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NEWS RELEASE: U.S. Department of Education Increases Maximum Fine to \$59,017 Per Violation

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Tomorrow, the U.S. Department of Education is scheduled to publish final regulations in the Federal Register (available at: www.federalregister.gov/d/2021-02231). The regulations concern the inflation-adjusted amount of Civil Monetary Penalties (CMP) that can be imposed for violations of the Clery Act and the Drug-Free Schools and Communities Act (DFSCA).

As discussed in a press release NACCOP distributed in May of 2017, which is accessible [here](#), the maximum CMP must be adjusted each year for inflation, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. Under the 2020 regulations, which were effective for civil penalties imposed on or assessed after January 14, 2020, whose associated violations occurred after November 2, 2015, the maximum CMP that could be imposed was \$58,328.

Moving forward, and in accordance with the 2021 regulations scheduled for publication tomorrow, the penalty amounts are being adjusted up based on the multiplier of 1.01182 provided in OMB Memorandum No. M-21-10. The new amount that can be imposed for noncompliance with the Clery Act and the Drug-Free Schools and Communities Act is \$59,017 (an increase of \$689 above the 2020 adjustment).

The adjusted CMPs established by these regulations are applicable only to civil penalties assessed after February 3, 2021 (the date the final regulations will be published in the Federal Register), whose associated violations occurred after November 2, 2015. NACCOP members are reminded that any fines imposed for violations of the Clery Act and/or DFSCA will be a function of when the violation occurred and when the fine is assessed, based on the maximum CMP in effect at the time based on that combination of factors.

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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