



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202-1177

April 9, 2020

Dear College and University Presidents:

These are unprecedented and challenging times for you, your institutions, and your students. I know you and yourselves grappling with issues you never imagined, and want to assure you we will do our utmost to support you in your missions and to quickly provide the resources and flexibility you need to continue educating your students. That's why we're focused on implementing the Coronavirus Aid, Relief, and Economic Security (CARES) Act quickly and faithfully.

I gave my team a charge as the CARES Act was signed into law: get support to those most in need as quickly as possible. That starts with college students whose lives have been disrupted, many of whom are facing financial hardship and struggling to maintain basic needs.

As you know, the CARES Act provides several different methods for distributing roughly \$14 billion in funds to institutions of higher education. The most significant provision of that funding allocation provides that \$12.56 billion will be distributed to institutions based on student enrollment. Of the amount allocated to each institution, no more than 10 percent must be reserved to provide students with emergency financial aid to help cover expenses related to the disruption of campus operations due to coronavirus. We are prioritizing this funding stream in order to get money in the hands of students in need as quickly as possible.

The CARES Act provides institutions with significant flexibility in determining how to use emergency assistance to students. It also asks the institutions to have a system and process for determining how to allocate these funds, which may include distributing the funds to all students or only to students who demonstrate significant need. The only statutory requirement is that the funds be used to cover expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student's cost of attendance, such as food, housing, course materials, technology, health care, and child care). With that said, I would like to encourage the leadership of institutions to prioritize your students with the greatest need, but at the same time ensure that all students in need are able to access the funds. A point of reference you might consider using is the maximum Federal Pell grant for the 2019-2020 academic year, \$6,195, as that threshold. In addition, if you determine that your institution's students do not have significant financial need at this time, I would ask that you consider giving your allocation to those institutions within your state or region that do have significant need.

In order to access these funds, institutions must complete the Emergency Financial Aid Distribution and Agreement via grants.gov (<https://www.grants.gov/web/grants/applicants/registration.html>) acknowledging the terms and conditions of the funding. After the Department has received the

certificate institutions may be

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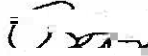
The management

for institutional

institutions

management

Sincerely,



Betsy DeVos

Recipient's Funding Certification and Agreement
Emergency Financial Aid Grants to Students under the Coronavirus Aid, Relief, and
Economic Security (CARES) Act

Section 18004(c) of the CARES Act authorizes the Secretary of Education ("Secretary") to allocate formula grant funds in the amount of \$ 1,571,724.00 to Mercyhurst University ("Recipient").

Section 18004(c) of the CARES Act provides that the Recipient shall use the funds received to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to a coronavirus, including eligible expenses under a student's cost of attendance such as food, housing, course materials, technology, and child care. This Certification and Agreement solely concerns the emergency financial aid grants to students under Section 18004(c) of the CARES Act.

To address the need for financial aid from coronavirus-related expenses and associated hardships, the Secretary issued a Notice "Declaring a National Emergency for Coronavirus-Related Expenses" *Federal Register*, Vol. 85, No. 55 at 103333, which follows:

1. The Secretary will provide ("advanced funds") for the sole and exclusive use of students for their expenses related to the disruption of campus operations due to a coronavirus, such as food, housing, course materials, technology, and child care expenses.
2. Recipient agrees to provide advanced funds directly to students for their advanced tuition, fees, and other expenses due to coronavirus, such as food, housing, course materials, technology, and child care expenses. Recipient shall not use the advanced funds to reimburse itself for any expenses, including but not limited to any costs associated with significant expenses for the suspension of instruction due to the coronavirus and/or any refunds or other benefits that may be available to students.
3. Recipient reaffirms its commitment to maximize the amount of each individual emergency financial aid grant consistent with an applicable law mandating that the Secretary acknowledge that the Secretary's program is the minimum funding for students in appropriate cases, and the Recipient should be required to reach students in particular socioeconomic cases, and the Recipient should be required to reach students in particular socioeconomic cases in the staging and administration of these grants. The Secretary strongly encourages institutions of higher education to use the advanced funds on a case-by-case basis to ensure that the Secretary's program is the minimum funding for students in appropriate cases, and the Recipient should be required to reach students in particular socioeconomic cases on a case-by-case basis to ensure that the Secretary's program is the minimum funding for students in appropriate cases. The Secretary does not intend to use this information to determine aid grants to constitute a significant portion of the total aid available to students.

4. In consideration for the advanced funds and as conditions for the warrants, acknowledges, and

(a) The advanced funds shall be used for grants to students for their personal needs to the extent of or campus operations due to coronavirus, including food, housing, course materials, technology, health care, and child care;

(b) Recipient holds those funds in trust for students and shall comply with respect thereto;

(c) Recipient shall promptly comply with Section 18006 of the CARES Act and report to the Secretary (30) days after the date of this Certification and Agreement and every forty-five (45) days thereafter, the number of students who received the advanced funds, the amount of each grant awarded to each student, how the amount of each grant was determined, or directions given to students about the grants; and (ii) document all of its employees and contractors during the period of any distribution; to the extent practicable, explain the distribution of the advanced funds in accordance with Section 18006 of the CARES Act;

(d) Recipient shall comply with all requirements in Attachment A to this Certification and Agreement;

(e) Recipient shall promptly and to the greatest extent practicable use all the advanced funds in the form of emergency financial aid grants to students in accordance with the Certification and Agreement, and document its efforts to do so as part of the information reported in subsection (c);

(f) Recipient shall cooperate with any examination or investigation of the advanced funds by making records and documents available when requested, whether by the U.S. Department of Education and/or its Inspector General, or (ii) any other federal agency, commission, or department, in the lawful exercise of its jurisdiction and authority; and

(g) Failure to comply with this Certification and Agreement, its terms and all relevant provisions and requirements of the CARES Act or any other law, shall constitute a breach of the Recipient's liability under the False Claims Act, 31 U.S.C. § 3729, and shall constitute a violation of the Government Procurement Regulations of the Department of Education, 34 CFR part 200, to 34 CFR 200.1, as appropriate; and all of the laws and regulations referenced in Attachment A which is incorporated by reference.

RECIPIENT, Dr. Annorzel, Representative of Recipient



CLEAR ID Number

00000309700

DATE

March 13, 2020

Recipient's Funding Certification and Agreement
for the Institutional Formula Grant Program
Formulas Authorized by Section 18004(c)(1) of the Coronavirus Aid, Relief, and
Economic Security (CARES) Act

Section 18004(a)(1) and 18004(b) of the CARES Act, Pub. Law No. 116-136 (March 27, 2020) authorizes the Secretary of Education (Secretary) to allocate formula grant funds in the amount of _____ percent of the amount authorized under Section 18004(a)(1) of the CARES Act to Mercyhurst University (Recipient).

Section 18004(c) of the CARES Act allows Recipient to use the funds received to cover any costs associated with significant changes to instruction due to the coronavirus, so long as such costs do not include payment to contractors for the provision of program enrollment recruitment activities, including marketing and advertising; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship (collectively referred to as "Recipient's Institutional Costs"). Recipient to use the funds to provide emergency financial aid grants to students for course materials, technology, health care, and childcare. This Certification and Agreement solely concerns Recipient's Institutional Costs, as defined above.

To address Recipient's Institutional Costs, and pursuant to the Secretary's authority under the CARES Act and the coronavirus emergency, as stated in Proclamation 8331, 13, 2020, "Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," *Federal Register*, Vol. 35, No. 53 at 15337-38 (hereinafter "Proclamation 8331" or "Emergency"), the Secretary

1. The Secretary is hereby authorizing Recipient to receive funds for Recipient's Institutional Costs under the CARES Act.
2. As a condition for receiving funds for Recipient's Institutional Costs, Recipient have entered into the Funding Certification and Agreement for Emergency Financial Aid to Students under the CARES Act. Recipient may, but is not required to, use funds designated for Recipient's Institutional Costs to provide additional emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus. Recipient may use funds designated for Recipient's Institutional Costs to provide any other financial aid grants to students, then the funds are subject to the requirements in the Funding Certification and Agreement for Emergency Financial Aid Grants to Students under the CARES Act, entered into between Recipient and the Secretary.
3. The Secretary urges Recipient to devote the maximum amount of funds available for emergency financial aid grants to students. Recipient has significant endowment or other resources

at its disposal. The Secretary may, at the discretion of the Secretary, award financial aid grants to students to the maximum extent possible.

4. In consideration for the funds and as conditions for their receipt, Recipient hereby acknowledges, and agrees that:

(a) The funds shall be used solely for the purposes authorized in Section 19004(c) of the CARES Act. In accordance with Section 19004(c) of the CARES Act, Recipient shall not use funds for payment to contractors for the provision of non-essential educational activities, which include marketing and advertising, endowments, or capital outlays associated with facilities related to athletics, historical instruction, or religious worship.

(b) Recipient retains discretion in determining how to allocate and use the funds provided hereunder, provided that funds will be spent only on those costs on a case-by-case basis for concluding such costs have a clear nexus to significant changes to the delivery of instruction due to the coronavirus. It is inadmissible for Recipient to use the funds to reimburse itself for costs related to refunds made to students for housing, food, or other services that Recipient could no longer provide, or for hardware, software, or internet connectivity, that Recipient may have purchased on behalf of students or provided to students.

(c) Consistent with Section 19004(d) of the CARES Act, Recipient agrees not to engage in expenditures that would pay for salaries and wages of employees and contractors during any period of significant disruptions or closures related to the coronavirus. The Department would not consider the following Recipient's institutional costs to be eligible for reimbursement: the salary, or compensation due to the coronavirus, and therefore would not view them as allowable expenditures, as such, administrative and/or executive salaries, benefits, bonuses, commissions, or other payments, including but not limited to, discretionary capital expenditures, or other non-essential expenditures, of an administrator or executive.

(d) Recipient's institutional costs must have been first incurred on or after March 13, 2020, the date of the Presidential Proclamation on National Emergency.

(e) Recipient will comply with all reporting requirements, including those in Section 19011(h)(2) of Division 12 of the CARES Act, and submit required quarterly reports to the Secretary, at such time and in such manner and containing such information as the Secretary may reasonably require. Recipient shall also submit a report to the Secretary, at such time and in such manner and containing such information as the Secretary may reasonably require, demonstrating such compliance with Section 19004(d) regarding the amount of reimbursements to the Recipient for costs related to refunds made to students for housing, food, or other services that Recipient could no longer provide, and for hardware, software, or internet connectivity, that Recipient may have purchased on behalf of students or provided to students. Recipient has in place to ensure that funds were used for allowable purposes and otherwise were in accordance with best management principles.

(f) Recipient shall comply with all requirements in Attachment A to this Confidentiality and Agreement.

(g) Recipient shall promptly arrange for the payment of Institutional Costs by one year from the date of the award of this Grant. Recipient shall make every effort to do so as promptly as possible.

(h) Recipient shall cooperate with any examination of its records requested, whether by the U.S. Department of Education and/or its Inspector General or any other federal authority.

(i) Recipient's failure to comply with the provisions of this Grant shall constitute a violation of law. This Grant is subject to the provisions of the Departmentwide Guidance on Compliance with Requirements of the Department of Education, as amended, and all other regulations of the Department of Education, as amended, incorporated by reference hereto.

RECIPIENT OF THIS GRANT: *Marquette University*
CFED NUMBER: *002287*
DATE: *1/10/04*

Attachment A to Recipient's AHA's Funding Application and Agreements

Recipient assures and certifies in the following:

- Recipient will comply with all applicable assurances in OMB Standard Form 47, 48 and 49 (Assurances for Non-Construction and Construction Programs), including all undertakings relating to the legal authority to apply for assistance, access to records, nondiscrimination, and agreement to comply with all applicable Federal laws, executive orders and regulations.
- With respect to the certification regarding lobbying in Department Form 200-10, no appropriated funds have been used to influence an officer or employee of an employee or subject of an employee in making or renewal of federal grants with programmatic personnel will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as required by 31 CFR 602.82, Appendix B, and 2 CFR part 200, Appendix A, in the award documents for all
- Recipient will comply with the provisions of all applicable laws, regulations and assurances, the following provisions of Education Department General Administrative Regulations (EDGAR) 200-10, 200-11, 200-12, 200-13, 200-14, 200-15, 200-16, 200-17, 200-18, 200-19, and 200-22, the Visual Communications Act of 1994 (39 USC 3025), as amended, and 2 CFR part 200, as adopted and amended as regulations in the Department in 2014, 2015, and the Uniform Administrative Requirements, Grant Policies and Procedures for Federal Awards in 2 CFR part 200, as adopted and amended as regulations in 2014, 2015, and 2016, and 2 CFR part 201.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The OMB control number for this information collection is 1840-0047. 210-9842. The information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering existing data from other sources, gathering additional data, reviewing and collecting the answers, and reviewing the instructions. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Hilary Malawer, 400 Maryland Avenue, SW, Washington, D.C. 20001.



MERCYHURST

UNIVERSITY

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Erie, PA 16590
814-824-2000
www.mercyhurst.edu

May 18, 2020

Dear Student,

As you know, the COVID-19 pandemic has created considerable disruption on campus operations. Many of you have had to leave campus housing, and we have taken a remote instruction approach to ensure the safe delivery of education.

Congress has passed the CARES (Coronavirus Aid, Relief, and Economic Security) Act, which provides relief to Americans affected by the pandemic. The Act includes provisions for higher education institutions whose students are disrupted.

Mercyhurst University is eligible for CARES Act funds to help offset the impact of the pandemic on students with the disruption and unanticipated expenses associated with the pandemic. The Department of Education has announced that these funds are available to eligible institutions under Title IV Federal Financial Aid. At Mercyhurst, we are eligible for these funds because we are a Title IV institution. The CARES Act was enacted, who meet the Title IV eligibility requirements, who are residents of the United States, and who are currently enrolled in a degree program. Mercyhurst is receiving portion of this relief funding.

Your CARES Act funds are provided in the amount of \$1,000,000.

We hope these funds provide relief for the additional expenses incurred due to the pandemic. Moreover, we hope you and your families are safe and healthy.

We wish recently graduated students much success in future endeavors, and we look forward to welcoming all other students back to campus in the near future.

Carpe Diem,

Joseph E. Howard
Vice President for Enrollment

David P. Myron
Vice President for Finance and Administration