

U.S. Department of Education Levies \$14 Million Fine Against Liberty University under the Federal Clery Act

Description

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On March 5, 2024, the U.S. Department of Education (the “Department”) announced that Liberty University (“Liberty”) has agreed to pay a fine of \$14 million for material and ongoing violations of the Federal Clery Act. This fine, which was imposed by the Department’s Office of Federal Student Aid (“FSA”), is the largest ever levied under the Act.

The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics. The Act requires colleges and universities that receive federal funding to release a public Annual Security Report (an “ASR”) to employees and students that includes statistics of campus crime for the preceding three calendar years. The ASR must also contain policy statements regarding crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.

In Liberty’s case, the Department found numerous incidents of misclassification or underreporting of campus crimes, particularly in connection with sexually based offenses. Federal investigators uncovered cases in which Liberty’s investigators either mishandled or failed to properly investigate claims. These findings included lack of administrative capability, inaccurate and incomplete information disclosures, failure to comply with the Violence Against Women Act Requirements, and failure to issue emergency notifications and timely warnings in accordance with federal regulations.

Liberty’s case is a cautionary tale to all colleges and universities receiving federal funding from the FSA. These entities should closely monitor their compliance with the Clery Act requirements and ensure that their campus crime reporting systems are timely and accurate. The Clery Act outlines five core requirements for compliance. At minimum, colleges and universities must ensure that they i) report annual crime statistics to the Department; ii) maintain emergency response programs to notify the community of emergencies and issue warnings of threats; iii) maintain a daily crime log and fire log; iv) implement and disclose policies and procedures relating to sexual assault, dating and domestic violence, and stalking; and v) provide training to all campus security authorities.

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