



JUN 13 2017

Dr. Zulma R. Toro  
President  
Central Connecticut State University  
1615 Stanley Street  
New Britain, CT, 06050-2490

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Dear Dr. Toro:

This letter is to inform you that the U.S. Department of Education (Department) intends to fine Central Connecticut State University (CCSU) a total of \$32,500 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 fine of up to \$27,500 for each violation. 34 C.F.R. § 668.84 (2012). As detailed below, this fine action is based on CCSU'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 (2012)<sup>1</sup> and the fire safety requirements in Section 485(i) of the HEA, 20 U.S.C. § 1092(i) and 34 C.F.R. § 668.49.

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 (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,

<sup>1</sup> The Department significantly revised 34 C.F.R. § 668.46 in final regulations published on October 20, 2014. However, the fines proposed in this letter are based on violations of the regulations existing during the period covered by the program review.

**Federal Student Aid**  
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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). The AFSR must provide students and employees with fire statistics for the institution's on-campus student residential facilities and with the institution's fire safety policies. 34 C.F.R. § 668.49(d).

The Department conducted a program review at CCSU from October 22, 2012 to October 25, 2012. The review included a general assessment of CCSU's compliance with statutes and regulations pertaining to the institution's administration of the Title IV, HEA programs. The reviewers also examined CCSU's compliance with the Clery Act and the fire safety requirements, specifically the accuracy and completeness of campus crime statistics and fire statistics published in its 2012 ASR and 2012 AFSR respectively.

On March 6, 2013, the Department issued a Program Review Report (PRR) to CCSU. The review found that CCSU had not complied with the Clery Act, the fire safety requirements in the HEA and the Department's implementing regulations. CCSU responded to the PRR on June 14, 2013. After reviewing CCSU's responses, the Department issued its Final Program Review Determination (FPRD) letter to CCSU on September 17, 2013. The FPRD is incorporated by reference into this fine action. (Enclosure 1).

The Department is taking this fine action based on the findings in the FPRD, which concluded that CCSU failed to timely distribute its ASR for calendar year 2012; and failed to publish and distribute a complete AFSR for calendar year 2012, as required by the HEA and the Department's implementing regulations.<sup>2</sup>

### **CCSU DID NOT TIMELY DISTRIBUTE ITS ASR FOR CALENDAR YEAR 2012**

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must distribute its ASR, to all enrolled students and current employees, through appropriate publications and mailings. The distributions 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

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<sup>2</sup> The FPRD included a finding relating to CCSU failure to properly label its combined ASR/AFSR as required by the HEA and the Department's regulations. The Department has decided not to impose a fine relating to this finding.

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).

If the institution chooses to provide its ASR 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).

CCSU did not timely distribute its calendar year 2012 ASR to its students and employees by October 1, 2010, as required by the Department's regulations. CCSU e-mailed notices of the report's availability to students and employees on November 8, 2012, 38 days past the October 1, 2012 deadline. School officials provided the reviewers with a copy of the email notification that was sent to students and employees regarding the combined ASR and the AFSR on November 8, 2012. In its June 14, 2013 response, CCSU did not contest this finding but stated that it had adopted procedures to ensure compliance with the law in the future. However, the revision of procedures after the Department alerted the University of its obligations does not excuse its earlier failure to comply with the law. CCSU's current students and employees should have been provided with timely crime statistics to make informed decisions about their personal safety.

#### **CCSU DID NOT PUBLISH AND DISTRIBUTE A COMPLETE AFSR IN 2012**

The HEA and the Department's regulations require that any institution that receives Title IV, HEA funds and maintains 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 also 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 a description of the institution's fire safety policies, procedures, and programs. 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).

CCSU's AFSR for calendar year 2012 was incomplete. Reviewers determined that the AFSR CCSU provided to students and employees on November 8, 2013 provided fire statistics for only one year (2011), instead of the three years required by the HEA and the Department's regulations. Therefore, students and employees were not provided with the information required by the HEA in CCSU's 2012 AFSR. CCSU's distribution of a 2012 AFSR with fire statistics for only one year raises serious questions as to whether CCSU had in place a fire safety program that complied with the law.

In its June 14, 2013 response to the PRR, CCSU did not contest this finding or claim that its 2012 AFSR complied with the requirements of the HEA. CCSU noted that it had adopted procedures to ensure compliance with the law in the future. However, the revision of procedures after the Department alerted the University of its obligations does not excuse its earlier failure to comply with the law. CCSU's students and employees should have been provided with timely fire statistics to make informed decisions about their personal safety.

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 CCSU is 2014-2015 award year. According to the Department records, CCSU received approximately \$14,056,015 in Federal Pell Grant (Pell) funds, \$46,156,732 in Federal Direct Loan funds and \$1,137,536 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 \$1,540,305, for institutions participating in the Federal Direct Loan programs, the median funding level is \$2,108,926, and for institutions participating in the Campus-Based programs, the median funding level is \$271,961. Accordingly, CCSU is a large institution because its funding levels for Federal Pell Grant, Federal Direct Loans, and Campus-Based funds exceed the median funding levels for those Title IV, HEA programs.

As detailed in this letter, CCSU's violations of the Clery Act, the fire safety requirements in the HEA and the Department's implementing regulations are very serious. These failures could have endangered CCSU's students and employees who must be able to rely on the disclosures of campus crime and fire statistics and policies. Moreover, the Department considers an institution's compliance with the HEA and the Clery Act requirements to be part of its administrative capability, and CCSU's failure to comply with those requirements constitutes an inability to properly administer the Title IV programs.

After considering the gravity of the violations and size of the institution, I have assessed \$5,000 for CCSU's failure to timely distribute its ASR for calendar year 2012. The publication and

distribution of the ASR is a fundamental requirement of the Clery Act. The ASR is used to provide important safety and security information to the institution's students and employees and prospective students and employees so that they can appropriately assess an institution's security. Thus, the failure to timely provide this information by the statutory deadline is a serious violation of the Clery Act.

I have assessed a fine of \$27,500 for CCSU's failure to publish and distribute a complete 2012 AFSR. This is a serious violation because the campus community and the public were deprived of important information to help them make important safety decisions with regard to fire safety at CCSU. Thus, the maximum fine is appropriate in this case.

The fine of \$32,500 will be imposed on **July 3, 2017**, unless I receive, by that date, a request for a hearing or written material indicating why the fine should not be imposed. CCSU may submit both a written request for a hearing and written material indicating why a fine should not be imposed.

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

**ANY REQUEST FOR A HEARING OR WRITTEN MATERIAL THAT CCSU SUBMITS MUST BE RECEIVED BY JULY 3, 2017; OTHERWISE, THE \$32,500 FINE WILL BE EFFECTIVE ON THAT DATE.**



Dr. Zulma R. Toro  
Central Connecticut State University  
Page 6

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

Sincerely,

A black rectangular redaction box covering the signature of Susan D. Crim.

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

Enclosure

cc: Cameron C. Staples, President, NEASC, via [kwillis@neasc.org](mailto:kwillis@neasc.org)  
Connecticut State Board of Education, via mail