



SEP 27 2023

Dr. Astrid Tuminez  
President  
Utah Valley University  
800 West University Parkway  
Orem, Utah 84058-5999

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Dear Dr. Tuminez:

This letter is to inform you that the U.S. Department of Education ("Department") intends to fine Utah Valley University ("UVU") \$600,176 based on the violations of statutory and regulatory requirements outlined below. This fine action is taken in accordance with the procedures that the Department 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 \$67,544 for each violation that occurred after November 2, 2015. 34 C.F.R. § 668.84.<sup>1</sup> As detailed below, this fine action is based on UVU'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 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). 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 (rape, fondling, incest, statutory rape); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests/campus disciplinary referrals for liquor law violations, drug law violations and illegal weapons possession.

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<sup>1</sup> The maximum fine cited in 34 C.F.R. § 668.84(a) has increased according to the Federal Civil Penalties Inflation Adjustment Act. *See* 88 Fed. Reg. 5784 (January 30, 2023).

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).

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 a program review at UVU from June 28, 2021 through July 6, 2021. On September 27, 2021, the Department issued a Program Review Report ("PRR") to UVU. UVU responded to the PRR on November 30, 2021 and February 25, 2022.<sup>2</sup> After reviewing UVU's responses, the Department issued its Final Program Review Determination ("FPRD") letter to UVU on May 25, 2022. The FPRD is incorporated by reference into this fine action. (Enclosure 1).<sup>3</sup>

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

- Failure to Timely Distribute the 2020 ASR to Employees;
- Failure to Collect and Report Crime Statistics for Additional Locations Described as Wasatch Campus, Provo Campus, MATC Thanksgiving Point, and Capitol Reef Field Station;
- Failure to Report Accurate Crime Statistics in the 2020 ASR that Matched the Statistical Data Submitted to the Department for Calendar Years 2017, 2018 and 2019; and
- Failure to Comply with the *DFSCA* and 34 C.F.R. Part 86.

**I. UVU DID NOT PROPERLY AND TIMELY DISTRIBUTE ITS ASR FOR CALENDAR YEAR 2020 TO ITS EMPLOYEES**

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

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<sup>2</sup> The FPRD inadvertently states that UVU's final response to the PRR was received by the Department on May 17, 2022. However, UVU's responses that addressed the *Clery Act* and the *DFSCA* findings were received by the Department on November 30, 2021 and February 25, 2022.

<sup>3</sup> The PRR and FPRD also included findings relating to UVU's failure to comply with Title IV financial aid requirements. As discussed in the FPRD, those violations have been addressed separately and will not be discussed further in this letter.

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).

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).

UVU did not properly and timely distribute the 2020 ASR to its employees. Even though the Department revised the 2020 ASR distribution deadline to December 31, 2020<sup>4</sup> due to the COVID-19 national emergency, the Department's reviewers found that UVU distributed its 2020 ASR to its employees on March 24, 2021, via email.

In its November 30, 2021 response to the PRR, UVU acknowledged that it did not timely send a notification to its employees about the availability of the 2020 ASR. UVU stated that it took corrective action to ensure future compliance. However, corrective actions taken after the Department alerted UVU of its obligations does not excuse its earlier failure to comply with the requirements of the *Clery Act* and the Department's regulations. UVU's employees were not timely notified about the availability of the 2020 ASR to help them make important personal safety decisions.

## **II. UVU DID NOT COLLECT AND INCLUDE IN ITS 2020 ASR ANY CRIME STATISTICS FROM ITS LOCATIONS DESCRIBED AS WASATCH CAMPUS, PROVO CAMPUS, MATC THANKSGIVING POINT, AND CAPITAL REEF FIELD STATION**

Under the *Clery Act*, institutions participating in the Title IV, HEA programs must prepare, publish and distribute an ASR by October 1 of each year. 34 C.F.R. § 668.41(e). 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). The *Clery Act* and the Department's regulations require an institution participating in the Title IV, HEA programs to include in its crime statistics, reportable crimes that occur in areas defined as "Campus" and "Non-campus Buildings or Property," 34 C.F.R. §§ 668.46(a), 668.46(c), (c)(4), (c)(8). Specifically, an institution must include crime statistics from any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. 34 C.F.R. § 668.46(a)(1). An institution must include the crime statistics in its ASR for each separate campus. 34 C.F.R. § 668.46(d).

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<sup>4</sup> See Electronic Announcement, posted July 10, 2020, available at: [ADDITIONAL regulatory flexibilities related to Coronavirus \(COVID-19\) | Knowledge Center](#).

The Department's reviewers found that UVU's 2020 ASR did not include any statistical data for its additional locations described as Wasatch Campus, Provo Campus, MATC Thanksgiving Point, and Capitol Reef Field Station. As stated above, an institution must include the crime statistics in its ASR for each separate campus. 34 C.F.R. § 668.46(d). UVU merely listed the four campuses, describing them as "other satellite campuses and distance education centers in Utah" and indicated that "this location had no reported *Clery* offenses during 2017 - 2019." UVU was required to collect crime statistics for each one of the four campuses and indicate zeros, if there were no crime incidents to report for 2017, 2018 and 2019 calendar years. Merely inserting a notation in the 2020 ASR stating that no crimes occurred in the four campuses did not meet the requirements of the *Clery Act* and the Department regulations. Current and prospective students and employees must be provided with an accurate and complete ASR that includes all the categories of crime, even if the crime statistics were all zeros. Institutions are required to indicate zero in the ASR and the statistical data submitted to the Department when there is no crime incident to report so that current and prospective students and employees can properly understand the reports. An ASR or statistical data submitted to the Department with a mere statement: "this location had no reported *Clery* offenses during 2017- 2019" is not in compliance with the *Clery Act* and the Department's regulations. A complete ASR or statistical data submitted to the Department must show all the required categories of crime and corresponding statistics so that current and prospective students can see the detailed information. For example, a student or employee who was a victim of stalking in calendar year 2019 at UVU's Wasatch Campus may not know that stalking is a *Clery*-reportable offense. If this individual were to be provided with a 2020 ASR that showed zero incidents for Stalking at UVU's Wasatch Campus in 2019, they would realize that stalking is *Clery*-reportable and they would then contact UVU's authorities for that particular stalking incident or any future stalking incident. However, a mere statement in the 2020 ASR that there were no reported *Clery Act* offenses denies current and prospective students and employees important statistical details that could help them understand their rights and protections provided by the *Clery Act* and the Department's regulations.

The Department is particularly concerned that, even after the PRR directed UVU to take corrective action and produce a 2021 ASR that included crime statistics for these four additional campuses, UVU's 2021 ASR did not demonstrate that UVU took any serious action to ameliorate its *Clery Act* deficiencies. Rather than demonstrate that it made efforts to collect and report crime statistics from these four additional campuses after the PRR, UVU only included a similar notation for each campus: "For the past three years (2018, 2019, and 2020), UVU has received no reports, either directly or from law enforcement, of *Clery* crimes on this campus." Thus, UVU failed to produce complete ASRs for its four additional campuses in 2020, as required by the law. Current and prospective students and employees cannot be expected to understand the crime profile of an institution merely based on a notation in the ASR that the institution did not receive any report about crimes on campus.

### **III. THE CRIME STATISTICS IN UVU'S 2020 ASR DID NOT MATCH THE CRIME STATISTICS SUBMITTED TO THE DEPARTMENT IN CALENDAR YEARS 2017 AND 2019**

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 §§ 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 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 2019 in UVU’s 2020 ASR did not match the crime statistics the institution submitted to the Department through the Department’s Campus Safety and Security Data Analysis Cutting Tool (“CSSDACT”) for that year. The Department’s reviewers compared UVU’s 2020 ASR with the statistical data the institution submitted to the Department for inclusion in the Campus Crime and Security Website. The Department’s reviewers identified numerous crime statistical discrepancies. See UVU’s 2020 ASR (**Enclosure 2**); and UVU’s statistical data submitted to the Department for calendar years 2017, 2018 and 2019 (**Enclosure 3**).

The table below lists the discrepant data, demonstrating that the University did not consistently report these statistics. It appears that UVU underreported the statistical data it submitted to the Department compared to its 2020 ASR data. The discrepant crime statistics are detailed in the chart below:

**Discrepancies in Crime Statistics Reported in the University’s 2020 ASR vs. the Crime Statistics Reported to the Department:**

Crime/Incident	2020 ASR	CSSDACT	Location	Year
<i>Vehicle Theft</i>	3	0	<i>On Campus Property</i>	2019

**See Enclosures 2 and 3.**

Additionally, UVU’s 2020 ASR indicated zero incidents for a total of thirty-two (32) categories of crime statistics for calendar year 2017. However, UVU’s statistical data submitted to the Department for calendar year 2017 merely showed blank spaces for those 32 categories of crime statistics (See **Enclosure 2**); and blank statistical data submitted to the Department for calendar year 2017 (See **Enclosure 4**).

As indicated above, the *Clery Act* and the Department’s regulations require institutions to report accurate and complete crime statistics in the ASR and to the Department. The crime statistics

reported in the ASR must match those submitted to the Department for the same year. Current and prospective students and employees and the public utilizing the Department's Campus Crime and Security Website cannot be expected to understand whether a blank space means zero incidents; it means error on the part of the institution; or the institution simply failed to collect crime statistics for that category. UVU failed to indicate zero incidents for 32 categories of crime statistics as shown below:

<b>Clery Geography – Non Campus<sup>5</sup></b>		
<b>Source</b>	<b>ASR</b>	<b>CSSDACT</b>
Criminal Offenses - Murder 2017	0	BLANK
Criminal Offenses - Manslaughter 2017	0	BLANK
Criminal Offenses - Rape 2017	0	BLANK
Criminal Offenses - Fondling 2017	0	BLANK
Criminal Offenses - Incest - 2017	0	BLANK
Criminal Offenses - Statutory Rape 2017	0	BLANK
Criminal Offenses - Robbery 2017	0	BLANK
Criminal Offenses - Aggravated Assault 2017	0	BLANK
Criminal Offenses - Burglary 2017	0	BLANK
Criminal Offenses - Motor Vehicle Theft 2017	0	BLANK
Criminal Offenses - Arson 2017	0	BLANK

<b>Clery Geography – Non-campus</b>		
<b>Source</b>	<b>ASR</b>	<b>CSSDACT</b>
VAWA Offenses - Domestic Violence, Dating Violence, and Stalking 2017	0	BLANK
Arrests - Weapons Violations, Drug Violations, Liquor Violations 2017	0	BLANK
Arrests - Drug Violations 2017	0	BLANK
Arrests - Liquor Violations 2017	0	BLANK
Disciplinary Actions - Drug Violations 2017	0	BLANK
Disciplinary Actions - Weapons Violations 2017	0	BLANK
Disciplinary Actions - Liquor Violations 2017	0	BLANK
Hate Crimes - Murder/ Non-negligent manslaughter 2017	0	BLANK
Hate Crimes - Manslaughter 2017	0	BLANK
Hate Crimes - Rape 2017	0	BLANK

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<sup>5</sup> The FPRD inadvertently states that these eleven (11) categories of crime statistics were for 2017 Off Campus. However, the Department has confirmed that these categories of crime statistics were for 2017 Non-Campus.

Hate Crimes - Fondling 2017	0	BLANK
Hate Crimes - Incest - 2017	0	BLANK
Hate Crimes - Statutory Rape 2017	0	BLANK
Hate Crimes - Robbery 2017	0	BLANK
Hate Crimes - Aggravated Assault 2017	0	BLANK
Hate Crimes - Burglary 2017	0	BLANK
Hate Crimes - Motor Vehicle Theft 2017	0	BLANK
Hate Crimes - Arson 2017	0	BLANK
Hate Crimes - Simple Assault, Larceny - theft 2017	0	BLANK
Hate Crimes - Intimidation 2017	0	BLANK
Hate Crimes - Destruction/ damage/ vandalism of property 2017	0	BLANK

**See Enclosures 4.**

This is very serious because the categories of crime the University left blank in its statistical data submitted to the Department for calendar year 2017 included all the crime statistics required under 34 C.F.R. § 668.46(c). They included criminal homicide (murder and manslaughter); sex offenses (rape, fondling, incest, statutory rape); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests and disciplinary referrals for liquor law violations, drug law violations and illegal weapons possession. The *Clery Act* and the Department's regulations specifically require institutions to submit to the Department crime statistics that match the ASR for the same year. If no crime occurred in a category for a particular year, an institution is required to indicate zero in both the ASR and data submitted to the Department. Current and prospective students and employees cannot be expected to understand and make good use of statistical data submitted to the Department that has 32 blank categories of crime statistics.

In its November 30, 2021 response to the PRR, UVU acknowledged that its 2020 ASR and the statistical data submitted to the Department for calendar years 2017 and 2019 did not match, as required by the *Clery Act* and the Department's regulations. UVU stated that it took corrective actions after the program review. However, the corrective action taken after the Department alerted the University 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 2020 ASR that matched the statistical data submitted to the Department means that one or both were inaccurate. Thus, current students/employees and prospective students and employees were provided with inaccurate crime profile of the University.

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 corrections of violations after the fact does not diminish the seriousness of failing to report on these incidents accurately at the time they occurred.

#### **IV. UVU DID NOT COMPLY WITH THE DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM 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 UVU failed to comply with the *DFSCA* and 34 C.F.R. Part 86. Specifically, the review team determined that UVU did not conduct a biennial review of its Drug and Alcohol Prevention Program ("DAAPP") and produce a report of findings, as required by law and the regulations.

In its February 25, 2022 response to the PRR, UVU agreed with the Department's finding that it did not conduct a biennial review in 2018 or 2019, 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. A DAAPP that has not been tested in a biennial review is unlikely to be reliable and effective. UVU 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 FINE**

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 UVU is the 2021-2022 award year. According to the Department's records, UVU received approximately \$49,701,198 in Federal Pell Grant funds, \$43,590,784 in Federal Direct Loan funds, and \$2,322,656 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 \$1,577,089; for institutions participating in the Federal Direct Loan programs, the median funding level is \$2,196,429; and for institutions participating in the Campus-Based programs, the median funding level is \$272,724. Accordingly, UVU is a large institution because its funding levels for Federal Pell Grant, Federal Direct Loan, and Campus-Based funds were above the median funding levels for each of those Title IV, HEA programs.

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 detailed in this letter, UVU's violations of the HEA, the *Clery Act*, the *DFSCA*, and the Department's regulations are very serious. UVU's students and employees must be able to rely on timely and accurate disclosures of campus crime statistics, policies, and statements as well as a reliable DAAPP. The Department considers an institution's compliance with the *Clery Act* and the *DFSCA* requirements to be part of its administrative capability, and UVU's failure to comply with those requirements constitutes an inability to properly administer the Title IV programs.

## I.

I have assessed \$45,000 for UVU's failure to properly and timely distribute its ASR for calendar year 2020 to employees. UVU's failure to properly and timely distribute the 2020 ASR denied employees the campus security information to which they are entitled under 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. Even though the Department revised the 2020 ASR distribution deadline to December 31, 2020 due to the COVID-19 national emergency, UVU distributed its 2020 ASR to its employees on March 24, 2021. Thus, UVU failed to meet its legal obligation to timely provide its ASR to employees.

## II.

I have assessed a total of \$270,176 for UVU's failure to collect and report in its 2020 ASR, crime statistics for the Wasatch Campus, Provo Campus, MATC Thanksgiving Point, and Capitol Reef Field Station. Specifically, I have assessed \$67,544 for each of the four additional locations for which UVU did not collect and report crime statistics. This is a serious violation because current and prospective students and employees cannot be expected to understand the crime profile of an institution merely based on a notation in an ASR that there were no crimes to report. Current and prospective students and employees and the public must be able to rely on accurate and complete campus crime information. The Department is especially concerned that, even after the PRR directed the University to take corrective action and produce a 2021 ASR that

included crime statistics for these four additional campuses, UVU's 2021 ASR that was submitted to the Department merely included a similar notation for each campus: "For the past three years (2018, 2019, and 2020), UVU has received no reports, either directly or from law enforcement, of Clery crimes on this campus." A total of a \$270,176 fine is appropriate in this case.

### III.

As indicated in the chart below, I have assessed fines for each of the crimes that UVU appears to have underreported. The Department's reviewers determined that there were serious discrepancies in the crime statistics the University reported in its 2020 ASR compared to the statistical data UVU submitted to the Department. The extent of the discrepant crime statistics essentially rendered the 2020 ASR and the data posted on the Campus Crime and Security website unhelpful to current and prospective students and employees. In its PRR, the Department provided UVU with an opportunity to explain the discrepant data. UVU did not challenge the discrepant data or provide any explanation. The institution simply stated that it took corrective action after the program review. 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:

#### **Discrepancies in Crime Statistics Reported in the University's 2020 ASR vs. the Crime Statistics Reported to the Department:**

<b>Crime/Incident</b>	<b>2020 ASR</b>	<b>CSSDACT</b>	<b>Location</b>	<b>Year</b>	<b>Fine Amount</b>
<i>Motor Vehicle Theft</i>	3	0	<i>On Campus Property</i>	2019	$\$30,000 \times 3 = \$90,000$
<i>Total</i>					<b><i>\$90,000</i></b>

Additionally, I have assessed a total of \$160,000 for all the categories of crime statistics UVU left blank in its statistical data submitted to the Department for calendar year 2017. Specifically, I have assessed \$5,000 each of the 32 categories of crime UVU left blank in its statistical data submitted to the Department for 2017. As indicated above, the crime statistics reported in the ASR must match those submitted to the Department for the same year. Current and prospective students and employees and the public utilizing the Department's Campus Crime and Security Website cannot be expected to understand and make good use of blank statistical data submitted to the Department. A blank category of crime could mean that no crime occurred, but it could also mean that crime occurred, but data was not entered for whatever reason. The statistical data posted on the Department's Campus Crime and Security Website must be useful to the public who may use that information to make important decisions about academic enrollment and employment.

IV.

I have assessed \$35,000 for UVU's failure to comply with the *DFSCA* and Drug and Alcohol Abuse Prevention Program requirements. Specifically, I have assessed \$35,000 for UVU's 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. The failure to conduct a biennial review meant that UVU's DAAPP was likely outdated and inadequate for its students and employees.

The fine of \$600,176 will be imposed on **October 17, 2023**, unless I receive, by that date, one of the following: 1) a request for a hearing to be conducted by the Office of Hearings and Appeals; or 2) written material indicating why the fine should not be imposed.

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

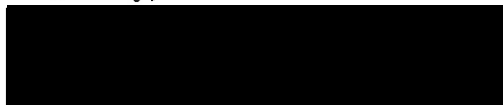
Administrative Actions and Appeals Service Group  
U.S. Department of Education  
Federal Student Aid  
830 First Street, NE – UCP-3, Room 92G4  
Washington, DC 20002-8019

If UVU 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 UVU's case to a hearing official who will conduct an independent hearing. UVU is entitled to be represented by counsel during the proceedings. If UVU does not request a hearing but submits written material instead, I will consider that material and notify UVU of the amount of fine, if any, that will be imposed.

**ANY REQUEST FOR A HEARING OR WRITTEN MATERIAL THAT UVU SUBMITS MUST BE RECEIVED BY OCTOBER 17, 2023; OTHERWISE, THE \$600,176 FINE WILL BE EFFECTIVE ON THAT DATE.**

If you have any questions or desire any additional explanation of UVU's rights with respect to this action, please contact Mark Kreutzer at [Mark.Kreutzer@ed.gov](mailto:Mark.Kreutzer@ed.gov).

Sincerely,



Susan D. Crim, Director  
Administrative Actions and Appeals Service Group  
U.S. Department of Education

Enclosures

cc: Geoffrey Landward, Interim Commissioner, Utah Board of Higher Education, via  
[scholarships@ushe.edu](mailto:scholarships@ushe.edu)  
Sonny Ramaswamy, President, Northwest Commission on Colleges and Universities, via  
[info@nwccu.org](mailto:info@nwccu.org)