

From: Rosario, Nancy <Nancy.Rosario@ed.gov>
Sent: Monday, March 25, 2019 3:43 PM
To: President Gregory L. Fenves <president@utexas.edu>
Cc: Todd Sprague, Diane C <DTSprague@austin.utexas.edu>; Appel, Jeff <Jeff.Appel@ed.gov>
Subject: University of Texas at Austin Document Request

Dear Mr. Fenves:

Please see the attached letter regarding the U.S. Department of Education's request for certain information regarding the University of Texas at Austin. Please send me a reply email confirming that you have received the letter.

Thank you in advance for your cooperation in this matter.

Sincerely,

Nancy Rosario

Nancy Rosario
Enforcement Investigator
Student Aid Enforcement Unit

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3/26/2019



Via E-Mail and Regular Mail

March 25, 2019

Gregory Fenves
President
University of Texas at Austin
2400 Inner Campus Drive
Austin, TX 78712

Dear Mr. Fenves:

The Department of Justice recently made numerous arrests resulting from an investigation involving allegations of criminal acts to secure enrollment at the University of Texas at Austin and other institutions. Defendants associated with the Department of Justice's investigation of targeted colleges and universities include athletic coaches charged with a variety of criminal offenses, including honest services wire fraud (18 U.S.C. §§ 1343 and 1346), conspiracy to commit wire fraud and honest services wire fraud (18 U.S.C. § 1349), and conspiracy to commit racketeering (18 U.S.C. § 1962(d)).

The U.S. Department of Education's (Department's) Enforcement Unit is conducting a preliminary investigation as a result of these allegations. This preliminary investigation will examine whether there is evidence of any violation of the laws or regulations governing the Federal student financial aid programs administered by the Department under Title IV of the Higher Education Act of 1965, as amended (the Title IV, HEA programs) or any other applicable laws.

By entering into a written Program Participation Agreement with the Secretary of Education to participate in the Title IV, HEA programs, an institution agrees that it will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure the proper and efficient administration of funds received from the Secretary or from students under those programs. 34 C.F.R. § 668.14(b)(4).

In addition, to begin and to continue participation in any Title IV, HEA program, an institution must demonstrate to the Secretary that the institution is capable of adequately administering that program in accordance with the standards in 34 C.F.R. § 668.16. As part of those standards, the institution is required to refer to the Department's Office of Inspector General (OIG) for investigation any credible information indicating that any employee, third-party servicer, or other agent of the institution that acts in a capacity that involves the administration of the Title IV, HEA programs, or the receipt of funds under those program, may have engaged in fraud,

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misrepresentation, conversion or breach of fiduciary responsibility, or other illegal conduct involving the Title IV, HEA programs. 34 C.F.R. § 668.16(g)(2).

The Secretary also considers an institution to have administrative capability if the institution shows no evidence of significant problems that affect, as determined by the Secretary, the institution's ability to administer a Title IV, HEA program and that are identified in reviews of the institution conducted by the Secretary, the OIG, nationally recognized accrediting agencies, guaranty agencies, the State agency or official by whose authority the institution is legally authorized to provide postsecondary education, or, any other law enforcement agency; or, any findings made in any criminal, civil, or administrative proceeding. 34 C.F.R. § 668.16(j).

Finally, the Secretary may impose certain measures if an institution engages in substantial misrepresentation about the nature of its educational programs, including statements made directly or indirectly to prospective students or any member of the public that has the likelihood or tendency to mislead under the circumstances, on which the recipient could reasonably be expected to rely, or has reasonably relied, to that person's detriment. 34 C.F.R. § 668.71(c).

The allegations made and evidence cited by the Department of Justice raise questions about whether your institution is fully meeting its obligations under the HEA, the Department's regulations, and the PPA.

Pursuant to 34 CFR § 668.24(f) and 34 CFR § 668.14(b)(4)(i), the Department requests that you respond to the following requests for information within **30 days** of the date of this letter. Please see the enclosed instructions for submission of information that contains Personally Identifiable Information (PII).

A. CONSUMER INFORMATION

1. Please provide the institution's most recent self-study and the most recent site visitor report provided to its institutional accreditation agency.
2. Please provide any documents pertaining to statements, representations, or communications made to your institutional accrediting agency regarding admissions standards for all programs at the institution since January 1, 2009.
3. Please provide any documents pertaining to statements, representations, or communications made to any organizations seeking to rank colleges and universities, such as *U.S. News & World Report*, regarding admissions standards for all programs at the institution since January 1, 2009.
4. Please provide any advertising, marketing, or promotional materials used by the institution since January 1, 2009, to recruit potential students, including but not limited to those published on the institution's website, regarding the selective nature of the institution's programs and the standards employed in the admissions process.

5. Please provide records to support the data reported by your institution to IPEDS since January 1, 2009, and state whether the institution included in that reporting any student implicated in the U.S. Department of Justice investigation. If the institution omitted a student from its IPEDS reporting, please explain why the institution did not include the student in the reported data.
6. Please provide the institution's admissions policies and procedures for all programs offered at the institution since January 1, 2009.
7. Please provide the institution's internal control policies and procedures pertaining to any audits or compliance reviews on the admission of students recruited for athletic teams at the institution since January 1, 2009.
8. Please provide any audits or compliance reviews prepared by or for the institution pursuant to any internal control policies and procedures provided in response to request number 7, including any documents demonstrating corrective action taken by the institution in response to the audit or compliance review.
9. Please provide any documents produced by the institution in response to any subpoena issued by another agency to the extent that they pertain to the selective nature of the institution's programs, the standards employed in the admissions process, or both.

B. PLEASE PROVIDE WRITTEN RESPONSES TO THE FOLLOWING:

1. Please identify any employee(s) who have been charged in connection with the Department of Justice's investigation. Please identify the person's title/position, the number of years in the title/position, names and titles of any employees who reported to that individual, and the charged employee's immediate supervisor's name, and title, as well as contact information for all (e.g. telephone, address, email).
2. Please identify the names of all students whose admission to the University of Texas at Austin is mentioned in the allegations raised in the Department of Justice's investigation. Please provide the student's name, social security number, academic program, the year the student enrolled, the student's academic transcript, and all records related to the student's admission to the University of Texas at Austin (e.g. admission's application, letters of reference, high school information/transcripts, admissions tests - SATs, LSATs, GMATs, etc.). For any identified student please state whether or not that student and/or the student's parent received any aid under the Title IV, HEA programs. For any student who did receive Title IV aid, please provide all records relating to the award of that aid, including the Institutional Student Information Record (ISIR) and any other pertinent records.
3. Describe any disciplinary actions that have been taken against the employee(s) charged in the Department of Justice's investigation.

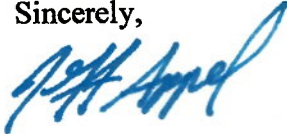
4. Describe in detail your accreditor's requirements regarding admissions practices, including advertising, student recruiting, and prohibited inducements, and include in your answer a description as to what your institution has done to ensure compliance with those requirements since January 1, 2009.

Please provide the information responsive to this Request directly to:

Nancy Rosario
Enforcement Investigator
Federal Student Aid
U.S. Department of Education
32 Old Slip, 25th Floor
New York, NY 10005

If you have any questions concerning this request please do not hesitate to contact Nancy Rosario directly at (646) 428-3752, or by email at: Nancy.Rosario@ed.gov

Sincerely,



Jeff Appel
Delegated the Authority of the
Chief Enforcement Officer

cc: Diane Todd Sprague, Financial Aid Administrator
Nancy Rosario, Enforcement Investigator, Federal Student Aid

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

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

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

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

Hard copy files and media containing PII must be:

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

PII data cannot be sent via fax.