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March 10, 2003

RECEIVED
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Ms. Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Zoning Commission Case No.02-32
Post-Hearing Submission in Response to Zoning Commission's Questins

Dear Ms. Mitten and Members of the Commission:

At its February 24, 2003 decision meeting on the Georgetown University Performing Arts Center case, the Commission asked the University to respond further to four of the Campus Plan Compliance Conditions. Those responses are attached.

Sincerely,
ARNOLD & PORTER

Nathan W. Gross, AICP

Cynthia A Giordano

Attachments

Cc: All Parties

ZONING COMMISSION
District of Columbia
Case 02-32
Exhibit 59

ZONING COMMISSION
District of Columbia
CASE NO.02-32
EXHIBIT NO.53

Exhibit A: Excerpt, February 24, 2003 Zoning Commission Transcript

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING
1144th MEETING SESSION (2nd OF 2003)

+ + + + +

Only Excerpt of Case No. 02-32

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 6:43 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

COMMISSIONERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner

Exhibit A

CHAIRPERSON MITTEN: Okay.

MR. BERGSTEIN: -- and give some deference to.

CHAIRPERSON MITTEN: Okay.

MR. BERGSTEIN: But it's appropriate that if in the course of the further processing an issue of interpretation arises, you can use this order as the opportunity to clarify that for all future further processing.

CHAIRPERSON MITTEN: Okay. Okay.

COMMISSIONER MAY: Well, if we were to take this case as the opportunity to set the record straight on this particular matter, then I wold think that we need to have further information from the University so that they can in fact make the case, because all they've done is stated it so far.

CHAIRPERSON MITTEN: Right.

COMMISSIONER MAY: They haven't introduced any kind of evidence that in fact the cap is supposed to be an average, as they have stated.

CHAIRPERSON MITTEN: Right. Okay. So we would give them an opportunity if they had evidence that there had been reliance, not just on saying numbers, but that there was this overt knowledge by the BZA that these were averages and that that's what

they must have had in mind. So we could give that opportunity and then the parties would respond to that; correct, Mr. --

MR. BERGSTEIN: Yes. And I think I used reliance perhaps wrongly, or at least it goes to a separate issue.

CHAIRPERSON MITTEN: Okay.

MR. BERGSTEIN: The first issue is whether or not the interpretation that the University is proposing is backed by any prior actions by the BZA --

CHAIRPERSON MITTEN: Okay.

MR. BERGSTEIN: -- so that in fact it's not a new issue at all but one that the BZA at least addressed, even if circumstantially through its past approvals of compliance.

CHAIRPERSON MITTEN: Okay.

MR. BERGSTEIN: The second issue is if you believe the interpretation that's being offered is erroneous but that it's plausible enough that the University could have relied on it then engage in substantial compliance with the conditions, you could still find substantial compliance, at least in terms of that there was reliance in this case. And you would not deny the application based upon that good faith reliance, although going forward you would set

Exhibit B: Pages From Transcript of 2000 Campus Plan Proceedings

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

SEPTEMBER 5, 2000

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ANNE M. RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

HERBERT M. FRANKLIN	Commissioner
JOHN G. PARSONS	Commissioner

Exhibit
B

'00 SEP 14 P1:02
DISTRICT OF COLUMBIA

ORIGINAL

So I would suggest that the --

MS. KRESS: And then the applicant needs at least two weeks.

MS. PRUITT: Right. I would say two weeks would make it October 6th for the applicant to get information in to us, and then why not give two weeks to respond, which would be the 20th. That would still give us enough time to put the package together for November, for the November 7th meeting.

MS. KRESS: Eighth.

MS. PRUITT: Eighth, because of election. Excuse me.

MS. KRESS: Thank you.

MS. PRUITT: Okay. Excuse me.

CHAIRPERSON REID: Then I think that it should be made very clear to all persons involved that there will be no decision today and that there will not be any decision made, period, until such time that the Board is convinced that -- in that they ever are convinced that these issues have been addressed to our satisfaction.

MS. KRESS: But tentatively, it will be on your November 8th agenda to review the materials you have.

BOARD MEMBER RENSHAW: Yes, and I'd like

to request that the University submit an up-to-date count of undergraduate, graduate, nontraditional and foreign students in the University, please, so that we have -- We have a count from last spring, but I'd like it brought up to date.

MS. KRESS: We'll put that on the list as well.

CHAIRPERSON REID: Mr. Franklin?

COMMISSIONER FRANKLIN: The only thing I have to add, Madam Chair, is that I think that the University and the community should understand that I don't think we are taking these measures in a punitive frame of mind.

It's really mostly a plea for the reallocation of resources to the off-campus housing program, so that within the existing revenue stream of the University it can become effective before we, in effect, open up that revenue stream for further enrollment.

CHAIRPERSON REID: Thank you. All right.

MS. KRESS: Thank you, Madam chair.

MS. PRUITT: I just wanted to make it clear for the audience, too, that the record is only open for those items that the Board requested. So it's not taking in any additional letters or anything

Exhibit C: University's October 6, 2000 Submission in Campus Plan Case

Exhibit C

ShawPittman

A Law Partnership Including Professional Corporations

MAUREEN E. DWYER
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October 6, 2000

Ms. Sheila Cross Reid, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Georgetown University Campus Plan
BZA Application No. 16566

Dear Ms. Reid and Members of the Board:

At its September 5, 2000 public meeting, the Board postponed a decision on the above-referenced case pending receipt of additional information from the Applicant. The specific information requested by the Board is described in detail in the Applicant's point by point response chart with attached exhibits. With this filing, the Applicant trusts that it has fully responded to the Board's request for additional information and that the application can be approved by the Board at its November 8, 2000 public meeting. Both the University and MedStar have critical projects that are awaiting the decision of the Board before moving forward.

With the filing of these additional materials, the University believes that it has fully addressed the issue of impacts from its students off campus so as to enable the Board to approve the increase in enrollment. Specifically, the attached materials demonstrate that even prior to the Board's decision meeting of September 5th, the University had begun implementation of its new off campus housing program. The message had been sent to all students by President O'Donovan and University staff were already taking the proactive measures proposed in the new program, including student orientation, dissemination of information on the changes to its Code of Conduct, as well as the University absorbing the cost of private trash collection to ensure that the moving in of students at the start of the fall semester would not adversely impact the community.

One of the primary goals of this campus plan and, indeed, the focus of the University's efforts, is to re-center student life on campus. For that reason, the plan proposes the creation of new on campus spaces for student activities including the new Performing Arts Center, the McDonough Arena and the Harbin Field redesign, as well as other recreation areas for informal student use. Each of these projects will soon be

BZA
Case No. 16566
Exhibit No. 191

brought before the Board for further processing and each is dependent on approval of this campus plan. The University is also moving forward with construction of its new 780 bed residence hall. Further, even events which have traditionally been held in the community – such as the Student Charity Block Party – have been encouraged by the University to be brought back on campus so that the sense of campus community and school spirit can be strengthened and neighborhood impacts can be reduced. (See the attached letter from the Burleith Citizens Association thanking the University for its position on this issue.)

Central to the University's plans to re-center student life on campus is the proposed enrollment increase. Without the tuition monies to support and fund these programs, the University simply cannot go forward with its plans. Although capital campaign funds may cover the construction costs of these new projects, it is the tuition revenues which fund the operating costs. Thus, the enrollment increase is an essential ingredient of the plan. Still the proposed enrollment increase is modest, representing only 39 students per year over a ten year period with agreement by the University to delay the phasing in of those students until after the Southwest Quad is in place. This was requested by the ANC and agreed to by the University as a condition of the ANC's support for the campus plan. Further, with the Southwest Quad project, the University will be providing 780 beds on campus over the next ten years or more than double the amount of students it will be adding to its undergraduate population. Accordingly, the University requests that the Board approve the increase of 389 for a new cap of 6,016 traditional undergraduate students.

The University has also addressed the Board's and the community's concern regarding the ten year time period for the life of the campus plan. Specifically, the University has proposed mechanisms for monthly and quarterly reports to the community on its off campus housing program as well as an annual reporting requirement to the community, the Office of Planning and the Office of Zoning. In addition, the University has agreed to a condition that would require it to report back to the Board at the five year mark, midway through the campus plan approval, on the status of its off campus housing program. This review would be in addition to the updates the University would provide the Board as part of each further processing case. (As set forth in the campus plan, there will be several further processing cases during the first three years of the plan, including the Performing Arts Center, the redesign of Harbin Field, a new academic building and a new physician's office building.) With these conditions the Board can approve a 10 year

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plan knowing that it will have the opportunity to evaluate the off campus housing program during that 10 year period.

For all of the above reasons, and with the additional information filed this date, the University believes that it has fully met the zoning requirements and respectfully requests that the Board approve its campus plan at the November 8 public meeting. A prompt decision by the Board is essential so that the University and MedStar can go forward with critically needed projects for the campus and implement the goals of this plan.

Respectfully submitted,

Maureen E. Dwyer

Paul A. Tummonds, Jr.

Land Use Counsel for
Georgetown University

cc: All parties (see attached certificate of service)

Document #: 1008933 v.1

Identify how the school's Board of Review operates.	• As evidenced by the attached letter, the University's Board of Directors is behind this program 100 percent and is committed to providing the resources needed to ensure its successful implementation. (Exhibit P) • This commitment will survive any change in leadership and will ensure that the program continues as an obligation of the institution.
Provide an up-to-date count of traditional students, professional students, foreign students, etc.	• The following updates the information already provided in Appendix E to the Campus Plan: ➢ The Fall enrollment number of traditional full-time undergraduate students is 5840 This compares with last year's Fall enrollment number of 5744 Fall and Spring enrollment are averaged to reflect the academic year. Historically, Spring numbers range from 6 – 10% less than Fall numbers due to students studying abroad, mid-year graduation, withdrawals, etc. When the projected Spring numbers are averaged with the Fall number, the projection is 5603 which is less than the projection of 5677 previously included in Appendix E to the plan. ➢ Excluded from traditional full-time student numbers are 188 non-traditional students, such as veterans, students over the age of 25, commuters. ➢ The graduate number is 2,467 FFTE which is less than last year's 2,589 in Appendix E of the Campus Plan
Have the Student Council address how it intends to reach out to students who have disciplinary problems.	• The Georgetown University Student Association (GUSA) will be separately filing its own response to the BZA. • Student representatives were included in the University Task Force, which developed this program (Exhibit C) • Additionally, the new Vice President for Student Affairs – Dr. Juan Gonzalez – has met on several occasions with student representatives to review the changes and to obtain the student community's input.
Identify how helicopter flights will be monitored to ensure that they are used exclusively for medical emergencies.	• MedStar coordinates and monitors the helicopter transports and must have the discretion to provide for transport based on the health needs of the patients. • The helipad is used for trauma and transplant patients as well as other types of patients, primarily cardiac and neuro-patient transports. • In the Campus Plan case, it was estimated that usage would be approximately 12 trips per week. Since July 1, the total number of transports has been 23.

APPENDIX E
HOUSING AND ENROLLMENT

NUMBER OF BEDS ON CAMPUS (Not including Law Center Campus)

UNDERGRADUATE BEDS IN 1989	3970
BEDS ADDED IN MISC. PROJECTS (See Appendix F)	303
EXISTING BEDS ON CAMPUS	4273
BEDS IN SOUTHWEST QUADRANGLE	780
TOTAL BEDS	5053

UNDERGRADUATE ENROLLMENT (FTE Traditional)

1989 ENROLLMENT	5287
2000 ENROLLMENT	5516
1989 PLAN ENROLLMENT CAP	5627
PROPOSED ENROLLMENT INCREASE	0
2000 PLAN PROPOSED CAP	6627

* Revised per Registrar data 4/4/00

UNDERGRADUATE FT TRADITIONAL PROJECTIONS[1]

ACTUAL		PROJECTIONS	
FY 1991	5055	2001	<= 5627
1992	5154	2002	<= 5627
1993	5239	2003	<= 5627
1994	5232	2004	<= 5627
1995	5342	2005	<= 5627
1996	5332	2006	<= 5627
1997	5478	2007	<= 5627
1998	5356	2008	<= 5627
1999	5486	2009	<= 5627
2000	5516 [2]	2010	<= 5627

[1] Count excludes non-traditional students (RN's returning to school, veterans, students over 25 and commuters.)
[2] Revised per Registrar data 4/4/00.

GRADUATE and PROFESSIONAL HEADCOUNT and FFTE'S[3] (Not including Law Center)

ACTUAL FALL				
1983	2,777	1993	2,428
1984	2,690	1994	2,589
1985	2,679	1995	2,528
1986	2,767	1996	2,528
1987	2,542	1997	2,623
1988	2,295	1998	2,563
1989	2,242	1999	2,589
1990	2,157		
1991	2,259		
1992	2,305		

[3] The numbers reflect headcounts for professional students (Medical and Dental) and FFTE's (financial FTE's) for Graduate School students. FFTE's take into account students whose activities, such as thesis research, typically occur at other sites, thus reflecting a more accurate overall number of graduate students.

FACULTY & STAFF FTE PROJECTIONS (Not including Law Center)

FALL			
1990	7027	1995	6993
1991	7300	1996	6989
1992	7436	1997	6659
1993	7306	1998	6610
1994	7507	1999	6727
		1989	5621 [7]
1989 PLAN			7500
2000 PLAN			6750 [7]

[4] Part-time full-time equivalent (FTE) calculated on the basis of four part-time employees (faculty and staff) equals one full-time employee.
Historical numbers include all faculty and staff on and off-campus (except law center), but not contract employees.
[7] FTE of on-campus Faculty & Staff as well as contract employees (Marriott, Follet Bookstore, custodial, etc.)

TOTAL FT/PT FTE PROJECTIONS

	1989	2000
FACULTY & STAFF[5]	7500	6750
STUDENTS[2&4]	10000	10000
VISITORS[6]	2100	3488
TOTALS	19600	20238

[6] Average number of visitors on campus per day.

2547

GEORGETOWN UNIVERSITY CAMPUS PLAN
BZA APPLICATION NO. 16566

RESPONSE TO BZA'S REQUEST FOR ADDITIONAL INFORMATION

INFORMATION REQUESTED	UNIVERSITY'S RESPONSE
	As specifically requested by the Board, the University's off campus housing program is workable and comprehensive. Attached is a detailed description of the program and the University's Point by Point Response to each issue raised by the Board and the Community.
Develop and submit a workable off-campus housing program with specific attainable goals for undergraduate students. Identify the resources and staff that will be committed to achieving the program's goals.	• **The program is comprehensive.** All negative impacts from students are addressed – Noise Drinking Partying Parking Trash Disrespectful behavior. • **The program has attainable goals.** ➢ Reducing the number of repeat offenses (new and stronger sanctions). ➢ Proactive identification and intervention of potential problems (SNAP) ➢ Community-wide approach to long-term resolution of conflicts (ALL) • **All student conduct is included** – both on and off campus. Thus, even students walking to and from campus are subject to the Code of Conduct. • **The program is proactive in terms of new programs such as ALL & SNAP, educational and orientation materials (Exhibit A).** • **The program is responsive and decisive in terms of new and stronger sanctions (Exhibits A and B).** • **The program includes a new partnership with the community, city agencies, landlords, MPD, and students living off-campus (ALL).** • **The staff and resources have been committed:**

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➢ **Personnel:**

- Three additional staffers have been assigned to the Hot-Line staff which increases the number of persons staffing that activity from 8 to 12.
- A new full-time staff position in the Off Campus Student Affairs Office has been funded, the position is being advertised, and the expected hire date is October/November 2000.
- A full-time staff person has been assigned to assist Jeanne Lord on an interim basis until the new permanent position is filled.
- A University Task Force was convened by the President to develop and implement the new program (Exhibit C).
  - ❖ Father Michael Garazini, Special Assistant to the President, has been assigned the responsibility for co-chairing the newly created Alliance for Local Living, one of the key community outreach components of the program. (Exhibit D)
  - ❖ Karen Frank, Executive Director of Facilities and Student Housing, has been placed in charge of the bulk trash collection component of the program
  - ❖ Linda Greenan, Brenda Willoughby and Alice Boyer have been tasked with the responsibility to develop the indices to begin tracking implementation.

➢ **New Equipment:**

- The University has leased a vehicle to conduct neighborhood patrols and to respond to Hot Line calls. That vehicle is staffed by a representative of the Off Campus Student Affairs office and the patrolling began in October.

➢ **Monies Spent since the beginning of the fall semester in addition to personnel costs:**

- The University has spent $2,500 on printing, mailing, and other costs associated with the changes to its Code of Conduct, mailings to students and community members, flyers within the community, posters and other announcements of its new program.
- The University has already spent $11,200 to hire a private contractor for bulk trash pickups during the first two weeks of the school semester. These pickups totaled nine trips and were in addition to the regular DPW pickups (Exhibit E).
- Lease terms for the car and insurance for the SNAP program are $4,000 annually.

	Future Monies Committed: • The University has made clear that this program is a priority and that funding will be increased for off-campus affairs so that the University can implement and maintain its commitments. As evidenced by a letter from Dr. Dorothy Brown, University Provost (Exhibit F), the University will in fact be increasing funding for Off-Campus Student Affairs programs. • All of the resources needed to implement and enhance these programs will continue for the duration of the Campus Plan.
Develop a reporting system (indices) for tracking the number of citizen complaints, the type of the complaints and how they are resolved.	The University proposes to develop three indices to track the effectiveness of its Off-Campus student conduct program. The first is the Hotline information, the second is the DC Metropolitan Police reports (MPD) reports and the third is the University Department of Public Safety (DPS): • Hotline Data The University will track the number of hot line calls received, the nature of the call, the University's on-site response, and any follow up disciplinary action Hotline Summary from 8/24/00 through 9/24/00 • Total of 57 calls were placed for 48 events • Events Confirmed: 20 • Events Not Confirmed: 28 • GU Follow-Up: > GU disptached Hotline staff to premises – 46 times > Total Number of Students Sanctioned – 38 > Total Number of Houses Sanctioned – 9 The University will share all of this information at each meeting of the Alliance for Local Living. The University will distribute this information to all representatives of the quarterly meeting group at each meeting. (The quarterly meeting group mandated by the BZA in 1990 includes representatives of all 14 community organizations which border the University campus.) On an annual basis, the University will report this information to the Office of Planning. This information will serve as the basis for new, proactive measures by the University. For example, if it appears that a particular block or area of the community is the cause of a larger number of calls, that area will be targeted by the University for special action which may include one on one visits by

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the University, special patrols by SNAP, or other recommended action.

It should be noted that tracking sanctions is not the only measure of the program's success. The University works with both students and neighbors to bring both sides together to form new alliances and develop creative solutions to town-gown issues. In many instances, the resulting agreement is a more positive and long-term solution than the issuance of a sanction. Attached as Exhibit G is correspondence between a neighbor and the University concerning just such an agreement. In this instance, the neighbor also specifically requested that no sanctions be issued.

- DC Metropolitan Police Summary

Every Monday morning, the University receives from the MPD Second District a list of reports that occurred over the weekend that involved University students.

MPD Summary: The following reflects reports submitted by MPD to the University for 8/24/00 through 9/24/00

- 1 lost credit card
- 1 61 D Noise Violation (off campus student)
- 1 Disorderly Conduct (off campus student)
- 1 Urinating in Public
- 23 alcohol violations, of which:
  - 7 = Possession of Open Container of Alcohol (POCA): 5 were off campus students
  - 6 = POCA/Underage Drinking : 2 were off campus students
  - 1 = POCA/Disorderly Conduct: Not charged students released to DPS
  - 9 = Underage Drinking: 2 off campus students

University Sanctions for Off Campus Students as a result of MPD Reports: Of the 26 violations, 11 were for off campus students, 7 of whom have been sanctioned.

- University Department of Public Safety (DPS) Reports (Campus Police)

The Georgetown University Department of Public Safety issues an annual Crime Awareness and Campus Security Report which is made available to students, employees and the public thought its website (www.georgetown.edu/student-affairs/dps/Security_Reports.htm). This report provides statistics and

	information on all forms of crimes investigated by DPS and includes information on crimes occurring on or near the Main Campus.
Develop a 'code of conduct' for undergraduate students. Identify how students will be informed of the 'code of conduct'. Identify the sanctions that will be imposed if students do not comply with the school's code of conduct. The sanctions should range from warnings to dismissal from the University.	• **The New Code of Conduct has been adopted with the changes described herein, students have been informed and the sanctions range from warnings to dismissal.** • The program includes the following sanctions for violations, especially stiff penalties for violations with regard to alcohol and drug use, which will help serve as a deterrent to inappropriate student behavior. (See Exhibits A and B). These include the following: ➢ **Social probation** that would include restrictions on future parties, fines, community work hours and mandatory participation in a workshop on responsibilities and obligations for community living. This applies to first time violators. ➢ **Disciplinary probation** which means that their parents are notified, their Academic Deans are notified, and the University will hold a conference with their parents and the Office of the Associate Dean of Students or Director of Student Conduct. ➢ **Co-curricular sanction** which means that they cannot represent the University in any activity. This applies to all athletes, student government representatives, students participating in joint programs with other universities, or students engaged in any university-sponsored activity. ➢ **Academic suspension** will be applied to any student found responsible for serious violations of the Code of Conduct. These students will be suspended for a semester or year and will be prohibited from taking any classes at the University. Students suspended will have to make their case for re-admittance to the University. ➢ **Dismissal:** Any student found responsible for repeated violations of the Code of Conduct or whose offense is of such a serious nature, will be expelled from the University. • **All students have received information on the new Code of Conduct** and the standards of behavior which the University expects of its students in order for them to be responsible and caring members of the community (Exhibit B). ➢ The President of the University has distributed his personal message to all students letting them know the University's expectations of them as community residents (Exhibit H). ➢ Off-campus students have registered their off-campus addresses. ➢ All students received the handbook, *Guide to Off-Campus Living*, with materials that provide the tools students need for off campus living – what are the noise limitations, when is trash picked up and the requirements for storing trash, etc. (Exhibit I). • **Parents have been and will continue to be notified** by the University that its Code of Conduct applies to off campus conduct and that the University will enforce its standards (Exhibit J).

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Develop mechanisms for coordination with the Metropolitan Police Department to deter/stop inappropriate student behavior.	• The University has met with the new commander for the Second District (Peter Newsham) to develop strategies for a new cooperative partnership. These include: – A hotline has been instituted between the University and the 2nd District whereby the University/DPS receives MPD reports on activity involving university students each – Orientation meetings will hem know DC laws and w nctions will be imposed. – s educat and com – Peter Newsham at P and September 27, 2000 to ters of ALL. They were in attendance in the first meeting of All on
The University needs to act as a responsible partner with the Community.	• The University with commu ves mes sin uly 18, 2000 BZA public hearing to discuss student conduct and community issu isting of those and other commu tivities a each undertaken by the University is attached as Exhibit K. • The Univ program ough e advice and f the community at the BZA Quarterly Meeting held on Thursday, September
Identify how the University would cooperate with the departments of Public Works and Consumer and Regulatory Affairs to control the as student vehicles coming to the site, and identify off-campus housing code violations.	• Partnership which includes the fol g: ity contracted f rivate trash p of bulk items during t t two weeks of the semester and also worked with DPW to arrange for a special DPW pickup of tra September e University-contrac al bulk trash pickup occurred on August 24, 25, 26, 28 and 31 and September 1 3, 4 and 5. ibit E.) Atta as Exhibit M are th eets from the bulk trash community meetings as well as the comment forms. W to ge special tra ickups at peak times such as the beginning and end of the school year. • University patrols f ff campus houses ssue violations to students who do not follow trash regulations. which includes the following: oint efforts th the Alliance to promote enforcement of zoning and building code requirements with respect to group houses. The University will not list any property o ental list unless the owner certifies that the property meets District of Columbia laws and regulations (Exhibit N).

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Develop a mechanism for registering vehicles that are associated with the University.	• The University has developed and distributed a flyer informing all students of the DC law requiring them to register their vehicles with the D.C. Department of Motor Vehicles (DMV). (Exhibit O). • At a program for all students who live off campus, facilitated by Dr. Juan Gonzalez, the University distributed notices of the D.C. law. • Additional copies of this notice will be delivered door-to-door to all off campus students and will be included in future correspondence to off campus students. • University SNAP patrols through the neighborhoods in areas where out-of-state cars may be parked. Copies of the flyers describing the DC registration requirement will be placed on these cars.
Develop a notification system for informing parents when students do not comply with the school's 'code of conduct.'	• **Parents have been notified of changes to the University's Code of Conduct and the University's expectation of its students so that the parents can reinforce the community standards and responsibilities expected of all students. (Exhibit J)** • Notification of parents occurs to the extent permissible by law, for any first time violation of University or District of Columbia laws in the case of alleged drug use. • Notification of parents occurs to the extent permissible by law, for any second violation of the University's alcohol code, regardless of whether any violation of District law is involved. • Notification of parents occurs to the extent permissible by law, for any second violation of the University's Code of Conduct with regard to off campus living, which includes a violation of the noise regulations. • In addition to notification, parents are included in a University-sponsored conference with the student and the Associate Dean of Students.
Identify the specific details for establishing a hotline that is manned 24 hours, daily.	• **24 hours a day/seven days a week** there will be a phone number for the community to call and speak with a person to report any problems or concerns. DPS staff will man their phones to record any complaints and to refer calls to MPD. A log will be maintained of these calls to determine whether the Hotline should be extended to the remaining week-days. • At all other times, the Hotline has been extended to run from Thursday night to Saturday night and at those times it will be answered by staff who will then either call the off-campus house or dispatch a university representative to investigate. On three-day weekends, the Hotline also runs on Sunday night. • Additionally, the Hotline has been and will continued to be extended for those nights when increased activity is anticipated, such as homecoming, St. Patrick's Day.

Identify how the school's Board of Review operates.	• As evidenced by the attached letter, the University's Board of Directors is behind this program 100 percent and is committed to providing the resources needed to ensure its successful implementation. (Exhibit P) • This commitment will survive any change in leadership and will ensure that the program continues as an obligation of the institution.
Provide an up-to-date count of traditional students, professional students, foreign students, et..	• The following updates the information already provided in Appendix E to the Campus Plan: ➢ The Fall enrollment number of traditional full-time undergraduate students is 5840. This compares with last year's Fall enrollment number of 5744. Fall and Spring enrollment are averaged to reflect the academic year. Historically, Spring numbers range from 6 – 10% less than Fall numbers due to students studying abroad, mid-year graduation, withdrawals, etc. When the projected Spring numbers are averaged with the Fall number, the projection is 5603 which is less than the projection of 5677 previously included in Appendix E to the plan. ➢ Excluded from traditional full-time student numbers are 188 non-traditional students, such as veterans, students over the age of 25, commuters. ➢ The graduate number is 2,467 FFTE which is less than last year's 2,589 in Appendix E of the Campus Plan.
Have the Student Council address how it intends to reach out to students who have disciplinary problems.	• The Georgetown University Student Association (GUSA) will be separately filing its own response to the BZA. • Student representatives were included in the University Task Force, which developed this program. (Exhibit C) • Additionally, the new Vice President for Student Affairs – Dr. Juan Gonzalez – has met on several occasions with student representatives to review the changes and to obtain the student community's input.
Identify how helicopter flights will be monitored to ensure that they are used exclusively for medical emergencies.	• MedStar coordinates and monitors the helicopter transports and must have the discretion to provide for transport based on the health needs of the patients. • The helipad is used for trauma and transplant patients as well as other types of patients, primarily cardiac and neuro-patient transports. • In the Campus Plan case, it was estimated that usage would be approximately 12 trips per week. Since July 1, the total number of transports has been 23.

Exhibit D: Opponents' Submission of October 23, 2000 in 2000 Campus Plan Case

Exhibit D

Advisory Neighborhood Commission 2 E
Single Member District 04
1642 Thirty-fifth Street N.W.
Washington, D. C. 20007-2334

337-6505 (phone) • 337-6504 (fax)

'00 OCT 23 AM 11:18

October 23, 2000

Ms. Sheila Cross Reid, Chair
Board of Zoning Adjustment
441 Fourth Street N.W.
Washington, D. C. 20001

BZA
Case No. 16566
Exhibit No. 213

Madam Chair:

Re: Case 16566 - Georgetown University Campus Plan

Appended is our response to the Georgetown University October 6, 2000, submission concerning student behavior.

As the statement details, we believe the plan that Georgetown has submitted is still deeply unresponsive to the Board's request for a pro-active plan, and to the community's needs.

• Portions of the program have already been implemented this fall. They are not working. The appended letters and photographs provide abundant evidence that, even in this period of heightened university focus on resolving the acknowledged problems, citizens continue to be impacted (see Appendix A).

• The students themselves, through GUSA, indicate they believe this proposed plan will not work (although GUSA did not provide an alternative approach for a meaningful program).

The report of the university's own Campus Culture Task Force has largely been ignored; most of its recommendations are not included in the current GU plan (see Appendix B).

• The "ALL" entity, contrary to Counsel's assertion, does not meet the need for an open, objective body to evaluate programs and assess problems; we repeat our strong desire to have the BZA-endorsed community meetings continue to meet this goal, with more frequent meetings if needed.

We ask the Board to utilize, instead of the GU plan, the elements of the submission our organizations prepared in response to the call for a position paper from the community. Contrary to Counsel Dwyer's reading, we believe the transcript of the Board's September meeting asked for such a community statement. After conferring with Board staff, we were encouraged to make the submission. In the event that the earlier submission was somehow improper, we incorporate that communication in its totality as part of this submission, and attach it as Appendix D.

In closing, we again wish to underscore the importance of the other protections we

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sought in our proposed Findings and Conclusions, relating to the traffic expansion beyond the campus boundaries, and MedStar expansion on the north campus. We ask the Board to include these in any order that is ultimately issued, and repeat our unanimous request for a plan of no more than five years.

It should be clear that ameliorating the harmful impact of student behavior will not be quick or easy. No increase in enrollment should be granted by the Board without adequate on-campus housing, a program of demonstrated success in changing the behavior of students, and an acceptance by the university that it is responsible for correcting the impact of its students' behavior until that time.

This response is submitted on behalf of the same five organizations as our last submission: Burleith Citizens Association, Citizens Association of Georgetown, Cloisters in Georgetown, Foxhall Community Citizens Association, and Georgetown Residents Alliance.

We appreciate your courtesy in permitting this submission on October 23. Ten full sets of materials are attached, and Counsel for the applicant is being served today as well.

Sincerely,

Barbara Zartman
Commissioner

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Community Response to Georgetown University Submission of October 6, 2000

2097.

Community response to the applicant's 6 October 2000 submission
Georgetown University campus plan, BZA application number 16566
October 22, 2000

This document consists of three parts:

A. Response to the applicant's cover letter
B. Critique of the "point by point" chart that was entitled "Response to BZA's Request for Additional Information"
C. A summary of the community proposals for the campus plan that are relevant to the applicant's response.

In addition, the submission includes several appendices.

A. Response to cover letter

1. Regarding enrollment: We acknowledge that, as described in their recent filings, the University has implemented several measures intended to reduce the negative impact of off-campus students on surrounding neighborhoods. **We disagree strongly** that these measures "address the issue of impacts from its students off campus so as to enable the Board to approve the increase in enrollment."
   D. First, the new measures have not been shown to significantly reduce off-campus student impact. To the contrary, the impact this year appears to be worse than ever, despite the unilateral implementation by the University of most of the elements of its plan. Documentation of continuing negative impact is attached in Appendix A. Certain elements of the plan have been in existence for years, others for a few months. The plan has no record of effectiveness, and any modest benefits it does produce could be far outweighed by the negative effects of increasing enrollment.
   E. Second, the new measures affect only behavior of off-campus students. Other neighborhood impacts noted in testimony were not addressed. These include negative effects on parking, traffic and housing.
   F. We note that **the University still refuses to provide full-time equivalent enrollment figures**, as specified in the approved 1990 campus plan. As noted in our testimony, "full-time equivalent" enrollment seems to be higher than "traditional full-time undergraduate" enrollment. **The current reported enrollment, 5840 "traditional full-time undergraduates" is very high** and may lead to a violation of the 5627 FTE enrollment cap for the year--even in terms of this different unit of measurement.
   G. It appears that, in addition to unilaterally implementing its own behavior management plan, the University is also unilaterally increasing its own enrollment cap. The point by point response chart indicates that the University's target enrollment for the current year was 5677, in excess of the existing 5627 FTE cap.
2. Regarding on-campus student life: The community supports the projects in the campus plan that seek to "re-center student life on campus." We believe that these projects should be given priority over other elements of the plan. However, we have asked that non-student use that could burden the neighborhood be restricted for all of the projects named in the letter--the Performing Arts Center, McDonough Arena and Harbin Field.

   We applaud the decision of Dr. Juan Gonzalez this year to oppose holding the Student Charity Block Party on public space as in the past. We have long opposed this event as contributing to a student culture of drinking, and the University itself once effectively prohibited it. (Until recently, students in University housing were required to sign an agreement that they would not petition the city for a block party). However, the student

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	Because of its shortcomings, the hotline has low credibility in the community and is underutilized. What is required instead is the community proposal (above) of a full-time, broad-scope hotline.
Identify how the Board of Review operates	We're not sure if the response addresses the question the Board intended to ask. However, we can comment that probably the most crucial requirement of the plan is the support of the University President. The impending departure of the current President is an important reason to limit the term of any approved plan.
Provide an up-to-date count of students	This information is inadequate: ⇒ Despite frequent requests, no FTE counts of undergraduate enrollment have been submitted The information provided is nonetheless disturbing: ⇒ The current enrollment is very close to the cap and may well exceed it, depending on events in the spring. ⇒ More comments on enrollment are given above, in point #1 of the response to the cover letter.
Student Council response	We received the GUSA response only with the applicant's October 20 submission. The Board had asked how the student council would reach out to students with disciplinary problems. The response indicates ⇒ The Student Council does not support the University program ⇒ The Student Council has identified no steps to reach out to students with disciplinary problems; instead, it proposes a public relations program with "non-student residents."

C. Community proposals for the University's off-campus student program

1. Taking responsibility: The University must in principle and in fact take responsibility for actions of their students. Note that most GU undergraduates are young and from outside the DC area. The University, in enrolling them and inducing them to live in the community, has an obligation to ensure that they understand and comply with local laws and customs. Examples of areas where the University should bear ultimate responsibility are
   - Noise disturbances
   - Maintenance of housing and trash
   - Health and safety (housing codes and zoning violations)
   - Parking impact: ensuring that students park legally and register their vehicles as required by law.
   - Generally, compliance with all laws relevant to neighborhood impact.

   University responsibility in these areas should include establishing
   - Means to inform students of their obligations and of resources available to them;
   - Procedures to remedy problems arising from noncompliance (such as removing garbage and towing cars) and other problems (such as working to obtain housing inspections and to improve city services); and
   - Procedures to sanction students who cause problems. Sanctions could include means to reimburse the University for costs that it incurs in remedying student-caused problems.
2. Community hotline: The University should institute a hotline that is manned at all hours of the day, every day of the week, to take complaints or comments by community members

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Exhibit E: Letter from University President to Board of Zoning Adjustment

Exhibit E

GEORGETOWN UNIVERSITY

Office of the President

2000 OCT 30 P5:30

October 27, 2000

Ms. Sheila Cross Reid, Chair
District of Columbia Board of Zoning Adjustment
441 - 4th Street, NW
Washington, DC 20001

Re: Georgetown University Campus Plan
BZA Application No. 16566

Dear Ms. Reid and Members of the Board:

I write to respond to the most recent filings by the parties in opposition in order to state clearly the commitment of Georgetown University to respond faithfully and wholeheartedly to the concerns that you and they have expressed. It is a commitment that begins at the highest levels of the University, including the Board of Directors, and has been communicated not only to all employees but also to our students, the parents of our students and the community.

Throughout this process, we have acknowledged the valid concerns of the community. In fact, during most of the summer, a high-level group of University administrators met twice weekly to develop a new program to respond to these concerns. This new program is now being implemented under the direction of our new Vice President for Student Affairs, Juan C. Gonzalez, Ph.D. There is no doubt that we have taken seriously these concerns and our new program.

I would like to provide a summary of the issues raised by the parties who continue to oppose our Plan despite the many productive steps we have taken to address their concerns.

(1) The New Off Campus Student Affairs Program: Since September, we have implemented all of the items we detailed for you in our August 10th submission. We have expanded our Hotline coverage, and we have leased a car for use by our SNAP's staff to make proactive late night tours of the neighborhood as well as twice weekly inspections of the neighborhood for trash violations. We believe these efforts are working and frankly question some of the letters that were filed to the contrary. For example,

BZA
Case No. 16566
Exhibit No. 217

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immediately upon receipt of the September 26th letter, Ms. Jeanne Lord, our Assistant Dean for Off Campus Student Affairs, followed up. In a follow-up conversation in mid-October, Ms. Lord offered to do a walk-through, was told to hold off and that she would be informed if that became necessary. She has heard nothing since that time, and yet the letter filed with the BZA creates the impression that we had done nothing. And the University's own twice weekly inspections have shown that trash build-up has not been a problem in that area of the community.

Similarly, the letter from the Citizens Association of Georgetown (CAG) requesting a meeting about an issue on Prospect Street was received in my office just last week and a meeting has now been scheduled. The letter's filing with the BZA would seem to serve no purpose other than implying I have been unresponsive, which simply is not the case.

(2) The Code of Conduct. What we heard at the July hearing from the same parties was that the University's standards were not being enforced and there were no sanctions. We have strengthened our Code of Conduct and created new sanctions to address these concerns. We investigate purported violations and sanction students who have been deemed to violate the Code of Conduct. However, we must and will provide our students with appropriate due process and when they are found responsible for violations, we must issue sanctions suitable to the offense. Requests by the community to receive information about sanctions levied against specific students is not appropriate becausewe must adhere to federal law and our policies regarding student records. We must and will enforce our Code of Conduct in a manner that protects the privacy rights of our students.

(3) Alliance for Local Living (ALL): The purpose of this group is to bring special focus to the issues of off-campus student conduct by convening all viewpoints, including those of landlords, students living off campus, members of the community, the police, university administrators, and, when appropriate, relevant District agencies, such as DPW or DCRA. I asked Fr. Michael Garanzini, S.J., who serves as my special assistant, to convene this group. He informs me that he reached out to the Citizens Association of Georgetown, the Burleith Association, and ANC 2E, and has made it clear to other organizations, such as Foxhall Citizens, that all are welcome and encouraged to participate. Meeting notices and agendas are sent prior to each meeting, and minutes of each meeting are prepared, discussed and approved. The BZA Quarterly meetings focus on much broader issues and serve that function quite well. We are disappointed that some members of the community have chosen not to participate but believe that ALL will be an important vehicle to resolving many off campus issues in a way that considers and benefits from input received from all affected parties.

(4) A Ten-Year Plan: Approval of our Campus Plan for a ten-year period is critical to our long-range planning needs. Some members of the community have urged a

five-year approval period, but that is not sufficient to move forward with the goals and projects that are included in the plan which even opponents of the plan acknowledge are worthwhile. We must have clarity with respect to our modest plans for phased-in enrollment increases because the revenue generated by the tuition is essential for the ongoing operation and maintenance of the plan's projects. If it were left uncertain as to whether or not Georgetown could construct our planned Science and Business facilities, which we do not expect to begin until the middle years of the plan, it would be very difficult to hold onto donations pledged for these projects, much less to complete the fundraising we need. For our critical financial planning purposes, it is only fair that we be allowed to project accurately our ability to implement the modest enrollment increase we have requested. I would add that we have already agreed to reduce our original enrollment increase request and compromised on the manner in which it will be phased in *following* occupancy of the Southwest Quadrangle.

In response to concerns raised by the community, the University has proposed a series of steps to update the BZA on the University's success in achieving its goals. These steps include a variety of monthly updates to members of the community, annual reports to the Office of Planning and Office of Zoning, and full reports to the BZA each time the University comes before it for further processing of cases under the Campus Plan.

(5) Current Enrollment: Consistent with the BZA's approval of Georgetown's 1990 Campus Plan, the Georgetown student population historically has been determined using the definition of "traditional full-time undergraduate" students and has not been based on total FTE's. The BZA expressly endorsed this methodology in its 1990 Order because this formula focuses on students needing housing and therefore potentially affecting the community. In order to maintain continuity with prior Campus Plan approvals, the University continues to use the traditional full-time undergraduate definition. Thus, nontraditional students who do not need housing are subtracted from our undergraduate numbers.

In response to the statement that we may be currently exceeding the existing cap, please allow me to state that this is not the case. As we have indicated in our filing, the fall and spring "traditional full-time undergraduate" enrollment numbers have always been averaged to provide an overall academic year number. This method of determining enrollment, which has been accepted by the BZA, is employed by other local universities as well. As we have stated on many occasions, the fall enrollment numbers are historically higher than the spring total, when many students are studying abroad. When fall and spring numbers are averaged to arrive at a final number for the 2001 academic year, we will be clearly below our current cap.

(6) 24-Hour Hotline: The University is committed to having a Hotline that is

responsive to complaints raised by members of the community. As with all aspects of the Off Campus Student Affairs program, the University will continue to modify and make adjustments to improve the operation whenever necessary. Based on the information we have received from the community, we believe that it is not necessary to extend the Hotline service beyond Thursday, Friday and Saturday, except for the occasional weekday nights before a University holiday or other special occurrences. At all other times, the University's campus police can be reached by phone; they have been instructed to maintain a log of calls from the community so that we can assess whether further adjustments need to be made to accommodate such calls.

(7) Partnerships with DPW, DCRA and MPD: I believe strongly that we have created new and meaningful partnerships with DPW and MPD (as well as with members of the community) to address what are certainly community-wide issues. Our partnership with MPD includes inviting them to participate in University-sponsored forums with our students. (I enclose an article from one of our student papers describing the most recent of these). We have institutionalized receipt of relevant MPD official reports concerning our students and are in constant communication with MPD about such matters. Our partnership with DPW is evident from the letter we filed from the Acting Director, and as you are aware from our previous filings, we are presently conducting twice weekly tours of the neighborhood and assessing fines of $300 to student houses with trash violations. With respect to "illegal houses," we do view this as an enforcement issue more properly within the purview of DCRA and plan to address this particular issue through ALL, with the assistance of landlords.

(8) Helipad: As previously explained, the helicopter flights are not used exclusively for medical emergencies. Rather, the helipad is used for trauma and transplant patients as well as other types of patients, primarily cardiac and neuropatient transports. In fact, the use of the helipad since July 1st indicates that the total number of transports is less than what was projected. As the University testified, the helipad has been on campus since our 1973 Campus Plan with no objectionable impact on the community. Its continued use will likewise have no objectionable impact.

I hope that this information will provide the BZA with assurance as to the commitment of the University on all of the conditions described in its Campus Plan, including the successful implementation and monitoring of the New Off Campus Student Affairs Program.

I would like to take this opportunity to bring to your attention the fact that we continue to move forward on the Southwest Quadrangle project, which will bring 780 students out of the community and back onto campus in the Fall of 2003. I believe strongly that the opening of this new residence hall will have a profound and positive affect on the surrounding communities. Until such time as this occurs, as well as

thereafter, the University commits itself to working in partnership with our neighbors to resolve effectively any off campus issues.

I respectfully ask for your approval of a 10-year Campus Plan at the November 8th public meeting and look forward to seeing you on that day. So that you can meet some of our new leaders responsible for our efforts, I have asked Dr. Gonzalez and Fr. Garanzini to join me in attendance on November 8th.

Sincerely,

Leo J. O'Donovan, S.J.

Enclosure

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Exhibit F: Excerpts from Zoning Commission Transcript, February 24, 2003

the record straight by a clarification.

CHAIRPERSON MITTEN: Right. I understand that, and I think that your second point has already been -- it's satisfied by the fact that their spring enrollment is below cap, so it's a non-issue in terms of right now. Okay. So I follow you.

COMMISSIONER MAY: So we're sort of setting things up so that when Georgetown wants to come for further processings, they're going to come in the spring.

CHAIRPERSON MITTEN: Yes. And not only further processings but filing for permits of any kind.

COMMISSIONER MAY: Right.

CHAIRPERSON MITTEN: Because if it can be proven that at that point when they were to apply that they were over their cap, the BZA would then be the one determining substantial compliance. Okay. So we have that approach that we'll take to Condition 2. Let's just run through these other ones and see what we want to do about them.

Condition Number 3 has to do with the notion that, as articulated in Condition 3, that off-campus housing is a privilege that can be revoked due to student misconduct, and there are three

requirements of Condition 3. And the community, their concern is that a representative of the University has expressed that they have -- they don't have any intention of complying with that policy. And in fact what they do sometimes is if someone's been naughty and they're living on campus, then they withdraw the privilege of living in the dorm. Although the University, in response, has said that they have in fact required some students who have lived off campus and who have behavior problems to come back on campus.

My thought on the subject is that the focus that the community has placed is on the section of the introduction that says that off-campus housing is a privilege that can be revoked, but there's no requirement in Condition 3 that it must be revoked, and in fact the introduction just says that it can be, it doesn't say that it will be or must be. So I don't think there is non-compliance with Condition 3 myself.

VICE CHAIRMAN HOOD: I don't know if I agree with that, Madam Chair. I think we're getting into semantics and words. Condition Number 3 was put there for a reason, and I just want to see a little more compliance. I was trying not to say nothing because one time we try to enforce something, then I hear it's not in our jurisdiction. I have a problem

sitting down here making up conditions and they're not enforced or they're not being abided by, because it's actually a waste of time. But I think we should have further information on Condition Number 3, not just because it doesn't say it must be. We still need, I think, a little more information.

CHAIRPERSON MITTEN: Well, let me just walk through. The first paragraph is an introduction. It doesn't say that the University must do anything, okay, it's just an introduction. And then it says --

VICE CHAIRMAN HOOD: You're speaking in terms of 3.

CHAIRPERSON MITTEN: Of Condition Number 3.

VICE CHAIRMAN HOOD: Condition Number 3.

CHAIRPERSON MITTEN: The first paragraph. Yes. The Off-Campus Student Affairs Program, that is just an introduction.

VICE CHAIRMAN HOOD: Right.

CHAIRPERSON MITTEN: Okay. Then, a, it says, "The Applicant shall ensure that the Off-Campus Student Affairs Program is fully funded and staffed."

VICE CHAIRMAN HOOD: Wait a minute, Madam Chair, let's go back to the introduction.

CHAIRPERSON MITTEN: Okay.

VICE CHAIRMAN HOOD: Let's read the whole thing. "The Off-Campus Student Affairs Program implemented and enforced by the Applicant shall specify that off-campus housing is a privilege that can be revoked due to student misconduct, whether a violation occurs on or off campus."

CHAIRPERSON MITTEN: Okay. So it shall specify, it shall say, it shall make that statement is what it says.

VICE CHAIRMAN HOOD: The Applicant shall specify --

CHAIRPERSON MITTEN: You're right.

VICE CHAIRMAN HOOD: -- that off-campus housing is a privilege --

CHAIRPERSON MITTEN: Okay.

VICE CHAIRMAN HOOD: -- that can be revoked.

CHAIRPERSON MITTEN: Right. That can be revoked.

VICE CHAIRMAN HOOD: Right.

CHAIRPERSON MITTEN: It says they have to say that someplace.

VICE CHAIRMAN HOOD: Okay.

CHAIRPERSON MITTEN: Okay. You're right, it does specify something that they have to do, they

have to say that. And then we go into a and it says that they have to fund that program and the Board of Directors -- "They shall obtain the endorsement of the University's Board of Directors for the Program and the its implementation." They assert that they have done that and the community does not suggest otherwise.

VICE CHAIRMAN HOOD: Okay.

CHAIRPERSON MITTEN: B, "The Off-Campus Student Affairs Program shall specify the measures that University personnel shall undertake immediately upon receiving a complaint regarding student misconduct to resolve any objectionable behavior and so forth." And they articulate what they do to comply with that, what measures they take, and I could surmise that the community is not satisfied with the measures, but it doesn't say that the community shall be satisfied with the measures, it just says that they shall specify the measures that they will take. Okay?

Then, c, "The Off-Campus Student Affairs Program shall conduct, at least annually, a community education workshop that is mandatory for all students living off-campus," which I believe they represented that they did. And I don't believe the community has asserted that they did not, at least annually, conduct

this workshop.

So that there is no requirement for them to -- if there's someone who has a behavior problem who's living off-campus, there is no requirement for them to be moved back on campus. I think that's where it gets down to, because I --

VICE CHAIRMAN HOOD: Shall specify that off-campus housing is a privilege that can be revoked. Now, if off-campus housing is revoked, then where else do you go if you're still in school?

CHAIRPERSON MITTEN: Well, you go back to the dorm is where you go. You go back on campus.

VICE CHAIRMAN HOOD: So there is a mechanism for something being enforced here.

CHAIRPERSON MITTEN: There's a mechanism, but they don't -- I think what the community is suggesting is that they have to do that, and there isn't anything in Condition 3 that says that they have to avail themselves of that particular course of action. If you want something else, I'm happy to support a request for something else. I just don't know what that's going to be.

VICE CHAIRMAN HOOD: Well, I have one or two -- if these things are not enforced, I don't even -- Condition Number 3 should just be out of there.

That's my opinion. And, unfortunately, I didn't sit on that case with the BZA, but if it was put in -- and I think this is a message to all of us. If these things can't be dealt with, we don't need to put them in there. Anyway, that's -- we can go on.

CHAIRPERSON MITTEN: Okay. Condition Number 9. This has to do with the reports concerning complaints regarding student misconduct, and I think there were two issues. One is that the information in the reports was inadequate, that's what the assertion is on the community's part, and that the community objected to the fact that the University limited the content of the reports to students who were living off campus, rather than all students.

Given that I don't think we were provided -- and anybody can correct me if I'm wrong -- we weren't provided an example of one of these reports so it's kind of hard to evaluate in the abstract because somebody says, "Well, yes, we did provide the right amount of information and the right level of detail, the appropriate level of detail," and someone says we didn't, so maybe we need to ask for an example of one of these reports.

But the community -- or the University has asserted that it's appropriate to limit these reports

Exhibit G: Portion of *Student Affairs Handbook*

Student Affairs Student Handbook



Disciplinary Sanctions for Category "A", "B", and "C" Offenses

- University officials may be notified of conduct violations including, but not limited to, coaches, deans, advisors of co-curricular activities.
- The following sanctions, or any combination thereof, may be applied by the Residential Judicial Council, Hearing Board and authorized University officials. Examples include, but are not limited to:
    1. **Written Reprimand:** an official letter of censure.
    2. **Fines:** In all cases of fines, payment must be made in the form of U.S. dollar bills, personal check or money order. Coins totaling more than $1.00 will not be accepted.
        a. **Fire Safety Category "B" Violation:** the typical sanction is as follows:
            - Disciplinary probation for one year and a $125.00 fine
            - Residence hall probation for one year (when deemed appropriate)
        b. **Community Wide Fines:** Based on past experience, it has been determined that a community wide sanction is the only effective deterrent to random violations of fire safety regulations and damage to community property when no individual can be deemed responsible. When either violation occurs, members of the community will be notified. If, after a minimum of 24 hours, no member of the community claims responsibility for the incident or provides an adequate explanation, all those living in the community may be held responsible. In such cases, any or several of the following sanctions will be imposed:
            - In the case of a fire safety violation - $10.00 fine for each member enrolled on the floor.
            - In the case of community damage - each member of the community will be assessed an amount determined necessary for restitution and where appropriate a punitive fine will also be levied.
            - In the case of common areas (i.e. kitchens, bathrooms, lounges) left in unacceptable condition-the area may be closed or declared off limits until clean-up or repair is completed. A fee may also be assessed to compensate for the costs of correcting the situation.

- Appeals will only be granted when the basis of appeal is that a student did not reside (meaning, was not assigned a room by Housing) on the particular floor at the time the incident occurred.
- When deemed appropriate, residence lift staff may consult community counsel and/or InterHall when considering imposing community wide fines.

3. **Restitution**
4. **Educational Classes/Projects:** such as: Insights and Substance Education Class.
5. **Referral:** To appropriate community resource such as individual alcohol/substance assessment and/or consultation.
6. **Community Work Sanction:** supervised work in University programs, offices, buildings, residence halls, or off campus programs.
7. **Party Restriction:** loss of the privilege for any parties to be hosted in your residence.
8. **Housing Probation:** an official warning that further violations would constitute grounds for loss of the privilege of living in that particular residence hall, apartment complex and/or in any University housing for a specified period of time or until a specific condition or conditions are met. A notification of the possibility of a change in housing will be sent to a student's parent(s) if he/she is a dependent.
9. **Housing Relocation:** loss of the privilege of remaining in current housing and required to relocate to other housing on campus. This may include requiring a student to move from off campus housing to residential housing on campus. The student's parent(s) will be notified if he/she is a dependent.
10. **Apartment Living Suspension:** loss of the privilege of registering in the next apartment selection process and barred from residing in a University apartment or townhouse for a specified period of time. The student's parent(s) will be notified if he/she is a dependent.
11. **Disciplinary Probation:** an official warning that further misconduct may result in a charge that could lead to suspension. *A student on disciplinary probation may concurrently be placed on* ***co-curricular probation***. While on co-curricular probation, a student shall not, for a designated period of time, hold or run for any elected/selected position, or represent the University in any activity and/or capacity. Regular meetings may be required with a "mentor" assigned by the Office of Student Conduct. A copy of the notice is sent to the student's Academic Dean; and to the student's parent(s) if he/she is a dependent.
12. **Housing Suspension:** loss of the privilege of living in any University housing for a specified period of time or until a specific condition or conditions are met. The student's parent(s) will be notified if he/she is a dependent.

13. **Housing Expulsion:** loss of the privilege of living in any University housing at any time. The student's parent(s) will be notified if he/she is a dependent.
14. **Suspended Suspension:** A suspension may be suspended by the Board/Administrator allowing the student to remain at the University provided certain conditions, as set by the Board/Administrator, are adhered to by the student. Failure to meet those conditions will result in automatic suspension from the University. Please note that while on suspended suspension a student shall not, for a designated period of time, hold or run for any elected/selected position, or represent the University in any activity and/or capacity. The student's parent(s) will be notified if he/she is a dependent.

    The Office of Student Conduct shall judge whether the conditions have been satisfied. An active suspension shall be noted as "withdrawn" on the academic transcript.
15. **Active University Suspension:** complete separation from all University activities, services, facilities and grounds. Active suspension may be term or conditional. Upon return to the University, the student will be placed, automatically, on Disciplinary Probation for a minimum of one year. The student's parent(s) will be notified if he/she is a dependent.
    - Term suspension shall be for a stipulated period of time, not to exceed two years, after which the suspended student may return to the University.
    - Conditional suspension shall qualify re-entry to the University community pending the fulfillment of certain conditions by the student that are reasonably necessary to his continued academic success and peaceful conduct in the community. Subject to fulfillment of the stipulated conditions, the suspension shall be indefinite.

    The Office of Student Conduct shall judge whether the conditions have been satisfied. An active suspension shall be noted as "withdrawn" on the academic transcript.
16. **Disciplinary Dismissal:** permanent termination of the individual's relationship with the University. This includes all activities, services, facilities, grounds, undergraduate, graduate and professional schools. A dismissal shall be noted as "Disciplinary dismissal" on the academic transcript. The student's parent(s) will be notified if he/she is a dependent.
17. **Other Sanctions:** as appropriate to the circumstances of a given case.

STUDY ABROAD

Please note that the privilege of studying abroad may be revoked based on one's disciplinary record. Such decisions will be made by the Office of International Programs.

Sanctions Specific to Seniors

- Failure to complete any disciplinary sanction before Commencement exercise will result in the Academic Dean withholding a diploma. The student will receive the diploma when the Office of Student Conduct certifies that the sanction is complete.

- A student may not graduate with an unresolved disciplinary matter that could reasonably result in suspension or dismissal from the University. Certification for their degree will be withheld pending a final resolution of the disciplinary matter; this determination will be made in conjunction with the Academic Dean.

Authorized Administrators

The people listed below and any other University official designated by the President have jurisdiction over alleged violations of University regulations:

- Vice President for Student Affairs
- Associate Vice President for Student Affairs
- Associate Dean of Students/ Director of Off-Campus Student Life
- Director of Student Conduct
- Director of Residence Life
- Associate Director of Residence Life
- Assistant Director of Residence Life
- Coordinator of Off-Campus Student Life
- Hall Directors
- Residential Judicial Council

The power of the authorized administrators includes but need not be limited to the following sanctions or combinations thereof:

1. The Vice President for Student Affairs, the Associate Vice President for Student Affairs, and the Director of Student Conduct are authorized to impose 1-16 of the above sanctions, including Emergency Administrative Action.

2. The Associate Dean of Students/Director of Off Campus Student Life, the Director of Residence Life, the Associate Director of Residence Life, and the Assistant Director of Residence Life are authorized to impose 1-14, 17, Emergency Administrative Actions of the above sanctions, 15 and 16 in consultation with the Vice President for Student Affairs, the Associate Vice President for Student Affairs or the Director of Student Conduct.

3. Hall Directors, the Residential Judicial Council, and the Coordinator of Off Campus Student Life are authorized to impose 1-10 and 17, of the above sanctions and 11 in consultation with those administrators listed in 1 and 2.

NEXT » Methods of Resolution for Categories "A" and "B"

Exhibit H: Public Data on Student Misconduct Complaints
Most Recent Report and Others

BZA Quarterly Report

Off Campus Student Life Hotline *

October - December 2002

Week of	Number of Hotline Calls	Number of Incidents Reported	Number of Complaint Incidents	Warnings Issued	Referrals
Sep 30- Oct 6	5	4	4	0	4
Oct 7-13	1	1	1	0	1
Oct 14-20	5	3	2	2	1
Oct 21-27	1	1	0	1	0
Oct 28- Nov 3	16	12	4	7	5
Nov 4- 10	13	9	3	5	4
Nov 11-17	6	0	0	0	0
Nov 18-24	5	3	1	2	1
Nov 25- Dec 1	0	0	0	0	0
Dec 2- 8	5	2	0	1	1
Dec 9-15	0	0	0	0	0
Dec 16-22	0	0	0	0	0
Dec 23-31	0	0	0	0	0
TOTALS	57	37	15	18	17

*Incidents reported during this time period include-- noise violations in student private homes off campus; walk-by pedestrian noise; and disorderly conduct.

BZA Quarterly Report			MPD Report for October - December 2002				
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1-Oct-02	5	5	2 underage possession of alcohol (UPA), 1 possession of marijuana, 2 61D noise violations	0	N/A	0	N/A
6-Oct-02	8	4	4 61D noise violations	3	2 UPA, 1 disorderly conduct	1	1 disorderly conduct
13-Oct-02	3	1	1 61D noise violation	2	1 UPA, 1 noise warning	0	N/A
20-Oct-02	12	0	N/A	12	12 UPA	0	N/A
27-Oct-02	9	3	2 61D noise violations, 1 noise warning	4	4 UPA	2	1 noise warning, 1 UPA
3-Nov-02	7		N/A	5	5 UPA	2	2 UPA
10-Nov-02	2	2	2 61D noise violations	0	N/A	0	N/A
17-Nov-02	4	4	4 61D noise violations	0	N/A	0	N/A
24-Nov-02	8	5	warning, 1 failure to obey, 1 disorderly conduct	3	2 61D, 1 urinating in public	0	N/A
1-Dec-02	4	4	3 noise warnings, 1 simple assault	0	N/A	0	N/A
8-Dec-02	0	0	N/A	0	N/A	0	N/A
15-Dec-02	1	0	N/A	1	1 UPA	0	N/A
22-Dec-02	0	0	N/A	0	N/A	0	N/A

Off Campus Student Life Trash Report

October - December, 2002

Month	West Georgetown	Burleith	Total
October, 2002	0	0	0
November, 2002	5	0	5
December, 2002	0	0	0

Georgetown University Office of Student Conduct

Sanctions Given to Students Living Off Campus
Between October 01, 2002 and December 31, 2002

Sanction	Total
Disciplinary Probation	4
Fine	11
Housing Relocation	1
Party Restriction	14
Suspension was Suspended	1
Work Sanction	14
Total sanctions given to students living off campus:	**45**

Off Campus Referral Services

Ground Floor
Darnell Residence Hall
(202) 687–7764
https://och.georgetown.edu

The Office of Off Campus Housing Referral Services (OCHRS) was created to assist currently enrolled students, faculty and staff by providing resources to locate off campus housing. OCHRS maintains a computerized database of properties (rooms, houses, townhouse, apartments, etc) that are currently available to rent or share. This list is updated daily and is only available on the website. These listings can be viewed on any computer that has internet access. Internet access is available to all students free of charge at any of the computer labs located on campus.

The Office of Off Campus Housing Referral Services does not accept, endorse or make any warranties regarding the condition of any properties listed on the website. The office merely posts listings, via the World Wide Web, for the convenience of students, faculty and staff.

Off Campus Student Life Office

The Off Campus Student Life Office (formerly Off Campus Student Affairs) addresses the needs and concerns of off campus students. The University established the office in 1990 to help our students live safely and successfully off campus. Through programs, resources and support services, the office provides opportunities for off campus students to become fully integrated into the local community. The staff also attempts to promote and enhance good relationships with neighbors by increasing students' awareness of their responsibilities as members of the residential community. Finally, Off Campus Student Life serves as a liaison between the University and our neighbors, encouraging dialogue about issues of mutual concern.

The OCSL office is a resource for students living off campus. Information and referrals are provided on a wide range of services. In addition, OCSL works with the Office of Student Conduct to administer the Code of Conduct. The office reviews alleged violations of university regulations and local laws and ordinances and, when appropriate, issues sanctions. The Code of Conduct and relevant information can be viewed at: **http://georgetown.edu/studentaffairs/stconduc/offindex.html**

The Off Campus Student Life Office also administers the **Hotline** and **SNAP** (Student Neighborhood Assistance Program). The Hotline is a service provided for the local community and allows residents to contact the University with concerns about noise, improper trash disposal, or other student conduct related issues. The **Hotline** is answered **24 hours** a day, **7 days** a week, by the University's Department of Public Safety. **SNAP** operates from 9:00 PM–3:00 AM, Thursday–Saturday nights. **SNAP** employees go directly to student houses in response to calls to the Hotline. If a **SNAP** representative contacts your house, you can expect a call from the Office of Off Campus Student Life to discuss the incident. A student found responsible for a violation of local laws that fall under the Code of Conduct will receive a sanction. Further details on the **SNAP** program can be found at the OCSL Office located on the 5th floor of the Leavey Center or by visiting the website at **http://georgetown.edu/studentaffairs/oflife/offindex.html**

Off Campus Student Life Resource Center

The Off Campus Student Life Office has a resource center located on the 5th floor of the Leavey Center. This resource center is filled with valuable pamphlets, booklets and information to help students transition to off campus living. Some of the following information can be found at the center:

- Tenant's Guide to Safe and Decent Housing
- DPW Trash Disposal Brochure
- Various Metropolitan Police Department Brochures
- Fire Prevention Brochure
- Off Campus Referral Service Flyer
- OCSL Newsletter
- Quick Tips for Living Off Campus Flyer
- Georgetown University Student Handbook

Georgetown University
Off Campus Student Life Office
530 Leavey Center
Washington, DC 20057

Non-Profit
Organization
U.S. Postage
PAID
Washington, DC
Permit No. 3901

Georgetown University Office of Student Conduct

Offenses Committed by Students Living Off Campus
Between October 01, 2002 and December 31, 2002

Offense	Total
Noise	14
Possession of alcohol by a person who is under 21 years of age	1
Possession of an open alcohol container in a public place	1
Possession or use of a counterfeit or controlled substance	1
Total Offenses Committed by Off Campus Students:	**17**

BZA Condition #9

GEORGETOWN UNIVERSITY

Associate Dean of Students

MEMORANDUM

10 October 2002

TO: Ms. Jerrily R. Kress
Director, DC Office of Zoning

FROM: Jeanne Lord JL
Associate Dean of Students

SUBJECT: Campus Plan order

Condition 9 of the Board of Zoning Adjustment's Order approving Georgetown University's Campus Plan through December 2010 directs the University to report certain data concerning off-campus student Conduct to your officer on a quarterly basis. Historically, we have reported this data in quarterly periods that correspond to the academic year. Beginning with this report, we have transitioned to quarterly reporting periods that correspond to the calendar year. Enclosed please find the report for the period of July, August and September 2002.

Also enclosed is an addendum to the July 1 report providing information covering the period May 13 – June 31, 2002. Providing this data in addendum form allows us to provide a full set of data as we complete our transition to calendar quarter reporting.

530 Leavey Center
Washington DC 20057-1090
202-687-4056 FAX 202-687-6255

BZA Quarterly Report
Off Campus Student Life HOTLINE
July, August, September 2002

Date	Number of days Hotline Operated	Number of Hotline Calls	Number of Incidents Reported	Number of Confirmed Incidents	West Georgetown	Burleith
September 30 – October 6	7	5	4	4	0	4
September 23 - 29	7	4	3	2	3	0
September 16 - 22	7	9	6	0	4	2
September 9 - 15	7	12	10	1	3	7
September 2-8	7	14	13	1	5	8
August 26 – September 1	7	0	0	0	0	0
August 19 - 25	7	3	3	0	1	2
August 12 - 18	7	0	0	0	0	0
August 5 - 11	7	1	1	0	0	1
July 29 – August 4	7	0	0	0	0	0

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July 22 - 28	7	1	1	0	0	1
July 15 – 21	7	3	2	0	1	1
July 8 - 14	7	3	2	0	0	2
July 1-7	7	1	1	0	0	1
TOTALS	**98**	**56**	**46**	**16**	**17**	**29**

PAGE 2
10/02: JF

Georgetown University Office of Student Conduct

Offenses: Committed by Off Campus Students

Between July 01, 2002 And September 30, 2002

Offense	Total
- Defacement	1
- Incivility with University Official	1
- Locals laws and statutes	6
- Noise	9
- Possession or consumption of alcohol by a person who is under 21 years of age	1
- Possession or consumption of the contents, of open alcoholic container in a public a	1

Total Offenses Committed by Off Campus Students: 19

Georgetown University Office of Student Conduct

Sanctions Given To Students Living Off Campus

Between July 01, 2002 And September 30, 2002

Sanction	Total
Fine	7
Letter of Apology	1
Party Restriction	7
Work Sanction	18
Total sanctions given to students living off campus:	**33**

Off Campus Student Life MPD
Year to Date Statistics: FALL 2002
Week 1-4

Date	Number of Incidents Reported	Number of Confirmed Incidents	Off Campus Students	On Campus Students	Not GU Student	Type of Violation
September 17, 2002	8	7	4	3	1	2 Noise Control Act (2 OC) 2 Underage Poss. of Alcohol 4 Poss. of Open Container (2 OC)
September 3, 2002	26	26	11	15	0	18 Underage Poss. of Alcohol (5 OC) 3 Poss. of Open Container (2 OC) 4 Noise Control Act (4 OC) 1 Hurling MIssiles
August 26, 2002	4	3	3	0	1	2 Noise Control Act (2 OC) 2 Underage Poss. of Alcohol
TOTALS	**38**	**36**	**18**	**18**	**2**	———

10/7/02 : JF

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Off Campus Student Life Trash
Year to Date Statistics: Summer / Beginning of Fall 2002

Month	West Georgetown	Burleith	Total	Total Fined
September 2002	4	3	7	0
August 2002	1	0	1	0
July 2002	0	0	0	0
TOTAL	**5**	**3**	**8**	**0**

10/02: JF

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ADDENDUM
BZA Quarterly Report
Off Campus Student Life Hotline
May 13 – June 30 2002

Date	Number of days Hotline Operated	Number of Hotline Calls	Number of Incidents Reported	Number of Confirmed Incidents	West Georgetown	Burleith
June 24 - 30	7	1	1	0	1	0
June 17 – 23	7	2	2	0	1	1
June 10 –16	7	0	0	0	0	0
June 3 - 9	7	6	6	0	2	4
May 27 – June 2	7	0	0	0	0	0
May 20 - 26	7	1	1	0	0	1
May 13 - 19	7	16	13	0	9	4
TOTALS	**49**	**26**	**23**	**0**	**13**	**10**

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Georgetown University Office of Student Conduct

Offenses: Committed by Off Campus Students
Between May 13, 2002 And June 31, 2002

Total Offenses Committed by Off Campus Students: 0

Georgetown University Office of Student Conduct

Sanctions Given To Students Living Off Campus
Between May 13, 2002 And June 31, 2002

Total sanctions given to students living off campus: 0

BZA Condition #9

GEORGETOWN UNIVERSITY

COPY

Associate Dean of Students

28 June 2002

TO: Advisory Neighborhood Commission 2 E
District of Columbia, Washington

FROM: Jeanne Lord
Associate Dean of Students

SUBJECT: Campus Plan order

Condition 9, of the Board of Zoning Adjustment's Order approving Georgetown University's Campus Plan through December 2010 directs the University to report certain data concerning off-campus student Conduct to your officer on a quarterly basis. Enclosed please find reports for the first quarter 2001 and second quarter 2002.

5th Floor Leavey Center
Washington DC 20057-1046
202-687-4056

BZA Condition #9

GEORGETOWN UNIVERSITY

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28 June 2002

TO: Ms. Jerrily R. Kress
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5th Floor Leavey Center
Washington DC 20057-1046
202-687-4056

Off Campus St[redacted]nt Life HOTLINE
Year to Date St[redacted]tics: SPRING 2002
Week 1-18

Week Number & Date	Number of days Hotline Operated	Number of Hotline Calls	Number of Incidents Reported	Number of Confirmed Incidents	West Georgetown	Burleith	On Campus
Week 18 May 6 – 12	7	11	8	1	1	0	0
Week 17 April 29 – May 5	7	20	14	14	5	9	2
Week 16 April 22 - 28	7	14	11	3	2	1	1
Week 15 April 15 - 21	7	16	12	1	1	0	0
Week 14 April 8 - 14	7	14	7	5	3	2	1
Week 13 April 1 - 7	7	6	6	3	0	3	0
Week 12 March 25 - 31	7	1	1	0	0	0	0
Week 11 March 18 - 24	7	4	4	0	0	0	0
Week 10 March 11 - 17	7	9	7	3	0	3	1
Week 9 March 4 - 10	7	0	0	0	0	0	0
Week 8 February 25 – March 3	7	2	0	0	0	0	0
Week 7 February 18 - 24	7	6	4	1	0	1	1
Week 6 February 11-17	7	4	3	0	0	0	0
Week 5 February 4 - 10	7	10	6	5	3	2	1
Week 4 January 28 – February 3	7	6	6	2	2	0	0
Week 3 January 21 - 27	7	7	6	3	1	2	1
Week 2 January 14 - 20	7	12	10	2	1	1	1
Week 1 January 7 - 13	7	1	0	0	0	0	0
TOTALS	126	143	105	43	19	24	9

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Off Campus Student Life HOTLINE
Year to Date Statistics: FALL 2001
Week 1-15

Week Number & Date	Number of days Hotline Operated	Number of Hotline Calls	Number of Incidents Reported	Number of Confirmed Incidents	West Georgetown	Burleith
Week 15 November 26 – December 2	7	15	14	5	0	5
Week 14 November 18 – November 25	7	0	0	0	0	0
Week 13 November 11 – November 17	7	16	12	3	0	3
Week 12 November 4 – November 10	7	4	1	1	0	1
Week 11 October 28 – November 3	7	10	6	2	1	1
Week 10 October 21 – October 27	7	2	0	0	0	0
Week 9 October 14 – October 20	7	7	0	0	0	0
Week 8 October 7 – October 13	7	30	20	9	3	6
Week 7 September 30 – October 6	7	8	7	5	3	2
Week 6 September 23 – September 29	7	3	3	3	1	2
Week 5 September 16 – September 22	7	16	13	12	10	2
Week 4 September 9 – September 15	7	14	10	10	7	3
Week 3 September 2 – September 8	7	16	14	13	8	5
Week 2 August 26 – September 1	7	12	10	9	5	4
Week 1 August 19 – August 25	2	0	0	0	0	0
TOTALS **FALL 2001**	100	153	110	72	38	34

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Off Campus Student Life Hotline Comparison
Fall 2000 – Spring 2002

Semester	Hotline Calls	Incidents Reported	Confirmed Incidents
Fall 2000	144	107	61
Fall 2001	**153**	**110**	**72**
Spring 2001	101	67	32
Spring 2002	**143**	**105**	**43**

MPD Police Reports
Fall 2000 – Spring 2002

	Total Reports	Off - Campus
Fall 2001	24	14
Spring 2002	27	9
	51	**23**

Trash Violations
Fall 2000 – Spring 2002

	West Georgetown	Burleith	Total	Total Fined
Fall 2001	19	28	47	2
Spring 2002	10	16	26	4
	29	**44**	**73**	**6**

Georgetown University Office of Student Conduct

Sanctions Given To Students Living Off Campus

Between January 01, 2002 And May 31, 2002

Sanction	Total
Disciplinary Probation	3
EVAL: HealthEd	1
Fine	42
Housing Probation	1
Letter of Apology	13
Loss of Senior Week Privilege	5
Party Restriction	70
Reflection Paper	1
Restitution	4
Work Sanction	35
Written Reprimand	8
Total sanctions given to students living off campus:	**183**

Georgetown University Office of Student Conduct

Offenses: Committed by Off Campus Students

Between January 01, 2002 And May 31, 2002

Offense	Total
- Damage or destruction	3
- Defacement	4
- Disorderly conduct	5
- Failure to comply	10
- Failure to meet deadlines of any disciplinary sanction	2
- Locals laws and statutes	4
- Noise	87
- Possession of drug paraphernalia	1
- Possession or consumption of alcohol by a person who is under 21 years of age	1
- Possession or consumption of the contents, of open alcoholic container in a public a	1
- Trash disposal	3

Total Offenses Committed by Off Campus Students: 121

BZA Condition #9

GEORGETOWN UNIVERSITY

Assistant Dean of Students

MEMORANDUM

18 April 2002

TO: Advisory Neighborhood Commission 2 E
District of Columbia, Washington

FROM: Jeanne Lord
Assistant Dean of Students

SUBJECT: Campus Plan Order

Condition 9 of the Board of Zoning Adjustment's Order approving Georgetown University's Campus Plan through December 2010 directs the University to report certain data concerning off-campus student conduct to your office on a quarterly basis. Enclosed please find reports for first quarter of 2001 and the second quarter 2002.

5th Floor Leavey Center
Washington DC 20057-1046
(202) 687-4056

BZA Condition #9

GEORGETOWN UNIVERSITY

COPY

Assistant Dean of Students

MEMORANDUM

18 April 2002

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5th Floor Leavey Center
Washington DC 20057-1046
(202) 687-4056

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Off Campus Student Life HOTLINE
Year to Date Statistics: Spring 2002
Week 1-13

Week #/ Date	# Days of Operation	# Hotline Calls	# Incidents Reported	# Confirmed Incidents	West Georgetown	Burleith	On-Campus
Week 13 April 1-7	7	6	6	3	0	3	0
Week 12 March 25-31	7	1	1	0	0	0	0
Week 11 March 18-24	7	4	4	0	0	0	0
Week 10 March 11- 17	7	9	7	3	0	3	1
Week 9 March 4- 10	7	0	0	0	0	0	0
Week 8 February 25- March 3	7	2	0	0	0	0	0
Week 7 February 18-24	7	6	4	1	0	1	1
Week 6 February 11-17	7	4	3	0	0	0	0
Week 5 February 4-10	7	10	6	5	3	2	1

Week 4 January 28-February 3	7	6	6	2	2	0	0
Week 3 January 21-27	7	7	6	3	1	2	1
Week 2 January 14-20	7	12	10	2	1	1	1
Week 1 January 7-13	7	1	0	0	0	0	0
Totals	91	68	53	19	7	12	5

Georgetown University Office of Student Conduct

Sanctions Given to Students Living Off Campus Between 19 August 2001 and 21 December 2001

Sanction	Total
Suspension	1
Co-curricular & Disciplinary Probation	1
Fine	27
Other	5
Party Restriction (social probation)	52
Work Sanction	39
Total sanctions given to students living off campus:	**125**

MAR. 10. 2003 12:14PM LEGAL/ADMIN SERVICES NO. 0872 P. 26/27

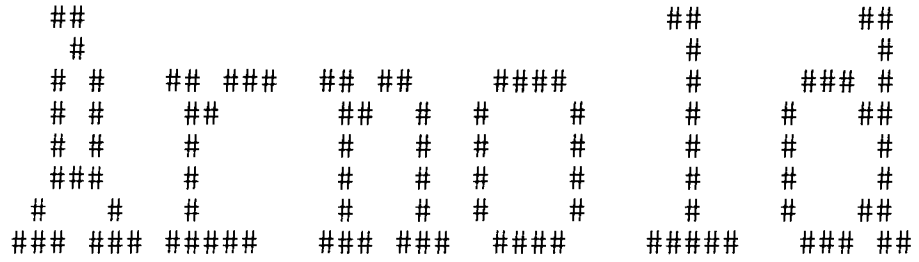
Off Campus Student Life HOTLINE
Year to Date Statistics: FALL 2001
Week 1-18

Week Number & Date	Number of days Hotline Operated	Number of Hotline Calls	Number of Incidents Reported	Number of Confirmed Incidents	West Georgetown	Burleith
Week 18 December 17- December 21	5	0	0	0	0	0
Week 17 December 10- December 16	7	1	0	0	0	0
Week 16 December 3-December 9	7	0	0	0	0	0
Week 15 November 26 – December 2	7	15	14	5	0	5
Week 14 November 18 – November 25	7	0	0	0	0	0
Week 13 November 11 – November 17	7	16	12	3	0	3
Week 12 November 4 – November 10	7	4	1	1	0	1
Week 11 October 28 – November 3	7	10	6	2	1	1
Week 10 October 21 – October 27	7	2	0	0	0	0
Week 9 October 14 – October 20	7	7	0	0	0	0
Week 8 October 7 – October 13	7	30	20	9	3	6
Week 7 September 30 – October 6	7	8	7	5	3	2
Week 6 September 23 – September 29	7	3	3	3	1	2
Week 5 September 16 – September 22	7	16	13	12	10	2
Week 4 September 9 – September 15	7	14	10	10	7	3
Week 3 September 2 – September 8	7	16	14	13	8	5
Week 2 August 26 – September 1	7	12	10	9	5	4
Week 1 August 19 – August 25	2	0	0	0	0	0

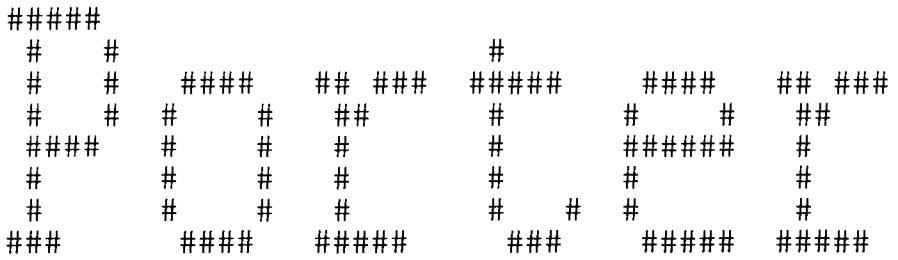
Georgetown University Office of Student Conduct

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Sanction	Total
Suspension	1
Co-curricular & Disciplinary Probation	1
Fine	27
Other	5
Party Restriction (social probation)	52
Work Sanction	39
Total sanctions given to students living off campus:	**125**







3/10/2003

1:45:25 PM

print Job For User:
ng7256



Georgetown University
Office of Student Affairs
530 Leavey Center • Washington, DC 20057
Phone: 202.687.4056 • Fax: 202.687.6255

Date: 3-10-03

Number of Pages (including cover sheet):

To: Nate Gross

Fax: 942-5999

From: Jenne Lord

Message:

This fax may contain information that is attorney-client privileged and/or confidential. It is intended only for the use of the addressee(s) named above. Any unauthorized dissemination, distribution, use, or copying of this communications is strictly prohibited. If you have received this message in error, please notify me immediately, and delete this message without copying or disseminating it. Thank you.

001

STUDENT AFFAIRS

03 MON 12:21 FAX 202 687 6255

MEMORANDUM

1 February 2003

TO: Board of Zoning Adjusment
Washington, DC

FROM: Jeanne Lord
Associate Dean of Students

SUBJECT: Campus Plan Order

Condition 9 of the Board of Zoning Adjustment's Order approving Georgetown University's Campus Plan through December 2010 directs the University to report certain data concerning off-campus student conduct to your office on a quarterly basis. Enclosed please find quarterly reports for October, November and December 2002.

002

STUDENT AFFAIRS

03/10/03 MON 12:22 FAX 202 687 6255

Georgetown University Office of Student Conduct

Offenses Committed by Students Living Off Campus
Between October 01, 2002 and December 31, 2002

Offense	Total
Noise	14
Possession of alcohol by a person who is under 21 years of age	1
Possession of an open alcohol container in a public place	1
Possession or use of a counterfeit or controlled substance	1
Total Offenses Committed by Off Campus Students:	**17**

Georgetown University Office of Student Conduct

Sanctions Given to Students Living Off Campus
Between October 01, 2002 and December 31, 2002

Sanction	Total
Disciplinary Probation	4
Fine	11
Housing Relocation	1
Party Restriction	14
Suspension was Suspended	1
Work Sanction	14
Total sanctions given to students living off campus:	**45**

BZA Quarterly Report

Off Campus Student Life Hotline *

October - December 2002

Week of	Number of Phone Calls	Number of Incidents Responded	Number of Confirmed Incidents	Warnings Issued	Citations
Sep 30- Oct 6	5	4	4	0	4
Oct 7-13	1	1	1	0	1
Oct 14-20	5	3	2	2	1
Oct 21-27	1	1	0	1	0
Oct 28- Nov 3	16	12	4	7	5
Nov 4- 10	13	9	3	5	4
Nov 11-17	6	0	0	0	0
Nov 18-24	5	3	1	2	1
Nov 25- Dec 1	0	0	0	0	0
Dec 2- 8	5	2	0	1	1
Dec 9-15	0	0	0	0	0
Dec 16-22	0	0	0	0	0
Dec 23-31	0	0	0	0	0
TOTALS	57	45	15		

*Incidents reported during this time period include-- noise violations in student private homes off campus; walk-by pedestrian noise; and disorderly conduct.

Off Campus Student Life Trash Report			
October - December, 2002			
Month	West Greenleaf	Gallery	Total
October, 2002	0	0	0
November, 2002	5	0	5
December, 2002	0	0	0

BZA Quarterly Report			MPD Report for October - December 2002				
1-Oct-02	5	5	2 underage possession of alcohol (UPA), 1 possession of marijuana, 2 61D noise violations	0	N/A	0	N/A
6-Oct-02	8	4	4 61D noise violations	3	2 UPA, 1 disorderly conduct	1	1 disorderly conduct
13-Oct-02	3	1	1 61D noise violation	2	1 UPA, 1 noise warning	0	N/A
20-Oct-02	12	0	N/A	12	12 UPA	0	N/A
27-Oct-02	9	3	2 61D noise violations, 1 noise warning	4	4 UPA	2	1 noise warning, 1 UPA
3-Nov-02	7		N/A	5	5 UPA	2	2 UPA
10-Nov-02	2	2	2 61D noise violations	0	N/A	0	N/A
17-Nov-02	4	4	4 61D noise violations	0	N/A	0	N/A
24-Nov-02	8	5	warning, 1 failure to obey, 1 disorderly conduct	3	2 61D, 1 urinating in public	0	N/A
1-Dec-02	4	4	3 noise warnings, 1 simple assault	0	N/A	0	N/A
8-Dec-02	0	0	N/A	0	N/A	0	N/A
15-Dec-02	1	0	N/A	1	1 UPA	0	N/A
22-Dec-02	0	0	N/A	0	N/A	0	N/A

Exhibit I: Chart Detailing Off-Campus Housing Program

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GEORGETOWN UNIVERSITY CAMPUS PLAN
BZA APPLICATION NO. 16566

RESPONSE TO BZA'S REQUEST FOR ADDITIONAL INFORMATION

INFORMATION REQUESTED	UNIVERSITY'S RESPONSE
	As specifically requested by the Board, the University's off campus housing program is workable and comprehensive. Attached is a detailed description of the program and the University's Point by Point Response to each issue raised by the Board and the Community.
Develop and submit a workable off-campus housing program with specific attainable goals for undergraduate students. Identify the resources and staff that will be committed to achieving the program's goals.	• **The program is comprehensive.** All negative impacts from students are addressed – Noise Drinking Partying Parking Trash Disrespectful behavior. • **The program has attainable goals.** ➢ Reducing the number of repeat offenses (new and stronger sanctions). ➢ Proactive identification and intervention of potential problems (SNAP) ➢ Community-wide approach to long-term resolution of conflicts (ALL) • **All student conduct is included** – both on and off campus. Thus, even students walking to and from campus are subject to the Code of Conduct. • **The program is proactive in terms of new programs such as ALL & SNAP, educational and orientation materials (Exhibit A).** • **The program is responsive and decisive in terms of new and stronger sanctions (Exhibits A and B).** • **The program includes a new partnership with the community, city agencies, landlords, MPD, and students living off-campus (ALL).** • **The staff and resources have been committed:**

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Personnel:

- Three additional staffers have been assigned to the Hot-Line staff which increases the number of persons staffing that activity from 8 to 12.
- A new full-time staff position in the Off Campus Student Affairs Office has been funded, the position is being advertised, and the expected hire date is October/November 2000.
- A full-time staff person has been assigned to assist Jeanne Lord on an interim basis until the new permanent position is filled.
- A University Task Force was convened by the President to develop and implement the new program (Exhibit C).
  - ❖ Father Michael Garazini, Special Assistant to the President, has been assigned the responsibility for co-chairing the newly created Alliance for Local Living, one of the key community outreach components of the program. (Exhibit D)
  - ❖ Karen Frank, Executive Director of Facilities and Student Housing, has been placed in charge of the bulk trash collection component of the program
  - ❖ Linda Greenan, Brenda Willoughby and Alice Boyer have been tasked with the responsibility to develop the indices to begin tracking implementation.

➢ **New Equipment:**

- The University has leased a vehicle to conduct neighborhood patrols and to respond to Hot Line calls. That vehicle is staffed by a representative of the Off Campus Student Affairs office and the patrolling began in October.

➢ **Monies Spent since the beginning of the fall semester in addition to personnel costs:**

- The University has spent $2,500 on printing, mailing, and other costs associated with the changes to its Code of Conduct, mailings to students and community members, flyers within the community, posters and other announcements of its new program.
- The University has already spent $11,200 to hire a private contractor for bulk trash pickups during the first two weeks of the school semester. These pickups totaled nine trips and were in addition to the regular DPW pickups (Exhibit E).
- Lease terms for the car and insurance for the SNAP program are $4,000 annually.

	Future Monies Committed: • The University has made clear that this program is a priority and that funding will be increased for off-campus affairs so that the University can implement and maintain its commitments. As evidenced by a letter from Dr. Dorothy Brown, University Provost (Exhibit F), the University will in fact be increasing funding for Off-Campus Student Affairs programs. • All of the resources needed to implement and enhance these programs will continue for the duration of the Campus Plan.
Develop a reporting system (indices) for tracking the number of citizen complaints, the type of the complaints and how they are resolved.	The University proposes to develop three indices to track the effectiveness of its Off-Campus student conduct program. The first is the Hotline information, the second is the DC Metropolitan Police reports (MPD) reports and the third is the University Department of Public Safety (DPS): • Hotline Data The University will track the number of hot line calls received, the nature of the call, the University's on-site response, and any follow up disciplinary action Hotline Summary from 8/24/00 through 9/24/00 • Total of 57 calls were placed for 48 events • Events Confirmed: 20 • Events Not Confirmed: 28 • GU Follow-Up: ➢ GU disptached Hotline staff to premises – 46 times ➢ Total Number of Students Sanctioned – 38 ➢ Total Number of Houses Sanctioned – 9 The University will share all of this information at each meeting of the Alliance for Local Living. The University will distribute this information to all representatives of the quarterly meeting group at each meeting. (The quarterly meeting group mandated by the BZA in 1990 includes representatives of all 14 community organizations which border the University campus.) On an annual basis, the University will report this information to the Office of Planning. This information will serve as the basis for new, proactive measures by the University. For example, if it appears that a particular block or area of the community is the cause of a larger number of calls, that area will be targeted by the University for special action which may include one on one visits by

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the University, special patrols by SNAP, or other recommended action.

It should be noted that tracking sanctions is not the only measure of the program's success. The University works with both students and neighbors to bring both sides together to form new alliances and develop creative solutions to town-gown issues. In many instances, the resulting agreement is a more positive and long-term solution than the issuance of a sanction. Attached as Exhibit G is correspondence between a neighbor and the University concerning just such an agreement. In this instance, the neighbor also specifically requested that no sanctions be issued.

- DC Metropolitan Police Summary

Every Monday morning, the University receives from the MPD Second District a list of reports that occurred over the weekend that involved University students.

MPD Summary: The following reflects reports submitted by MPD to the University for 8/24/00 through 9/24/00

- 1 lost credit card
- 1 61 D Noise Violation (off campus student)
- 1 Disorderly Conduct (off campus student)
- 1 Urinating in Public
- 23 alcohol violations, of which:
  - 7 = Possession of Open Container of Alcohol (POCA): 5 were off campus students
  - 6 = POCA/Underage Drinking : 2 were off campus students
  - 1 = POCA/Disorderly Conduct: Not charged students released to DPS
  - 9 = Underage Drinking: 2 off campus students

University Sanctions for Off Campus Students as a result of MPD Reports: Of the 26 violations, 11 were for off campus students, 7 of whom have been sanctioned.

- University Department of Public Safety (DPS) Reports (Campus Police)

The Georgetown University Department of Public Safety issues an annual Crime Awareness and Campus Security Report which is made available to students, employees and the public thought its website (www.georgetown.edu/student-affairs/dps/Security_Reports.htm). This report provides statistics and

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	information on all forms of crimes investigated by DPS and includes information on crimes occurring on or near the Main Campus.
Develop a 'code of conduct' for undergraduate students. Identify how students will be informed of the 'code of conduct'. Identify the sanctions that will be imposed if students do not comply with the school's code of conduct. The sanctions should range from warnings to dismissal from the University.	• **The New Code of Conduct has been adopted with the changes described herein, students have been informed and the sanctions range from warnings to dismissal.** • The program includes the following sanctions for violations, especially stiff penalties for violations with regard to alcohol and drug use, which will help serve as a deterrent to inappropriate student behavior. (See Exhibits A and B). These include the following: ➢ **Social probation** that would include restrictions on future parties, fines, community work hours and mandatory participation in a workshop on responsibilities and obligations for community living. This applies to first time violators. ➢ **Disciplinary probation** which means that their parents are notified, their Academic Deans are notified, and the University will hold a conference with their parents and the Office of the Associate Dean of Students or Director of Student Conduct. ➢ **Co-curricular sanction** which means that they cannot represent the University in any activity. This applies to all athletes, student government representatives, students participating in joint programs with other universities, or students engaged in any university-sponsored activity. ➢ **Academic suspension** will be applied to any student found responsible for serious violations of the Code of Conduct. These students will be suspended for a semester or year and will be prohibited from taking any classes at the University. Students suspended will have to make their case for re-admittance to the University. ➢ **Dismissal:** Any student found responsible for repeated violations of the Code of Conduct or whose offense is of such a serious nature, will be expelled from the University. • **All students have received information on the new Code of Conduct** and the standards of behavior which the University expects of its students in order for them to be responsible and caring members of the community (Exhibit B). ➢ The President of the University has distributed his personal message to all students letting them know the University's expectations of them as community residents (Exhibit H). ➢ Off-campus students have registered their off-campus addresses. ➢ All students received the handbook, *Guide to Off-Campus Living*, with materials that provide the tools students need for off campus living – what are the noise limitations, when is trash picked up and the requirements for storing trash, etc. (Exhibit I). • **Parents have been and will continue to be notified** by the University that its Code of Conduct applies to off campus conduct and that the University will enforce its standards (Exhibit J).

Develop mechanisms for coordination with the Metropolitan Police Department to deter/stop inappropriate student behavior.	• The University has met with the new commander for the Second District (Peter Newsham) to develop strategies for a new cooperative partnership. These include: – A program has been instituted between the University and the 2nd District whereby the University/DPS receives MPD reports on activity involving university students each – Orientation meetings with them know DC laws and what sanctions will be imposed. – Student education and community outreach – Chief Newsham, Lt. [illegible], and [illegible] September 27, 2000 [illegible] officers of ALL. They were in attendance in the first meeting of All on
The University needs to act as a responsible partner with the Community.	• The University has met with community representatives [illegible] mes sit. July 18, 2000 BZA public hearing to discuss student conduct and community issues. A listing of those meetings and other community activities and outreach undertaken by the University is attached as Exhibit K. • The University [illegible] program [illegible] ne advice and [illegible] f the community at the BZA Quarterly Meeting held on Thursday, September
Identify how the University would cooperate with the departments of Public Works and Consumer and Regulatory Affairs to control the as student vehicles coming to the site, and identify off-campus housing code violations.	• Partnership [illegible] which includes the following: [illegible]ity contracted [illegible] rivate trash pi[illegible] of bulk items during [illegible]t two weeks of the semester and also worked with DPW to arrange for a special DPW pickup of tra[illegible] September [illegible] ne University-contract[illegible]ial bulk trash pickup occurred on August 24, 25, 26, 28 and 31 and September 1, 2, 4 and 5. [illegible]ibit E.) Atta[illegible]as Exhibit M are th[illegible]eets from the bulk trash community meetings as well as the comment forms. [illegible]W to [illegible]ge special tra[illegible]ickups at peak times such as the beginning and end of the school year. • University patrols [illegible]ff campus houses [illegible]ssue violations to students who do not follow trash regulations. [illegible] which includes the following: [illegible]oint efforts th[illegible] the Alliance to promote enforcement of zoning and building code requirements with respect to group houses. The University will not list any property [illegible]ental list unless the owner certifies that the property meets District of Columbia laws and regulations (Exhibit N).

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Develop a mechanism for registering vehicles that are associated with the University.	• The University has developed and distributed a flyer informing all students of the DC law requiring them to register their vehicles with the D.C. Department of Motor Vehicles (DMV). (Exhibit O). • At a program for all students who live off campus, facilitated by Dr. Juan Gonzalez, the University distributed notices of the D.C. law. • Additional copies of this notice will be delivered door-to-door to all off campus students and will be included in future correspondence to off campus students. • University SNAP patrols through the neighborhoods in areas where out-of-state cars may be parked. Copies of the flyers describing the DC registration requirement will be placed on these cars.
Develop a notification system for informing parents when students do not comply with the school's 'code of conduct.'	• **Parents have been notified of changes to the University's Code of Conduct and the University's expectation of its students so that the parents can reinforce the community standards and responsibilities expected of all students. (Exhibit J)** • Notification of parents occurs to the extent permissible by law, for any first time violation of University or District of Columbia laws in the case of alleged drug use. • Notification of parents occurs to the extent permissible by law, for any second violation of the University's alcohol code, regardless of whether any violation of District law is involved. • Notification of parents occurs to the extent permissible by law, for any second violation of the University's Code of Conduct with regard to off campus living, which includes a violation of the noise regulations. • In addition to notification, parents are included in a University-sponsored conference with the student and the Associate Dean of Students.
Identify the specific details for establishing a hotline that is manned 24 hours, daily.	• **24 hours a day/seven days a week** there will be a phone number for the community to call and speak with a person to report any problems or concerns. DPS staff will man their phones to record any complaints and to refer calls to MPD. A log will be maintained of these calls to determine whether the Hotline should be extended to the remaining week-days. • At all other times, the Hotline has been extended to run from Thursday night to Saturday night and at those times it will be answered by staff who will then either call the off-campus house or dispatch a university representative to investigate. On three-day weekends, the Hotline also runs on Sunday night. • Additionally, the Hotline has been and will continued to be extended for those nights when increased activity is anticipated, such as homecoming, St. Patrick's Day.

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Identify how the school's Board of Review operates.	• As evidenced by the attached letter, the University's Board of Directors is behind this program 100 percent and is committed to providing the resources needed to ensure its successful implementation. (Exhibit P) • This commitment will survive any change in leadership and will ensure that the program continues as an obligation of the institution.
Provide an up-to-date count of traditional students, professional students, foreign students, etc.	• The following updates the information already provided in Appendix E to the Campus Plan: ➢ The Fall enrollment number of traditional full-time undergraduate students is 5840. This compares with last year's Fall enrollment number of 5744. Fall and Spring enrollment are averaged to reflect the academic year. Historically, Spring numbers range from 6 – 10% less than Fall numbers due to students studying abroad, mid-year graduation, withdrawals, etc. When the projected Spring numbers are averaged with the Fall number, the projection is 5603 which is less than the projection of 5677 previously included in Appendix E to the plan. ➢ Excluded from traditional full-time student numbers are 188 non-traditional students, such as veterans, students over the age of 25, commuters. ➢ The graduate number is 2,467 FFTE which is less than last year's 2,589 in Appendix E of the Campus Plan.
Have the Student Council address how it intends to reach out to students who have disciplinary problems.	• The Georgetown University Student Association (GUSA) will be separately filing its own response to the BZA. • Student representatives were included in the University Task Force, which developed this program. (Exhibit C) • Additionally, the new Vice President for Student Affairs – Dr. Juan Gonzalez – has met on several occasions with student representatives to review the changes and to obtain the student community's input.
Identify how helicopter flights will be monitored to ensure that they are used exclusively for medical emergencies.	• MedStar coordinates and monitors the helicopter transports and must have the discretion to provide for transport based on the health needs of the patients. • The helipad is used for trauma and transplant patients as well as other types of patients, primarily cardiac and neuro-patient transports. • In the Campus Plan case, it was estimated that usage would be approximately 12 trips per week. Since July 1, the total number of transports has been 23.

TOTAL P.09

Exhibit J: Pamphlets, Office of Off-Campus Student Life



off campus student life

GEORGETOWN UNIVERSITY

The Off Campus Student Life Office (OCSL) was established by the University in 1990 with three goals: to serve as a resource, to educate students about their responsibilities as members of the community and to work with our neighbors to address concerns that arise about student conduct and related issues.

The office has two full-time professional staff members and approximately twelve part-time employees who staff the SNAP program. In addition, a Hall Director has been assigned to work with OCSL part-time and will work directly with students in the local community. Off Campus Student Life is a part of the University's Division of Student Affairs, headed by Dr. Juan C. González.

The mission of OCSL reflects the mission of the Division of Student Affairs at Georgetown. Specifically, OCSL programs aim to:

1. Teach students personal responsibility and respect for others.
2. Promote the health and safety of students and the community.
3. Help students prepare for lives of civic engagement.

OCSL Services

SNAP: The Student Neighborhood Assistance Program

SNAP works with our neighbors and students to address concerns about noise and late night parties.

How does SNAP work?

If a neighbor is concerned about noise at a student house, s/he calls the GU Off Campus Hotline at 687-8413.

The Hotline operator (a DPS officer) dispatches the SNAP representative to the house in question. After assessing the situation, the SNAP representative speaks with the residents of the house and advises them on how to alleviate the problem (turn down the music, disperse their guests). S/he also makes a report of the incident which is forwarded to OCSL (the Office follows up on *all* SNAP calls). A subsequent complaint about the same house will result in DPS dispatching an MPD officer to address the situation.

When does SNAP operate?

The Hotline is in operation 24 hours a day, seven days a week.

SNAP personnel are on duty Thursday, Friday and Saturday nights, and on certain holidays, from 9:00 PM until 3:00 AM. At all other times, calls to the Hotline are forwarded to MPD by DPS.

Community Connections

Community Connections is the newsletter published by the OCSL to keep students and the community informed about events on campus, university calendar, safety measures and other items of interest. Community Connections is distributed 3-4 times per year.

Off Campus Student Life Resource Center/Library

The Off Campus Student Life Office has a resource center/library located on the 5th floor of the Leavey Center. This resource center is filled with valuable pamphlets, booklets and information to help students transition to off campus living. Some of the following information can be found at the center:

- Information on Vehicle Registration
- Tenant's Guide to Safe and Decent Housing
- DPW Trash Disposal Brochure
- Various Metropolitan Police Department Brochures
- Fire Prevention Brochure
- Off Campus Referral Service Flyer
- OCSL Newsletter
- Quick Tips for Living Off Campus Flyer
- Georgetown University Student Handbook

The Bulk Trash Program

Disposing of Move-In/Move-Out trash. In 1995, the University instituted a program designed to pick up and dispose of bulk items such as beds, couches and desks for off campus students who are moving in or out. The program, which goes into effect at the beginning of the fall semester and at the end of spring semester, has collected and disposed of as much as 16 tons of trash in one year.

Stronger Sanctions for Off Campus Violation of the University's Code of Conduct.

The stronger sanctions include a "co-curricular sanction," which prohibits students from representing Georgetown in extracurricular activities, as well as disciplinary probation and suspension.

Alliance for Local Living (ALL)

This partnership brings together students, neighbors, University leadership and landlords to address common neighborhood issues in the hope of managing/resolving issues.

Educating Students to be Good Neighbors.

Georgetown conducts a mandatory off campus living orientation program for all students moving off campus. The orientation sessions are aimed at educating students on how to be good neighbors. Topics addressed in the sessions include safety information as well as, proper disposal of trash, moderating noise and building positive relationships with neighbors.

Off Campus Advisory Group

This group brings together off campus students, neighbors, landlords and community groups to discuss neighborhood concerns. The group also promotes positive neighborhood relations by way of community clean-ups and other positive community involvement.

Off Campus Resource Numbers

GU Off Campus Student Life ..... **(202) 687-4056**
GU Off Campus Housing ..... **(202) 687-7764**
GU Off Campus Hotline ..... **(202) 687-8413**
GERMS–Emergency Number ..... **(202) 687-4357**
(Georgetown Emergency Response Medical Response Service)
GU Dept. of Public Safety ..... **(202) 687-4343**
GU Saferides
DC Dept. of Public Works ..... **(202) 727-1000**
Bulk Trash Pick-up Orders, Recycling, Supercan Orders
MPD Non-Emergency Number ..... **(202) 727-1010**
2nd District Station Desk ..... **(202) 282-0070**

Staff



Jeanne Lord, RN, JD
Associate Dean of Students
Director, Off Campus Student Life

Julie Fultz, BS, MS
Coordinator, Off Campus Student Life

If we can be of help, call the Off Campus Student Life Office at (202) 687-4056

- DMV Satellite Location: Shops at Georgetown Park, 3222 M Street, NW
  www.dmv.dc.gov/info/dropbox.shtm

SAFERIDE

Georgetown University students who work under the supervision of the Department of Public Safety operate the SAFERIDE program.

SAFERIDE Guidelines

Any student who resides within the following boundaries can use the SAFERIDE service:

Whitehaven Parkway to the North, Prospect Street to the south, Foxhall and Reservoir Roads to the west and Wisconsin Avenue to the east.

SAFERIDE Options

- On campus residences to off campus residences
- Off campus residence to on campus locations
- Off campus residence to off campus residences

SAFERIDE Service Hours & Days of Operation

Late August through May

Sunday–Wednesday:	8 PM–2 AM
Thursday–Saturday:	8 PM–3 AM

(202) 687-4343

www.georgetown.edu/student-affairs/dps/saferides.htm

GUTS

The Georgetown University Transportation Shuttle (GUTS) was established in 1974 to help students, faculty, staff, and visitors travel to and from the University campus and nearby MetroRail stations. Today GUTS operates five shuttle routes, connecting the campus to the Georgetown University Law Center in Downtown DC; to University offices on Wisconsin Avenue; to Metro stations at Rosslyn (Virginia) and Dupont Circle (District of Columbia); and to stops in North Arlington, Virginia.

Faculty, staff, and students with a valid Georgetown University ID card can ride along any GUTS route at no charge. Riders must show their ID at the time of boarding. Persons without an ID, but who are proceeding to the campus, will be allowed to board the bus after paying a fare of $1.00.

GUTS buses depart and arrive at the Leavey Center in the heart of Georgetown University's campus. Buses operate as early as 6:00am and as late as 11:00pm.

For more information call (202) 687-4372 or go to: http://otm.georgetown.edu

Important Numbers – District of Columbia

Bicycle Information	(202) 673-6813
Map of DC	(202) 671-2730
Department of Motor Vehicle Inspection, Insurance, Car Registration, Driver's License Information, Residential Parking Permits and Tickets	(202) 727-5000
MPD 2nd District Station	(202) 282-0070
Parking Booted Vehicles and Enforcement	(202) 727-5000
Parking Regulations	(202) 727-1000
Recycling and Trash Alley Cleaning, Super-cans, Trash Removal, Illegal Dumping and Bulk Trash	(202) 727-1000

Useful Web Sites

DC Homepage	http://www.washingtondc.gov/
DC Department of Pubic Works	http://www.dpw.dc.gov/main.shtml
DC Rental Housing Commission	http://www.dcra.dc.gov/information/rental_house/index.shtm
DC Housing Regulation Administration	http://www.dcra.dc.gov/information/hra/index.shtm
DC Metropolitan Police	http://mpdc.dc.gov/main.shtm
GU Homepage	http://www.georgetown.edu/
GU Student Affairs	http://www.georgetown.edu/student-affairs/
GU Off Campus Student Life	http://www.georgetown.edu/studentaffairs/stconduc/offindex.html
GU Student Handbook	http://www.georgetown.edu/student-affairs/stconduc/codetoc.htm

Travel Information

Travel To Dulles International Airport

Washington Flyer Coach Service runs between Dulles and National Airport and West Falls Church metro station. Fare is $16 one way. Call 1-800-WASHFLY to make reservations.

Super Shuttle picks you up at your door and takes you directly to Dulles. Fare is $30. Call 1-800- BLUE VAN.

Travel To BWI Airport.

Super Shuttle picks you up at your door and takes you directly to BWI. Fare is $30. Call 1-800-BLUE VAN.

MARC trains run from Washington's Union Station directly to BWI airport. Fare is $5.75 one way, $10 round trip. Trains depart regularly on WEEKDAYS. Call 1-800-325- RAIL for schedules.

Amtrak

Trains depart from Union Station. Students receive 15% discount with Student Advantage card. Through end of year, some travel routes are discounted 30% with one week prior booking. Call 1-800- USA-RAIL to book tickets.

Georgetown University Bulk Trash Dates

During Late August and early September, the University will operate its move-in bulk trash pick-up services.

Dates: August 26, 28, 30, September 2, 4, 6, 9, 11 and 13, 2002

Time: By 8 AM the day of your scheduled pick-up

Where: Where your normal trash gets put out

Acceptable Items: Acceptable items include packing material, mattresses, couches and boxes.

Non-Acceptable Items: Do not include regular trash, major appliances, lawn debris, or construction materials.

Boundaries: Foxhall Road, Reservoir Road, Whitehaven Parkway, Wisconsin Avenue and Prospect Streets.

Contact Number: Call 687–1646 and listen to the message then leave the detailed information about your pick-up.



Exhibit K: Letter to Deborah B. Baum, Esq.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Ms. Deborah B. Baum
Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

JUL 29 2002

Dear Ms. Baum:

This is in response to your letter of June 19, 2002, and your e-mail of June 20, 2002, regarding the Family Educational Rights and Privacy Act (FERPA). This letter also serves to respond to the issues raised in our meeting with you and Ms. Jane Genster, Vice President and General Counsel, Georgetown University (University), on June 20, 2002. You asked for guidance regarding a possible conflict between an Order issued on March 29, 2001, by the District of Columbia Board of Zoning Adjustment (BZA) and FERPA. This Office administers FERPA and is responsible for investigating complaints and providing technical assistance under the statute and its implementing regulations. 20 U.S.C. § 1232g; 34 CFR Part 99.

You believe that certain provisions of the Order require the University to report certain information about students to outside agencies in violation of FERPA. According to Petitioner's Memorandum in Support of Its Motion for Stay, which you provided on the University's behalf, Condition 7 of the Order provides that the University must report to housing providers and local regulatory agencies evidence of violations of District of Columbia sanitation or housing regulations involving off-campus students. The Order also requires the University to monitor enforcement of reported violations to determine whether inspections have occurred and fines have been issued and paid, and keep detailed records of reported complaints and responses.

Condition 14 of the Order requires the University registrar to collect information regarding the license plate numbers of motor vehicles kept by University students and to direct all students to register their vehicles with the local department of motor vehicles (DMV) or obtain reciprocity stickers. The Order requires the University to "consult with" DMV to determine whether student registration has been completed. The University understands this provision to mean that it must disclose to DMV, at a minimum, license plate numbers and student names that have been collected by the registrar. The University has argued before the District of Columbia Court of Appeals that these conditions require it to violate FERPA.

Specifically, your questions under FERPA can be summarized as follows:

1. Is information regarding alleged off-campus violations of local housing or sanitation regulations that the University creates and/or maintains by individuals outside its authorized law enforcement unit considered "education records" protected by FERPA?

2. Are license plate numbers and/or other motor vehicle information collected by the University's register pursuant to the BZA's Order protected "education records" under FERPA?

3. What is the purpose of 34 CFR § 99.61? Does it authorize the Department to grant waivers from FERPA, or exercise discretion not to enforce it, when the Secretary of Education (the "Secretary") determines that there is conflict with State law?

General Overview of FERPA

FERPA protects eligible students'[1] privacy interests in "education records," which are defined as "those records, files, documents, and other materials which –

(i) contain information directly related to a student; and
(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. § 1232g(a)(4)(i) and (ii). See also 34 CFR § 99.3 "Education records."

In general, an educational agency or institution may not disclose education records, or personally identifiable information from education records, unless the student has provided a signed and dated written consent in accordance with 34 CFR § 99.30, or the disclosure meets one of several exceptions to the written consent requirement set forth in § 99.31 of the regulations. Excluded from the definition of "education records" are records of the law enforcement unit of an educational agency or institution, but only under the conditions described in § 99.8 of the FERPA regulations.

One of the exceptions to FERPA's general prior consent rule permits the nonconsensual disclosure of information derived from education records that has been appropriately designated as "directory information" by the educational agency or institution. 20 U.S.C. § 1232g(b)(1); 34 CFR §99.31(a)(11). FERPA defines directory information as information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. 20 U.S.C. § 1232g(a)(5)(A); 34 CFR § 99.3 "Directory information."

More specifically, FERPA provides that a school may disclose directory information if it has given public notice of the types of information which it has designated as "directory information," the student's right to restrict the disclosure of such information, and the period of

[1] "Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary institution at any age. See 34 CFR § 99.3 "Eligible student." The rights under FERPA belong to the parents of students under the age of 18 at the elementary/secondary level and transfer to the student when he or she becomes an "eligible student."

time within which a student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information." 20 U.S.C. § 1232g(a)(5)(B); 34 CFR § 99.37(a).

With respect to what information can be considered "directory information," FERPA states:

> For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

20 U.S.C. § 1232g(a)(5)(A). In administering FERPA, the Department recognizes that there are other similar types of information that an educational agency or institution may wish to designate and disclose as directory information. The regulations then specifically list those items set forth as "directory information" in the statute. The most recently amended regulations (published in the *Federal Register* on July 6, 2000) state that electronic mail address, grade level, and student status (part-time, full-time, graduate, undergraduate) can also be specified as directory information.

This Office has ruled on various occasions, in response to specific inquiries from school officials or in connection with the investigation of complaints of alleged violations of FERPA, whether a particular type of information can appropriately be considered directory information. In so doing, this Office fully considers the relationship of the potential new type of directory information to those types of information clearly specified by statute. For instance, a photograph or an e-mail address is very similar to those types of information listed in the statute. They identify the student or provide a means to contact the student, without disclosing to the individual receiving the directory information any additional data that the student would generally expect to be private or that he or she would perceive as harmful if others had access to it. In this regard, this Office has not made a determination that "license plate numbers" may be considered, as a matter of law, as a "directory information" item. Further, we believe that disclosure of a student's license plate number goes beyond the scope of the "directory-type" information this provision is intended to cover. That is, the use of the directory information is limited to identifying students and their successes and/or participation in school sponsored activities, not for compliance with vehicle registration laws.

Responses to Specific Questions Raised

Is information regarding alleged off-campus violations of local housing or sanitation regulations that the University creates and/or maintains by individuals outside its authorized law enforcement unit considered "education records" protected by FERPA?

Records on a student regarding off-campus violations of local housing or sanitation regulations maintained by school officials outside the University's law enforcement unit are protected as "education records" under FERPA because the records are "directly related" to students and maintained by the institution and do not fall under the law enforcement unit exemption to "education records." See 20 U.S.C. § 1232g(a)(4)(i) and (ii) and 34 CFR § 99.3 "Education records."

Condition 7 of the Order requires the University to disclose to the BZA evidence of violations of local sanitation or housing regulations involving off-campus students, as well as information from detailed compliance records the University is required to maintain. As noted above, this information would constitute "education records" if the information were maintained by an official, such as the registrar, and may not be disclosed with the prior written consent of the student. Additionally, information that is collected and maintained as records of student disciplinary actions or proceedings conducted by the University for the same conduct (i.e., sanitation or housing code violations), may not be disclosed without student consent. United States of America v. Miami University; Ohio State University, et al., 2002 FED App. 0213P (6th Cir.).

Are license plate numbers and/or other motor vehicle information collected by the University's registrar pursuant to BZA's Order protected "education records" under FERPA?

Condition 14 of the Order appears to require the University to disclose to the local DMV license plate numbers and student names that have been collected by the registrar. License plate numbers and other motor vehicle information collected by the University's registrar are protected as "education records" under FERPA because the records are "directly related" to a student and maintained by the institution.

You note that the BZA's position is that license plate and other motor vehicle information that might be required to be reported to the DMV would constitute "directory information." However, this is not the case under FERPA. As noted previously, we believe that the designation and disclosure of a student's license plate number goes beyond the scope of the "directory-type" information this provision is intended to cover.

What is the purpose of 34 CFR § 99.61? Does it authorize the Department to grant waivers from FERPA, or to exercise its discretion not to enforce it, when the Secretary of Education (Secretary) determines that there is a conflict between those requirements and state law?

Section 99.61 of the FERPA regulations states the following:

> If an educational agency or institution determines that it cannot comply with the Act or this part due to a conflict with State or local law, it shall notify the [Family Policy Compliance Office] within 45 days, giving the text and citation of the conflicting law.

This notification requirement is intended to provide an avenue for identifying potential conflicts and attempt to find ways to resolve the conflict so that educational agencies and institutions can remain in compliance with FERPA and not jeopardize losing Federal educational funding. In some instances, this Office has reviewed a State law reported by an educational agency or institution to find that a conflict did not exist and advised the agency or institution of that finding. In other instances, this Office has worked with State legislators and administrators to revise State statutes to ensure that they do not require actions by educational agencies and institutions that prevent them from complying with FERPA. This provision does not give the Department authority to grant waivers or otherwise decline to enforce FERPA.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to the issue you have raised. Please let us know if this Office can be of further assistance to you.

Sincerely,

LeRoy S. Rooker
Director
Family Policy Compliance Office

cc: Ms. Jane Genster
Vice President and General Counsel
Georgetown University

Exhibit L: Excerpt of Office of Corporation Counsel Filing

could be granted under any set of facts that could be proved consistent with the allegations.'" *Id.* (*quoting Hishon v. King & Spaulding*, 467 U.S. 69. 73 (1984)); *see also Price v. Crestar Secs. Corp.*, 44 F. Supp. 2d 351, 353 (D.D.C. 1999). In ruling on a 12(b)(6) motion, a court "does not test whether the plaintiff will prevail on the merits, but instead whether the claimant has properly stated a claim." *Price*, 44 F.Supp.2d at 353. If a court considers materials outside the pleadings in a ruling on a Rule 12(b)(6) motion to dismiss for failure to state a claim, the court must convert the motion to dismiss into a motion for summary judgment. Fed. R. Civ. P. 12(b); *see also Haase v. Sessions*, 266 U.S. App. D.C. 325, 835 F.2d 902, 905–906 (1987).

Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). Only disputes over material facts, or facts that might significantly affect the outcome of a suit under the governing law, preclude an entry of summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-248 (1986). Under that standard, a "complete failure of proof concerning an essential element of the non-moving party's case necessarily renders other facts immaterial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). For purposes of considering a motion for summary judgment, the facts in the record must be viewed in the light most favorable to the non-moving party.

A. GW Cannot State A Claim Upon Which Relief May Be Granted.

GW alleges, in Count XIII of its Complaint, that compliance with Condition 15(e) of the Order will require it to violate FERPA, 20 U.S.C. § 1232g *et seq.*, by requiring disclosure of the names and license plate numbers of all students with motor vehicles. Complaint ¶ 115.

GW is incorrect for a number of reasons. First, by its explicit terms, Condition 15(e) does not call for the disclosure of *any* information, to say nothing of students' "education records," which are protected by FERPA. Condition 15(e) merely requires GW itself to maintain an accurate record of the license plate numbers of motor vehicles kept by students. Order at 16. It requires GW to withhold parking privileges from students who have not complied with District registration or reciprocity requirements. *Id.* It requires GW to make student failure to obtain District permits a violation of the code of student conduct. *Id.* All of these requirements are internal to the school. They do not compel the release of information to anyone outside the university. Condition 15(e) also requires GW to "consult with the D.C. Department of Motor Vehicles to determine whether such registration is completed or such stickers are obtained." *Id.* The condition admittedly does not specify how the "consultation" is to be carried out. Notwithstanding this, even if compliance with Condition 15(e) of the Order requires disclosure of information, any information revealed would be exempt from the provisions of FERPA.

Moreover, at most, GW will only have to reveal the names and addresses of students; such disclosure does not violate FERPA, as discussed in greater detail below.

Finally, GW fails to consider ways that it could comply with the terms of both FERPA and the Order. GW fails to show that it cannot institute simple procedures and practices that will ensure compliance with Condition 15(e) without violating GW's FERPA obligations. For instance, under FERPA, students must be given notice and an opportunity to "opt out" of potential disclosure of their directory information. 20 U.S.C. § 1232g(a)(5)(B). GW has admitted that it *already* gives students FERPA notice and the right to opt out. Supplemental Declaration of Charles Barber dated Feb. 19, 2002. Thus, even if compliance with Condition 15(e) required the disclosure of more information than just student names and addresses, GW could easily—as part

Exhibit M: Letter to Director, Department of Motor Vehicles

BZA Condition #14

GEORGETOWN UNIVERSITY

Associate Dean of Students

October 9, 2002

Sherryl Hobbs Newman, Director
The District of Columbia Motor Vehicle Department
301 C Street, N.W.
Washington, D.C. 20001-2174

Re: Georgetown University

Dear Ms. Newman:

In Condition 14 of its Order dated March 29, 2001, the District of Columbia Board of Zoning Adjustment (BZA) requires Georgetown University to "consult with the D.C. Department of Motor Vehicles" to determine whether Georgetown University students who keep motor vehicles have registered those motor vehicles in the District of Columbia or obtained reciprocity stickers, as appropriate. Please be advised that Georgetown is available to "consult" with your Department on this subject at a mutually agreeable time and would be happy to schedule such a "consultation" at your convenience. We welcome any insight you can provide us about any specific information you would like us to have available to facilitate effective communication on this subject, as the BZA Order did not describe how such consultation was to take place. Our ability to provide you with information regarding our students is subject, of course, to constraints imposed on us under the federal Family Education Rights and Privacy Act of 1974, 20 U.S.C. §1232g.

I look forward to talking to you.

Sincerely,

Jeanne Lord

Exhibit N: Letter from Mr. Sean Metcalf

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

March 10, 2003

Carol Mitten
Chair, Zoning Commission
441 – 4th Street, NW
Second Floor
Washington, DC 20001

Re: Zoning Commission Case No. 02-32

Dear Ms. Mitten and Members of the Commission:

This letter will serve to express my concurrence with the characterization of the meeting that occurred on January 6, 2003 between Ms. Stanley at DMV, Linda Greenan and Jeanne Lord of Georgetown University and myself, as described in the University's March 10th, 2003 filing with the Zoning Commission in connection with the above referenced case.

Sincerely,

Sean Metcalf
Director of Communications,
Office of Councilmember Jack Evans

Condition 2 - Enrollment

At its February 24, 2003 Public Meeting, the Zoning Commission requested that Georgetown University (the "University") provide information from the record of the 2000 Georgetown University Campus Plan, BZA Order No. 16566 (the "Campus Plan case") regarding the manner in which the University's student enrollment numbers were calculated. More specifically, the Commission asked that the University provide evidence that the Board of Zoning Adjustment ("BZA") was fully cognizant of the fact that the student enrollment numbers and student enrollment cap were based on an averaging of the number of Georgetown students in the Fall and Spring Semesters. Georgetown has stated in the record of this case that it has been using an average of Fall and Spring enrollment figures in campus plan matters since 1977.

In the February 24, 2003 Public Meeting, Commissioner Mitten requested that the University provide evidence that "there was this overt knowledge by the BZA that these [student enrollment numbers] were averages and that that's what they [the BZA] must have had in mind." Mr. Alan Bergstein, of the Office of Corporation Counsel, further noted that:

> *The first issue is whether or not the interpretation that the University is proposing [the averaging of the Fall and Spring semester enrollment numbers] is backed by any prior actions by the BZA –so that in fact it's not a new issue at all but one that the BZA at least addressed, even if circumstantially through its past approvals of compliance.*
>
> *The second issue is if you believe the interpretation that's being offered is erroneous but that it's plausible enough that the University could have relied on it then engage in substantial compliance with the conditions, you could still find substantial compliance, at least in terms of that there was reliance in this case. And that you would not deny the application based upon that good faith reliance, although going forward you would set the record straight by a clarification.*[1]

During the 2000 Campus Plan case, the University provided information to the BZA that unequivocally states that the calculation of the full-time traditional undergraduate student enrollment cap number was based on an averaging of the Fall and Spring semester enrollment numbers. Therefore, this issue was fully and clearly presented to the BZA, and it is completely appropriate and rational to assume that the BZA accepted the University's averaged number.

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[1] See portions of the transcript of the February 24, 2003 Zoning Commission Public Meeting attached as ***Exhibit A***.)

At the September 5, 2000 BZA Public Meeting regarding the Campus Plan case, BZA Commissioner Renshaw requested that "the University submit an up-to-date count of undergraduate, graduate, nontraditional and foreign students in the University." (*See* p. 1933-1934 of the record of the Campus Plan case, attached as ***Exhibit B*** to this letter.) On October 6, 2000, the University submitted additional materials into the record of the Campus Plan case that responded to Commissioner Renshaw's request. The point-by-point response chart attached to the October 6, 2000 letter stated, in pertinent part:

- The following updates the information already provided in Appendix F to the Campus Plan:

  - The Fall enrollment number of traditional full-time undergraduate students is 5840. This compares with last year's Fall enrollment number of 5744. **Fall and Spring enrollment are averaged to reflect the academic year. Historically, Spring numbers range from 6 – 10% less than Fall numbers due to students studying abroad, mid-year graduation, withdrawals, etc. When the projected Spring numbers are averaged with the Fall number, the projection is 5603 which is less than the projection of 5677[2] previously included in Appendix E to the plan.** (Emphasis added.)

A copy of the October 6, 2000 letter, the pertinent portion of the point -by-point response chart and Appendix E to the approved Campus Plan are attached as ***Exhibit C*** to this letter.

On October 23, 2000, the five community organizations in opposition (the Burleith Citizens Association, the Citizens Association of Georgetown, Cloisters in Georgetown, Foxhall Community Citizens Association, and the Georgetown Residents Alliance) to the Campus Plan submitted a detailed response to the University's October 6, 2000 submission to the Board. At no point in this response did the community organizations challenge the University's averaging of the enrollment number. A copy of this submission is attached as ***Exhibit D*** to this letter.

The University's President at the time of the Campus Plan case, Father Leo J. O'Donovan, S.J., filed a letter with the BZA on October 27, 2000 that responded to the October 23, 2000 submission of the community organizations in opposition to the Campus Plan. Most importantly, Father O'Donovan noted:

> *In response to the statement that we may be currently exceeding the existing cap, please allow me to state that this is not the case. As we have indicated in our filing, the fall and spring "traditional full-time undergraduate" enrollment numbers have always been averaged to*

[2] 5,677 was the University's original projected enrollment number for academic year 2000/2001. This number was amended to 5,627 after the BZA's Campus Plan order was issued, capping the University's enrollment at the 1990 Campus Plan level.

provide an overall academic year number. This method of determining enrollment, which has been accepted by the BZA, is employed by other local universities as well. As we have stated on many occasions, the fall enrollment numbers are historically higher than the spring total, when many students are studying abroad. When fall and spring numbers are averaged to arrive at a final number for the 2001 academic year, we will be clearly below our current cap. (A copy of this letter is attached as ***Exhibit E***.)

Based on the materials submitted into the record of the case as described above, the University clearly articulated the fact to the BZA that its full-time traditional undergraduate enrollment number was based on an averaging of the Fall and Spring semesters. Thus, the BZA had "overt knowledge" that the enrollment cap number of 5,627 was an enrollment number that would be calculated based on an averaging of the Fall and Spring semesters, and the University has clearly satisfied the enrollment cap requirements enumerated in BZA Order No. 16566.

As to Mr. Bergstein's alternative analysis that the University has relied in good faith on averaging enrollment numbers, interpreting the enrollment cap to apply to fall enrollment numbers alone would effectively reduce the enrollment cap imposed in the 1990 Campus Plan – a result the BZA clearly never intended. The University has averaged its fall and spring enrollment numbers since 1977. Having fully disclosed its method of computing these numbers to the BZA and the community, and having been ordered to continue to observe the 1990 enrollment cap, the University has certainly relied upon its continuing ability to compute enrollment figures by averaging the two semesters. Any change at this time would be unwarranted and unjust.

The University respectfully submits that it has fully complied with Condition 2.

Condition 3 – Off-Campus Student Affairs Program

Georgetown's "Review and Certification of Compliance with Campus Plan Conditions" dated November 21, 2002 ("Statement of Compliance") addresses the three component parts of Condition 3. At its February 24, 2003 decision meeting, the Zoning Commission expressed no dissatisfaction with the responses to those three parts. The Commission, however, did discuss the introductory clause that parties in opposition had raised about this issue.

The introductory clause states:

> *The Off Campus Student Affairs Program implemented and enforced by the Applicant shall specify that off-campus housing is a privilege that can be revoked due to student misconduct, whether a violation occurs on or off-campus.*

Parties in opposition requested documentation that the University has required some students to move back on campus due to misconduct as evidence of compliance with Condition 3.

At the Zoning Commission's February 24, 2003 meeting, Commissioner Mitten noted that "revoking the privilege of living off-campus" is a sanction that the Applicant must specify but that there is no obligation on the University to utilize that particular sanction: "I think what the community is suggesting is that they have to do that, and there isn't anything in Condition 3 that says they have to avail themselves of that particular course of action." Commissioner Hood stated that, nonetheless, he wanted to see "just a little more compliance" in the spirit of the provision. Regarding the measures that University personnel undertake in response to complaints of misconduct generally, Commissioner Mitten stated that, "[I]t doesn't say that the community shall be satisfied with the measures, it just says that they shall specify the measures that they will take."[3]

The University's response is two-fold. First, attached as ***Exhibit G*** is the part of the "Student Affairs Student Handbook" dealing with disciplinary sanctions generally. The sanctions under the Student Code of Conduct were amended after the 2000 Campus Plan Order was issued to explicitly state that if students violate the Student Code of Conduct, they can be required to move back onto campus. The specific language in the Handbook is as follows:

> ***Housing Relocation:*** *loss of the privilege of remaining in current housing and required to relocate to other housing on-campus. This may include requiring a student to move from off campus housing to residential*

[3] The relevant section of the transcript is attached as ***Exhibit F***.

housing on campus. The student's parents will be notified if he/she is a dependent.

This statement clearly constitutes compliance with the introductory clause of Condition 3. The University has specified that the privilege of off campus housing can be revoked.

Second, the University confirms that it has, in fact, relocated a student from off-campus housing to on-campus housing for misconduct. The wide range of sanctions indicated in the student handbook for various types of misconduct, and the description of the University's response system in the "Statement of Compliance" for Condition 3 indicate that it takes this obligation seriously and follows through in a comprehensive way. The following response, to Condition 9, amplifies on the University's efforts in this regard.

The University respectfully submits that it is in compliance with Condition 3.

Condition 9 – Public Data on Types of Complaints

Condition 9 requires the University to make publicly available data indicating the number and types of complaints received concerning student misconduct, the outcome of each complaint and whether sanctions or fines were imposed. The University is to submit this information quarterly to the Office of Planning, the Zoning Administrator, ANC 2E, the Alliance for Local Living and other interested community organizations who request the information.

At the February 24, 2003 meeting of the Zoning Commission, Commissioner Mitten introduced Condition 9 by saying there are two issues raised by the parties in opposition:

1. That the information in the reports was inadequate; and

2. That the information about complaints of misconduct should not be limited to students living off campus, but should include all students.

The University responds as follows:

1. **Level of Information.** The Zoning Commission requested a copy of the University's most recent report so that the Commission could examine the amount and type of information included in the reports. A copy of the most recent report (October-December 2002) and three previous reports are attached as ***Exhibit H.*** The information is provided in aggregate form because Condition 9 does not require the reporting of specific information either by student or by reported incident, but rather emphasizes the "number and type" of complaints. Moreover, the Family Educational Rights and Privacy Act ("FERPA") prohibits the nonconsensual disclosure of personally identifiable information from student education records."

In the University's opinion, the information provided complies with Condition 9.

2. **Off Campus Residency or All Students.** The Applicant documented in its submission of February 6, 2003 that that the clear intent of Condition 9 only requires reports on students living off-campus (See the University's post hearing statement dated February 6, 2003, pages 5 and 6.) At its February 24, 2003 meeting, the Zoning Commissioners concurred, but nonetheless expressed concerns about whether there should be reporting on complaints of off-campus misconduct by students living on campus.

Commissioner Mitten stated:

And I reread the [Campus Plan BZA] order today, and its is pervasive. It says numerous times that it's not just students, it's students living off campus that are problematic, and I think that's a fair interpretation to

have limited the reports to students living off campus. So I need somebody to say something here.

Commissioner Parsons raised the related complaint system required by Condition 6, the "telephone hotline," as well as the fact that Conditions 5 through 9 all deal with complaints and went on to say, "I would agree with you that the thrust of what I see here has to do with off-campus housing, not kids walking the street or making noises out of their dormitory window." Commissioner Parsons raised the issue of potential complaints about students just in the neighborhood.

Commissioner Hannaham stated:

. . . [the University's compliance statement] refers to the Office of Off-Campus Student Life maintains records of off-campus student conduct-related issues and sends these reports. It doesn't say students living off campus, it says off-campus, student conduct-related issues. And hotline complaints, certainly, are not going to be limited to students living off campus either . . . I mean the crux of the matter is that what they're looking for is a reporting method that addresses how well the students behave when they're off campus, whether they live off campus or not.

The University believes all of the above comments contribute to a comprehensive response to the parties in opposition's concerns regarding Condition 9:

- First, given the language in the Order and the context in which the BZA imposed Condition 9, the University has appropriately read it to relate to the conduct of students living off campus.

- Second, as Commissioner Parsons notes, there are five conditions in the Campus Plan order dealing with complaints about and processing of alleged student misconduct, including the telephone hotline. This comprehensive array of actions requires a large amount of sustained effort by the Office of Off-Campus Student Life, as the University in its filings has demonstrated.

- Third, as stated by Commissioner Hannaham, inevitably the information about complaints coming from the "hotline" data includes reports of alleged misconduct by students who live on-campus but may be off-campus at the time of the incident reported. Thus, even though Condition 9 does not require inclusion of information about reported misconduct by students living on campus, the community associations are receiving some of the information they want, i.e., about complaints of misconduct by students living on campus, because it is captured in the hotline reports.

In addition, the University's education efforts go well beyond the requirements of the Campus Plan order. ***Exhibit I*** is a copy of a detailed chart prepared by the University for the BZA in the 2000 Campus Plan case. This document describes the Off-Campus housing program in detail and responds to some questions raised by Board members.

Exhibit J includes copies of two widely distributed pamphlets used by the Office of Off Campus Student Life in order to educate students about off-campus living. These materials provide additional insight into the University's broad-based efforts to create positive relationships between students and other citizens living in surrounding neighborhoods, especially Burleith. Also included in Exhibit J is a very recent article by a Georgetown University student about living compatibly in Burleith.

The University respectfully submits that it continues to be in compliance with Condition 9.

Condition 14 – Motor Vehicle Registration

At its February 24, 2003 Meeting, the Zoning Commission requested additional information about the nature of the consultation that had occurred between the University and the Department of Motor Vehicles ("DMV") in response to that portion of Condition 14 that directs the University to "consult with the D.C. Department of Motor Vehicles to determine whether such registration is completed or such stickers are obtained." Commissioner Mitten asked, "Has the University asked DMV for a report regarding compliance by its students and has information been forthcoming, because that's what triggers action on the part of the University?" and asked "the University to represent to [the Zoning Commission] did they ask DMV and DMV give them anything?" The University is happy to provide more detail about its DMV consultation efforts.

Georgetown readily acknowledges that it has had difficulty understanding the precise nature of the consultation requirement. The University was initially concerned that it contemplated the disclosure by Georgetown to the DMV of student license plate information collected by the Registrar under Condition 14. Because that information is personally identifiable student information protected by FERPA, Georgetown recognized that it could not provide such information to DMV without violating federal law. The University unsuccessfully sought clarification from the BZA concerning the import of the consultation requirement and thereafter appealed the issue to the District of Columbia Court of Appeals. Shortly thereafter, the Department of Education confirmed the Georgetown's view that the license plate information collected by the Registrar constitutes protected student education records under FERPA. *See* Letter to Deborah B. Baum, Esquire, dated July 29, 2002, attached as ***Exhibit K***. The matter has been fully briefed but not yet argued before the Court.

Meanwhile, however, in federal court filings, the District and the BZA have indicated that it does not expect the University to produce the license plate information collected by the Registrar to the DMV. Indeed, in opposing a FERPA challenge to a virtually identical consultation requirement in another university's campus plan, Corporation Counsel explained that "by its explicit terms, Condition 15(e) [the analog to Condition 14 in Georgetown's order] does not call for the disclosure of *any* information, to say nothing of students' 'education records,' which are protected by FERPA." Memorandum In Support of Defendants Motion to Dismiss Count XII or, in the Alternative for Summary Judgment, George Washington University v. District of Columbia, No. 01-0895 (LFO) (U.S.D.C. D.C.) at 5. (emphasis in original) *See* excerpt attached as ***Exhibit L***.

Armed with this clarified understanding of the BZA's expectation, Jeanne Lord, Assistant Dean of Students and Director of Off Campus Student Life, wrote to Sherryl Hobbs Newman, Director of DMV on October 9, 2002 and requested a meeting to consult about student registration pursuant to Condition 14. A copy of the letter is attached as ***Exhibit M***. Because Dean Lord had not received a response to that letter, a meeting with DMV was sought through the offices of Councilmember Jack Evans. On January 6, 2003, a meeting occurred with Jacqueline Stanley, Administrator of Customer

Service at DMV, Linda Greenan, Georgetown's Assistant Vice President for External Relations and Dean Lord. During the course of the meeting, Ms. Greenan and Ms. Lord explained that FERPA prevented the University's sharing protected student record information, which Ms. Stanley indicated she understood. The University representatives explained Georgetown's aggressive efforts to educate its students about and to urge students' compliance with, the District's car registration requirements. Ms. Stanley responded that the University was doing everything she could think of to bring about student car registration and offered DMV's future participation in the University's educational efforts, which Ms. Greenan and Ms. Lord readily accepted. When the discussion turned to the question of enforcement, MS. Stanley explained that DMV is not involved in enforcement matters. Ms. Stanley, Ms. Greenan and Dean Lord agreed to consult further in the future in the interest of effectuating the purposes of Condition 14.[4]

At the Commission's February 24th meeting, the Commission also discussed the list of vehicles with out-of-state license tags prepared by Ms. Bonnie Hardy of the Burleith Citizens Association.[5] Ms. Hardy provided her list to the University's Department of Public Safety ("DPS") which, under the law enforcement exception to FERPA, is able to and did provide the list to the Metropolitan Police Department ("MPD"). The University believed that this was the most effective law enforcement route, which Ms. Stanley's explanation that DMV is not involved in enforcement appears to confirm. The University has not to date received any report from MPD indicating that it has ticketed any cars or taken other law enforcement action involving any University student in response to the list. If, in its continuing consultations with DMV, the University is asked to send Ms. Hardy's list (or similar information submitted to the University's DPS in the future) to some other enforcement agency, it would be happy to do so.

The University is complying in good faith with the consultation requirement to date and will continue to consult with DMV in response to Condition 14. As the Commission is aware, the consultation requirement is only one part of Condition 14 and the only aspect of Condition 14 compliance on which the Zoning Commission requested further information. The University respectfully submits that the information previously submitted by the University, amplified by the information supplied here at the Commission's request, fully demonstrate the University's compliance with Condition 14.

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[4] Mr. Sean Metcalf, Director of Communications in Councilmember Jack Evans' office, also attended the January 6 meeting with Ms. Stanley, and concurs with the University's summary of the meeting as set forth herein. A copy of his letter is attached as ***Exhibit N***.

[5] It is the University's understanding that the cars on Ms. Hardy's list are primarily cars parked on private property.