

September 10, 2020

Dear Campus Community,

The U.S. Department of Education has completed its six-year review of campus compliance with the Clery Act. The review involved an assessment of campus crime statistics, policies and procedures regarding campus safety and crime prevention in place from 2009-2016.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

We wholeheartedly agree that students and employees are entitled to accurate and honest information about the realities of crime and other threats to their personal safety and the security of their property. UC Berkeley has been and remains committed to complying with the Clery Act's many technical requirements and campus safety objectives. It is always our goal, as a university, to strive for excellence.

Ensuring perfect compliance in one of the busiest campus law enforcement agencies in the country is a challenge. During a review of five years of university records, approximately 32,000 records were examined and of those 1,125 incidents were misclassified. Of those, 87 percent or 982 were cases involving the misclassification of disciplinary referrals for liquor, drug, and weapons violations. The campus referred students to the appropriate campus office for disciplinary proceedings, but wrongly classified the case for Clery purposes, indicating it was only a campus policy violation rather than a law violation. For instance, many of the cases involved minors in possession of alcohol in residence halls, which were initially classified as policy violations, and later included as law violations as well.

Other findings involved a range of issues including compliance with Daily Crime Log requirements, compilation and disclosure of various crime statistics, failure to issue the Annual Security and Fire Safety Report each year under the exacting standards required, and failure to issue an emergency notification or timely warning for certain matters.

We acknowledge that we made many administrative errors in the past, but we have taken aggressive steps toward improvement. Since 2014, the university has made significant improvements to its processes and policies. We added additional layers of review to ensure accuracy in administrative record keeping. We improved our technology systems, timely warning and emergency notification policies, and sexual misconduct policies and procedures. The campus invested in additional staffing to support Clery Act compliance, including a new Campus Clery Coordinator, Abigail Ogden, who is leading the effort to improve Clery Act compliance in collaboration with campus partners.

Although the issues raised in the audit have been addressed, the Department of Education has discretion to fine institutions for each misclassification or violation. To bring this review to a close, the university and federal authorities reached a settlement agreement under which the campus will pay \$2.35 million to the Department and remain under a two-year monitoring agreement.

The Department of Education's formal review period ended in September 2019 when it issued a Final Program Review Determination. Settlement discussions were launched thereafter. Learn more about the review and our improvement efforts here.

We appreciate the Department of Education's recognition that UC Berkeley has addressed all organizational impairments and strengthened its Clery Act compliance program. We also want to thank the campus professionals who have worked diligently over the years to make improvements to our systems and processes and to engage experts to strengthen our Clery Compliance program.

The health and safety of our campus community remains our top priority and we are committed to ongoing efforts to strengthen our Clery Act compliance program.

Sincerely,

Carol Christ, Chancellor

Marc Fisher, Vice Chancellor, Administration

This message was sent to all UC Berkeley faculty, staff and students.