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Is the Clery Act on Life Support? Questions & Answers with NACCOP

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The fate of the U.S. Department of Education (ED) has been the subject of much discussion lately in the popular and educational press, and for good reason. Elimination of the Education Department was a frequent talking point on the campaign trail ahead of the 2024 Presidential election. When Linda McMahon was confirmed to be the next Secretary of Education, she [pledged](#) to lead the Department on a “momentous final mission” to eliminate “bureaucratic bloat” within the agency, something she characterized as an “historic overhaul of a federal agency.”

Yesterday, following weeks of anticipation, President Trump signed an [Executive Order](#) that directs the Education Secretary “to the maximum extent appropriate and permitted by law, [to] take all necessary steps to facilitate the closure of the Department of Education.” However, as has widely been reported (and acknowledged by the [Trump Administration](#)), an Executive Branch does not have the authority to close the Department – that would require Congressional action.

Prior to yesterday’s Executive Order, ED initiated a [reduction in force](#) (RIF) that impacted nearly 50% of the agency’s workforce. The Executive Order and RIF have heightened concerns among various stakeholders, including postsecondary institution administrators, about the Department’s ability to meet its responsibilities, and broader concerns about the future of the agency’s existence. Those who work in the Clery space have been wondering: What does this mean for the Clery Act? Is it going away?

In a word, no. Earlier this month, in a keynote address delivered at the Stetson University’s National Conference on Higher Education Law & Policy, Jim Moore (Senior Advisor for Clery Act Compliance and Campus Safety Operations at the U.S. Department of Education) opened his talk by assuring attendees that the Clery Act isn’t going anywhere. Enshrined in statute (at [20 USC 1092\(f\)](#)), only Congress could repeal the Clery Act, an improbable outcome given Congress’s recent *expansion* of the Clery Act via the bipartisan passage of the [Stop Campus Hazing Act](#) (SCHA) in December 2024.

“Well, what about enforcement? Is there anyone left to monitor and enforce compliance with the Clery Act?” Yes! It is NACCOP’s understanding that the Education Department’s Clery Group has not been impacted by the RIF, and while some regional offices who conduct program reviews have been impacted, Acting Undersecretary James Bergeron wrote a [letter](#) to institutions of higher education to assure the regulated community “that continuity of operations for Federal Student Aid (FSA) is both a statutory and critical function of the Department.” He continued by saying “Although certain regional offices and staff that handle matters impacting institutions of higher education...were impacted by the RIF, these important functions are being transferred to other offices and experts.”

As the impact of the Executive Order and RIF come into clearer focus in the coming months, we encourage you to remain focused on working to realize the Clery Act’s transparency and safety goals. Plainly, now is not the time to take your foot off the gas pedal, especially with a phased implementation of the new Clery Act requirements stemming from the SCHA.

Remember – your institution’s president, chief executive officer, or chancellor signed a Program Participation Agreement (PPA) with ED that conditions your institution’s continued eligibility to participate in federal financial assistance programs authorized under Title IV of the Higher Education Act on continued compliance with the Clery Act (see the bottom of page 2 of this [PPA](#)). Program reviews, including campus safety program reviews conducted by the Clery Group, will continue in accordance with Federal law, which implores “...the Secretary...[to] provide for the conduct of program reviews on a



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systematic basis designed to include all institutions of higher education participating in programs authorized by this subchapter” [20 U.S.C. 1099c-1\(a\)](#).

In other words, don't let what's happening inside the beltway derail you from the important work you do to keep your campuses safe and compliant. You can be assured that NACCOP will continue to keep our members informed about any pertinent developments in the coming weeks and months. In the meantime, we invite you to [join us](#) for a free, members-only webinar “Questions and Answers with the U.S. Department of Education” on Thursday March 27, 2025 from 2:00 pm – 3:30 pm ET. This webinar will provide our members with an opportunity to hear directly from Jim Moore on the latest agency developments and its impact on institutions of higher education and enforcement efforts, and we anticipate discussing many of the questions we've received from our members concerning the SCHAs requirements. We hope you will be part of this important discussion!

About NACCOP

The National Association of Clery Compliance Officers and Professionals (NACCOP) provides a professional association for Clery Compliance Officers and Professionals to collaborate with each other, share resources and best practices. Members are also offered opportunities to participate in professional development engagements which support colleges and universities in their efforts to comply with the Clery Act. NACCOP delivers members with resources to enhance their knowledge of the Clery Act by offering education and training opportunities for the employees who are acting as Clery Compliance Officers on college and university campuses as well as information about Clery related news and legislative updates. For more information, or to join NACCOP, visit www.naccop.org.

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