

September 4, 2014: Compliance Meeting Minutes

Present: Danielle Dawson, Kathy Keating (lead), Donna Kragt, Sara Dorer, Todd Hurley, Patti Trepkowski, Mike Ahrendt, Paul Doane, Brian Vliem, Victoria Janowiak, Rebecca Whitman, Danelle Sadore, Jessica Berens, Jennifer Kelly, Deborah Sanders

Absent: Judith Larsen, Jim Peterson, Faye Davis, Eric Williams

Meeting began at 2:00 PM

Next Steps:

1. **Next meetings: February 2015 and September 2015**
2. **Prior to next meeting; Vicky J will bring forward a new Risk Management Policy and Bloodborne Pathogen Policy**
3. **Attendance of adjuncts who participate in mandatory training sessions will be tracked (Jeremy Osborn)**
4. **Initiate communications between Financial Aid and Academics regarding Developmental course requirements and eligibility for financial aid.**
5. **Kathy Keating is available, upon request, to meet with departments regarding compliance obligations.**
6. **Homework: Team members agreed to audit their respective area compliance responsibilities and bring a table of responsibilities and accountable positions to the February meeting. Each Table should show major compliance functions in each area and the person (position) that is accountable for achieving compliance.**
 - **A good resource for Federal compliance obligations can be found at: www.higheredcompliance.org/matrix/**

Overview of Current Compliance concerns reported from departmental representatives:

Print Services (Danelle Sedore): No updates to report

Finance (Todd Hurly):

- Many colleges and universities have recently received Internal Revenue Service (IRS) Notice 972CG proposing penalties for missing or incorrect taxpayer identification numbers (TIN) on Form 1098-T, the information return relating to higher education tuition and related expenses, for 2012. GRCC received the same notice for 2011 and took action to have all penalties waived. GRCC will follow the same process for this 2012 notice.
- Notice 972CG proposes penalties of \$100 for each information return document sent with a missing or incorrect TIN, up to a maximum penalty of \$1,500,000 per year (\$500,000 for organizations with average annual gross receipts of \$5 million or less).
- The recipient has 45 days to respond to Notice 972CG, either by agreeing to pay the full amount of the proposed penalty or by disagreeing with the proposed penalty, in whole or in part, and providing a signed statement explaining the basis for the disagreement, including any supporting documentation.
- Although colleges and universities have been required to file Form 1098-T for more than a decade, this is the second year in which the IRS has proposed penalties for missing or incorrect TINs. The IRS' use of financial penalties for missing or incorrect TINs on Form 1098-T is inappropriate for the following reasons:
 - **No TIN Matching.** Unlike other information return filers such as banks or employers who may use an IRS-approved TIN matching service to verify the TINs reported on information returns, colleges and universities are not permitted to use TIN matching services for filing Form 1098-T. Yet the IRS does have its own internal TIN matching for purposes of verifying Form 1098-T. As a result of this asymmetry of information, colleges and universities are unfairly punished for filing Form 1098-T with missing or incorrect TINs.
 - **Abrupt Change in Enforcement Policy.** Such a significant change in enforcement should have been accompanied by adequate advance notice.

- No Adverse Impact on IRS Tax Administration. The information reported on Form 1098-T is insufficient to enable the IRS to enforce student tax compliance because the information it includes cannot be routinely matched to amounts reported on a taxpayer's return. Consequently, TIN errors on Form 1098-T should not materially affect IRS compliance efforts.
- No Leverage. Colleges and universities cannot compel students to provide accurate TINs because students lack an economic incentive to provide such information. Few schools would find it appropriate to refuse to provide educational services simply because a student did not have or chose not to provide a TIN.
- Those who have received Notice 972CG should respond to the Notice, either by delivering a written request for an extension to the IRS Philadelphia Service Center before the end of the 45-day period or by filing a reasonable cause letter asking for a waiver of the proposed fine, as discussed below. In addition, institutions should engage in a follow-up effort to obtain the TINs from the students identified on the Notice 972CG, and document such efforts for purposes of completing the reasonable cause letter. For example, institutions should issue Forms W-9S to the students identified in Notice 972CG and be sure to date the Forms W-9S after the date of the Notice. GRCC has already completed these actions for the 2012 notice.

Human Resources and Staff Development (Jessica Berens and Jennifer Kelly)

- Affordable Care Act – Cathy Wilson is creating a work instruction that will be posted on HR's webpage summarizing our compliance with PPACA.
- SkillPort has been utilized since last April. Currently CEBA employees are using the software for compliance trainings within their unit. The software has also been rolled out to ESP. New employees are given access to eleven trainings upon hire to complete. Once the list of required compliance trainings and frequency has been approved, Staff Development will implement a process to monitor completion. Our recommendation is that we conduct a phased roll out of compliance trainings each month starting with either Sexual Misconduct or Drug and Alcohol Abuse Prevention Program.

Academics (Patti Trepkowski):

- AGC passed the policy on the Accessibility of Classroom materials – implementation to be completed by Fall, 2015
- Copyright and Universal Design have been incorporated into the Online/Hybrid Certification course and into the Instructional Design Process.
- The HLC accreditation check-up visit was highly successful – no recommendations were made regarding the Federal Compliance items or the HLC criteria.
- Changes to our Credit hour policy are being proposed to AGC to better define Internship experiences and the experience hours necessary to earn a credit.
- Work is continuing to make sure we act on all of the recommendations of the HLC about our Distance Learning Program:
 - The Distance Learning Faculty Advisory Board will be bringing proposals for Student Orientation to Online Learning and Distance Learning Standards to AGC
 - With the standards decided, we will proceed with the Master Course process – helping to meet the requirement for more standardization of the organization of our online courses.
 - Research and benchmarking are being done to inform a plan for the institutional infrastructure to support distance learning and learning technology
- The Ethics training for faculty members is in final development

Risk Management (Vicki Janowiak):

- Working on Risk Management Policy and Blood Borne Pathogen Policy

General Counsel/Title IX (Deb Sanders) and Student Affairs (Sara Dorer):

- Training/Education - We continue to seek methods for delivering the training being required by both Title IX and VAWA.
 - We are required to train all new students and employees as they start, while also providing on-going training programs as well.
 - Employee training will be delivered through Skillport
 - Cabinet will be receiving a second budget request next week regarding student training needs.
 - Communications Department increasing exposure to information regarding sexual misconduct using marketing at events, social media, creating videos, using existing PSAs.
- Revised Policy 6.4 Sexual Misconduct
 - Amended in 2014 to implement changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA)
 - Outlined reporting options for victims and for those receiving the complaint, including recommended steps following any act of sexual misconduct
 - Outlined the institutional response to complaints of sexual misconduct
 - Added a statement that the institution prohibits the crimes of dating violence, domestic violence, non-consensual sexual contact, and stalking, including the definition of these terms in the applicable jurisdiction
 - Added the definition of consent, in reference to sexual activity, in the applicable jurisdiction
 - Outlined prevention programs for ongoing employee and student education including bystander intervention and risk reduction
 - Outlined who are “confidential/privileged employees” for reporting on campus and the reporting requirements for all employees
 - Will have attachment detailing community and GRCC resources
- Recent Legislation
 - April 2014: Not Alone: Report from the White House Task Force to Protect Students from Sexual Assault. Purpose: Identified the scope of the problem on college campuses; intended to help prevent sexual assault, help schools respond effectively when a student is assaulted and improve and make transparent the federal government's enforcement efforts.
 - April 29, 2014: USDOE Questions and Answers on Title IX and Sexual Violence. Extensive guidance on obligations under Title IX to address sexual violence as a form of sexual harassment. Clarifies that gay, lesbian and transgender students are covered by title IX.
 - July 14, 2014: Dear Colleague Letter from Office of Post-Secondary Education Guidance to Institutions regarding their responsibility to comply with section 485 (f) of the Higher Education Act of 1965, as amended by VAWA before final regulations are effective
- Pending Federal Legislation:
 - Introduced July 30, 2014: Sexual Misconduct: Campus Accountability & Safety Act Bipartisan bill to amend the Higher Education Act of 1965 and the Clery Act was introduced by Senator Claire McCaskill (D-MO) and seven other senators. The legislation establishes minimum training standards for campus personnel regarding campus investigations of sexual assaults and requires institutions to designate Confidential Advisors to be responsible for providing guidance and support services to survivors. To increase coordination with outside law enforcement, institutions would be required to enter into memoranda of understanding with local law enforcement agencies to delineate responsibilities and streamline the sharing of information during investigations. Finally, the results of surveys of all students regarding their experience with sexual assault on campus would be published annually, and the Department of Education would be required to publish the names of schools with pending Title IX investigations as well as all final resolutions and voluntary resolution agreements related to Title IX. Institutions that do not comply with Title IX requirements may face penalties of up to one percent of the institution's operating budget, and Clery Act violations may result in penalties of up to \$150,000 per violation.
 - Introduced July 31, 2014: Sexual Misconduct: Survivor Outreach and Support Campus Act

Bill to amend the Higher Education Act of 1965 to support survivors of sexual assault introduced in the U.S. Senate by Senator Barbara Boxer (D-CA). The legislation would require every institution of higher education that receives federal funding to designate an independent advocate for campus sexual assault prevention and response. This advocate would be responsible for ensuring that sexual assault survivors have access to medical care, forensic or evidentiary exams, counseling, guidance on reporting assaults to law enforcement, and information on their legal rights.

- Introduced July 30, 2014: Sexual Misconduct: Hold Accountable and Lend Transparency Act (Nicknamed the HALT Act)
 - Bill includes requiring schools to conduct annual climate surveys, increasing the penalties for offenders who violate existing campus safety laws, and establishing more requirements for colleges to notify students of their rights under the gender equity statute Title IX. The HALT Act would also put greater pressure on the Education Department with regard to its investigations of colleges suspected of violating the law. The HALT Act would require the department to publish a list of institutions under investigation for possible violations of the Clery Act -- something the department currently does not do.

Student Records (Diane Patrick/Bryan Vliem):

- Department of Defense MOU: Covers tuition assistance. GRCC has 10 vets currently who are covered by this new MOU. New obligation; readmit vets called to active duty.

IRP (Donna Kragt):

- IPEDS:
 - * Institutional Characteristics reports and Student Financial Aid forms will now require data on Veterans.
 - * Academic Libraries survey has been added
 - * A new Outcome Measures report has been added for Winter 2015-2016. It will be optional for this year.
- HLC:
 - *The HLC Annual Update was moved from April to October as well as expanded requirements added
 - * The Criteria for Accreditation was updated in June
 - * The AQIP Categories were reduced from nine to six/AQIP process restructured
 - * GRCC will send a team to the Strategy Forum in Sept. All homework has been turned in.
 - * Annual Action Project updates are in progress
- State Reports:
 - * New report on dual enrollment due on November 1st. Part of the Higher Education Appropriations bill.
 - *Capital outlay report due on Sept 19
- Project Win Win:
 - * New project funded by Kresge to encourage completion
- AtD:
 - * We have resigned for another year

IT (Mike Ahrendt):

- We will need to upgrade our BlackBoard Transact system from Payment Card Industry Data Security Standard version 2.1 to version 3. This will be required for the college to process credit cards in various locations at the college. It should be backend technical upgrades that will have minimal impact on those who use RaiderCards.

Financial Aid (Paul Doane):

- Gainful Employment – many reporting and disclosure requirements likely to be reinstated as a result of court decisions
 - Loan repayment rates
 - Placement rates

- Medium loan debt
- On-time completion rates
- 150% maximum on subsidized loans – both two year and certificate programs
 - Loss of interest subsidy when enrollment extends beyond 150%
 - Loss of interest subsidy when moving from associates to certificate program in many cases
 - Additional reporting responsibilities for schools when originating a loan
- Return of Title IV funds – implementation of regulations on module programs not complete
 - Affects fall, winter and summer semesters
 - Determines amount of aid a student who withdraws from classes must return to USED
- Satisfactory Academic Progress standards implemented for certificate programs – Fall 2014
- Ann Isackson and Paul Doane will attend Federal Student Aid Conference in December 2014

Campus Police (Becky Whitman):

- New regulations under Clery. Annual Security Report will change. Sexual Misconduct Policy will change.
- New emergency procedures info being installed across campus (concerns about accessibility to visually impaired)
- Provost's posts will include a digital copy of emergency procedures.