



RECEIVED

SEP 27 2018

GREEN RIVER COLLEGE
PRESIDENT'S OFFICE

Dr. Suzanne M. Johnson
President
Green River College
12401 Southeast 320th Street
Auburn, WA 98092

SEP 26 2018

Sent: United Parcel Service
Tracking #: 1Z 37X 7Y3 24 0298 4689

OPE-ID: 00378000

Dear Dr. Johnson:

This letter is to inform you that the U.S. Department of Education (Department) intends to fine the Green River College (GRC; the College) a total of \$574,500 based on the violations of statutory and regulatory requirements outlined below. This fine action is taken in accordance with the procedures that the Secretary of Education (Secretary) has established for assessing fines against institutions participating in any of the programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070 *et seq.* (Title IV, HEA programs). As applicable here, under the Department's regulations, the Department may impose a maximum fine of \$35,000 for each violation that occurred from October 2, 2012 – November 2, 2015, and a maximum fine of \$55,907 for violations that occurred from November 3, 2015 to present, for which civil penalties were assessed after January 15, 2018. 34 C.F.R. § 668.84.¹ As detailed below, this fine action is based on GRC's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), as reflected in 34 C.F.R. §§ 668.41 and 668.46 (2013)², the fire safety requirements in §485(i) of the HEA, 20 U.S.C. §1092(i) and 34 C.F.R. § 668.49, and the Drug-Free Schools and Communities Act Amendments of 1989 (DFSCA), as reflected in 34 C.F.R. Part 86.

Under the Clery Act, institutions participating in the Title IV, HEA programs must prepare, publish and distribute an Annual Security Report (ASR) by October 1 of each year. 34 C.F.R. § 668.41(e). The ASR must include a description of the institution's campus security policies in specific areas. 34 C.F.R. § 668.46(b). Specifically, the ASR must include, among other things: a statement of policy regarding the institution's campus sexual assault programs designed to prevent sex offenses; a statement that the College will provide a notification to students that the institution will change a victim's academic and living situations after an alleged sex offense, and of the options for those changes, if those changes are requested by the victim and are reasonably available; procedures for campus disciplinary action in cases of an alleged sex offense, including

¹ The maximum fine cited in 34 C.F.R. § 668.84(a) has increased according to the Federal Civil Penalties Inflation Adjustment Act. *See* 77 Fed. Reg. 60047 (October 2, 2012), 81 Fed. Reg. 50321 (August 1, 2016), 82 Fed. Reg. 18559 (April 20, 2017) and 83 Fed. Reg. 2062 (January 16, 2018).

² The Department significantly revised 34 C.F.R. § 668.46 in final regulations published on October 20, 2014. The fines proposed in this letter are based on violations of the regulations existing at the time each violation occurred, during the period covered by the program review.

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

Administrative Actions and Appeals Service Group
830 First St., N.E. Washington, D.C. 20002-8019
StudentAid.gov

a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, and both the accuser and accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense; sanctions that the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other sex offenses; and beginning with the ASR distributed by October 1, 2010, a statement of policy regarding missing student notification procedures. 34 C.F.R. § 668.46(b).

In addition, the ASR must report statistics for the three most recent calendar years concerning the occurrence of certain crimes on campus, in or on certain non-campus buildings or property, and on public property. 34 C.F.R. § 668.46(c). An institution must compile and publish crime statistics for each separate campus. 34 C.F.R. § 668.46(d). The crimes that must be reported include: criminal homicide (murder and manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests for liquor law violations, drug law violations and illegal weapons possession.

The ASR must be distributed to current students and employees and must be made available to applicants for admission and employment to provide them with accurate, complete and timely information about crime and safety on campus. 34 C.F.R. § 668.41(e). Institutions must submit the crime statistics annually to the Department, which makes them publicly available. 34 C.F.R. § 668.41(e)(5).

Beginning October 1, 2010, an institution that maintains any on-campus student housing facility, must prepare an Annual Fire Safety Report (AFSR). 34 C.F.R. § 668.49(b). An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. 34 C.F.R. § 668.49(d). The AFSR must be published and distributed through appropriate publications and mailings in the same manner as the ASR. The AFSR must be a comprehensive publication in the same manner as the ASR; however, if an institution chooses to combine the ASR and AFSR and publish them as a single document, then the title of both reports must conspicuously appear on the cover page. 34 C.F.R. § 668.41(e).

The DFSCA and the Department's regulations require an institution of higher education to adopt and implement a drug prevention program for its students and employees. 34 C.F.R. § 86.100.

The Department conducted an onsite program review at GRC from November 16, 2015 to November 20, 2015. The focus of the review was GRC's compliance with the Clery Act, the fire safety requirements in the HEA and the DFSCA. The review was initiated following a careful assessment of credible complaints alleging that the College violated multiple provisions of the Clery Act. Specifically, the complainants alleged that GRC did not produce ASRs from 2008 through 2013 or AFSRs from 2010 through 2013. The complainants also claimed that the College failed to properly compile and disclose campus crime statistics in accordance with Clery Act offense-classifications and geographical parameters.

The Department reviewed samples of GRC's incident reports and student and employee disciplinary records generated in the course of campus safety and disciplinary operations during the 2008 - 2015 timeframe. The review team also examined records from local law enforcement agencies. Both random and judgmental sampling techniques were used to select reports for this review. Approximately 663 incident reports were cross-checked against the daily crime log to assess whether crimes occurring on the College campus or its "Clery Geography" were properly entered into the daily crime log.

On September 25, 2017, the Department issued a Program Review Report (PRR) to GRC. The review found that GRC had not complied with the Clery Act, the fire safety requirements, the DFSCA, and the Department's implementing regulations. GRC responded to the PRR on November 21, 2017. After reviewing GRC's responses, the Department issued a Final Program Review Determination (FPRD) letter to GRC on May 22, 2018. The FPRD is incorporated by reference into this fine action. (Enclosure 1).

The Department is taking this fine action based on the following findings in the FPRD:³

- Finding 1 – Lack of Administrative Capability;
- Finding 2 – Failure to Produce and Distribute a Complete and Accurate ASR for 2013;
- Finding 3 – Failure to Produce and Distribute a Complete and Accurate AFSR for 2013;
- Finding 4 – Failure to Timely Distribute the 2015 ASR;
- Finding 5 – Failure to Notify Prospective Students and Employees About the Availability of the 2013 and 2014 ASRs and AFSRs;⁴
- Finding 7 – Failure to Properly Classify and Report Accurate Crime Statistics in the 2013 and 2014 ASRs;
- Finding 8 – Failure to Accurately Report and Disclose Crime Statistics by Location in the 2013 and 2014 ASRs;
- Finding 9 – Failure to Maintain an Accurate and Complete Crime Log for Violations Occurring in 2010 through 2014;
- Finding 11 – Failure to Include Required Policy Statements in the 2014 and 2015 ASRs;
- Finding 12 – Failure to Report Accurate Crime Statistics in the 2015 ASR that Matched the Statistical Data Submitted to the Department in 2012 through 2015; and
- Finding 13 – Failure to Comply with the DFSCA and 34 C.F.R. Part 86.

³ The Department is not taking a fine action for Findings 6 and 10. Furthermore, the Department is only assessing fines for violations that occurred in calendar years 2013-2015, including the crime statistics reported for calendar years 2010-2014, because the statute of limitations applies to the violations occurring in previous years. 28 U.S.C. § 2462; see also *In the Matter of Lincoln University*, Decision of the Secretary, Dkt. No. 13-68-SF (April 25, 2016).

⁴ The FPRD mistakenly referred to these reports as the 2014 and 2015 ASR and AFSR.

I. LACK OF ADMINISTRATIVE CAPABILITY

To begin and to continue to participate in any Title IV, HEA program, an institution must demonstrate to the Secretary that it is capable of adequately administering the programs under each of the standards established by the Department's regulations. The Secretary considers an institution to have administrative capability if it administers the Title IV, HEA programs in accordance with all applicable statutory and regulatory provisions and all applicable special arrangements, agreements, and limitations entered into under the authority of statutes applicable to Title IV of the HEA. 34 C.F.R. § 668.16. The regulations also include a requirement that an institution must employ an adequate number of qualified staff to administer the Title IV, HEA programs. 34 C.F.R. § 668.16(b)(2). An institution is required to administer the programs with appropriate checks and balances in its system of internal controls. 34 C.F.R. § 668.16(c)(1). These standards apply to the institution's implementation of the Clery Act and the Department's implementing regulations as reflected in 34 C.F.R. § 668.46, and the DFSCA, as reflected in 34 C.F.R. Part 86.

Under the Clery Act and the Department's regulations, an institution participating in the Title IV, HEA programs must keep records relating to its administration of those programs for three years after the end of the award year for which aid was disbursed. 34 C.F.R. §668.24(e).

GRC participates in the Title IV, HEA programs. Therefore, it is required to demonstrate to the Secretary that it is capable of adequately administering the programs under each of the standards established by the Department's regulations. The Secretary considers an institution to have administrative capability if it administers the Title IV, HEA programs in accordance with all applicable statutory and regulatory provisions and all applicable special arrangements, agreements, and limitations entered into under the authority of statutes applicable to Title IV of the HEA. 34 C.F.R. § 668.16. The Clery Act, the DFSCA and the Department's implementing regulations are considered applicable statutory and regulatory provisions and Title IV institutions must comply with those requirements or face sanctions under Title IV. Moreover, compliance with the Clery Act is required by the Program Participation Agreement (PPA) which GRC signed with the Department in order to participate in the Title IV HEA programs.

The FPRD found that GRC lacked the administrative capability required of Title IV participating institutions because it substantially failed to comply with the Clery Act and the DFSCA throughout the review period. The regulations that govern the Title IV, HEA programs establish certain standards that all participating institutions must meet to be considered administratively capable. The program review findings demonstrated that GRC failed to develop and implement an adequate system of internal controls, which contributed to the Clery Act and DFSCA compliance failures that occurred during the review period of 2008 through 2015. The Department's reviewers determined that GRC employees and contractor staff did not receive adequate training in Clery Act compliance, and that the GRC failed to exercise sufficient oversight, governance, and coordination of those College officials and departments that were responsible for campus safety, student and employee conduct, and the delivery of other safety-

related services. The result of these breakdowns was a general failure to keep students, employees, other stakeholders, and the larger campus community informed of crime and other threats to their safety and security. Reviewers noted that the College, in logging its crime information, used a homegrown system that required the safety officer who was using it to select the location of the crime from a drop-down menu. This drop-down menu included all of the buildings on campus, with a separate category for off-campus property. However, the menu failed to include a selection for “public property”, which is a required Clery geography designation. Because “public property” was not an option, safety officers consistently selected “off campus” for all those crimes that occurred on public property. As a result, GRC failed to provide accurate and complete ARSs for calendar years 2013, 2014 and 2015; and accurate crime statistics to the Department for the same calendar years included in those three ASRs.

GRC failed to produce and distribute a complete and accurate ASR for calendar year 2013; failed to produce and distribute a complete and accurate AFSR for calendar year 2013; failed to timely distribute an ASR for calendar year 2015; failed to notify prospective students and employees about the availability of the 2014 and 2015 ASRs; failed to properly classify and report accurate crime statistics in the ASRs for calendar years 2013 and 2014; failed to properly report and disclose crime statistics by location in the ASRs for calendar years 2013 through 2015 (which included crime statistics for the calendar years 2010-2014); failed to maintain an accurate and complete crime log for calendar years 2013 and 2014; failed to include required policy statements in the ASRs for calendar years 2014 and 2015; and failed to report accurate crime statistics in the 2015 ASR that matched the statistical data submitted to the Department for calendar years 2012 through 2015, encompassing crime statistics for calendar years 2010-2014.

GRC’s failure to demonstrate administrative capability is also demonstrated by its failure to appropriately implement the DFSCA. In calendar years 2013, 2014 and 2015, the College failed to develop, publish, and actively distribute to its students and employees, a comprehensive drug and alcohol prevention program (DAAPP) that addressed all five required subject areas.

In its November 21, 2017 response to the program review, GRC concurred that, during the time period included in the review, the institution had insufficient internal controls and training to ensure compliance with the Clery Act, the DFSCA, and the Department’s regulations. GRC stated that it took corrective actions after the program review to ensure future compliance. However, the correction of the deficiencies identified in the program review does not negate the harm already caused to the College’s community. These violations were numerous and systemic, and demonstrate that GRC lacked administrative capability in implementing the Clery Act and DFSCA requirements.

II. GRC DID NOT COMPILE, PUBLISH AND DISTRIBUTE AN ASR FOR CALENDAR YEAR 2013

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must distribute an ASR to all enrolled students and current employees through appropriate publications and mailings. The ASR must report statistics for the three most recent calendar years concerning the occurrence of certain crimes on campus, in or on certain non-campus buildings or property, and on public property. 34 C.F.R. § 668.46(c). Additionally, the ASR must include a description of the institution's campus security policies in specific areas. 34 C.F.R. § 668.46(b). The distribution must occur by October 1 of each year and must include direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail; a publication or publications provided directly to each individual; or posting on an Internet website or an Intranet website. 34 C.F.R. § 668.41(e).

If an institution chooses to distribute its ASR to enrolled students and current employees by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current students a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. §§ 668.41(c)(2), (e)(2) and (e)(3).

GRC did not compile, publish and distribute an ASR for calendar year 2013 to its students and employees by October 1, 2013, as required by the Department's regulations. While on site in November 2015, the Department's reviewers requested copies of the College's ASRs for 2008 through 2014. The College was only able to produce the 2014 ASR. The review team was informed, through an interview with a former GRC Director of Campus Safety, that the first ASR GRC produced and distributed was the 2014 ASR entitled, "The 2013- 2014 Annual Security, Safety, and Fire Report," distributed on October 1, 2014. Based on this, the reviewers determined that the College failed to produce and distribute its 2013 ASR because it had not produced and distributed an ASR from 2008-2013.

In its response to the PRR, GRC conceded that it failed to publish and distribute ASRs in 2008, 2009, 2010, 2011, 2012 and 2013. The College claimed that responsible officials were apparently under the impression that submitting crime data annually to the Department's Campus Safety and Security Data Analysis Cutting Tool (CSSDACT) was enough to comply with Federal regulations.

The goal of the Clery Act is to allow current students and employees, as well as prospective students and employees, to use the ASR to assess an institution's campus safety policies, procedures and environment. The policy statements in the ASR are intended for use by the campus community to understand the institution's campus security policies and procedures. The Clery Act and the Department's regulations require institutions to provide the ASR by October 1 each year. Current students and employees, prospective students and employees and the public

use these crime statistics to assess safety and security at an institution. By failing to produce and distribute the 2013 ASR, GRC denied its students and employees, as well as its prospective students and employees, accurate crime statistics and policy statements that would have helped them to make important personal safety decisions.

III. GRC DID NOT COMPILE, PUBLISH AND DISTRIBUTE AN AFSR FOR CALENDAR YEAR 2013

The HEA and the Department's regulations require that all institutions that participate in the Title IV, HEA programs and maintain an on-campus student housing facility must, by October 1 of each year, prepare, publish and distribute to its current students and employees through appropriate publications and mailings, an AFSR that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.49(b). The first AFSR had to be provided to students and employees by October 1, 2010. In the AFSR, institutions must disclose fire statistics for each on-campus student residential facility for the three most-recent calendar years. An institution's statistics must accurately and completely identify the number of on-campus fires and the cause of each fire, the number of persons who sustained fire-related injuries that resulted in treatment at a medical facility (including on-campus health centers), the number of fire-related deaths, and the dollar value of property damage caused by such fires. 34 C.F.R. § 668.49(c).

The AFSR must include several fire safety information disclosures covering topics such as the type(s) of fire safety systems that are used in each student housing facility, the number of fire drills that were conducted during the previous calendar year, and any institutional policies, procedures, and programs regarding: 1) the use and/or possession of portable electrical appliances; 2) smoking and the use or presence of open flames in student housing facilities; 3) evacuation procedures to be followed in the case of a fire; 4) fire safety education and training programs; 5) the institutional official(s) and departments to whom students and employees should report the occurrence of fires so that those incidents can be included in the institution's annual fire statistics; and 6) any plans for future improvements to the institution's fire safety program. 34 C.F.R. § 668.49(b).

The AFSR must be published and distributed through appropriate publications and mailings in the same manner as the ASR. The AFSR must be a comprehensive publication in the same manner as the ASR; however, if an institution chooses to combine the ASR and AFSR and publish them as a single document, then the title of both reports must conspicuously appear on the cover page. 34 C.F.R. § 668.41(e).

GRC did not produce, publish and distribute an AFSR for calendar year 2013. In fact, GRC had not produced an AFSR at any time since the requirement was added to the HEA in 2010. In its November 21, 2017 response to the PRR, GRC concurred with the finding and stated that it had developed and produced its first AFSR. However, the production of the AFSR after the Department alerted the College of its obligations does not excuse its earlier failure to comply

with the requirements of the HEA. GRC's failure to publish and distribute a complete AFSR in 2013 was a serious violation of the HEA and the Department's regulations.

IV. GRC DID NOT TIMELY DISTRIBUTE AN ASR FOR CALENDAR YEAR 2015

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must distribute an ASR to all enrolled students and current employees through appropriate publications and mailings. The distribution must occur by October 1 of each year and must include direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail; a publication or publications provided directly to each individual; or posting on an Internet website or an Intranet website. 34 C.F.R. § 668.41(e).

If an institution chooses to distribute its ASR to enrolled students or current employees by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current students and employees a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. §§ 668.41(c)(2); 668.41(e)(2) and (e)(3).

GRC did not timely distribute the calendar year 2015 ASR to its students and employees by October 1, 2015, as required by the Department's regulations. Instead, the reviewers determined that the College distributed its 2015 ASR on November 17, 2015.

In its November 21, 2017 response to the PRR, GRC concurred with the finding and stated that it had taken corrective action to ensure future timely distribution of the ASR. However, the correction of the failure after the Department alerted the College of its obligations does not excuse its earlier failure to comply with the requirements of the Clery Act.

The Clery Act and the Department's regulations require institutions to provide the ASR by October 1 each year. The date is intended to ensure that students and employees have the necessary crime and safety information on a timely basis so that they can make informed decisions about their personal safety. GRC violated this requirement and, therefore, failed to meet its legal obligation to provide timely safety information.

V. GRC DID NOT PROPERLY NOTIFY PROSPECTIVE STUDENTS OF THE AVAILABILITY OF THE ASR AND AFSR FOR CALENDAR YEARS 2013 AND 2014⁵

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must notify all prospective students and employees of the availability of its ASR and AFSR. For each of the reports, the institution must provide a notice to prospective students and prospective employees that includes a statement of the report's availability.

If the institution chooses to provide its ASR and AFSR to prospective students and prospective employees by posting the disclosure on an Internet website, the notice must include the exact electronic address at which the report is posted, a brief description of the report, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(4).

The AFSR must be published and distributed through appropriate publications and mailings in the same manner as the ASR. The AFSR must be a comprehensive publication in the same manner as the ASR; however, if an institution chooses to combine the ASR and AFSR and publish them as a single document, then the title of both reports must conspicuously appear on the cover page. 34 C.F.R. § 668.41(e).

The Department's reviewers determined that the College failed to properly notify all prospective students about the availability of the 2013 and 2014 ASR and AFSR. During the course of the review, Department officials requested copies of any notices of the reports' availability provided to prospective students and employees. A review of the documents provided by the College revealed that no notice of the availability of the ASR or AFSR information had been provided to prospective students and employees. Thus, GRC failed to provide prospective students and employees with notice of the availability of the ASRs and AFSRs for calendar years 2013 and 2014.

In its November 21, 2017 response to the PRR, GRC concurred that it did not provide notice of its ASR and AFSR for calendar years 2013 and 2014 to its prospective students. The College stated that it had taken corrective action to ensure future compliance. However, the corrective action taken after the Department alerted GRC of its obligations does not excuse its earlier failure to comply with the requirements of the Clery Act. In two consecutive years, prospective students were not provided with security and fire information to help them assess the College's crime and fire safety.

⁵ The FPRD mistakenly referred to these reports as the 2014 and 2015 ASR and AFSRs, even though they were submitted in calendar years 2013 and 2014. The PRR and the school's responses accurately refer to these reports as the 2013 and 2014 ASR and AFSR.

VI. GRC DID NOT PROPERLY CLASSIFY REPORTED CRIMES FOR CLERY ACT PURPOSES AND DID NOT PROPERLY COMPILE AND DISCLOSE CRIME STATISTICS

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must include statistics of certain reported crimes, as well as arrest and campus disciplinary referrals for alcohol, drug, and illegal weapons possession violations in the ASR. The statistics must be disclosed by location – on-campus, in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. 34 C.F.R. §§ 668.46(a), 668.46(c)(1) – (c)(4). The statistics must be disclosed and made available as part of the institution's ASR by October 1 of each year, and must also be electronically submitted to the Department for its inclusion in the Campus Crime and Security Website. The Department has established timeframes within which institutions must electronically submit information. 34 C.F.R. § 668.41(e)(1)-(e)(5). The statistics that an institution reports in the ASR and those it submits to the Department should be the same because they cover the same time period.

An institution must compile the required crime statistics using the definitions in the Department's regulations and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for the Hate Crime Data Collection. 34 C.F.R. § 668.46(c)(7).

The reviewers found that GRC did not properly compile and publish accurate crime statistics for calendar years 2010 through 2014. The Department's reviewers determined that from calendar year 2010-14, the College misclassified 29 crime incidents.⁶ As a result, the College's 2013, 2014, 2015 and 2016⁷ ASRs and the statistical data the College submitted to the Department misclassified crime incidents or omitted numerous crime statistics. Statistical data published in the institution's ASR and provided to the Department for inclusion in the Campus Crime and Security Website must be accurate and reliable.

In its November 21, 2017 response to the PRR, GRC concurred that it misclassified and omitted numerous crime statistics for calendar years 2010-14. The College stated that it had taken corrective action to ensure future compliance. However, the corrective action that the College took after the Department alerted GRC of its obligations does not excuse its earlier failure to comply with the requirements of the Clery Act. In two consecutive years, the College failed to provide current and prospective students and employees with valuable security and crime information to help them assess the College's safety.

⁶ See Exhibit B, FPRD at 64-65.

⁷ Although not addressed in the FPRD, because the 2013 and 2014 crime statistics were not accurately reported, the 2016 ASR would also have been incorrect since the 2013 and 2014 statistics are part of that report.

The Clery Act and the Department's regulations require that institutions ensure the accuracy of the crime statistics which are presented to students and employees, potential students and employees and members of the public who can use the data to make decisions affecting their personal safety. Students and employees must be able to rely on the institution's reported statistics. The correction of violations by institutions after the fact does not diminish the seriousness of the failure to include these incidents in its campus crime statistics at the time they occurred.

VII. GRC FAILED TO PROPERLY REPORT CRIME STATISTICS BY LOCATION AND FAILED TO REPORT ALL CRIME INCIDENTS OCCURRING ON PUBLIC PROPERTY FROM 2010 - 2014

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must make available statistical information related to certain reported crimes and arrest/campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (including a separate statistic for dormitories or other residential facilities), in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. C.F.R §§ 668.46(a), 668.46(c)(1) – (c)(4).

GRC failed to disclose statistics for crime incidents that occurred on the public property that is accessible from and/or adjacent to its campus for calendar years 2010 through 2014. College officials attributed this violation to its use of a "homegrown" crime data collection system that required the safety officer to select the location of the crime from a drop-down menu. This drop-down menu included all of the buildings on campus and contained a category for off-campus property. However, the menu failed to include a selection for "public property." Having no public property option, the safety officers, who were required to select a location to complete their incident reports, selected "off campus" for all those crimes that took place on public property. Thus, the College did not report any crime incidents that occurred on public property. The Department's reviewers identified more than 30 crime incidents that the College omitted in the ASRs and in the statistical data it submitted to the Department. Thus, the College's ASRs and statistical data submitted to the Department in calendar years 2013 and 2014 were erroneous and misleading to students and employees, as well as prospective students and employees.

In its November 21, 2017 response to the PRR, GRC concurred that it did not report its crime statistics by location, thus omitting all crimes occurring on public property for calendar years 2010-14. The College stated that it had taken corrective action to ensure future compliance. However, the corrective action taken after the Department alerted the College of its obligations does not excuse its earlier failure to comply with the requirements of the Clery Act. The College's failure to report all crime statistics occurring on public property from 2010 through 2014 meant that the 2013, 2014 and 2015 ASRs were incomplete and misleading to current students and employees, as well as prospective students and employees. Moreover, the statistical data the College submitted to the Department for those same years was equally incomplete and

misleading. Thus, the College's failure to accurately report crime occurring at all required locations misled the campus community and prospective students and employees regarding the safety and security on and around the College.

VIII. GRC DID NOT MAINTAIN AN ACCURATE CRIME LOG, INCLUDING THE FAILURE TO REPORT ALL INCIDENTS OCCURRING BETWEEN 2010 AND 2014

The Department's regulations require that institutions participating in the Title IV, HEA programs that maintain a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a non-campus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. 34 C.F.R. § 668.46(f)(1). This log must include the nature, date, time, and general location of each crime and the disposition of the complaint, if known. 34 C.F.R. § 668.46(f)(1)(i). The institution must make an entry or an addition to an entry to the log within two business days of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. 34 C.F.R. § 668.46(f)(2). An institution may withhold information if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. 34 C.F.R. § 668.46(f)(3). The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. 34 C.F.R. § 668.46(f)(5).

The PRR concluded that GRC failed to maintain an accurate and complete crime log throughout the review period. First, the College failed to incorporate all of the required elements into its crime log. More specifically, a review of its crime logs from 2008 through 2014 indicated that disposition information was never provided. The College also failed to update its crime log within two business days. During the review team's interview with the GRC Director of Security, he stated that adhering to the two-day timeline was something with which his department needed to comply. GRC's Safety Office called its crime log the "Weekly Crime Log," and this was the policy and procedure from 2008 until 2014.

Reviewers also determined that the College failed to maintain a crime log for the required 60-day period in January and February 2015. Reviewers determined that GRC only began providing members of the public with the most recent 60-day crime log as of March 1, 2015. Thus, a member of the public who visited GRC's Safety Office during normal business hours in January and February 2015 could not have been provided with a crime log containing all of the required information to help them assess the College's current crime profile as of that date.

Lastly, the College failed to enter crimes into its crime log for which it had issued Campus Advisories (i.e., timely warnings) to its campus community. For example, if a sexual assault occurred on campus and a timely warning was sent to the campus community informing them of the presence of a dangerous perpetrator, reviewers determined that GRC counted that sexual assault as a resolved case and, therefore, never entered it into the daily crime log. This approach means that violent crimes for which a timely warning was issued were not entered in the daily crime log. Because GRC relied on the statistics reported in the crime log to prepare the ASR, the crime incidents the College omitted in its crime logs from 2010 through 2014 were not reported in the ASRs for calendar years 2013, 2014 and 2015.

In its November 21, 2017 response to the PRR, GRC concurred that it did not maintain an accurate crime log. The College stated that it had taken corrective action to ensure future compliance. GRC also stated that it developed new policies and procedures to ensure that a daily crime log is maintained. However, the revision of procedures after the Department alerted the College of its obligations does not excuse its earlier failure to comply with the law. A crime log provides vital day-to-day crime information for the campus community. It is also necessary to confirm crime statistics that the institution reports. In the absence of a complete and accurate crime log, the campus community does not have accurate and timely information necessary to make decisions regarding safety and security. Moreover, without an accurate log, an institution is likely to produce an incorrect and incomplete ASR. GRC's failure to maintain an accurate and complete crime log from 2010 through 2014 is a serious violation of the Clery Act and the Department's regulations.

IX. GRC'S ASRs DID NOT INCLUDE REQUIRED POLICY STATEMENTS

Institutions participating in the Title IV, HEA programs must have an ASR that includes its crime and security policies in a number of specific areas. The ASR must include this information so that students and employees have necessary information about the institution's security policies and procedures. 34 C.F.R. § 668.46(b).

A. ASR FOR CALENDAR YEAR 2014

GRC's ASR for calendar year 2014 did not contain the following required policy statements:

1. A statement regarding the institution's campus sexual assault programs designed to prevent sex offenses. 34 C.F.R. § 668.46(b)(11);
2. A statement that the College will provide a notification to students that the institution will change a victim's academic and living situations after an alleged sex offense, and of the options for those changes, if those changes are requested by the victim and are reasonably available. 34 C.F.R. § 668.46(b)(11)(v);
3. Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and both the accuser and accused

- must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. 34 C.F.R. § 668.46(b)(11)(vi);
4. Sanctions that the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other sex offenses. 34 C.F.R. § 668.46(b)(11)(vii); and
 5. A statement of its missing student notification procedures advising students that: 1) their contact person's information will be confidentially registered and that the information will only be accessible to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in the furtherance of a missing student investigation and 2) the University will notify the custodial parent or guardian of any student that is determined to be missing and who is under 18 years of age unless said person has been emancipated. 34 C.F.R. §§ 668.46(b)(14) and (h)(1)(iii),(iv) and (v).

B. ASR FOR CALENDAR YEAR 2015

GRC's ASR for calendar year 2015 did not contain the following required policy statements:

1. A statement concerning the security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities. 34 C.F.R. § 668.46(b)(3);
2. A statement regarding the institution's campus sexual assault programs to prevent sex offenses. 34 C.F.R. § 668.46(b)(11);
3. A statement defining "consent" in reference to sexual activity. 34 C.F.R. § 668.46(j)(1)(i)(C);
4. A statement describing safe and positive options for bystander intervention. 34 C.F.R. § 668.46(j)(1)(i)(D);
5. A statement describing the institution's ongoing prevention and awareness campaigns for student and employees. 34 C.F.R. § 668.46(j)(1)(ii);
6. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. The College must describe each type of disciplinary proceeding used by the institution, as well as steps, anticipated timelines, and decision-making processes for each type of disciplinary proceeding. The College must also provide information as to how one may file a disciplinary complaint and how the institution determines which type of proceeding to use based on the circumstances of the allegation. 34 C.F.R. § 668.46(k)(1)(i);

7. A description of the standard of evidence that will be used during any institutional disciplinary proceeding which arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. 34 C.F.R. § 668.46(k)(1)(ii);
8. An assurance that the proceedings will:
 - a. Include a prompt, fair, and impartial process from the initial investigation to the final result; and
 - b. Be conducted by an official who receives training on issues related to dating violence, domestic violence, sexual assault, and stalking on at least an annual basis and who is trained on how to conduct an investigation and hearing process to ensure the protection of the safety of victims while promoting accountability. 34 C.F.R. §§ 668.46(k)(2)(i),(ii);
9. A statement that the College will simultaneously provide a notification, in writing, to both the accuser and the accused of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. 34 C.F.R. § 668.46(k)(2)(v)(A);
10. Copies of its procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, as well as any information regarding changes to the outcome of the proceeding and information regarding when the results are final. 34 C.F.R. §§ 668.46(k)(2)(v)(B),(C), and (D);
11. A description of educational programs to promote the awareness of rape, acquaintance rape, and other serious sex offenses. 34 C.F.R. § 668.46(b)(11)(i);
12. A statement that the College will provide a notification to students that the institution will change a victim's academic and living situations after an alleged sex offense, and of the options for those changes, if those changes are requested by the victim and are reasonably available. 34 C.F.R. § 668.46(b)(11)(v);
13. Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
 - a. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - b. Both the accuser and accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. 34 C.F.R. § 668.46(b)(11)(vi);

14. Sanctions that the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other serious sex offenses. 34 C.F.R. § 668.46(k)(1)(iii);
15. A statement of the rights of victims, and the institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution. 34 C.F.R. § 668.46(b)(11)(ii)(D);
16. Information about how the institution will protect the confidentiality of victims and other necessary parties. 34 C.F.R. § 668.46(b)(11)(iii); and
17. A statement regarding missing student notification procedures that contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency. Additionally:
 - a. A statement advising students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation; and
 - b. A statement advising students that, if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. 34 C.F.R. §§ 668.46(b)(14) and (h)(1)(iii),(iv), and (v).

In its November 21, 2017 response to the PRR, GRC concurred that it its 2014 and 2015 ASRs omitted multiple required policy statements. The College stated that it had taken corrective action to ensure future compliance. However, the issuance of corrected ASRs after the Department alerted GRC of its failure to meet its obligations does not excuse its earlier failure to comply with the law. GRC's students and employees, as well as potential students and employees, should have had access to the legally required and complete policy statements and procedures, which would have helped them to make important personal safety decisions and to understand their rights and obligations.

One of the goals of the Clery Act is to allow current and prospective students and employees to use the ASR to assess an institution's campus crime profile, policies and procedures, and general campus environment, as far as personal security is concerned. The required policy statements in the ASR allow the campus community to understand the institution's campus security policies and procedures. In the absence of five required policy statements from the 2014 ASR and 17 policy statements from the 2015 ASR, GRC's students and employees were denied important safety information about how to prevent crime; where to report incidents; their rights after an

alleged sex offense occurred; and information about the school’s missing student notification procedures. GRC’s 2014 and 2015 ASRs were incomplete and unreliable. Students and employees cannot benefit from policies and procedures that have not been provided to them.

X. THE CRIME STATISTICS IN GRC’S 2015 ASR DID NOT MATCH THE CRIME STATISTICS IT SUBMITTED TO THE DEPARTMENT IN CALENDAR YEARS 2012, 2013 AND 2014

Under the Clery Act and the Department’s regulations, institutions participating in the Title IV, HEA programs must make available statistical information related to certain reported crimes and arrest/campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistics must be disclosed by location – on campus (including a separate statistic for dormitories and other residential facilities), in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. 34 C.F.R §§ 68.46(a), 668.46(c)(1) – (c)(4). The statistics must be disclosed and made available as part of the institution’s ASR by October 1 of each year, and must be electronically submitted to the Department for its inclusion in the Campus Crime and Security Website. 34 C.F.R § 668.41(e)(1)-(e)(5).

Under the Clery Act and the Department’s regulations, an institution participating in the Title IV, HEA programs must keep records relating to its administration of the Title IV, HEA programs for three years after the end of the award year for which aid was disbursed. 34 C.F.R. § 668.24(e).

The Department has determined that the crime statistics for 2012, 2013 and 2014 listed in GRC’s 2015 ASR did not match the crime statistics it submitted to the Department for those years. Table 1 below lists the discrepant data, demonstrating that the College either underreported crime statistics in its 2015 ASR or underreported statistical data it submitted to the Department.

Table 1: Crime Statistics Discrepancies Reported to the Department’s CSSDACT vs. the Crime Statistics Reported in the College’s 2015 ASR

<i>Crimes/Referrals</i>	<i>GRC’s ASR Statistics</i>	<i>CSSDACT Statistics</i>	<i>Clery Geography</i>	<i>Year</i>
<i>Robbery</i>	7	0	<i>On Campus</i>	2012
<i>Drug Referral</i>	27	13	<i>Student Housing</i>	2012
<i>Liquor Referral</i>	69	17	<i>Student Housing</i>	2012
<i>Sex Offense-Force</i>	0	1	<i>On Campus</i>	2013
<i>Robbery</i>	3	6	<i>Public Property</i>	2013
<i>Drug Referral</i>	3	21	<i>Student Housing</i>	2013
<i>Weapons Referral</i>	0	1	<i>Public Property</i>	2013
<i>Burglary</i>	0	2	<i>Student Housing</i>	2014
<i>Drug Referral</i>	56	28	<i>On Campus</i>	2014
<i>Liquor Referral</i>	24	12	<i>On Campus</i>	2014

<i>Weapons Referral</i>	0	6	<i>Student Housing</i>	2014
<i>Drug Referral</i>	0	28	<i>Student Housing</i>	2014
<i>Liquor Referral</i>	0	12	<i>Student Housing</i>	2014

See Enclosure 1, p. 42.

In its November 21, 2015 response to the PRR, GRC concurred that its 2015 ASR included crime statistics that did not match the statistical data the College submitted to the Department for calendar years 2012, 2013 and 2014. The College stated that it had taken corrective action to ensure future compliance. However, the corrective action taken after the Department alerted GRC of its obligations does not excuse its earlier failure to comply with the requirements of the Clery Act. The failure to report crime statistics in the 2015 ASR that matched the statistical data to the Department means that one or both were inaccurate. Thus, current students and employees, as well as prospective students and employees, were provided with an inaccurate crime profile of the College.

The Clery Act and the Department’s regulations require that institutions ensure the accuracy of the crime statistics that they present to students and employees, potential students and employees, and members of the public who use the data to make decisions affecting their personal safety. Students and employees must be able to rely on the institution’s reported statistics. An institution’s correction of violations after the fact does not diminish the seriousness of failing to report on these incidents accurately at the time they occurred.

XI. GRC DID NOT COMPLY WITH THE DRUG AND ALCOHOL ABUSE PREVENTION REQUIREMENTS

The DFSCA and the Department’s regulations require institutions to adopt and implement a drug and alcohol prevention program for its students and employees. At a minimum, the program must include the annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit (except continuing education units) certain standards of conduct. The standards must clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities; describe the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol; describe the health risks associated with the use of illicit drugs and the abuse of alcohol; describe any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and include a clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions for violation of the standards of conduct. In addition, an institution must conduct a biennial review of its program to determine its effectiveness and implement changes to the program if they are needed and ensure that the disciplinary sanctions mentioned above are consistently enforced. 34 C.F.R. § 86.100.

The Department found that GRC failed to comply with the DFSCA and 34 C.F.R. Part 86. Specifically, GRC failed to develop, publish, and properly distribute to its students and employees, a comprehensive drug and alcohol abuse prevention program (DAAPP) that addressed all of the required subject areas. During the review, the Department's reviewers requested copies of the College's DAAPPs for calendar years 2010 through 2015. In response, the College submitted a copy of a DAAPP that was dated 2005. The review team determined that GRC did not publish and distribute a complete DAAPP to its students and employees for calendar years 2013 through 2015. In fact, the Department's reviewers concluded that the College had never produced and distributed a complete DAAPP. Consequently, the College also failed to conduct a biennial review of the DAAPP's effectiveness and produce a report of findings, as required by law and the regulations.

In its response to the PRR, GRC agreed with the Department's finding that it did not have a complete DAAPP at the time of the review. Further, the College concurred that it did not distribute any DAAPP information to students and employees in calendar years 2013-15.

Moreover, the College failed to conduct any biennial reviews as required by the DFSCA. Congress enacted the DFSCA to ensure that students and employees had vital information about drug and alcohol prevention program at their institution. Moreover, a DAAPP that has not been tested in a biennial review is unlikely to be reliable and effective. GRC failed to provide its students and employees with important drug and alcohol program information that would have helped them to understand the standards and code of conduct expected of them and the sanctions to be imposed if the code of conduct was violated.

INITIATED FINES

In determining the amount of a fine, the Department considers both the gravity of the offense and the size of the institution. 34 C.F.R § 668.92. Pursuant to the Secretary's decision In the Matter of Bnai Arugath Habosem, Docket No. 92-131-ST (August 24, 1993), the size of an institution is based on whether it is above or below the median funding levels for the Title IV, HEA programs in which it participates. The latest year for which complete funding data is available for GRC is the 2016-2017 award year. According to the Department's records, GRC received approximately \$7,011,438 in Federal Pell Grant (Pell) funds, \$5,568,253 in Federal Direct Loan funds and \$583,543 in Campus-Based funds. The latest information available to the Department indicates that the median funding level for institutions participating in the Federal Pell Grant program is \$1,422,335; for institutions participating in the Federal Direct Loan programs, the median funding level is \$2,693,037; and for institutions participating in the Campus-Based programs, the median funding level is \$257,591. Accordingly, GRC is a large institution because its funding levels for Federal Pell Grant, Federal Direct Loan, and Campus-Based funds exceeds the median funding levels for each of those Title IV, HEA programs.

As detailed in this letter, GRC's violations of the HEA, the Clery Act, the DFSCA and the Department's regulations are very serious. GRC's students and employees must be able to rely

on accurate disclosures of campus crime statistics, policies and statements. Additionally, GRC's students and employees were not given the proper information to understand the institution's drug and alcohol prevention programs. Furthermore, the Department considers an institution's compliance with the Clery Act, and the DFSCA requirements to be part of its administrative capability, and GRC's failure to comply with those requirements constitutes an inability to properly administer the Title IV programs.

I.

After considering the gravity of the violations and size of the institution, I have assessed a fine of \$35,000 for GRC's lack of administrative capability. This is a serious violation because an institution must be capable of adequately administering the Title IV, HEA programs. As described above in the discussion of each finding, the College lacked administrative capability because it did not have an adequate system of internal controls to ensure that it complied with the requirements of the Clery Act and the DFSCA. The maximum fine amount is appropriate for this violation because administrative capability is one of the basic standards for Title IV participation.

II.

I have assessed \$35,000 for GRC's failure to compile, publish and distribute the ASR for calendar year 2013 to its students and employees, as required by the HEA. The goal of the Clery Act is to allow current and prospective students and employees to use the ASR to assess an institution's campus safety policies, procedures and environment. The policy statements in the ASR are intended for use by the campus community to understand the institution's campus security policies and procedures. By failing to produce and distribute the 2013 ASR, GRC denied its current and prospective students and employees accurate crime statistics to which they were entitled to allow them to make important personal safety decisions. The maximum fine is appropriate in this case.

III.

I have assessed \$35,000 for GRC's failure to compile, publish and distribute the AFSR for calendar year 2013 to its students and employees, as required by the HEA. The goal of the fire safety requirements in the HEA is to allow current students and employees, as well as prospective students and employees, to use the AFSR to assess an institution's campus fire safety policies, procedures and environment. The policy statements in the AFSR are intended for use by the campus community to understand the institution's campus fire security, policies and procedures. By failing to produce and distribute the 2013 AFSR, GRC denied its students and employees, as well as its prospective students and employees, accurate fire statistics and policy statements which would have helped them to make important personal safety decisions. The maximum fine is appropriate in this case.

IV.

I have assessed \$20,000 for GRC's failure to timely distribute the calendar year 2015 ASR to its students and employees by October 1, 2015, as required by the HEA. GRC's failure to timely distribute the 2015 ASR denied students and employees the campus security information to which they are entitled under the law at the deadline established by the law. The Clery Act and the Department's regulations require institutions to provide the ASR by October 1 each year. The date is intended to ensure that students and employees have the necessary crime and safety information on a timely basis so that they can make informed decisions about their personal safety. GRC violated this requirement and, therefore, failed to meet its legal obligation to provide timely safety information.

V.

I have assessed \$35,000 for GRC's failure to properly notify all prospective students about the availability of the ASR for calendar years 2013 and 2014 and the AFSR for calendar years 2013 and 2014. This is a serious violation because prospective students and employees were not provided important campus security and fire safety information about GRC. The HEA requires institutions to make available to prospective students and their parents, and prospective employees, certain crime and fire safety information to allow them to make informed decisions regarding whether to attend or accept employment at a particular institution. The ASR and AFSR are vital sources of that information. This finding is serious because, for two consecutive years, GRC failed to provide prospective students and employees important campus crime and fire safety information to which they were entitled. A maximum fine is appropriate in this case.

VI.

I have assessed \$35,000 for GRC's failure to properly classify and report 29 crime incidents that were reported to the College from 2010 through 2014. The misclassification resulted in incomplete and accurate ASRs for calendar years 2013, 2014 and 2015. The failure to include reported crimes in the crime statistics is a serious violation because it denied students and employees, prospective students and employees, and the public with an accurate picture of crime at GRC. Current and prospective students and employees must be able to rely on accurate and complete campus crime information to decide whether to attend an institution or accept employment and to decide what steps they need to take for their own safety.

VII.

I have assessed \$35,000 for GRC's failure to compile and report in its 2013 and 2014 ASRs all crime incidents that occurred on public property accessible from and/or adjacent to its campus. The reviewers determined that this deficiency occurred from calendar year 2008 through 2014. As such, the College's ASRs and the statistical data GRC submitted to the Department for calendar years 2013 and 2014 were inaccurate and misleading.

VIII.

I have assessed \$35,000 for GRC's failure to maintain a crime log for the required 60-day period and failure to enter into the crime log the crimes for which it had issued Campus Advisories (i.e., timely warnings) to members of its campus community. As a consequence, the crime incidents the College omitted in its crime logs from 2010 through 2014 were not reported in the ASRs for calendar years 2013, 2014 and 2015. An erroneous crime log often leads to an erroneous ASR because incidents of crime reported in the crime log form the basis for the ASR crime statistics. The College's erroneous crime logs resulted in inaccurate and misleading ASRs for calendar years 2013, 2014 and 2015. The maximum fine is appropriate in this case.

IX.

I have assessed a fine of \$54,000 for GRC's failure to include 22 required policy statements in its 2014 and 2015 ASRs. I have determined a fine amount of \$3,000 for each the omitted policy statements in 2014 numbered 2, 3, 4, and 5 above, and for each of the omitted policy statements in 2015 numbered 6, 7, 12, 13, 14, 16, and 17 above. For the omitted policy in 2014, numbered 1 above, and for the omitted policies in 2015, numbered 1, 2, 3, 4, 5, 8, 9, 11, and 15 above, I have determined a fine amount of \$2,000 each. For the omitted policy in 2015, numbered 10 above, I have determined a fine amount of \$1,000. This is a serious violation because current students and employees and prospective students and employees were denied information that would have helped them make informed decisions about GRC's safety and campus crime policies. The Clery Act requires institutions to provide the various policy statements in one publication so that students and employees have ready access to this information. Students and employees cannot be expected to take advantage of policies and procedures that GRC did not appropriately disclose. GRC's failure to include numerous policy statements in its 2014 and 2015 ASRs rendered the reports deficient, unreliable, and unhelpful to the campus community.

X.

In determining the appropriate fine amounts for this violation, I took into account the Secretary's decisions in In the Matter of Tarleton State University, Dkt. No.09-56-SF (Decision of the Secretary, June 1, 2012) and In the Matter of Washington State University, Dkt.No. 11-56-SF (Decision of the Secretary, Aug. 29, 2012). Those decisions concluded that it is appropriate to impose a fine calculated on the basis of each missing criminal offense in a crime report and that the maximum fine amount may be imposed when the unreported crimes are violent crimes.

As indicated in the charts below, I have assessed a \$35,000 fine for the forcible sexual offense, \$10,000 for each of the robberies, and \$5,000 for each of the missing burglary statistics that GRC did not report in the ASR or in the statistical data to the Department. I have assessed \$500 for each of the other statistics that GRC failed to report. The Department's reviewers determined that there were serious discrepancies in the crime statistics the College reported in its 2015 ASR compared to the statistical data GRC submitted to the Department. The volume of the discrepant

crime statistics essentially rendered the 2015 ASR and the data posted on the Campus Crime and Security website worthless to current and prospective students and employees. Because an unreported crime constitutes a single violation of the Clery Act's crime reporting requirements set forth at 20 U.S.C. § 1092(f), the fines assessed are as follows:

<i>Crimes/Referrals</i>	<i>GRC's ASR Statistics</i>	<i>CSSDACT Statistics</i>	<i>Clery Geography</i>	<i>Year</i>	<i>Fine Amount</i>
<i>Robbery</i>	<i>7</i>	<i>0</i>	<i>On Campus</i>	<i>2012</i>	$\$10,000 \times 7 = \$70,000$
<i>Drug Referral</i>	<i>27</i>	<i>13</i>	<i>Student Housing</i>	<i>2012</i>	$\$500 \times 14 = \$7,000$
<i>Liquor Referral</i>	<i>69</i>	<i>17</i>	<i>Student Housing</i>	<i>2012</i>	$\$500 \times 52 = \$26,000$
<i>Sex Offense-Force</i>	<i>0</i>	<i>1</i>	<i>On Campus</i>	<i>2013</i>	$\$35,000 \times 1 = \$35,000$
<i>Robbery</i>	<i>3</i>	<i>6</i>	<i>Public Property</i>	<i>2013</i>	$\$10,000 \times 3 = \$30,000$
<i>Drug Referral</i>	<i>3</i>	<i>21</i>	<i>Student Housing</i>	<i>2013</i>	$\$500 \times 18 = \$9,000$
<i>Weapons Referral</i>	<i>0</i>	<i>1</i>	<i>Public Property</i>	<i>2013</i>	$\$500 \times 1 = \500
<i>Burglary</i>	<i>0</i>	<i>2</i>	<i>Student Housing</i>	<i>2014</i>	$\$5,000 \times 2 = \$10,000$
<i>Drug Referral</i>	<i>56</i>	<i>28</i>	<i>On Campus</i>	<i>2014</i>	$\$500 \times 28 = \$14,000$
<i>Liquor Referral</i>	<i>24</i>	<i>12</i>	<i>On Campus</i>	<i>2014</i>	$\$500 \times 12 = \$6,000$
<i>Weapons Referral</i>	<i>0</i>	<i>6</i>	<i>Student Housing</i>	<i>2014</i>	$\$500 \times 6 = \$3,000$
<i>Drug Referral</i>	<i>0</i>	<i>28</i>	<i>Student Housing</i>	<i>2014</i>	$\$500 \times 28 = \$14,000$
<i>Liquor Referral</i>	<i>0</i>	<i>12</i>	<i>Student Housing</i>	<i>2014</i>	$\$500 \times 12 = \$6,000$
<i>Total fines for under-reported crime statistics</i>					<i>\$230,500</i>

The cardinal purpose of the Clery Act's reporting requirement is to help current and prospective students and employees use the reports to avoid becoming the next victims of crime. In its

response to the PRR, the College did not take the position that either the 2015 ASR was correct, or the statistical data to the Department was accurate. Therefore, it is likely that both reports were inaccurate and unreliable. This is a very serious violation because numerous incidents included violent crimes and the failure to disclose them endangered unsuspecting current and prospective students and employees. For example, in calendar year 2012, the College reported to the Department that no robberies occurred on campus, yet it reported seven robberies in its 2015 ASR for the same year. Therefore, the College misrepresented through the statistical data that it provided to the Department that the College was a safer place in 2012 than the seven robberies occurring on-campus, as reported in the 2015 ASR, would indicate. As such, parents, students and employees were denied an accurate picture of crimes at the College.

XI.

I have assessed a total fine of \$25,000 for GRC's failure to comply with the DFSCA and the DAAPP requirements. Specifically, I have fined \$22,000 for GRC's failure to publish and distribute a complete DAAPP to students and employees and a \$3,000 fine for its consequent failure to conduct a biennial review to evaluate the effectiveness of its DAAPP and to assess the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol. This is a serious violation because students and employees cannot make good use of a DAAPP that is incomplete, inaccurate, and that has not been properly distributed to them. Moreover, the failure to conduct a biennial review meant that GRC's DAAPP is likely outdated and inadequate for its students and employees. This was a repeat violation that occurred in 2013, 2014 and 2015.

The fine of \$574,500 will be imposed on **October 18, 2018**, unless I receive, by that date, a request for a hearing or written material indicating why the fine should not be imposed. GRC may submit both a written request for a hearing and written material indicating why a fine should not be imposed.

If GRC chooses to request a hearing or submit written material, you must write to me at:

Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Enforcement
830 First Street, NE – UCP-3, Room 84F2
Washington, DC 20002-8019

If GRC requests a hearing, the case will be referred to the Office of Hearings and Appeals, which is a separate entity within the Department. That office will arrange for assignment of GRC's case to a hearing official who will conduct an independent hearing. GRC is entitled to be represented by counsel during the proceedings. If GRC does not request a hearing but submits written material instead, I will consider that material and notify GRC of the amount of fine, if any, that will be imposed.

Dr. Suzanne M. Johnson
Green River College
Page 25

**ANY REQUEST FOR A HEARING OR WRITTEN MATERIAL THAT GRC SUBMITS
MUST BE RECEIVED BY OCTOBER 18, 2018; OTHERWISE, THE \$574,500 FINE
WILL BE EFFECTIVE ON THAT DATE.**

If you have any questions or desire any additional explanation of GRC's rights with respect to this action, please contact Lawrence Mwethuku of my staff at 202/377-3684.

Sincerely,



Susan D. Crim, Director
Administrative Actions and Appeals Service Group
Federal Student Aid/Enforcement Unit
U.S. Department of Education

Enclosure

cc: Dr. Marlene Moore, Interim President, NWCCU, via mmoore@nwccu.org
Jan Yoshiwara, Executive Director, WA State Board for Community & Tech, via
jyoshiwara@sbctc.edu