



FEB - 3 2016

Dr. Patrick Opatz
Interim President
Century College
3300 Century Avenue North
White Bear Lake, MN 55110-1894

Sent: United Parcel Service
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Dear Dr. Opatz:

In a letter dated December 8, 2015, the U.S. Department of Education (Department) notified Century College (Century) of its intent to fine Century \$10,000 for its failure to comply with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989 (DFSCA) as reflected in 34 C.F.R. Part 86. The proposed fine was based on the findings in a Final Program Review Determination (FPRD) letter issued on September 22, 2015. The FPRD found that Century had failed to comply with the DFSCA and the Department's implementing regulations in 34 C.F.R. § 86.100.

The Department's letter notifying Century of the proposed fine also notified the institution that it could request a hearing or submit written material contesting the proposed fine. Century did not request a hearing, but in a letter dated December 18, 2015, you submitted a written response to the fine notice on Century's behalf and requested that the Department not impose the proposed fine. In your letter, you conceded that Century "had not formally completed and documented a biennial review" as of the time of the program review.

In the December 8, 2015 fine notice, the Department proposed to fine Century a total of \$10,000 based on the finding that Century did not comply with the requirements of the DFSCA and 34 C.F.R. Part 86. The Department proposed to impose a fine of \$10,000 for this violation.

In your letter of December 18, 2015, Century did not contest the finding but raised a number of points and requested that a fine not be imposed. The Department has considered the arguments and facts presented in your letter. This letter provides the Department's final decision on Century's request that the proposed fine not be imposed.

We address each of Century's points below.

1. Century contended that although the college concedes that it had not formally completed and documented a biennial review, college administrators are always assessing and evaluating the efficacy of college policies and programs on an on-going basis even if they are not formally documenting the assessment.

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

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

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The purpose of the DFSCA is to ensure that students and employees have vital information about the drug and alcohol prevention program (DAAPP) at their institution. A DAAPP that has not been tested in a biennial review may be unreliable and not helpful to students and employees. In your December 18, 2015, Century stated that “the college had no reason to believe that its DAAPP had not been effective.” Conversely, Century did not contend or produce any evidence that it had determined that its DAAPP was effective. The purpose of conducting the required biennial review is to better ensure that the institution’s DAAPP is effective. See 34 C.F.R. § 86.100. Since, Century did not produce any evidence that it conducted a biennial review as required by the DFSCA and the Department’s regulations, the fine will be imposed.

2. Century contended that the fine “will negatively impact an already difficult college budget.”

As discussed in our fine letter of December 8, 2015, the Secretary has established the rule that in determining the amount of a fine to be imposed, 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. See In the Matter of Bnai Arugath Habosem, Docket No. 92-131-ST (August 24, 1993). The Department determined that Century is a large institution because the amount of funding it received through the Federal Direct Loan programs, the Federal Pell Grant program, and the Campus-Based programs using the most recent complete year for which data is available (2013-2014) are above the median funding levels for those programs. Century did not challenge that conclusion or the data on which we relied. Century also did not provide any specific information about its alleged budgetary constraints. Therefore, there is no basis for reducing the fine based on the institution’s financial condition.

Final Decision

For the reasons discussed above, the Department affirms the \$10,000 fine proposed in our letter of December 8, 2015 for Century’s failure to conduct a biennial review to evaluate the effectiveness of its DAAPP and to assess the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to drugs and alcohol.

Therefore, Century must pay a total fine of \$10,000.

The \$10,000 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.

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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

Please identify the payment as Bill No. AAA201602018 to ensure proper crediting of your payment account.

If you have any questions about this letter, 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/Program Compliance

cc: Accreditation Matters, CHEA, via chea@chea.org
Amanda Bohnhoff, Minnesota State Colleges & Universities, via
amanda.bohnhoff@so.mnscu.edu