


# Clery Act – Fines Assessed Against UNK Serve As A Warning To Colleges And Universities

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Most colleges and universities are aware of their obligations under the Clery Act to prepare, publish and distribute an Annual Security Report (ASR) which includes crime statistics for the prior three years; and to report these crime statistics to the U.S. Department of Education. However, many institutions may not be aware of the harsh penalties that can result if they fail to comply with all of the statutory and regulatory requirements of the Act.

In July 2014, the Department fined the University of Nebraska at Kearney (UNK) $65,000 for violations of the Clery Act, stemming from an on-site compliance review conducted in 2010. The Department's review consisted of an examination of UNK's police incident reports, arrest records, and disciplinary files and a review of the institution's policies and procedures related to the Act. The review also included a comparison of the crime statistics submitted by UNK to the Department and those reported in the ASR. The Department found that UNK's 2009 ASR: did not provide an accurate geographic breakdown of crime statistics based on where the crime had occurred; did not properly report the number of liquor, drug and illegal weapons violations; did not indicate whether the violation had resulted in an arrest or a referral; and was not properly distributed to prospective employees and prospective graduate students. In addition, the Department determined that UNK had improperly omitted one incident from its crime statistics by improperly categorizing it as a larceny—which is not included in Clery statistics—rather than a burglary.
**Client Tip**: *The severity of the fine lodged against UNK serves a reminder to colleges and universities to remain vigilant in their compliance with the Clery Act's reporting obligations. To this end, institutions should be aware of their new obligation under the Act to report statistics for incidents of domestic violence, dating violence, sexual assault and stalking and to include certain policies, procedures and programs pertaining to these incidents in their ASRs that must be issued by October 1, 2014.*

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