroll in the Widener University Law School. In addition, highly qualified students will be recruited to attend Cheyney University to prepare for entrance into professional programs of law, medicine, or dentistry at the Pennsylvania State University, University of Pittsburgh, and Temple University. Those Cheyney graduates who have excelled in their pre-professional programs will be eligible for the EOPEP scholarships and for training at one of these three universities.

No additional resources (human or facilities) are anticipated.

TAB E

**Cheyney University of Pennsylvania
Capital Facilities Plan**

Facility	Authorized Comm & Univ	FY 97/98	Planned Actions				
			FY 98/99 *Enrollment 1000	FY 99/00 *Enrollment 1100	FY 00/01 *Enrollment 1150	FY 01/02 *Enrollment 1400	FY 02/03 *Enrollment 1650
Armstrong House	\$245,000 & \$75,000	Design project	Request release of funds	Construct project with designated AFRP funds			
Biddle Hall	\$1,286,500 & \$338,500	Design project	Construct project with released AFRP funds	Occupy for use			
Burleigh Hall Exterior Preservation	\$793,750 & \$206,250	Design project	Request release of funds	Construct project with designated AFRP funds			
Emlen Hall Exterior Preservation	\$1,241,250 & \$326,750	Design project	Request release of funds	Construct project with designated AFRP funds			
Infrastructure							
Phase I	\$5,680,000		Design project	Construct project with designated AFRP funds	Occupy for use		
Phase II	\$2,916,000			Request release of funds	Construct project	Occupy for use	
Ada Georges Hall	\$650,000			Request release of funds	Construct project	Occupy for use	
Meirose Cottage	\$300,000			Request release of funds	Construct project	Occupy for use	
Carnegie Hall	\$4,478,000			Request release of funds	Construct project	Request release of funds	Construct project
Rachel Hall Education Building	\$2,000,000						
Burleigh Hall Interior Renov.	0		Request new authorization (\$2.14M)		Request release of funds	Raze building	
Emlen Hall Interior Renov.	0		Request new authorization (\$4.95M)		Request release of funds		Request release of funds
Humphreys Hall	0		Request new authorization (\$3.80M)		Request release of funds		Request release of funds
Foster Student Union	0		Request new authorization (\$4.90M)		Design Project	Construct Project	Request release of funds
New Authorization Required			\$15,79M				
Funds requested for release per year			\$4,513,000	\$3,866,000	\$6,953,000	\$4,478,000	\$5,940,000

*Fall On-campus FTE undergraduate enrollments. Total enrollment FY 98/99-1750; FY 99/00-1940; FY 00/01-2130; FY 01/02-2320; FY 02/03-2500. *OFFICE OF PLANNING AND ASSESSMENT, CHEYNEY UNIVERSITY OF PENNSYLVANIA

**Cheyney University of Pennsylvania
Capital Facilities Plan**

Notes:

Column 1—Facility.

Denotes the name of a university facility to be renovated.

Column—Authorized Comm. & Univ.

Lists the amount of capital appropriations the Commonwealth has authorized in a Capital Act that may be expended on the project and the amount the university has pledged to add to the Commonwealth funds when bond financing is available for the project.

Column 3—FY 97/98.

Identifies the action taken toward accomplishing the project in FY 97/98.

Columns 4-8—Planned Actions.

Identifies actions planned in FY98/99 to FY02/03 to accomplish the renovation of each of the facilities and includes a projection of on-campus Full time Equivalent undergraduate enrollments anticipated in each fiscal year.

Academic Facilities Renovation Program (AFRP) Funds—By agreement, the Commonwealth has committed approximately \$40 million per year through FY 02/03 to fund renovation of State System of Higher Education academic facilities under a program called the Academic Facilities Renovation Program. Under the program, funding has been programmed for exterior renovation of Armstrong House, Biddle Hall, Burleigh Hall Exterior Preservation, Emlen Hall Exterior Reservation, Infrastructure Phases I & II, Ada Georges Hall, Melrose Cottage, Carnegie Hall, and Rachel Hall Education Building demolition, in the fiscal years shown.

Legislative approval will be requested to raze Rachel Hall Education Building rather than renovate the facility, as currently authorized.

The System included projects in FY99/00 Capital Appropriations Budget Request for Burleigh Hall Interior renovation, Emlen Hall Interior Renovation, Humphreys Hall, and the Foster Student Union to implement the plan. The total amount of the new authorization for renovation of these facilities is \$15.79M. When capital appropriations are authorized for these projects, release of AFRP funding will be requested in the amounts shown in the years indicated to complete renovation of these facilities. The total of the AFRP funding by fiscal year is shown on the last line.

Explanation of Project Costs

The cost estimates included in this plan reflect the costs necessary to implement the plan in the time frame specified. If the projects for renovation of Burleigh, Emlen and Humphreys Halls are not authorized in a FY 99/00 Capital Appropriations Act, or the scope of work is revised due to changes in enrollment, programmatic needs, etc, the cost estimates will have to be modified to reflect these changes. While major cost changes are not envisioned, the bidding climate, state of the economy, time of year bid, and the market place conditions may dictate future cost adjustments up or down. It is anticipated that any increases can be accommodated within the 10-15% project contingency included in the cost estimate. The cost estimates shown for these projects reflect the best estimate of cost for the current scope of work assuming the projects will be included in a Capital Appropriations Act authorized in 1999.