

October 4, 2023

Southern Association of Colleges
and Schools Commission on Colleges
1866 Southern Lane
Decatur, GA 30033-4097

SACSCOC Board of Trustees,

To uphold the integrity of the accreditation process, based on recent reporting in the national media and court filings:

Liberty University's Southern Association of Colleges and Schools Commission on Colleges' **Accreditation should immediately be sanctioned** and placed on **Probation**.

Discussion:

The SACSCOC requires *that a member institution be in compliance with the Principles of Accreditation and comply with the SACSCOC policies and procedures* otherwise, they risk probation and SACSCOC membership. The Department of Education's Clery Act Program Review of Liberty University, written extensively in the national media, details egregious violations and evidence of Liberty University and its Board of Trustees violating multiple SACSCOC's *Principles of Accreditation*. Further, as evidenced in Liberty University's IRS Form 990 public filings for fiscal years 2020-2022 and the Former President's court filings, Liberty University's administration, oversight, and actions conflict with the SACSCOC *Mission and Principles of Accreditation*.

As a result of a lack of integrity, disregard for its mission, administrative incapability and deliberate indifference to student, faculty, and staff health and safety, disregard for federal law and SACSCOC membership principles, Liberty University's SACSCOC accreditation should be put on probation until Liberty University adequately addresses these deficiencies. SACSCOC accreditation signifies that an *institution meets the established standard of educational quality and effectiveness to address the needs of society and students*. Liberty University has failed to demonstrate it provides the resources, programs, and services sufficient to accomplish the mission of Liberty University and the privilege of SACSCOC membership. Liberty University is enjoying the benefits granted to institutions that establish and maintain the principles of Accreditation despite the well-documented egregious violations. Allowing Liberty University to maintain its SACSCOC accreditation considering these public revelations, undermines the credibility of the SACSCOC and SACSCOC accreditation for the other institutions who act with integrity and those boards who provide effective and ethical leadership.

Liberty University is in egregious violation of SACSCOC Sections 1, 2, 4, 5, 12, and 13. The most reprehensible of Liberty University's violation is Sections 1, 2, 12, and 13.

SACSCOC Section 1 states, *the institution operates with integrity in all matters*. The Department of Education program review report widely published in the national media details only a narrow investigation during a 5-year period in which Liberty University failed to act with integrity. Liberty University receives nearly \$900,000,000 annually in financial aid. Still, it fails to deliver educational programs consistent with its espoused mission, protect students, faculty, and staff, and exhibits unashamed disregard for federal law. According to the Washington Post, S. Daniel Carter, a campus safety consultant and victims advocate, said a Clery Act program review **“is the most serious campus-safety-related investigation any institution of higher education is ever going to face.”** Carter goes on to say a Clery Act investigation is “Very rare. Reserved for the most serious of circumstances.” Carter says, **“This is the most blistering Clery report I have ever read. Ever,”** and **“I cannot think of a single other comparable case in the entire 32-year history of the Clery Act.”** Liberty University responded that some of the information is false, it was in good faith discussions with the Department of Education, and they prioritize the safety and security of every student without exception. Yet, Carter said, **“The department does not appear to be convinced that they are willing to continue to do everything that is expected of them.”** Perhaps this is because Liberty University has been found to have violated the Clery Act in 2010, yet did not take the Department of Education or the safety of women seriously or that while it is customary for universities to send requested board meetings with minimal redactions, Liberty University sent the department **“copies of minutes that were redacted in their entirety...A former President of the University, who himself is an attorney, conveyed to the review team that most of the dialogue that took place and records shared during these meetings did not involve privileged communications.”** Obviously, Liberty University has not operated with integrity.

SACSCOC Section 2 *Mission*, requires the academic institution to have a *clearly defined and comprehensive mission guides the public’s perception of the institution. It conveys a sense of the institution’s uniqueness and identifies the qualities, characteristics, and values that define its role and distinctiveness within the diverse higher education community. Fundamental to the structure of an institution’s effectiveness, the mission reflects a clear understanding of the institution by its governing board, administration, faculty, students, staff, and all constituents*. Liberty University espouses a mission to train *Champions for Christ*, boasting that Liberty University *develops Christ-centered men and women with the values, knowledge, and skills essential to impact the world*. Christians worldwide have taken Liberty University's word, investing their resources and faith in the institution, only to be woefully deceived. An institution that brazenly disregards student safety and well-being at the expense of profit and reputation and resolutely disregards federal law cannot develop persons with value, knowledge, and skill. It is a public concern that Liberty University holds the privilege of SACSCOC accreditation given Liberty University’s flagrant, deliberate indifference towards women, sexual assault, Title IV legal compliance, Title IX legal compliance, and conflicts of interest. Liberty University has deceived its constituents, espousing a mission to develop Christ-centered men and women, but instead prioritizes profits over student safety. Parents and students have been betrayed.

SACSCOC Section 12 states, *the institution provides appropriate academic and student support programs, services, and activities consistent with its mission*. Furthermore, Section 12 states, *an effective institution has policies and procedures that support a stimulating and safe learning environment*. The atrocious violations identified in the Clery program review and the extended history of Liberty University's deliberate indifference towards women who have been victims of violence demonstrates that Liberty University requires external pressure to force them to operate a learning environment that is consistent with federal law, SACSCOC accreditation, and their 'espoused values.' Liberty University's institutional contempt for sexual-based violence against women can be demonstrated in how they allocate resources and routinely protect and promote faculty and staff with well-established histories of demeaning sexual violence. This apathy and disregard for female safety were further demonstrated by the retention of the former Dean of Students who, while the Dean of Students, gave a student employee in his office a date rape drug in 2013. This terrified young girl awoke to the Dean kissing her— this person is still employed at Liberty University. While University President Costin offers, "Liberty University has established a strong, sustainable, and legally compliant Clery Act program that prioritizes compliance, transparency, and the safety and security of our entire campus without exception."

SACSCOC Section 12.4 *requires the institution (a) publishes appropriate and clear procedures for addressing written student complaints, (b) demonstrates that it follows the procedures when resolving them, and (c) maintains a record of student complaints that can be accessed upon request by SACSCOC*. With its very limited scope, the Department of Education's Clery report found that the current Executive Vice President for Human Resources purposely destroyed records in a federal investigation. In addition to the destruction of evidence in a federal investigation being felony activity, these records are required to assess how Liberty University addressed the complaints of violent sexual assault by Liberty University faculty and employees. The report by the Department of Education only details less than 100 unreported acts of violence. Still, we are hopeful a more comprehensive review by the Department of Education Office of Civil Rights will highlight the systemic underreporting resulting from Liberty University's broken Title IX office. Since it has been widely reported in the national media that the Department of Education indicated the Vice President of Human Resources destroyed evidence during a federal investigation, does SACSCOC believe that Liberty University keeps an accurate record of student complaints, let alone could produce student complaints upon SACSCOC review? It is undeniable that Liberty University requires external pressure to provide a safe learning environment. Although Title IX complaints continue to be filed, based on the Department of Education report, Liberty University could not provide basic documentation and destroy records; an inquiry by the Department of Education's Office of Civil Rights will not be able to find any record of these complaints.

SACSCOC Section 13 states the *institution has sound financial resources and a demonstrated, stable financial base to support the mission of the institution and the scope of its programs and services* and that, *the general public, governmental entities, and current/prospective students expect the financial and physical resources necessary to sustain and fulfill the institution's mission*. Further, SACSCOS requires that the *institution (a) is in compliance with its program*

responsibilities under Title IV of the most recent Higher Education Act as amended and (b) audits financial aid programs as required by federal and state regulations. In reviewing the institution's compliance with these program responsibilities under Title IV, SACSCOC relies on documentation the U.S. Department of Education forwarded to it. (Federal and state responsibilities). Liberty University has an extravagance of financial resources yet deliberately disregards allocating sufficient resources to protect its students, faculty, and staff. **Liberty University has a \$1.4 billion annual operating budget and reportedly receives more than \$900,000,000 annually in Federal Student Aid.** Still, it fails to meet and maintain sufficient services (campus safety and other areas under the Department of Education Clery Act).

The Department of Education's report demonstrates Liberty University has exhibited long-term and ongoing *deliberate indifference* towards physical safety and, with prejudice, has demonstrated contempt for the Violence Against Women Act. The Department of Education report provided to Liberty University on May 1, 2023, and discussed in multiple national media outlets details hundreds of atrocious violations in a 5-year period of a narrowly defined law designed to promote a safe learning environment and protect students from sexually based violence. The most troubling determination by the Department of Education is that Liberty University does not have the administrative capacity to administer a safe campus. To reframe this, **Liberty University, with an annual operating budget of more than \$1.4 Billion receiving more than \$900,000,000 annually in Title IV-approved student aid, LACKS THE ADMINISTRATIVE CAPACITY to adhere to Federal Law.** This determination and the other 11 categories that Liberty University violated can most accurately be explained by Liberty University's long-term and ongoing *deliberate indifference*. Liberty University's recalcitrant approach to administering Title IV and Title IX and failure to protect whistle-blowers warrants further oversight by the Department of Education Office of Civil Rights and the SACSCOC Board of Trustees. The SACSCOC Board of Trustees may even find that on the advice of Liberty University's General Council David Corry, the University has contempt for both the Title IV and Title IX laws.

Liberty University fails to adhere to SACSCOC Sections 4 and 5, which is undoubtedly the root of the other SACSCOC violations presented. SACSCOC Section 4.1c states *the institution ensures that both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, personal, or familial financial interest in the institution.* It appears Liberty University Board of Trustees members have a conflict of interest by the published 2020-2022 IRS Form 990s.

SACSCOC Section 4.1d states the institution has a governing board of at least five members that ensures it is not controlled by a minority of board members or by organizations or institutions separate from it. The Liberty University's Executive Committee of the Board of Trustees controls the flow of information and makes most decisions without consultation or input from the full board. For instance, it has been reported that the Department of Education Clery report detailing Liberty University's gross discrepancies was only accessible by the executive committee at the direction of the General Council, David Corry. This is only one tangible

example, but demonstrates how the Executive Committee limits the university's governance to a small cliché of operators.

SACSCOC Section 5.2 states the chief executive officer has ultimate responsibility for, and exercises appropriate control over the institution's educational, administrative, and fiscal programs and services. The Liberty University Board of Trustees Executive Committee also has limited the decision-making authority of the New President. For instance according to the Former President's court filings, the Board of Trustees has limited the CEO's ability to make financial decisions since 2020, including vendors and speakers who are paid honorariums.

Without exceptional evidence to the contrary, SACSCOC may conclude Liberty University, as it is currently operated by a minority cliché of the Board of Trustees, headed by a New CEO who has had his authorities curtailed in such a way to allow the Liberty University Board of Trustees to individually profit financially in a manner that brings into question the integrity and conflicts of interest between the Trustees and the University.

In the last 40 years, the scope, scale, and reach of Liberty University has grown from a niche bible school into becoming a division I nationally recognized school boasting 130,000 students. It is apparent that Liberty University has deviated from the original mission Dr. Jerry Falwell envisioned. They are unwilling to demonstrate accountability and accept responsibility for the problems and mistakes they have made during this exponential growth. The Board of Trustees comprises 32 "faith leaders" with no experience operating an education institution and seems primarily concerned with reputation and financial enrichment.

Jane Doe #15, Sarah Mays, was gang raped by 5 men 22 years ago in a parking lot that Liberty University owns. Liberty University's behavior towards her was reprehensible by Western standards and unrecognizable through the lens of Liberty University's stated mission. The university and community seemed primarily concerned with their reputation and not student safety or the well-being of a rape survivor.

Fourteen years later, Jane Doe #20, Helen Wood, was raped by a serial rapist. The rapist was known to Liberty University as a repeat offender. She was similarly treated with *deliberate indifference* and the same callous disregard for the safety of young women attending Liberty University

In both cases, Liberty University did not even keep records! Liberty University did not conduct an investigation, which may have prevented sexual crime from being committed. As evidenced by reports of Lynchburg Police detectives referencing other young women who were raped with similar circumstances in adjacent locations as Jane Doe #15.

Liberty University is expected to be fined by the Department of Education for hundreds of Clery Act violations in a 5-year period. The Clery Act is a small subset of the issues that the Title IX Law was designed to address. The Board of Trustees Executive Committee has known about these violations since May 2023 – Dondi Costin would have known about these violations and

this report since at least July 2023. **Dondi Costin, nor the Executive Committee have taken actions to address the problems highlighted in the report meaningfully.** For example, the report details how the former Dean of Students is still employed as the head of the Student Health Center after being reported to have given a student a date rape drug. The former Dean of Students continues to enjoy a position of authority over female staff and students. Additionally, the Vice President for Human Resources feloniously destroyed evidence in a federal investigation. Yet, still holds the highest Human Resources position at Liberty University.

Under the “Liberty Way,” the university would have sanctioned or dismissed a student for misconduct in each case. Still, at Liberty University, faculty are not held accountable but instead promoted to positions of authority. At the same time, President Costin oversees Title IX non-investigations and furthers Liberty University’s practice of private deliberate indifference and public “Christian concern.” President Costin’s interview with ABC13 in August 2023, where he boasted about the improvements in the Title IX Office, while they still are not documenting complainants and not conducting even the most basic elements of an investigation before dismissing complaints, was done to charade Liberty University’s deliberate indifference.

Liberty University’s Board of Trustees has demonstrated for more than 20 years their deliberate indifference; based on recent reports in court filings, the board members seem more concerned with their individual personal financial interests than they are with providing appropriate oversight to Liberty University.

The long history of non-compliance, the report by the Department of Education’s Clery Group identifying hundreds of violations in a short period, the finding that Liberty University lacks institutional ability to administer campus safety, and statements during an August interview with ABC News by President Costin, illuminate the fact that Liberty University is unwilling or unable to correct this problem without external pressure. We are asking the Department of Education to open a Title IX program review at Liberty University and asking the accreditation agencies to review Liberty University’s status considering this new evidence.

Further, based on what we have found about the conduct of Liberty University’s Board of Trustees, particularly regarding the Executive Board Members’ financial dealings and cliché governing body – we believe Liberty University’s Board of Trustees is not complying with the principles of SACSCOC accreditation. SACSCOC – Section 1, the *institution operates with integrity in all matters*. We suggest that if Liberty University were operating with integrity in all matters, the Department of Education would not have been able to cite hundreds of violations in a single narrowly focused program review. The former president could not provide multiple examples of questionable financial dealings related to the board members in the public legal filings. This questionable financial self-enrichment also appears to violate SACSCOC Section 4.1.c (ensures that both the presiding officer of the board and a majority of other board voting members are free of any contractual, employment, personal, or familial financial interest in the institution.) and Section 4.2.d (the Board defines and addresses potential conflicts of interest for its members. - *Conflict of interest*).

The executive committee controls the flow of information and makes the majority of decisions without consultation or inputs from the full board of trustees. This violates SACS Section 4.1.d (*is not controlled by a minority of board members or by organizations or institutions separate from it.*). Examples include the Liberty University Executive Committee receiving the Department of Education's Clery Act Program Review Report on May 1, 2023, yet there are reports the full board still has not received this report. The executive committee also has limited the decision-making authority of the New President in a way that violates SACS Section 5.2.

Liberty University is obviously operating contrary to the SACSCOC Principles of Accreditation. Liberty University is clearly not operating with integrity (section 1,); Liberty University is not operating in manner that is consistent with its public mission (section 2), but rather it is operating in a manner designed to personally enrich certain members of the Board of Trustees; Liberty University Board of Trustees is in a manner that creates the perception real or otherwise that the board is operated by a minority cliché of the Trustees, that the Trustees have financial and commercial interest in the operation of the university (section 4); Liberty University's Board of Trustees have limited the CEO's administrative, and fiscal programs authorities (section 5); and in Department of Education Clery Group report that concluded in the spring of 2023, Liberty University was cited for hundreds of violations of a narrow defined Title IV program designed to promote campus safety and protect the university community from sexual based crimes – the Department of Education determined that despite an annual operating budget of \$1.4 billion dollars Liberty University lacks the Administrative ability to comply with the Title IV law (Section 12.4, Section 13.6 & Section 13.8).

Liberty University, as it is currently operated, should be immediately sanctioned and placed on probation. The multiple flagrant violations represent contempt and deliberate indifference towards young women, safe campuses, and other universities that adhere to the letter and spirit of the law and SACSCOC accreditation principles.

Sincerely,

Sign the Petition
SACSCOC Constituents

Links:

Liberty University broke safety laws for years, government asserts
<https://www.washingtonpost.com/education/2023/10/03/liberty-university-clery-act/>

Liberty University Inc IRS Form 990, for fiscal year ending June 2022

<https://projects.propublica.org/nonprofits/organizations/540946734/202321359349308877/full>

Liberty University Inc IRS Form 990, for fiscal year ending June 2021

<https://projects.propublica.org/nonprofits/organizations/540946734/202241369349311344/full>

Liberty University Inc IRS Form 990, for fiscal year ending June 2020

<https://projects.propublica.org/nonprofits/organizations/540946734/202121379349306227/full>