



March 14, 2022

Dr. Mary A. Y. Okada, President
Guam Community College
1 Sesame Street
Mangilao, GU 96923

Sent via Document Center
at: cod.ed.gov

RE: Final Program Review Determination

OPE ID: 01536100

PRCN: 202140930415

Dear Dr. Okada:

The U.S. Department of Education's (Department's) San Francisco/Seattle School Participation Division issued a Program Review Report (PRR) on November 8, 2021, covering Guam Community College's (GCC's) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs), for the 2019-20 and 2020-21 award years. The Department received GCC's final response on February 18, 2022.

Copies of the PRR and GCC's responses are available in the COD Document Center. The Department has retained any supporting documentation submitted with the responses and will make it available to GCC for inspection upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and may be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the PRR. The purpose of this letter is to: 1) identify liabilities resulting from the findings of the PRR; 2) provide instructions for the payment of liabilities; and 3) notify the institution of its right to appeal.

The total liabilities due from the institution as a result of this program review are **\$42,020**. This FPRD contains detailed information about the liability determination for one finding.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual that can be used to distinguish or trace an individual's identity (e.g., name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft

Federal Student Aid
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or other fraudulent use of the information. To protect PII, the findings in the attached report do not contain any student PII. Instead, the findings reference students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample. The appendices were securely uploaded via the COD Document Center.

Appeal Procedures:

If GCC elects to appeal to the Secretary of Education for a review of the financial liabilities established by this FPRD, the institution must file a written request for a hearing. Please note that institutions may appeal financial liabilities only. The Department must receive GCC's request no later than 45 calendar days from the date GCC receives this FPRD. The Department requests that GCC submit an original and four copies of its complete request for review. The request must be sent to:

Attn: Susan Crim, Director
Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Partner Enforcement and Consumer Protection
830 First Street, NE UCP3, Room 84F2
Washington, DC 20002-8019

GCC's appeal request must:

- (1) indicate the finding, issues, and facts being disputed;
- (2) state the institution's position, together with pertinent facts and reasons supporting its position; and
- (3) include a copy of the FPRD received by the school. PLEASE INCLUDE ALL APPENDICES TO THE FPRD (you may exclude any appendices that relate only to findings that you are not appealing).

When it submits its request for appeal, the institution may also include an original and four copies of documentation it believes the Department should consider in support of the appeal.

If any appeal documents include personally identifiable information (PII), the PII must be redacted, except for the student's name and last four digits of his/her social security number (please see the enclosed document, "Protection of Personally Identifiable Information," for instructions on how to mail records containing PII).

If the institution's appeal is timely, the request for appeal will be transmitted to the Department's Office of Hearings and Appeals (OHA), for an administrative hearing in accordance with § 487(b)(2) of the HEA, 20 U.S.C. § 1094(b)(2). The Hearing Official assigned to the case will issue an order scheduling the submission of briefs and supporting evidence in accordance with 34 C.F.R. § 668.114(c). The institution may therefore submit additional documentation

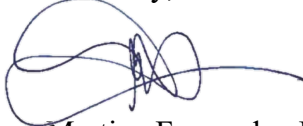
supporting its appeal request at that time. Further, if the institution is appealing a projected liability amount, it may provide detailed liability information from a complete file review, either at the time it initially submits its appeal request or pursuant to the proceedings at OHA. The procedures followed with respect to GCC's appeal are those provided at 34 C.F.R. Part 668, Subpart H. Interest on the appealed liabilities shall continue to accrue at the applicable value of funds rate, as established by the United States Department of Treasury, or if the liabilities are for refunds, at the interest rate set forth in the loan promissory note(s).

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Leslie Chin, Institutional Review Specialist, via email at Leslie.Chin@ed.gov. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,



Martina Fernandez-Rosario
Division Chief
San Francisco/Seattle School Participation Division

Enclosures: Protection of Personally Identifiable Information
Final Program Review Determination

cc: Ms. Esther A. Rios, Coordinator, Financial Aid (via Document Center at cod.ed.gov)
WASC Senior College & University Commission (via email at jstudley@wscuc.org)
Guam Legislature (via email at clerks@guamlegislature.org)
Department of Defense (via e-mail at osd.pentagon.ousd-p-r.mbx.vol-edu-compliance@mail.mil)
Department of Veterans Affairs (via e-mail at INCOMING.VBAVACO@va.gov)
Consumer Financial Protection Bureau (via e-mail at CFPB_ENF_Students@cfpb.gov)

Prepared for:
Guam Community College



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Prepared by:
U.S. Department of Education
Federal Student Aid
San Francisco/Seattle School Participation Division

Final Program Review Determination

March 14, 2022

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A. Institutional Information

Guam Community College
1 Sesame Street
Mangilao, GU 96923

Type: 2-Year, Public

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Accrediting Commission for Community & Junior Colleges

Student Enrollment: 1,796 (2020-21 award year)

Percentage of Students Receiving Title IV: 87% (2020-21 award year)

Title IV Participation According to the National Student Loan Data System (NSLDS):

	2019-20 Award Year
Federal Pell Grant (Pell Grant) Program	\$ 4,898,591
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 72, 538
Federal Work-Study (FWS)	\$ 62,819

B. Scope of Review

The U.S. Department of Education (Department) conducted a program review of Guam Community College (GCC) from August 23, 2021, through August 30, 2021. The review was conducted by Patricia McAuley, Pilar Diaz, and Ted Moy, Institutional Review Specialists.

The focus of the review was to determine GCC's compliance with the statutes and federal regulations as they pertain to the institution's administration 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). The review consisted of, but was not limited to, an examination of GCC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and campus crime awareness requirements.

The Department identified a sample of 30 student files for review from the 2019-20 and 2020-21 award years. The Department selected the files randomly from a statistical sample of the total population of students receiving Title IV, HEA program funds for each award year. Appendix A lists the names and social security numbers of the students whose files were examined during the program review.

The Department issued its Program Review Report (PRR) on November 8, 2021, included in Appendix B. GCC submitted its responses to the PRR on December 7, 2021 (December 7, 2021 Response), January 7, 2022 (January 7, 2022 Response), January 17, 2022 (January 17, 2022 Response) and February 18, 2022 (February 18, 2022 Response), included in Appendices C1, C2 C3, and C4. GCC's responses were complete and included supporting documents.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning GCC's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, the review does not relieve GCC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Final Determinations

Resolved Findings/Findings without Liabilities

GCC has taken the corrective actions necessary to resolve Findings 2, 5, 6, 7 and 8 of the PRR. Therefore, these findings may be considered closed. Appendix C1, C2, C3 and C4 contain GCC's written responses related to the resolved findings.

Finding 2 – Return to Title IV (R2T4) Calculation Errors: GCC stated that it reviewed the information and calculation for each of the students referenced in the PRR and confirmed that all

four students withdrew as a result of COVID-19 interruptions. GCC provided: 1) revised R2T4 calculations for Students 11, 14, 29 and 30; 2) COD (Common Origination and Disbursement) screenshots reflecting the COVID-19 indicator adjustments; 3) revised R2T4 policy and procedures; and 4) revised Board of Trustees Policy 240 Student Financial Aid. This policy proposed to adopt the new policies and procedures and was reviewed and approved by the College Governing Council on December 2, 2021. It was approved at the Board of Trustees December 23, 2021 meeting, and is located on the school's website. GCC provided a copy of the approved meeting minutes.

Finding 5 – Inadequate Reporting to the COD System: During the program review, GCC provided reviewers documentation of the correction made to Student 16's record. The school stated that it corrected the other students for whom the same Fall course had been cancelled. As GCC had already made the required corrections, there was no further action required for this finding in the PRR.

Finding 6 – Inaccurate Enrollment Reporting to the National Student Loan Data System (NSLDS): GCC stated that it reports enrollment data to the NSLDS system via the National Student Clearinghouse in a timely manner, however, it acknowledged that the Department identified discrepancies with the data sent to NSLDS. The school provided a certification statement, confirming that it had reviewed and made the appropriate corrections for the cited students in the PRR (1, 6, 16, 26, 29 and 30), as well as reviewed all of its students' NSLDS enrollment statuses from 2019-20 to current, and made appropriate corrections. In addition, GCC revised and submitted its NSLDS reporting procedures, to ensure that accurate information is reported timely and in accordance with the regulations.

Finding 7 – Inadequate Policies and Procedures for Verification, Disbursement and Credit Balances: GCC stated that it has developed its written Verification policy and procedures, Financial Aid Disbursement policy, and Tuition Refund and Credit Balance policy and procedures. The Board of Trustees Policy 240 Student Financial Aid proposed to adopt these policies and procedures and was reviewed and approved by the College Governing Council on December 2, 2021. It was approved at the December 23, 2021 meeting and is currently located on the school's website. GCC provided a copy of the approved meeting minutes.

Finding 8 – Consumer Information Requirements Not Met: GCC published the required complete consumer information on its website. The school created a separate publicly accessible consumer information webpage and published all required disclosures, including the completion and graduation rates data for certificate or degree-seeking first-time, full-time undergraduate students, student body diversity, and net price calculator.

On December 2, 2021, an announcement was posted to the My GCC portal regarding the availability of consumer information with a link to the newly created consumer information webpage and a statement that a paper copy of the consumer information may be requested. In

addition, GCC provided a copy of the email notification sent to current students on December 3, 2021.

GCC provided the revised policy and procedure related to the institutional policy and sanctions for copyright infringement, as well as a copy of the approved Board of Trustees January 6, 2022 meeting minutes, which confirmed the approval of the revised policy and procedures.

The school submitted its consumer-related procedures, which addresses the information that will be disclosed, how the information will be gathered, and how GCC will ensure the information remains current.

Please refer to Appendices C1, C2 and C3, which contains the institution's written response, for additional information.

Findings with Established Liabilities

The finding with liabilities requiring further action is summarized below. At the conclusion of the finding is a summary of GCC's response to the finding, and the Department's final determination.

Finding 1. Ineligible Program – Bachelor's Degree

Summary of Noncompliance: A currently designated eligible institution that wishes to expand the scope of its eligibility and certification and disburse Title IV, HEA program funds to students enrolled in that expanded scope must apply to the Secretary and wait for approval to increase its level of program offering (*e.g.*, adding graduate degree programs when it previously offered only baccalaureate degree programs). 34 C.F.R. § 600.20 (c)(2).

If the Secretary receives an application for an increase in the level of program offering, the Secretary notifies the institution whether the program qualifies as an eligible program, if the program qualifies, and the date of eligibility. 34 C.F.R. § 600.20 (e)(5).

If an institution must apply to the Secretary, the institution may not disburse Title IV, HEA program funds to students attending the subject location, program, or branch until the institution receives the Secretary's notification that the location, program, or branch is eligible to participate in the Title IV, HEA programs. 34 C.F.R. § 600.20 (f)(3).

If an institution does not apply to the Secretary to obtain the Secretary's approval of a new location, program, increased level of program offering, or branch, and the location, program, or branch does not qualify as an eligible location, program, or branch of that institution under this part and 34 C.F.R. part 668, the institution is liable for all Title IV, HEA program funds it disburses to students enrolled at that location or branch or in that program. 34 C.F.R. § 600.20 (f)(5).

GCC received approval in January 2020 to offer a Bachelor of Science degree in Career and Technical Education from its accreditor. This degree program is a higher level of offering than any other programs GCC had previously offered. Therefore, GCC was required to report this program to the Department and wait for the Department's approval before disbursing Title IV aid for this program. GCC did not report this program to the Department until after reviewers informed GCC of this requirement during the program review. GCC explained to reviewers that it was unaware that this program had to be approved by the Department before aid could be disbursed. GCC has now reported this program to the Department and the eligibility application is currently under review. The Department has communicated to GCC that it must not disburse any additional Title IV aid to students in the program until the program has been approved by the Department.

- **Student 29:** This student enrolled in the ineligible bachelor's degree program in the Fall 2020. GCC disbursed Federal Pell Grant funds in the amount of \$2,380 during the 2020-21 award year for the Fall and Spring semesters.

Subsequent to the review, GCC provided to the Department a spreadsheet detailing that it had disbursed Pell Grant funds to additional students in this bachelor's degree program for the 2020-21 Fall and Spring semesters. Additional campus-based aid may have been disbursed to students as well, however this was not included on the spreadsheet submitted.

Directives from PRR: GCC was required to provide a spreadsheet detailing all Title IV program funds disbursed to each student in the ineligible bachelor's degree program. The required information for the spreadsheet was detailed in the PRR.

Analysis of Liability Determination: Based on GCC's response, the Department determined that it improperly disbursed Title IV funds in the amount of \$41,872 (Federal Pell Grant \$39,747; Federal Supplemental Education Opportunity Grant (FSEOG) \$2,125).

As a result, the total liability for this finding is **\$42,020.29**. This total includes Pell Grant and FSEOG funds disbursed during the 2020-21 award year, in addition to the respective Cost of Funds (COF). The total COF liability was calculated using the Current Value Funds Rate (CVFR) published in the Federal Register by the Department of the Treasury. COF is the cost the Department incurs as a result of ineligible disbursements. The government incurs a cost when it makes funds available for an institution because those funds are borrowed from the U.S. Treasury, and the Department is charged on those funds. The Department (as well as the federal government) uses the CVFR to calculate charges on overdue federal government receivables. The CVFR can be found at the U.S. Treasury website at the following link: <https://fiscal.treasury.gov/reports-statements/cvf>. Appendix E contains the results of the COF calculation. Section E of this FPRD contains instructions for payment of the liabilities for this finding.

Campus Safety and Security Findings

The following program review findings have been addressed by the institution and may be considered closed for purposes of program review. The Department will provide a separate notice if additional corrective actions are needed.

Finding 3. Crime Awareness Requirements Not Met

Summary of Noncompliance: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications and mailing, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. §668.46(b).

The Annual Security Report (ASR) must be prepared and actively distributed as a single document. Acceptable means of delivery include U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. §668.41(e)(1).

The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. §668.41(e)(4).

The Clery Act and the Department's regulations require institutions to include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and 4) certain adjacent and accessible public property. 34 C.F.R. §668.46(c)(1). When applicable, an institution must also compile and publish crime statistic disclosures for each of its campuses. 34 C.F.R. §668.41 (e)(4).

Several policy statements must be included in the ASR. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus

police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are required to disclose alcohol and drug policies and educational programs, as well as policies pertaining to sexual assault education, prevention, and adjudication. Institutions must also provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. All required statistics and policies must be included in a single comprehensive document, known as an ASR. With the exception of certain drug and alcohol program information, cross-referencing to other publications is not sufficient to meet the publication and distribution requirements of the Act. §485(f) of the HEA; 34 C.F.R. §668.46(b).

Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's (OPE's) "Campus Safety and Security Data Analysis cutting Tool." 34 C.F.R. §668.41(e)(5).

GCC failed to prepare, publish, and properly distribute its 2020 ASR that was due October 1, 2020. During an interview on August 23, 2021, Gary Hartz, Associate Dean of Technology and Student Services, stated that they disseminate the crime statistics to existing faculty, staff, and continuing students through annual convocations and, new students receive this information through new student orientations. However, there is no evidence to prove that any of these activities are performed. Mr. Hartz provided a list of electronic sign-in sheets on August 23, 2021; however, these sheets do not include dates, nor does it explain how the data is collected. Mr. Hartz further stated that he conducts a one-on-one information session with new faculty and staff, but there is no evidence to support when this is performed and who receives the information.

Required Crime Statistics

GCC's 2020 ASR omitted crime data under the category of public property.

An institution must report to the Department any crime data under the category of "public property" in its ASR crime statistics during each of the three most recent calendar years. 34 C.F.R. §668.46 (a)(i)(C).

Campus Security Policies

GCC's 2020 ASR omitted all the required policy statements listed below:

A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including:

Policies for making timely warning reports to members of the campus community, regarding the occurrence of crimes;

Policies for preparing the annual disclosure of crime statistics;

A list of the titles of each person or organization to whom students and employees should report the criminal offenses for the purposes of making timely warning reports and the annual statistical disclosure; and

Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. 34 C.F.R. §668.46 (b)(2).

A statement of policies concerning 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).

A statement of policies concerning campus law enforcement that describes:

Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses;

Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and

Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. 34 C.F.R. §668.46 (b)(4)(B)(iii)(iv).

A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. 34 C.F.R. §668.46 (b)(5).

A description of programs designed to inform students and employees about the prevention of crimes. 34 C.F.R. §668.46(b)(6).

A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, an institution may cross-reference the

materials the institution uses to comply with section 120(a) through (d) of the HEA.
34 C.F.R. §668.46 (b)(8)(9)(10).

GCC does not have an ASR to encompass the beforementioned campus security policy requirements.

Violence Against Women (VAWA) Required Policies

A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported. The statement must include the following as defined by
34 C.F.R. §668.46 (b)(11):

A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

Procedure victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
34 C.F.R. §668.46 (b)(11)(ii)

The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
34 C.F.R. §668.46 (b)(11)(ii)(A)

How and to whom the alleged offense should be reported. 34 C.F.R. §668.46 (b)(11)(ii)(B)

Options about the involvement of law enforcement and campus authorities.
34 C.F.R. §668.46 (b)(11)(ii)(C)

Notify proper law enforcement authorities, including on-campus and local police.
34 C.F.R. §668.46 (b)(11)(ii)(C)(1)

Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses. 34 C.F.R. §668.46 (b)(11)(ii)(C)(2)

Decline to notify such authorities. 34 C.F.R. §668.46 (b)(11)(ii)(C)(3)

Where applicable, 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)

Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:

Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and 34 C.F.R. §668.46 (b)(11)(iii)(A)

Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. 34 C.F.R. §668.46 (b)(11)(iii)(B)

A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. 34 C.F.R. §668.46 (b)(11)(iv)

A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. 34 C.F.R. §668.46 (b)(11)(v) 668.46(b)(11)(v)

An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. 34 C.F.R. §668.46 (b)(11)(vi)

A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options. 34 C.F.R. §668.46 (b)(11)

A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address. 34 C.F.R. §668.46 (b)(12)

An institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. 34 C.F.R. § 668.46(j)

The statement must include the following as defined in 34 C.F.R. § 668.46(j)(1):

A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include the following as defined in 34 C.F.R. § 668.46(j)(1)(i):

The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction. 34 C.F.R. § 668.46(j)(1)(i)(B)

The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction. 34 C.F.R. § 668.46 (j)(1)(i)(C)

A description of safe and positive options for bystander intervention. 34 C.F.R. § 668.46 (j)(1)(i)(D)

Information on risk reduction 34 C.F.R. § 668.46 (j)(1)(i)(E); and

A description of the institution's ongoing prevention and awareness campaigns for students and employees. 34 C.F.R. § 668.46 (j)(1)(ii)

GCC does not have any information pertaining to the required VAWA programmatic requirements listed above.

VAWA Prevention Programs

An institution must include in its ASR a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. 34 C.F.R. § 668.46 (j)

The statement must include the following:

A description of the institution's primary prevention and awareness programs for all incoming students and new employees. As described in 34 C.F.R. § 668.46 (j)(1)(i), it must include:

A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. 34 C.F.R. § 668.46 (j)(1)(i)(A);

The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction. 34 C.F.R. § 668.46 (j)(1)(i)(B);

The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction. 34 C.F.R. § 668.46 (j)(1)(i)(C);

A description of safe and positive options for bystander intervention.
34 C.F.R. §668.46 (j)(1)(i)(D);

Information on risk reduction 34 C.F.R. §668.46 (j)(1)(i)(E); and

A description of the institution's ongoing prevention and awareness campaigns for students and employees. 34 C.F.R. §668.46 (j)(1)(ii).

GCC does not have any of the required VAWA prevention program policies and procedures listed above.

VAWA – Disciplinary Policy/Procedures

An institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As defined in 34 C.F.R. §668.46 (j), it must:

Describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking 34 C.F.R. §668.46 (k)(1)(i);

Describe the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking 34 C.F.R. §668.46 (k)(1)(ii);

List all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking 34 C.F.R. §668.46 (k)(1)(iii); and

Describe the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking. 34 C.F.R. §668.46 (k)(1)(iv);

Provides that the proceedings will:

Include a prompt, fair, and impartial process from the initial investigation to the final result. 34 C.F.R. §668.46 (k)(2)(i);

Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to investigate, and hearing process that protects the safety of victims and promotes accountability. 34 C.F.R. §668.46 (k)(2)(ii);

Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

34 C.F.R. §668.46 (k)(2)(iii);

Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings if the restrictions apply equally to both parties 34 C.F.R. §668.46 (k)(2)(iv);

And it requires simultaneous 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).

The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding if such procedures are available; and

34 C.F.R. §668.46 (k)(2)(v)(B).

Any change to the result, and when such results become final.

It includes a prompt, fair, and impartial proceeding includes a proceeding that is:

Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

34 C.F.R. §668.46 (k)(3)(i)(A);

Conducted in a manner that it is consistent with the institution's policies and transparent to the accuser and accused. 34 C.F.R. §668.46 (k)(3)(i)(B)(1);

Includes timely notice of meetings at which the accuser or accused, or both, may be present

34 C.F.R. §668.46 (k)(3)(i)(B)(2);

Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings

34 C.F.R. §668.46 (k)(3)(i)(B)(3);

Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused. 34 C.F.R. §668.46 (k).

GCC does not include any of the required VAWA disciplinary policies and procedures listed above.

Timely Warning and Emergency Notification

An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes, report to the campus community on crimes that are:

Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies. 34 C.F.R. §668.46 (e)(1)(ii); and

Considered by the institution to represent a threat to students and employees. 34 C.F.R. §668.46 (e)(1)(iii)

An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. 34 C.F.R. §668.46 (e)(2)

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. 34 C.F.R. §668.46 (e)(3).

GCC does not have written procedures, however they have a procedure in place that meets the timely warning and emergency notification requirements listed above.

Emergency Response and Evacuation Procedures

An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. As defined in 34 C.F.R. §668.46(g), this statement must include the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. 34 C.F.R. §668.46(g)(1)

The following is a description of the process the institution will include, and use, to:

Confirm that there is a significant emergency or dangerous situation. 34 C.F.R. §668.46(g)(2)(i);

Determine the appropriate segment or segments of the campus community to receive a notification. 34 C.F.R. §668.46(g)(2)(ii);

Determine the content of the notification. 34 C.F.R. §668.46(g)(2)(iii); and

Initiate the notification system. 34 C.F.R. §668.46(g)(2)(iv).

A statement that the institution will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
34 C.F.R. §668.46(g)(3)

A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions. 34 C.F.R. §668.46(g)(4)

The institution's procedures for disseminating emergency information to the larger community.
34 C.F.R. §668.46(g)(5)

And the institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, as defined in 34 C.F.R. §668.46(g)(6), including:

Tests that may be announced or unannounced. 34 C.F.R. §668.46(g)(6)(i);

Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year. 34 C.F.R. §668.46(g)(6)(ii); and

Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. 34 C.F.R. §668.46(g)(6)(iii)

GCC does not have adequate written emergency response and evacuation policies and procedures as listed above. However, they have procedures in place to accommodate emergency response and evacuation situations.

Failure to Properly Distribute/Notify Campus Community of the 2020 ASR

The Department's reviewers determined that GCC did not publish a complete 2020 ASR and did not sufficiently provide documentation reflecting the distribution of crime statistics to the community.

GCC provided an electronic sign-in sheet for faculty and full-time staff for information on prevention of sexual violence, prevention of discrimination and harassment, however, it lacks dates to demonstrate when this information was gathered. In addition, there is no evidence that any student received this information during their convocations and orientations as described during their interview. Lastly, they do not have crime statistics made readily available to prospective students. This information was confirmed with GCC staff during the program review.

Failure to publish an accurate and complete ASR in accordance with federal regulations, and to actively distribute the document to students and employees, deprives the campus community of important campus security information that can empower its members to be informed and to play more active roles in their own safety and security.

Directives from PRR: As a result of this violation, GCC was required to create, review, and revise its policies and procedures regarding the preparation, publication, and distribution of its ASR to ensure that all aspects of the ASR process are carried out in accordance with the Clery Act. Using its new and revised policies as a guide, GCC had to prepare and publish an accurate and complete 2021 ASR that includes all of the statistical disclosures and policy, procedure, and programmatic information required under 34 C.F.R. §668.46(b). In addition, GCC was required to actively distribute its new 2021 ASR to all current students and employees in accordance with 34 C.F.R. §668.41(e).

A copy of GCC's new and revised policies and procedures, and a copy of the 2021 ASR, had to accompany the response to the PRR. The 2021 ASR had to contain all of the statistical, policy, procedure, and programmatic disclosures required under 34 C.F.R. §668.46(b). In addition, GCC was required to provide documentation to the Department evidencing the distribution of that 2021 ASR, along with a certification statement attesting to the fact that the materials were distributed in accordance with the Clery Act. C.F.R. §668.41(e). This certification had to also affirm that the institution understands its Clery Act obligations, and that it has taken all necessary corrective actions to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the HEA and the Clery Act that, by their nature, cannot be cured. GCC was given an opportunity to address the violations identified above. In doing so, the institution would take the first steps toward compliance with the Clery Act and the terms and conditions of its Program Participation Agreement (PPA). However, GCC was advised that these remedial measures cannot and do not diminish the seriousness of these violations, nor do they eliminate the possibility that the Department would impose an adverse administrative action and/or require additional corrective measures as a result. Based on an evaluation of all available information, including GCC's response, the Department would determine if additional actions would be required to address the listed violations.

GCC officials are encouraged to review the regulations governing the Clery Act, which can be found at 34 C.F.R. §§668.14, 668.41, 668.46, and 668.49.

Analysis of Determination: The PRR cited GCC for failure to publish an accurate and complete 2020 ASR in accordance with federal regulations, and to actively distribute the document to students and employees. The Associate Dean of Technology and Student Services stated in an August 23, 2021 interview that crime statistics had been disseminated to students, staff and faculty through annual convocations, new student orientations and one-on-one sessions. However, GCC did not provide sufficient documentary evidence to demonstrate that these were completed properly and timely for all students and employees. Moreover, GCC's 2020 ASR was

woefully deficient and unhelpful to students and employees because it omitted the numerous required policy statements listed above.

In its official response on December 7, 2021, GCC stated that it timely submits and posts the required campus crime statistics annually, which can be found under the Clery Act Reports within the Public Reports page on the school's website. However, during the review, the Department's reviewers noted that the 2020 ASR did not include all of the required statistics, as detailed in the Noncompliance section. The school also stated that it was made aware that it had not fully complied with the Clery Act during the program review and acknowledges the seriousness of the violation, and immediately took corrective action necessary to meet certain Clery Act Requirements. GCC also stated that it posted its 2021 Annual Security Report (ASR) on its website, on October 1, 2021. The school also provided evidence of distribution of the 2021 ASR to all current students and employees.

The school revised its ASR policy and procedures regarding the preparation, publication, and distribution of its ASR to ensure that all aspects of the process are carried out in accordance with the Clery Act.

GCC reviewed and revised its Board of Trustees policies and resolutions related to campus safety and provided a copy of the policy in its response. This policy is currently undergoing review through the school's governance process, which includes presentation to the Board of Trustees for their review and approval of the changes.

GCC also provided a certification statement that the ASR was distributed in accordance with the Clery Act, the school understands its Clery Act obligations, and has taken all necessary corrective actions to ensure that these violations do not occur.

The Department carefully examined all available information, including GCC's narrative response and supporting documentation. Based on that review, each of the violations identified in the original finding is sustained. This analysis also indicated that the identified violations were, for the most part, satisfactorily addressed by the GCC's 2021 ASR. As such, the Department has determined that the institution's corrective measures meet overall minimum requirements. The Department has accepted the institution's response and considers this finding to be closed for purposes of this program review. Nevertheless, GCC's directors and officials are advised that they must take any and all additional action that may be needed to address the deficiencies identified by the Department, as well as any other deficiencies or weaknesses that were detected during the preparation of its response, and/or as may be otherwise needed to ensure that these violations do not recur.

Finding 4. Drug and Alcohol Abuse Prevention Program (DAAPP) Requirements Not Met

Summary of Noncompliance: The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations require each institution of higher education (IHE) to certify that it has developed and implemented a DAAPP. The program

must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, each IHE must provide the following information in writing to all current students (enrolled for any type of academic credit except for continuing education units) and all current employees:

- 1) A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- 2) A written description of legal sanctions imposed under federal, state, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol;
- 3) A description of the health risks associated with the use of illicit drugs and alcohol abuse;
- 4) A description of any drug or alcohol counseling, treatment, and rehabilitation/re-entry programs that are available to students and employees; and,
- 5) A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.

In addition, each institution must conduct a biennial review to determine the effectiveness of its DAAPP and to ensure consistent enforcement of applicable drug and alcohol-related statutes, ordinances, and institutional policies against students and employees found to be in violation. Each institution must describe the research methods and data analysis tools that it used to determine the effectiveness of the program and identify the responsible official(s) and office(s) that conduct the biennial review. 34 C.F.R. §§86.3, 86.100 and 86.103

GCC violated four out of five requirements of the DAAPP in 2020. Specifically, the institution failed to develop and implement a complete comprehensive DAAPP and to publish a materially complete disclosure. More specifically:

- There is no written description of legal sanctions imposed under federal, State, and local laws and ordinances for unlawful possession or distribution of illicit drugs and alcohol.
- There is no description of the health risks associated with the use of illicit drugs and alcohol abuse.
- There is no description of disciplinary actions for the use of drug and alcohol on campus.
- There is no written details of available counseling and rehabilitation for drug and alcoholic activity on campus.

During the interview with GCC's Associate Dean of Technology and Student Services, Mr. Gary Hartz stated that GCC has never conducted a biennial review, and he was unaware of the biennial review requirements or its purpose.

Failure to comply with the *DFSCA*'s DAAPP requirements deprives students, faculty, and staff of important information regarding the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Failure to comply with the biennial review requirements also deprives the institution of important information about the effectiveness of its own drug and alcohol programs. Such failures may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime.

Directives from PRR: GCC was required to take immediate corrective action to resolve the violations identified in this finding. At a minimum, GCC had to:

1. Develop and implement a comprehensive DAAPP that includes all the required elements found in the *DFSCA* and the Department's Part 86 regulations and publishing a materially complete disclosure that summarized the program.
2. Develop procedures for ensuring that the DAAPP program disclosure is distributed to all employees and all students enrolled for academic credit on an annual basis. GCC was required to provide a draft copy of its DAAPP disclosure and new distribution policy with its response to the PRR. Once the materials were approved by the Department, GCC was required to distribute them in accordance with the Part 86 regulations and its new policy, and to provide documentation evidencing that distribution, as well as a statement of certification attesting to the fact that the materials were distributed as required. This certification was also required to affirm that GCC understands all of its *DFSCA* obligations and that it has taken all necessary corrective actions to ensure that these violations do not reoccur.

As noted above, the exceptions identified in this finding constituted serious violations of the *DFSCA* that, by their nature, cannot be cured. There was no way to truly "correct" a violation of this type once it occurred. The institution is being given an opportunity to implement a substantive DAAPP, publish and distribute an accurate and complete DAAPP disclosure, conduct a biennial review, and to otherwise bring operations into compliance with the *DFSCA*, as required by its PPA. However, GCC is advised that these remedial measures cannot and do not diminish the seriousness of these violations, nor did they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

GCC was required to ensure it created a committee and documented its biennial review requirement as soon as possible. GCC had to submit as a response to this finding, a copy of the biennial review report and a copy of the documents described in item #s 1 and 2 above.

Analysis of Determination: The PRR cited GCC for omitting the four required components of the DAAPP in 2020. Thus, the institution failed to develop and implement a complete comprehensive DAAPP and to publish a materially complete disclosure in 2020.

Additionally, GCC's Associate Dean of Technology and Student Services stated that the school had never conducted a biennial review (before the program review) and was unaware of the biennial review requirements or its purpose.

In its official response, dated December 7, 2021, GCC stated that it has developed, and is in the process of implementing, a comprehensive DAAPP. The school named the members of the DAAPP, which included both staff and students. GCC also stated that the members now meet at least once a month to review the ways that the school addresses drug and alcohol abuse concerns on campus, and ensures that moving forward, it will be in compliance with all DAAPP requirements.

GCC also confirmed that it will conduct a comprehensive biennial review to determine the effectiveness of its DAAPP and institutional policies against students and employees found to be in violation. The results of the biennial review and the data findings will be included as a part of the school's DAAPP annual disclosure.

The school provided its draft DAAPP disclosure and stated that it intends to send the disclosure annually to its students and employees, upon receiving the Department's approval. Once the school begins its biennial comprehensive review, it will also include the data findings as a part of the annual disclosure. GCC also provided a copy of its procedures.

Lastly, GCC provided a certification statement, acknowledging that it understands and is committed to fulfilling all DAAPP obligations and is taking all necessary corrective actions and doing so as expediently as possible, to ensure that these violations do not recur.

Finding 4 cited GCC for multiple violations of the DFSCA and the Department's Part 86 Regulations, as outlined in the Noncompliance section above. The Department carefully examined all available information, including GCC's narrative response and its supporting documentation. Based on that review, and GCC's admissions of noncompliance, the violations identified in the original finding are sustained. However, the review team noted that the identified violations were, for the most part, addressed by the actions that GCC took in response to the PRR. The Department also determined that GCC's remedial action plan meets minimum requirements, and for these reasons, has accepted the response, and considers this finding to be closed for the purposes of this program review. Nevertheless, GCC's directors and officials are advised that they must take any additional action that may be needed to address the deficiencies identified by the Department, as well as any other deficiencies or weaknesses that were detected during the preparation of its response and/or as may be otherwise needed to ensure that these violations do not recur.

GCC must continue to work to enhance its DAAPP programming and the methodology that it utilizes to review the effectiveness of its DAAPP, and it must clearly explain the methods and analytical tools that it will use to conduct its future biennial reviews.

Although this finding is now closed, GCC is reminded that the exceptions identified above constitute serious and persistent violations of the DFSCA that, by their nature, cannot be “cured.” There is no way to truly correct violations of this type once they occur. GCC officials must understand that the Department deems compliance with the DFSCA as essential to maintaining a safe and healthy learning environment. This is true for all institutions, regardless of their size, location, or organizational structure. Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus, increased absenteeism, and failure to successfully complete a program of study. The compliance failures identified above deprived GCC and its officials of important information about the effectiveness of any drug and alcohol programs that were in place during the Department’s review period. Such failures may contribute to increased drug and alcohol abuse on-campus, as well as to an increase in drug and alcohol-related violent crime which constitutes a violation of Federal law.

For these reasons, GCC is reminded that corrective measures cannot and do not diminish the seriousness of these violations, nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

D. Summary of Liabilities

The total amount calculated as liability from Finding 1 is as follows:

Finding	Pell Grant	Pell Grant COF	FSEOG	FSEOG COF	Total
1	\$39,747	\$142.67	\$2,125	\$5.72	\$42,020.39
Total	\$39,747	\$142.67	\$2,125	\$5.72	\$42,020.39

E. Payment Instructions

GCC owes **\$42,020** to the Department as a result of the liability established in this program review. This amount includes \$2,125 in FSEOG funds which GCC must return utilizing the FISAP correction process. The total amount owed must be paid back in accordance with the instructions set forth in the following sections. The institution must ensure that the amounts under Instructions (Part A & B) add up to equal the total amount owed as a result of this program review.

Instructions:

Part A: Liabilities that must be paid to the Department's Accounts Receivable and Bank Management Division **\$39,895**.

Part B: Liabilities that must be paid via the FISAP Correction Process **\$2,125**

Liabilities Owed to the Department

This liability must be paid to the Department's Office of Finance and Operations (OFO) Accounts Receivable and Bank Management Division via an electronic transfer of funds through the Treasury Financial Communications System, which is known as FEDWIRE. The Department is unable to accept any other method of payment of these liabilities. GCC must make this transfer within **45 days of the date of this letter**. The FEDWIRE payment must be made via the Federal Reserve Bank in New York. If GCC's bank does not maintain an account at the Federal Reserve Bank, it must use the services of a correspondent bank when making the payments through FEDWIRE. Instructions for completing the electronic fund transfer message format are included on the attached FEDWIRE form.

Refunds of cash made via G5 will not be accepted as payment of this liability. Instead, prior to submitting any payments, the institution must first make any required disbursement adjustments in the Common Origination and Disbursements (COD) system as required by the applicable finding(s) and Section II - Instructions by Title IV, HEA Program (below). Upon receipt of payment the Department will apply the funds to the appropriate accounts and/or G5 award (if applicable). If any discrepancies are identified when completing disbursement adjustments, please contact the reviewer.

The following identification data must be provided for the payment:

Amount: **\$39,895**
DUNS: 778900092
TIN: 980040312
PRCN: 202140930415

Terms of Payment for Liabilities Paid Directly to the Department

As a result of this final determination, the Department has created a receivable for this liability and payment must be received by the Department within **45 days of the date of this letter**. If payment is not received within the 45-day period, interest will accrue in monthly increments from the date of this determination, on the amounts owed to the Department, at the current value of funds rate in effect as established by the Treasury Department, until the date of receipt of the payment. In addition, if this debt is not paid within 90 days, penalties of 6% per year will accrue from the date of this notice until the receipt of payment. If an appeal is not filed or payment is not made by the end of the 45-day appeal period, the Department will refer the debt to Centralized Receivables Service (CRS) for servicing and collection. Continued failure to pay the

liability after notification from CRS may result in costs exceeding 32% on the amount due. If the liability is appealed, interest will continue to accrue while the appeal is pending.

If there are any questions regarding interest accruals or payment credits, contact the Department's Accounts Receivables & Bank Management Division at 202-245-8080 and ask to speak to GCC's account representative.

If the institution has any questions regarding payment of this debt or wishes to request a payment plan within the 45-day appeal period, those inquiries should be sent by email to OCFOAccountsReceivable@ed.gov. Once the debt is referred to CRS, you will receive notification and any further inquiries should be directed to that entity at 855-549-2683. Interest charges and other conditions may apply to any payment plan.

If within 45 days of the date of this letter, GCC has neither made payment in accordance with these instructions nor entered into an arrangement to repay the liability under terms satisfactory to the Department, the Department intends to collect the amount due and payable by administrative offset against payments due GCC from the Federal Government. GCC **may object to the collection by offset only by challenging the existence or amount of the debt.** To challenge the debt, GCC must **timely appeal** this determination under the procedures described in the "Appeal Procedures" section of the cover letter. The Department will use those procedures to consider any objection to offset. **No separate appeal opportunity will be provided.** If a timely appeal is filed, the Department will defer offset until completion of the appeal, unless the Department determines that offset is necessary as provided at 34 C.F.R. § 30.28. This debt may also be referred to the Department of the Treasury for further action as authorized by the Debt Collection Improvement Act of 1996.

Part A – Instructions by Title IV Program

Pell Grant – Closed Award Year

Finding: 1
Appendices: D, E, F

GCC must pay the following Pell Grant liabilities to the Department:

Amount (Principal)	Award Year
\$39,747.00	2020-21

Adjustments in the COD system must be made within 45 days of the date of this letter. The Pell Grant disbursement information for the students is listed in Appendix F. The students identified for this finding was based on information provided by the school, which is included in Appendix D. Appendix E contains the results of the COF calculation.

Therefore, GCC must request extended processing for the Pell Grant program prior to completing the required COD adjustment (see instructions below). A copy of the adjustment to each student's COD record must be uploaded to the COD Document Center within 45 days of the date of this letter. The institution must also include a spreadsheet that summarizes the total amount of disbursement adjustments by program and award year completed in COD. The spreadsheet must include the following columns: OPE ID, Title IV Program, Award Year, Total amount adjusted COD (net amount). If any discrepancies are identified when completing disbursement adjustments, please contact the reviewer as soon as possible.

Adjustments in COD must be completed **prior to remitting payment to the Department**. Payment cannot be accepted via G5. Once the Department receives payment via electronic transfer, the Department will apply the principal payment to the applicable G5 award. The interest will be applied to the general program account.

Requesting Extended Processing for the Pell Grant program

COD adjustments are necessary for the closed award years listed above. Before any student level adjustments can be processed, GCC must immediately request an extension to the established data submission deadline through the COD Web site (cod.ed.gov).

- * Click on the Request Reopen/Extended Processing link under the School menu.
- * On the request screen, the institution should indicate in their explanation that the request is so the school can complete Pell Grant downward disbursement adjustments per the FPRD (you may provide the PRCN in the request screen).
- * The institution will be notified of the extended processing status at the time of the request and will also be notified by an email to the FAA and President when the requested extended processing has been authorized. At that time, the institution must transmit student/borrower level adjustments to COD for the closed award years.

Cost of Funds Liabilities:

Finding: 1
Appendices: D, E F

The COF portion of these liabilities is included in the total amount that must be paid to the Department's Accounts Receivable and Bank Management Division.

Finding	Pell Grant COF	FSEOG COF
1	\$142.67	\$5.72

Part B - Liabilities that must be paid via the FISAP Correction Process

GCC must return **\$2,125** in 2020-21 FSEOG funds utilizing the FISAP correction process. Depending on the results of the FISAP correction process, GCC will be required to return some or all of the liabilities via G5 in accordance with the sixth bullet point of the instructions below:

GCC must make corrections to its FISAP for the 2020-21 award year as follows:

- Log into COD and select the Campus-Based menu option from the School tab. Select 'FISAP' from the left navigation menu, then 'FISAP Dashboard', and select the appropriate FISAP from the drop-down menu. Click 'Edit' and make and save all required changes in the FISAP.
- GCC must also make the corresponding updates to Part VI of the FISAP and confirm the amount of ACA, if any, that must be returned.
- Once all changes have been made and validated, click 'Submit' and complete the process to submit a 'Change Request.' Provide the justification for the changes in the comment box, indicating which Parts were changed and that the changes are a result of an open program review (PRCN: 202140930415).
- GCC's Financial Aid Administrator (FAA) will be notified via email from a member of the Campus-Based Division when the request is approved. Once approved, the FISAP must be resubmitted within 5 business days.
- To confirm the FISAP changes are correct and for any questions about the process, GCC can contact the COD School Relations Center at 1-800-848-0978 prior to submitting the change request. Note that certain changes to the FISAP may result in changes to subsequent FISAPs; the COD School Relations Center can assist in making this determination as well.
- If the recalculation of the school's funding results in an unprocessed deobligation (negative balance) because the school has drawn down its full authorization, return those funds via G5 as instructed in the FISAP change request approval email from the Campus-Based Division. If the school has not drawn down its full authorization, the authorization will be reduced. The amount of ACA that must be returned, if any, will be included in the amount identified in the email.

Proof of the FISAP corrections and payment via G5 for any unprocessed deobligation must be uploaded to the COD Document Center **within 45 days of the date of this letter.**

F. Appendices

Appendix A: Program Review Student Sample

Appendix B: Program Review Report

Appendix C1: GCC's December 7, 2021 Response to the Program Review Report

Appendix C2: GCC's January 7, 2022 Response to the Program Review Report

Appendix C3: GCC's January 17, 2022 Response to the Program Review Report

Appendix C4: GCC's February 18, 2022 Response to the Program Review Report

Appendix D: GCC Finding 1 File Review by School

Appendix E: Finding 1 - Cost of Funds Calculation

Appendix F: Student List for COD Adjustments

Appendix G: FEDWire Form

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX A
Program Review Student Sample

Appendix A (Program Review Student Sample) contains personally identifiable information.
The Department will upload this Appendix to the COD Document Center.

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX B
Program Review Report

Guam Community College

OPE ID: 01536100

PRCN: 202140930415

APPENDIX C1

GCC's December 7, 2021 Response to the Program Review Report

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX C2
GCC's January 7, 2022 Response to the Program Review Report

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX C3
GCC's January 17, 2022 Response to the Program Review Report

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX C4
GCC's February 18, 2022 Response to the Program Review Report

Guam Community College

OPE ID: 01536100

PRCN: 202140930415

APPENDIX D

GCC Finding 1 File Review by School

Guam Community College

OPE ID: 01536100

PRCN: 202140930415

APPENDIX E

Finding 1 – Cost of Funds Calculation

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX F
Student List for COD Adjustments

Appendix F (Student List for COD Adjustments) contains personally identifiable information.
The Department will upload this appendix to the COD Document Center.

Guam Community College
OPE ID: 01536100
PRCN: 202140930415

APPENDIX G
FEDWire Form