

# Congress of the United States

## Washington, DC 20515

April 5, 2024

The Honorable Sandra Bruce  
Inspector General  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

Dear Inspector General Bruce,

I urge you to investigate the Department of Education (ED) Office of Enforcement's record-setting \$37.7 million fine recently levied against Grand Canyon University (GCU). It appears this fine was the result of political animus and is yet another instance of weaponization of the federal government.

GCU, based in Phoenix, Arizona, is the nation's largest private Christian school, comprised of 25,800 traditional aged students attending on its ground campus and 92,000 mostly working adult students attending online. This incredible enrollment is the result of their innovative approach to higher education and their wide array of programs and degrees.<sup>1</sup> Sadly, their core mission and success have made them a target for the polarized bureaucrats at the Department of Education.

In October 2023, ED's Office of Enforcement fined GCU for an alleged infraction that GCU categorically denies and is appealing. The allegation has already been refuted in federal court,<sup>2</sup> by the Higher Learning Commission in its 2021 comprehensive review<sup>3</sup>, and by the Arizona State Approving Agency of the Department of Veterans Affairs in its just-completed audit.

ED's allegations and subsequent fine are not based on students' complaints—not a single supposedly-harmed "victim" has been identified—but on the Department's own claim that university officials incorrectly marketed the cost to complete GCU's doctoral programs.

In their review, ED selected a random five-year period and claims to have found that less than 2 percent of graduates completed their doctoral degree programs in the defined time period. But ED's findings—again, refuted by federal courts, federal regulators, and state accreditors—do not support the conclusion that GCU misrepresented the costs or time required to complete the degree program. To the contrary, many universities' doctoral programs face similar statistics due to the varying time it takes students to complete a dissertation. Moreover, GCU places a

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<sup>1</sup> Grand Canyon University, *Letter from Congressional Members Crane, Biggs, Lesko, and Gosar*, (Nov 9, 2023), <https://supportgcu.com/letter-from-congressional-members-crane-biggs-lesko-and-gosar/>

<sup>2</sup> *Young v. Grand Canyon University, Inc.*, 57 F.4th 861 (11th Cir. 2023).

<sup>3</sup> GCU News, *Government agencies unjustly targeting GCU*, GCU NEWS (Oct 5, 2023), <https://news.gcu.edu/press-releases/government-agencies-unjustly-targeting-gcu/#:~:text=Most%20importantly%20and%20in%20direct,financial%20information%20presented%20to%20students>

prominent disclosure on its financial calculator alerting students to both the time and cost involved with taking additional courses while completing a dissertation.

Compared to recent fines imposed by the Department for much more serious allegations, this fine was grossly inappropriate. For example, Michigan State University was fined \$4.5 million for a systemic failure to address years of sexual abuse and harassment.<sup>4</sup> Temple University was fined just \$700,000 for lying to U.S. News & World Report for years about its online M.B.A. program to sustain high rankings and attract more students.<sup>5</sup> Given the actual harms committed by these two schools, there's no reasonable explanation for ED's disproportionate punishment of GCU.

ED's actions instead are a direct result of their well-documented disapproval of successful for-profit colleges and their unexplainable opposition to GCU's 2018 conversion from for-profit to non-profit, which was supported by the Internal Revenue Service, the Higher Learning Commission, the State of Arizona, Arizona Private Postsecondary Board, and NCAA Athletics. Since GCU first appealed ED's refusal to recognize their non-profit status in 2021, ED has targeted the university.

The Department of Education appears to be using its unchecked power to inappropriately target GCU. This outrageous fine and the "evidence" supporting ED's allegations must be investigated.

If you have any questions or need additional information, please contact my Legislative Director at 202-225-2635. I look forward to hearing from you on this important matter.

Sincerely,



Andy Biggs  
Member of Congress

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<sup>4</sup> Robin Hattersley, *Education Department Levies Largest-Ever Clery Fine Against MSU Over Mishandling of Nassar Scandal*, CAMPUS SAFETY (Sep 5, 2019), <https://www.campussafetymagazine.com/news/education-department-levies-largest-ever-clery-fine-against-msu-over-mishandling-of-nassar-scandal/>

<sup>5</sup> Scott Jaschik, *Temple Fined \$700,000 in Rankings Scandal*, INSIDE HIGHER ED (Dec 6, 2020), <https://www.insidehighered.com/admissions/article/2020/12/07/education-department-fines-temple-700000-rankings-scandal>