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**NEWS RELEASE: UC Berkley to Pay \$2,350,000 Fine and
Participate in 2-Year Post-Review Monitoring Program for Clery Act Violations**

September 11, 2020

Yesterday, the Chancellor of the University of California, Berkeley [announced](#) that the University entered into a [Settlement Agreement](#) with the U.S. Department of Education to resolve issues arising out of the Department's Campus Crime Program Review. Under the terms of the settlement, UC Berkeley agreed to pay a \$2,350,000 fine and participate in a Post-Review Monitoring program in lieu of further administrative action that could have been initiated by the Department.

The program review began in 2014 following a complaint submitted to the Department by several UC Berkeley students. A 94-page Final Program Review Determination (FPRD) issued on September 17, 2019, detailed numerous and substantive findings of noncompliance, including:

- Finding #1: Lack of Administrative Capability
- Finding #2: Failure to Issue Emergency Notifications
- Finding #3: Failure to Comply with the University's Sexual Violence Policies and Procedures
- Finding #4: Failure to Comply with Daily Crime Log Requirements
- Finding #5: Failure to Issue Timely Warnings in Accordance with Federal Regulations
- Finding #6: Failure to Disclose Accurate and Complete Hate Crime Statistics
- Finding #7: Failure to Compile and Disclose Accurate and Complete Crime Statistics
- Finding #8: Reporting Discrepancies between Crime Statistics Published in the ASR and Data Submitted to the Crime Statistics Database
- Finding #9: Failure to Produce and Distribute the ASR in Accordance with Federal Regulations
- Finding #10: Omitted and/or Inadequate ASR and AFSR Information Disclosures
- Finding #11: Failure to Distribute the Annual Fire Safety Report in Accordance with Federal Regulations

In an appendix that outlined conditions of Post-Review Monitoring and some of the University's extensive remedial efforts, the Department noted that "the University has committed to fully addressing all such violations and other areas of concern. The Department is equally committed to assisting the University's efforts and will provide appropriate advice and oversight."

The fine at UC Berkley is the 3rd largest fine imposed for violations of the Clery Act. UC Berkley is the 3rd institution fined *at least* \$1,000,000 for Clery Act violations since September 2019. The other two institutions, Michigan State University (\$4,500,000) and the University of North Carolina, Chapel Hill (\$1,500,000) also agreed to settle their program reviews with the Department and participate in extensive Post-Review Monitoring programs.

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.