

SECTION 8 - FINANCIAL ASSISTANCE

The Regulation implementing Title IX contains several sections which relate to scholarship and financial assistance as administered by local education agencies:

86.37 Financial Assistance

"(a) General.

Except as provided in paragraph (b)(c)(d) of this section, in providing financial assistance to any of its students, a recipient shall not:

- (1) On the basis of sex provide different amounts or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate;
- (2) Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or
- (3) Apply any rule or assistance in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of another sex with regard to marital or parental status."

(b) Financial Aid Established By Certain Legal Instruments.

"(1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trust, bequests, or similar legal instruments or by acts of foreign government which require that

awards be made to members of a particular sex specified therein; provided, that the overall effect of the award of such sex restricted scholarships, fellowships and other forms of financial assistance does not discriminate on the basis of sex.

(2) To insure nondiscriminatory awards of assistance as required in sub-paragraph 1 of this paragraph, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex restricted scholarship, fellowship or other form of financial assistance is allocated to each student selected under sub-paragraph (i) of this paragraph; and

(iii) No student is denied the award for which he or she was selected under sub-paragraph (i) of this paragraph because of the absence of a scholarship, fellowship or other form of financial assistance designated for a member of that student's sex."

(c) Athletic Scholarships.

"(1) To the extent that recipient awards athletic scholarship or grants-in-aid, they must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in inter-collegiate athletics;

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and 86.41 of this Part."

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in financial assistance, the following materials were reviewed:

Policies pertaining to the administration of financial assistance for students;

All legal instruments establishing scholarships or other awards of financial assistance administered by the College;

Agreements with organizations or individuals providing financial assistance to students which is administered by the College;

Criteria for student eligibility/selection for all awards of financial aid;

Student handbooks and descriptive materials pertaining to financial assistance to students;

Application materials used in the process of awarding financial assistance.

The materials listed above were reviewed by the Committee on Student Aid and Placement. As a result of their review the report, enclosed herein, is rendered.

SECTION 8

The following is the applicable section of the report rendered by the Committee on Student Aid and Placement. The entire report can be found under a separate cover on file in the College's Office of AA/EEO.

CONCLUSION

The majority of the College's financial aid programs are entirely free of discriminatory policies or practices with regard to sex of the student. The principle exceptions to this finding are scholarships which contain sex and/or race restrictions. The funds with race restriction are not being awarded, and those with sex restrictions are being reviewed with their donors, if possible. Nevertheless, the funds are currently being used under a "pooling" concept. The committee finds that all needy applicants are identified and treated with neither implicit or explicit consideration of their sex.

Other areas which appear to represent a possible conflict with Title IX are funds for which policy decisions are made outside of the control of the College. The Committee feels that the College can maintain these programs and still comply with Title IX obligations.

FINANCIAL AID

The study of direct financial aid to students consists of two parts. The first, the subject of this chapter, deals with non-athletic financial aid to students. Athletic grants-in-aid are examined in chapter III. Since most applications for financial aid are processed in a similar manner, this chapter reports general College procedure first, then examines specific aid programs.

GENERAL PROCEDURES

Financial assistance is offered to students on the basis of their demonstrated financial need. Virginia undergraduates can expect sufficient support to enable them to attend the College for four years. Nonresidents can expect partial to full support depending upon the availability of funds.

Financial assistance available to undergraduate students is of three types: grants (scholarships), loans, and student employment. Awards are made by the Director of Student Aid and are governed by the policy established by the Committee on Student Aid and Placement. Consideration for financial assistance is based upon certifiable financial need.

Demonstrated need is established through the analysis of the Parents' Confidential Statement (PCS) processed by the College Scholarship Service (CSS). Need is determined by comparing the expected family contribution, derived from the analysis of the PCS, to the estimated student costs for an academic session.

Assistance is offered for one year only but may be renewed for each succeeding year if need continues and the student otherwise qualifies.

Renewal requires an institutional application and the completion of the PCS for each succeeding year.

Undergraduate recipients of financial aid fall into two categories:

(a) the financially dependent student (dependent upon parent or guardian as defined by Federal guidelines) and (b) the financially independent or self-supporting student. Generally a student remains in the category existing at the time of his or her entrance into William and Mary. Assistance available to those students changing from dependent to independent status by their own choice is generally limited to loans and student employment. Financial Aid for single or married students is awarded on an individual basis even when both husband and wife are students. The Committee on Student Aid and Placement subscribes to the principle that the amount of financial assistance granted a student by the College, as well as other sources, should be viewed as supplementary to the efforts of the family.

Information about student financial assistance is available to the general public through various media releases by the Department of Health, Education, and Welfare and agencies such as the College Scholarship Service of the College Entrance Examination Board and the American College Testing Service. In Virginia, the State Department of Education compiles student financial aid information each year for a publication entitled "Financial Assistance to Attend Virginia Colleges and Universities." This publication is sent by the State Department of Education to all secondary schools, colleges, and universities.

For William and Mary students there are three major sources of information about student financial assistance. The College Undergraduate Catalog contains a two-page statement about student financial assistance. A second course of information, particularly for entering students, appears in the material mailed by the Admissions Office to prospective students. A third source is a printed brochure, "Opportunities for Student Financial Assistance at the College of William and Mary," prepared and mailed upon request by the Student Aid Office.

During the year various notices will appear in the William and Mary News, The Flat Hat, over WCWM, and in the local newspapers, dealing with available programs and relative application dates, etc.

Entering students are required to have the Parents' Confidential Statement (or other appropriate financial statement) on file and must be admitted prior to receiving consideration for financial assistance. The student must also apply for the Basic Educational Opportunity Grant and for State grants as well. This information is included in the brochure and the College catalog. Although the financial aid officer is competent to compute a family's financial strength and may do so in limited numbers, the standard procedure is for the College Scholarship Service (CSS) to process the Parents' Confidential Statement. The Basic Grant application is processed by the American College Testing Service, a contractor selected by HEW.

Early-decision students must submit the PCS to CSS prior to November 1, in order to receive notification of financial assistance by December 15.

Regular-decision students must submit the PCS to CSS before February 15, of the year they expect to enter the College in order to receive notification of financial assistance prior to May 1, the date upon which the Admissions Office requires notice of acceptance.

Currently enrolled students who wish to apply or re-apply for financial assistance must complete the William and Mary Application for Financial Assistance and a Parents' Confidential Statement prior to May 1, of the session for which the application for assistance is filed. The application and financial statement (PCS) may be secured from the Student Aid Office after March 1.

Self-supporting undergraduates who wish to apply for a National Direct Student Loan should secure the Student's Financial Statement (SFS) and NDSL application by May 1, for the following academic session.

Student employment (work-study) applications are filed after May 1, for Summer Sessions employment and after arrival on campus for employment during regular session.

The letter of award contains instructions about the required procedure for renewing financial assistance. In addition, the Student Aid Office announces application procedures and deadlines for returning students in the William and Mary News, the Flat Hat, over WCWM, and through

bulletin boards on campus. A sample of the application packet furnished all undergraduate students is included in the Appendix of this chapter. Out-of-state students do not receive the CSAP forms.

FINANCIAL AID PROGRAMS

Financial assistance is "packaged" and includes the offer of part time employment, loan, and grant (scholarship), simply or in combination. Consistent with the concept that the parents are primarily responsible for paying educational costs to the extent that they are able, the "packaging" of financial assistance relies on the student to earn from the job and to repay the loan. In other words, the job offer and loan, if accepted, are self-help forms of financial assistance. The third element of the assistance, namely grants, is the only "gift" assistance included. The relationship of gift assistance to self-help assistance is approximately half and half. The work-study program is reviewed in chapter IV along with other forms of student employment and placement, including graduate assistantships. Each financial aid program is briefly reviewed for its compliance with Title IX in the following sections.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

This is a need-based Federal program which makes grants available to eligible students who have not attended a post-secondary school before April 1, 1973. Application forms are included in the Appendix. All applications are processed by American College Testing Service.

All procedures and practices are clearly in compliance with Title IX.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

The SEOG, subject to Federal funding, is for students of exceptional need, who without this grant, would be unable to continue their education.

Again, all procedures and practices are in complete compliance with Title IX.

COLLEGE SCHOLARSHIP ASSISTANCE PROGRAM

The College Scholarship Assistance Program (CSAP) is a program of need-based grants and loans to students in state-supported colleges and universities and of loans to students in private colleges and universities. It is administered by the State Council of Higher Education for Virginia. As with other programs, need is determined on the basis of the PCS.

INSTITUTIONAL GRANTS

These awards are made possible through the generosity of friends and alumni of the College and the General Assembly of Virginia. When completing his/her course of study, the recipient is not expected to repay the award as in the case of a loan, nor is he/she expected to perform specific duties as in the work-study program.

The College has 105 active scholarship funds under the supervision of the Board of Visitors and the Endowment Association. Of these 105, only 15 contain stated or implied sex restrictions and two contain race restrictions (not currently used). Twelve of the fifteen contain a stated sex restriction; one contains a stated sex preference; and two contain restrictions for

athletes, one of which specifies football.

Several discussions were held with Professor John Donaldson, counsel for the Endowment Association, and Mr. Andrew Parker of the Development Office, during the spring of 1976, regarding fund restrictions and a procedure for removing these restrictions. It was agreed that the Development Office should establish the necessary contacts required to effect the desired changes.

The following is a summary of the scholarship funds identified above with the planned action for removing those restrictions if possible.

1. The two containing race restrictions--the donor of these funds is living and will be contacted.
2. The twelve containing sex restrictions--six of the twelve were bequeathed and cannot be changed. Two, however, provide an equal amount for male and female. Of the remaining four, three for females and one for males, may be utilized under a pooling concept. Six of the twelve sex-restricted funds have living donors or survivors and will be contacted.
3. The one containing a sex preference--the stated preference is for a female recipient. The preference may be respected without placing the College in a position of noncompliance with Title IX.
4. The two containing restrictions for athletes--the donor of the football-restricted fund is living and will be contacted. The wife of the deceased donor of the other fund specifying athlete(s) will be contacted.

It is believed that agreement to remove restrictions will result in some, if not all, instances. In the event approval to remove these restrictions is not forthcoming the judgment of the Subcommittee is that, with the exception

of the two race-restricted funds, all current scholarship funds may be used justifiably utilizing the pooling concept. Under this concept non-restricted funds are used to off-set restricted funds so that all eligible applicants, as a pool, are treated in a nondiscriminatory manner. We also urge the Development Office to move as quickly as possible in contacting donors and eliminating restrictions.

MERIT SCHOLARSHIPS

The Merit Scholarships are awarded solely on the basis of academic achievement to the nineteen ranking scholars of the College. These awards are not available to entering students. Eligibility and selection are totally without regard to sex of the recipient.

NATIONAL MERIT SCHOLARSHIPS

The major objectives of this program as listed in the Guide to the National Merit Scholarship Program are:

--"To identify and honor intellectually talented young people and to encourage academic excellence at all educational levels by focusing public attention on a sizable group of able youth throughout the nation."

--"To work with corporations, foundations, colleges, and other organizations to increase the educational opportunities of academically able students by providing scholarships for as many of them as Merit Program funds will allow."

Student eligibility requirements listed in the Guide are as follows:

"A. Be a U.S. citizen or plan to obtain U.S. citizenship as soon as he qualifies to do so;

B. Be enrolled as a full time secondary school student making normal progress toward meeting the requirements for completion of high school;

C. Plan to attend a regionally accredited U. S. college upon completing high school and to enroll full time in a course of study leading to one of the traditional baccalaureate degrees;

D. Take the PSAT/NMSQT at the proper time in his high school program, regardless of grade classification."

The selection process utilized first screens the PSAT/NMSQT Selection Index Score to determine those who will be identified as commended students and semi-finalists, which are allocated in proportion to each state's percentage of the national total of graduating secondary school seniors. Semi-finalists become finalists by confirming their PSAT/NMSQT with an equivalent performance on the Scholastic Aptitude Test, maintaining a high academic record in secondary school, being recommended by their secondary school principal and completing a scholarship application. A selection committee selects the winner from the semi-finalist group, and then the applicant, the secondary school and the college which the recipient plans to attend is so notified. The amount of stipend takes into consideration the cost of attending the college and the individual's financial resources.

This is a nationally administered program that does not mention sex as a consideration in the eligibility or selection process.

STATE TEACHERS SCHOLARSHIPS

Students who are residents of the State of Virginia and who plan to enroll in a curriculum leading to a Collegiate Professional Certificate for teaching in the State of Virginia, may apply for the State Teacher Scholarship/Loan. Such scholarship/loan aid will be available in a maximum amount of \$450 per school year. At this time eligibility is limited to current holders of

this scholarship. Detailed information on application procedures is contained in the publication entitled "Regulations for Administering Regular Term State Teachers Scholarships/Loans" included in the Appendix.

Although eligibility and selection procedures for this program are apparently free of any bias with regard to the applicants' sex, a minor bias is implied in the repayment provision. The program brochure implies that postponement of repayment because of military service is available only to males. Only the words "he" and "his" are used, with no reference to the feminine. Nevertheless, this program is outside of college control and the provision relates to repayment, not basic eligibility. The committee recommends that the College, through its various officers, urge the State to alter this provision.

PROGRAMS FOR FEDERAL BENEFICIARIES

The College participates in all programs which may entitle certain of its students to special Federal assistance. These include Veteran's Educational Assistance, Veterans' Children's Educational Assistance, Social Security Benefits for school children, and others. The College also operates an Office of Veterans Affairs. This office offers the following services to Veterans, Service personnel, Disabled Veterans, War Orphans, War Widows, and Dependent children of veterans without regard to sex, creed, color or national origin:

1. Information on educational benefits of the G. I. Bill.
2. Assistance in completing applications for subsistence and related benefits.

3. Certification of student's enrollment to the Veterans Administration.
4. Counsel and assistance with regard to personal problems of veterans.
5. Frequent review of grades and general progress to determine continuing eligibility of veteran.
6. Distribution of U.S. Treasury subsistence checks to veterans.

The Veterans Administration, through its Adjudication Office, determines the eligibility of veterans and related personnel to receive educational benefits under the G. I. Bill as follows:

"All VA benefits (with the exception of insurance) payable to veterans or their dependents, require that the particular period of service upon which entitlement is based be terminated under conditions other than dishonorable. Honorable and general discharges qualify the veteran as eligible for benefits. Dishonorable discharges are a bar to VA benefits. Undesirable and bad conduct discharges may or may not qualify depending upon a special determination, made by VA, based on the facts of each case as to whether the veteran was separated under "dishonorable conditions" or "other than dishonorable conditions." (Source: VA IS-I FACT SHEET: FEDERAL BENEFITS, January 1, 1975, U.S. Government Printing Office, Washington, D.C.). "

Sample forms used in processing veterans and information pamphlet are included in the Appendix.

The committee finds that these federally funded programs appear to comply with Title IX regulations. One possible exception is that certain programs include the marital status of the recipient as a condition of eligibility.

ROTC SCHOLARSHIPS

Army ROTC Scholarships pay for college tuition, textbooks, laboratory fees and other purely educational expenses. Scholarship cadets also get a tax-free subsistence allowance of \$100 per month for up to 10 months a year, for each year of the scholarship. The Army currently has 6,500 of these four, three, and two-year scholarships; in effect, there are twenty-nine at William and Mary.

Eligibility for the ROTC Scholarship is based upon the following qualifications:

- U. S. citizen.

- At least 17 years old and able to complete all requirements for a commission and a college degree prior to age 25 on June 30 of the year eligible for appointment as an officer.

- Enrolled in or accepted by one of the colleges or universities which host Army ROTC.

- Be physically qualified.

In addition to the above, applicants for three and two-year scholarships must:

- Be enrolled in the four-year ROTC program or qualify for the two year program by attending the six-week Basic Camp.

-Have satisfactory grades in academic and ROTC courses.

-Be recommended by the Professor of Military Science.

-Have at least three years (for a three-year scholarship) or two years (for a two-year scholarship) of study remaining in a four year degree program.

Four-year scholarships are awarded on a competitive basis to men and women who are about to enter Army ROTC as college freshmen. The three-year and two-year scholarships are awarded competitively to students who are enrolled in ROTC or are eligible for advanced placement in ROTC. Women are evaluated in competition with other women, and men with other men. Selection of four-year scholarship winners is based on:

-Results of SAT or ACT.

-High school academic record.

-Extracurricular and athletic activities (Students who hold part-time jobs and do not have time for extensive participation in sports and extracurricular activities are awarded points in these areas based on the number of hours worked per week.)

-Personal interview.

Selection of three and two-year scholarship winners is based on:

-College record in both academic and military studies.

-Personal interview and observation by the Professor of Military Science.

-Demonstrated motivation toward an Army career.

At the close of the application period, the most competitive applicants are interviewed by Army representatives. A board of officers then selects the most highly qualified applicants on a regional level. The board then forwards the names and records of those considered best qualified to the United States Army Training and Doctrine Command where final selections are made at the national level.

This federal program continues to operate with a definite sex bias. The Department of Defense establishes quotas for male and female scholarships, then selects candidates within sex groupings. In view of the fact that William and Mary, like all institutions of higher education, has no control over this matter, the committee reluctantly concludes no further action is possible. We trust the Federal government will eventually resolve the inconsistencies in its various regulations.

NATIONAL DIRECT STUDENT LOAN

The NDSL, subject to Federal funding, has a maximum of \$2,500 for the first two years; \$5,000 aggregate for four years; and \$10,000 maximum aggregate for undergraduate and graduate loans combined.

Repayment begins nine months after the student ceases at least half-time study and may extend over a ten-year period. Interest charges of 3 percent begin with the repayment period. No repayment is required and no interest is charged for any period up to three years during which the student serves in the Armed Forces, Peace Corps, or Vista. There is no teacher cancellation

per se, although cancellations are available for pre-elementary, designated low-income areas and special education.

The committee finds this program in complete compliance with Title IX regulations.

GUARANTEED STUDENT LOAN PROGRAM

The GSL program provides for student loans made through local lenders-- banks, credit unions, savings and loan associations, or other participating lenders. The GSL includes both public and private guaranteed student loan programs and the Federally insured student loan program authorized under Title IV-B of the Higher Education Act of 1965.

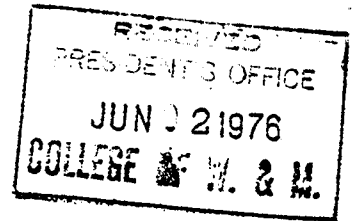
As a result of legislation (P. L. 93-269) which became effective on June 2, 1974, in any academic year, any applicant whose adjusted family income is less than \$15,000 will automatically qualify for Federal Interest Benefits on a loan of \$2,000 or less. Any applicant whose adjusted family income is less than \$15,000 who wishes to apply for Federal Interest Benefits on a loan greater than \$2,000 or any applicant whose adjusted family income is greater than \$15,000 must secure the recommendation of the Financial Aid Officer.

Repayment begins approximately nine months after the student graduates or leaves school. The maximum repayment period is ten years. Deferment of repayment may be authorized for service in the Armed Forces, Peace Corps, Vista or for any period that the student return to full-time study.

The committee finds this program in full compliance with Title IX regulations.

COLLEGE OF WILLIAM AND MARY

WILLIAMSBURG, VIRGINIA 23185



June 1, 1976

Mr. Marvin F. Cole
291 North Boulevard
Richmond, Virginia

Dear Mr. Cole:

On Tuesday, May 25, I met with Samuel J. T. Moore, Jr., Esquire, relative to two endowment funds that were established in the early 1960's by Mrs. Joseph Schoolfield Potts here at the College. These two scholarships, and the restrictions imposed thereon at their establishment, are as follows:

Joseph Schoolfield Potts Scholarship Fund - shall provide annual financial assistance to "white male or female Southern" students.

Mrs. Edith Norment Lumbye Scholarship Fund - shall provide annual financial assistance to "white male or female Virginia" students.

In light of numerous Federal and State court decisions, the College of William and Mary, like any charitable corporation, is prohibited from administering a scholarship fund which has a restriction as to race expressed therein. The policy of the College of William and Mary is to adhere to the restrictions set forth in an endowment fund providing the same do not violate Federal or State law. Therefore, as administrator for the Estate of Mrs. Joseph Schoolfield Potts, I would appreciate your concurrence on our removal of the restriction as it pertains to race in the foregoing two scholarship funds. After discussing the matter with Mr. Moore, I believe that he would concur in the deletion of this particular restriction. Please note, however, that the geographical restriction (Joseph Schoolfield Potts - Southern students; Mrs. Edith Norment Lumbye - Virginia students) can be adhered to by the College of William and Mary.

I would appreciate your informing me of your thoughts on this matter at your earliest convenience. I would encourage you to contact Mr. Moore by telephone should you desire any additional