



FEB 14 2013

Dr. Elson S. Floyd, Ph.D.
President
Washington State University
French Administration Building
Room 422
1 Southeast Stadium Way
Pullman, WA 99164-1048

Sent: United Parcel Service
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Dear Dr. Floyd:

On August 19, 2011, the United States Department of Education (Department) notified Washington State University (WSU) of its intent to fine WSU \$82,500, based upon WSU's violations of statutory and regulatory requirements outlined below. This fine action was taken in accordance with the procedures that the Secretary of Education (Secretary) has established for assessing fines against institutions participating in any or all 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). Under the Department's regulations as applicable here, the Department may impose a fine of up to \$27,500 for each violation. 34 C.F.R. § 668.84. The fine action was based on WSU'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), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46.

The Department took this fine action based WSU's failure to properly disclose two (2) forcible sex offenses for the 2007 calendar year. Additionally, WSU's Annual Security Report (ASR) for the period reviewed lacked required policy statements.

The fine of \$82,500 was to be imposed on **September 12, 2011**, unless I received, by that date, a request for a hearing or written material indicating why the fine should not be imposed. On September 12, 2011, WSU requested an administrative hearing, and on September 16, 2011, the Department's Office of Hearings and Appeals (OHA) acknowledged receipt of the appeal and docketed it as Docket No. 09-56-SF.

Administrative Actions and Appeals Service Group
830 First Street, NE | Union Center Plaza III | Washington, DC 20002-8019

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On March 12, 2012, the hearing official, for a variety of reasons, reduced the proposed fine amount and ordered WSU to pay the Department a fine of \$15,000 for its admitted failure to comply with the Clery Act. On April 12, 2012, Federal Student Aid (FSA) appealed the hearing official's initial decision to the Secretary.

On August 29, 2012, the Secretary reversed the initial decision of Chief Judge Earnest C. Canellos; ordered WSU to pay the Department \$55,000 for the two forcible sex offenses omitted; and remanded the matter for recalculation of the appropriate fine for WSU's failure to include three required policy statements in its ASR.

On January 24, 2013, upon the review of briefs from WSU and FSA, the presiding official ordered WSU to pay the Department a fine of \$27,500 for failure to include the three required policy statements in its ASR. The presiding official affirmed FSA's calculation of a fine of \$11,000 for WSU's failure to disclose possible sanctions for various sex offenses in its ASR; \$11,000 for failure to describe the procedures for preparing the annual disclosure of crime statistics in its ASR; and \$5,500, for not including written procedures to encourage counselors to inform those they are counseling on the procedures for voluntary and confidential reporting of crimes. WSU has thirty (30) days from receipt of the Judge's decision to seek review by the Secretary; however, WSU notified FSA that it would not seek review.

Therefore, the final Department decision is to impose the total fine of \$82,500, which includes the fine of \$55,000 affirmed by the Secretary on August 29, 2012; and the fine of \$27,500 ordered by the hearing official on January 24, 2013, following the remand by the Secretary. **The \$82,500 fine is due to the Department within 30 days of the date of this letter. Payment must be in the form of a certified or cashier's check, and made payable to the U.S. Department of Education.** If payment is not received by the Department within that 30-day time period, interest will accrue in monthly increments until payment is received.

Please send your fine payment to me at the following address:

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

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Please identify the payment as Bill No. AAA201302017 to ensure proper crediting of your payment account.

If you have any questions about this letter, please contact Lawrence Mwethuku at (202) 377-3684.

Sincerely,

A handwritten signature in blue ink that reads "Mary E. Gust". The signature is written in a cursive style with a large initial "M".

Mary E. Gust, Director
Administrative Actions and Appeals Service Group
Federal Student Aid

cc: Danielle A. Hess, Representative for WSU