



June 19, 2013

Wendella P. Fox, Esquire
Philadelphia Office Director
United States Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107

RE: Preservation and Enhancement of Historic Cheyney University

Dear Director Fox:

I respectfully submit this letter as counsel for a recently formed broad-based coalition known as "Heeding Cheyney's Call." It consists of Cheyney University alumni, current, prospective, and former students, current and retired faculty members, current and retired staff persons, and many regionally-based community leaders who are concerned about the welfare of this historic institution. This coalition also includes several of the plaintiffs named in the successful September 23, 1980 federal lawsuit that averred and proved not only de jure and de facto discrimination resulting primarily from inequitable funding but averred and proved disparate impact as well. My purpose in writing to you is to offer whatever assistance- including key information- that the coalition can possibly offer in connection with all that the Office for Civil Rights (OCR) has commendably done and is doing to seek equity, and thereby to pursue justice, for our alma mater.

From its beginnings as the African Institute in 1837 to Cheyney University since 1983, this school, located on a remarkably picturesque campus, is the oldest historically Black institution of higher education in America. It has 33 majors and concentrations for undergraduates as well as a Masters in Educational Leadership program and a recently established Masters in Public Administration program. The Masters in Educational Leadership program has historically been one of the nationally ranked leaders in producing Masters' degrees in education for students of color and one of the major producers of teacher and administrative leaders in the tri-state region. Its impressive undergraduate and graduate "Call Me MISTER" teacher leadership program encourages African-American men- who are much needed and woefully underutilized in the field of education- to dedicate their lives to becoming role models. Its outstanding "Teach STEM Scholarship Project" prepares African-American women to become highly qualified teachers who will change paradigms in Science, Technology, Engineering, and Mathematics education through positive role-modeling and high tech innovation. Its extraordinary "Aquaculture Research and Education Center" meets the needs of the region's critical waterways with the objective being to train students to become as professional in various scientific areas in the

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United States and abroad. Its distinguished "Keystone Honors Academy" is a far-reaching academic excellence program that fosters intellectually enriching experiences for the entire campus community. Moreover, it is undeniably advantageous that the vast majority of the men and women who administer these and other programs and who teach the courses look like and have the same cultural experiences as the students and therefore serve as powerfully inspiring role models. All of this is obviously great.

But all of this will be for naught if this historic and essential African-American institution is allowed to wither away due to continued unlawful and impoverishing racial discrimination.

In regard to Cheyney University's ongoing plight, the fundamental issues are whether the Commonwealth of Pennsylvania is meeting its responsibilities under Sections 1983 and 2000d of Title VI of the Civil Rights Act of 1964 and whether it has eliminated and rectified all vestiges of discrimination in its public school system of higher education. Unfortunately, the answers, objectively speaking, are no.

In addition to the mandates of Title VI, the Commonwealth has affirmative obligations to ensure that Cheyney University becomes and remains equitably comparable to the public traditionally white institutions in Pennsylvania. This is precisely the kind of obligation constitutionally ordered by the Supreme Court in its 1992 *United States v. Fordice* decision proclaiming that states can be compelled to pursue corrective affirmative action to remedy discrimination against African-American students despite purported race-neutral policies. And this is consistent with Executive Order 12232 of 1980 that was issued "to overcome the discriminatory treatment and to strengthen and expand the capacity of historically Black colleges and universities to provide quality education."

Not only is the Commonwealth required to fulfill its longstanding obligations under Title VI and *Fordice*- especially when making budgetary decisions- it is also required pursuant to its 1999 agreement with OCR to "enhance" Cheyney University. And that unquestionably includes the "Enhancement Plan," stemming from the 1980 suit, to repair the physical facilities that, as noted as recently as 2010, are in deplorable condition. And in accord with that plan is the recent five-year strategic reinvestment plan that includes recommendations of higher educational experts who have consistently urged the Commonwealth through the Pennsylvania State System of Higher Education (PASSHE) to provide much-needed fiscal and physical resources, proven institutional growth strategies, and established managerial "best practices" for Cheyney University.

Consequently, the coalition respectfully requests that the Commonwealth be compelled to comply with the following:

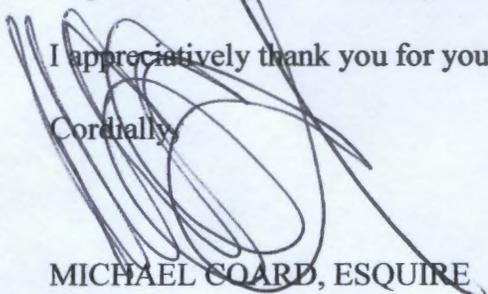
- 1) The Commonwealth's inequitable funding formula must be substantively revised and done so retroactively. The leading cause of Cheyney University's low enrollment is high tuition- which is oppressively high for Cheyney students because the average household income of their families is less than \$40,000 and more than 80 percent of these students are on financial aid. Increases in tuition automatically equal decreases in enrollment. That is exactly why the school's 1977 enrollment of nearly 3,000 is now down a shocking 60 percent to merely 1,200. And when enrollment drops, the school loses state funding due to enrollment requirements in the PASSHE inequitable funding formula. This is the major factor underlying the university's massive \$14 million accumulated debt with a structural deficit of an additional \$5 million more in the 2013-2014 fiscal year.
- 2) There is an urgent need to revitalize undergraduate and graduate facilities (such as buildings, "smart" classrooms, Blackboard technology, online education, etc.) and academic programs, including those at the institution's Philadelphia campus as part of PASSHE's Multi-University Center.
- 3) Special attention must be given to the secondary education programs first because they are absolutely needed and second because the school has historically been a teacher's college. Teacher education is what has distinguished Cheyney from every other state and state-related institution in Pennsylvania.
- 4) There must be no implementation of any austerity measures, including (but certainly not limited to) program moratoriums or the rumored closing or relocation of the preeminent Leslie Pinckney Hill Library. Quite the contrary, instead of reductions, there must be expansions that consist of, inter alia, at least two new academic programs during the next two years in majors such as electrical engineering, science, mathematics instruction, and/or health in order to begin to attain parity with the other 13 state institutions.
- 5) The Commonwealth must explicitly make it clear that it will respect Cheyney University's unique value and historic existence by permanently guaranteeing, pursuant to the desegregation guidelines and the 1980 Enhancement Plan Agreement, that there will be no duplication of Cheyney University's new programs at West Chester University (which is a mere seven miles away).
- 6) Professional grant writers must be contracted to seek applicable "Science, Technology, Engineering, and Mathematics" (STEM) related grants, scholarships, awards, and fellowships. All other similar and potential grants, scholarships, awards, and fellowships, such as, e.g., "historical designation" federal grants via the National Park Service's National Registry of Historic Places, should also be sought.

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In conclusion, I, along with a few Steering Committee representatives of "Heeding Cheyney's Call," namely Professor E. Sonny Harris, alumnus Jeffrey K. Hart, and a current student respectfully request a meeting with you within the next two weeks if your schedule permits.

I appreciatively thank you for your time and consideration.

Cordially,



MICHAEL COARD, ESQUIRE
MC/ck

cc: Russlyn H. Ali, Esquire- Assistant Secretary for Civil Rights, US Department of Education