

WHAT PATTERNS OR ANOMALIES DEVELOP AMONG THE INSTITUTIONAL
CHARACTERISTICS OF COLLEGES AND UNIVERSITIES THAT HAVE SIGNED A
TITLE IX SEXUAL ASSAULT AND HARASSMENT RESOLUTION AGREEMENT WITH
THE OCR?

BY

PAUL BRAYMAN

BA History, University of Rhode Island, 2004

MAT Secondary Education, Sacred Heart University, 2006

DISSERTATION

Submitted to New England College in Partial Fulfillment
of Requirements for the Degree of

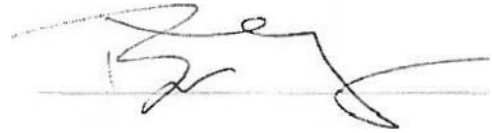
Doctorate of Education

May 2017


Dissertation Signature Page

This dissertation has been examined and approved.

Dissertation Chair, Brian T. McCoy, Ed.D
Professor of Psychology, Nichols College
Doctoral Faculty, New England College

A handwritten signature in black ink, appearing to read 'B. McCoy', written over a horizontal line.

Brian Reed, PhD
Associate Dean for Student Academic
Support Services, Dartmouth College
Doctoral Faculty, New England College

A handwritten signature in black ink, appearing to read 'B. Reed', written over a horizontal line.

Beth Devonshire, Esq.
Associate Dean of Students, UMass Boston

A handwritten signature in black ink, appearing to read 'Beth Devonshire', written over a horizontal line.

Date

March 3, 2017

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iv
LIST OF TABLES	v
LIST OF FIGURES	vi
ABSTRACT	vii
I. INTRODUCTION	1
Background of Title IX.....	1
Statement of the Problem	2
Purpose of the Study.....	7
Conceptual Framework.....	8
Significance of the Study.....	8
II. LITERATURE REVIEW	10
Origins of Title IX.....	10
Title IX Protections and Enforcement.....	12
Noncompliance Research	15
OCR Guidance.....	17
III. METHODS AND PROCEDURES	33
Research Question	33
Methodology and Rationale.....	33
Research Design, Data Collection, and Sample	33
Analysis	34
IV. FINDINGS.....	37
Data Overview	37
OCR Findings	38
Results for Organizational Attributes	41
Results for Physical Attributes.....	45
Results for Enrollment Attributes	49
Conclusion of Findings.....	56
V. DISCUSSION.....	58
Overview of Discussion Rationale	58
Organizational Attributes Discussion	58
Physical Attributes Discussion	59
Enrollment Attributes Discussion	60
Limitations.....	63
Potential Impact on Policy and Conclusion.....	63
REFERENCES	67
APPENDIX.....	74
APPENDIX: TABLES.....	75

ACKNOWLEDGEMENTS

I would like to thank all of the Ed.D faculty at New England College for providing an excellent experience over the last three years. To Dr. Gavin Henning, thank you for creating an environment of support and encouragement throughout the dissertation process and throughout the entire program. I would like to thank my committee; Dr. Brian McCoy, Dr. Brian Reed, and Beth Devonshire, Esq., for their patience, guidance, knowledge, and reassurance. I could not have asked for a better group of people to assist me with this research and guide me through this process.

To my doctoral cohort, “the strong and mighty four,” it was an honor getting to know each of you and learning from you over the last few years. You are all passionate contributors to our field and I sincerely hope our careers cross paths in the future.

Finally, I would like to thank my family. To my parents, for providing me with the opportunity to pursue education throughout my life and instilling in me the values and work ethic required to complete this process. To my wife, Chelsea, and children, Tyler, Rory, and Reilly, thank you for your understanding, support, and encouragement, without it, this would not have been possible.

LIST OF TABLES

Table 1. Resolutions Signed by Degree-type.....	42
Table 2. U.S. Postsecondary Institutions by Degree Level and Program Focus.....	43
Table 3. Resolutions Signed by Institution Type.....	44
Table 4. Title IV Institutions by Control in 2014.....	44
Table 5. Resolution Agreements by OCR Office.....	46
Table 6. Resolution Agreements by Campus Residence Setting.....	47
Table 7. Four-Year Institutions Campus Residence Setting.....	48
Table 8. Resolutions signed by Carnegie Class Size of Four-Year Colleges.....	49
Table 9. Four-year Institutions by Carnegie Class Size.....	50
Table 10. Resolutions Signed by Carnegie Class Size of Two-Year Colleges.....	51
Table 11. Two-Year Institutions by Carnegie Class Size.....	51
Table 12. Resolutions Signed by Acceptance Rate.....	53
Table 13. Acceptance Rate and Enrollees 2013-2014.....	53
Table 14. Resolution Agreements by Percentage of Female Students.....	55
Table 15. Enrollment and Percent Distribution for Title IV Institutions 1995-2014 by Institutional Control.....	75
Table 16. Higher Education Enrollment by State 1990-2014.....	76
Table 17. Enrollment, Number of Institutions, and Percent Distribution by OCR Office.....	78

LIST OF FIGURES

Figure 1. Total resolutions signed by academic year.....38

Figure 2. OCR complaints by year..... 40

Figure 3. OCR staff level and complaints received, 1980-2014.....41

ABSTRACT

The Office for Civil Rights for the Department of Education received 9,989 complaints in 2014. 5,845 of those cases were Title IX complaints, 854 pertaining to sexual harassment or assault (United States Department of Education, 2015). This dissertation answers the question, “What patterns or anomalies develop among the institutional characteristics of colleges and universities that have signed a Title IX sexual assault and harassment resolution agreement with the OCR.”

As of October 25, 2016, there are 281 active Title IX investigations being conducted by the Office for Civil Rights (OCR) for the Department of Education (The Chronicle of Higher Education, 2016). Due to the structure of enforcement, the majority of these investigations ending with a finding of noncompliance are resolved with a resolution agreement. The OCR and the institution will agree to terms to change certain policies to improve compliance. The last resort of enforcement by the OCR is the removal of federal funding or referring the case to the Department of Justice to proceed with a lawsuit. Neither of which have yet to be executed as an enforcement measure. Resolution agreements between the Office for Civil Rights of the Department of Education and institutions include data regarding the incident that initiated the investigation, the details of the case, how the institution responded to a complaint, and the agreement made to resolve the issue of noncompliance. This descriptive study examined higher education Title IX resolution agreements in an effort to identify patterns which may exist based on institutional characteristics. Though the examination of how and why such patterns exist is beyond the scope of this particular study, it can serve as the basis for future research.

INTRODUCTION

Background of Title IX

Title IX of the 1972 Federal Education Amendments to the Higher Education Act of 1965, was signed into law on June 23, 1972 (20 U.S.C. § 38-1681). Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The amendment was modeled after earlier civil rights legislation, such as President Johnson's 1968 executive order banning federal contractors from discrimination in employment based on sex and Title VI and VII of the 1964 Civil Rights Act (Sandler, 2000). Title VI and VII banned discrimination in employment and in any program receiving federal funds based on race, color, religion, or national origin (Civil Rights Act, 1964). The history and background, which led to Title IX becoming law, is important to the understanding and objective of the landmark legislation.

1969, Dr. Bernice Sandler became an advocate against sex discrimination in education after she was overlooked for seven counseling or tenure track positions at the University of Maryland where she was a part-time professor. Dr. Sandler was well qualified for the positions, but was not offered any of them. After being overlooked for other similar positions at various institutions, she began conducting research on sex discrimination in education. In 1970, based on her research, Dr. Sandler was hired by U.S. Representative Edith Green to work on the Committee on Education and Labor to research sex discrimination in education (Klein, 2012). The committee found that there was sex discrimination in the areas of admissions, scholarship, activities, and employment and therefore a remedy was needed. Sandler filed 250 complaints against schools that were believed to be discriminatory. Skrentny articulates "The statistical

evidence (during the Subcommittee hearings) of underrepresentation was massive, almost mind numbing in its breadth and consistency (Skrentny, 2002, p. 243).” Based on that testimony, U.S. Representative Green’s subcommittee drafted legislation against sex discrimination in education, essentially wanting to add *sex* to Title VI of the Civil Rights Act. Out of fear of weakening Title VI, U.S. Senators Birch Bayh, with the support of U.S. Representative Green, managed a separate, independent bill, which became Title IX (Sandler, 2000). The intent of Title IX was broad; to end sex discrimination in education (Sandler, 2000).

Statement of the Problem

Progress towards equality in education for women began in the years leading up to the passage of Title IX and has continued ever since, but significant work remains. The percentage of women attending college began to rise before Title IX was passed and continued to rise since 1972. In 1960, 30% of women ages 18 to 19 were enrolled in college, but by 1970 42% were enrolled (*A Statistical Portrait of Women in the United States*, 1976, p. 21). In fall of 2013, women made up 56% of the undergrad enrollment in the United States (National Center for Education Statistics, 2015). Based on statistics from the National Education Association, in 2011-2012, women account for approximately 45% of the nation’s higher education faculty (Clery, 2012).

Title IX is also commonly associated with athletic participation opportunities for women at the college level. Since 1972, female athletic participation has increased significantly. In 1972, women made up only 14% of college athletes (National Coalition for Women and Girls in Education, 2012), during the 2012-2013 academic year, women accounted for 43% of all NCAA athletes (Johnson, 2014). Title IX cannot be solely

considered as the reason for this progress because a variety of external factors, such as the equal rights movement and the women's rights movement, have also aided the success of women in education. This are also still areas of concern though, in terms of equality for women in higher education.

Females are still underrepresented in many of the science, technology, engineering, and mathematics (STEM) majors. In 2011 women did earn 50% of science and engineering bachelor degrees, however the statistic is slightly skewed because women receive over half of the degrees in the biological sciences. Women only received 18% of the degrees in computer science, 19% in engineering, 19% in physics, and 43% in mathematics and statistics (National Girls Collaborative Project, 2015). In addition to program discrepancies, the safety of women on college campuses is a major concern.

Sexual assault and harassment is a disturbing issue in higher education, but the problem is not unique to college campuses. From 1995-2013 females ages 18-24 were victims of sexual assault or rape an average of 97,000 times per year (Sinozich & Langton, 2014). Rapes and assault were defined as the following categories; completed rapes (36,500), attempted rapes (24,000), sexual assaults (28,000), or threats of rape or sexual assault (8,500). Females make up the vast majority of sexual assault victims among college students. Males made up 17% (6,544 average per year) of the victims of sexual assault among college students. Thirty-two percent (31,302 assaults per year on average) of all female sexual assault victims, age 18-24, between 1995-2013 were college students. Females not enrolled in college, age 18-24, were victimized at a higher rate than students. Nonstudents accounted for 68% (65,668 assaults per year on average) of female victims, age 18-24. (Sinozich & Langton, 2014).

The topic of sexual violence on college campuses has been addressed recently in various news outlets, articles, and publications, for example, the Washington Post reported there were more than 3,900 reports of forcible sex offenses on college campuses nationwide in 2012, up 50 percent since 2009 (Anderson, 2014). The report in the Post included the names of hundreds of institutions that reported crime data in compliance with the Clery Act. The ten institutions in the report with the most reported incidents combined for 282 forcible sex offenses on campus in 2012, which averaged to approximately 0.98 offenses per 1000 students ("Sex Offenses on U.S. College Campuses," n.d.). The statistic of increased reporting does not imply that more incidents are happening, but the amount of reported incidents has certainly increased. Increased reporting could also mean that people are more comfortable reporting incidents.

The impact of these incidents was researched further by the White House Task Force to understand how it may have affected students and the student experience (White House Task Force, 2014). The White House Task Force released a report in January, 2017 encouraging institutions to conduct campus climate surveys to better understand the students' perspective on the issue to be used to create better guidelines for prevention, training, policy, and response procedures (White House Task Force to Protect Students from Sexual Assault, 2017). The report also reiterated much of the Office for Civil Rights' guidance information that has been released previously to assist colleges and universities with compliance.

The OCR (Office for Civil Rights) is the primary enforcement and investigative body of Title IX. All institutions that receive federal financial assistance from the Department of Education are subject to enforcement through complaint investigations

and compliance reviews. There are a variety of factors that could lead the Office for Civil Rights of the Department of Education to investigate colleges and universities for violations of Title IX. From 2009-2012 alone, the OCR received 3,000 Title IX related complaints and launched 35 proactive investigations (United States Department of Education, 2012, p. 2). Proactive compliance review investigations are conducted without a complaint of noncompliance. The OCR states, “Compliance reviews are selected based on various sources of information, including survey data as well as information provided by parents, education groups, media, community organizations and the public (United States Department of Education Office for Civil Rights, 1999).” Title IX has been interpreted in different ways since its inception and covers a wide range of protections against gender discrimination including; access to higher education, career and technical education, pregnancy and parenting, employment, learning environment, math and science programs, sexual harassment, standardized testing, technology, and athletics (The Margaret Fund of NWLC, 2015). The OCR is tasked with investigating complaints from all areas protected by Title IX, not solely sexual assault and harassment complaints.

Since the inception of Title IX, the OCR has released multiple documents offering guidance to institutions, notifying them of any changes, and clarifying expectations and enforcement. These guidance releases are intended to educate institutions on compliance expectations and bring awareness to potential issues. The OCR issued guidance releases on Title IX compliance related to harassment and sexual assaults in 1997, 2001, 2008, 2010, 2011, 2014, 2015, and 2016.

The Office for Civil Rights for the United States Department of Education is the primary investigative body for Title IX compliance. The OCR, for the 2013-14 year

received 5,845 Title IX complaints. Title IX noncompliance complaints by category are broken down as follows: athletics: 3,609 complaints; harassment/sexual violence: 854 complaints; retaliation: 652 complaints; different treatment/denial of benefit: 533 complaints; procedural requirements: 188 complaints; employment: 179 complaints; discipline: 140 complaints; pregnancy/parenting-related: 81 complaints; grading: 60 complaints; admissions: 56 complaints; financial assistance/scholarships: 55 complaints; dissemination of policy: 54 complaints; and other: 43 complaints. Some complaints included multiple issues so the number of actual complaints is less than the number of issues brought (United States Department of Education, 2015, p. 28).

As of October 25, 2016, there are 281 active investigations for alleged violations of Title IX due to improper handling of sexual assault or harassment incidents (The Chronicle of Higher Education, 2016). While there is typically no financial liability resulting from OCR complaints as most settle in resolution agreements, it does not mean that these agreements insulate institutions from further financial implications. For example, Fresno State, a public, taxpayer-funded school, recently had three Title IX civil suits go to court. A lawyer involved in the cases estimated that they cost Fresno State approximately \$40 million in legal fees, settlements, and interest (Redden, 2007). Two of the cases originated with an OCR complaint, in which the OCR found the institution out of compliance and reached a resolution agreement. The third case did not involve a complaint or a finding of noncompliance from the OCR (Buzuvis, 2010). All three cases were filed because the victims felt they were fired as retaliation for either threatening or actually filing an OCR complaint. A better policy and execution of those policies may

have helped Fresno State avoid noncompliance and possibly could have saved the institution money spent on lawsuits.

Institutions' policies and proper execution of those policies are very important during OCR investigations of Title IX noncompliance because reaction to incidents and complaints is a primary cause for noncompliance. Voluntary resolutions are the preferred method of enforcement by the OCR, and institutions can avoid being penalized financially, through the loss of federal funding, by agreeing to make necessary changes outlined in a resolution agreement to move towards compliance (Office for Civil Rights, 2015). These changes often include improving policies and procedures. The OCR will exhaust all opportunities to pursue a resolution agreement before removing federal funding or referring the case to the Department of Justice. As of May, 2016, no school has lost federal funding due to Title IX noncompliance (Peterson & Ortiz, 2016), but the potential loss of all federal funds, particularly federal financial aid dollars, would be devastating to any institution. As of October, 2015, zero sexual assault and harassment Title IX cases in higher education were deferred to the DOJ.

Purpose of the Study

The intent and purpose of this descriptive study was to analyze the institutional characteristics of schools and colleges that have signed OCR Title IX sexual assault and/or harassment resolution agreements to find patterns, trends, or anomalies to provide the basis for future research to improve policies and impact the way sexual assault on college campuses is addressed. By analyzing these characteristics, certain characteristics were identified that could be a factor in noncompliance. The OCR periodically released guidance procedures in formats such as "Dear Colleague" letters, FAQs, memorandums

of understanding, or reports. I also analyzed the OCR's guidance releases in the corresponding timeframe as the resolution agreements to see if patterns emerged in the time surrounding a release.

Conceptual Framework

The conceptual framework for this exploratory, descriptive study is based on Drs. Strange and Banning's set of environmental components that influence human behavior. The four environmental components identified; physical, human aggregate, organizational, and constructed, are studied to understand how they may shape student behavior. The physical environment, student demographics, personality types and interests, institutional organization, goals and missions, and constructed social or perceptual climate all influence the behavior of students (Strange & Banning, 2001). This conceptual framework is an ideal model for this study of institutional characteristics and their potential relationship with noncompliance.

The data, findings, and discussions for this study were separated into categories that align with Drs. Strange and Banning's model. Physical characteristics of location and residential setting were analyzed, enrollment or human aggregate characteristics of size, female ratio, and selectivity were analyzed, and organizational characteristics of institution type and degree offered were analyzed. Constructed social or perceptual climate was a major focus in the discussion for the need for future research based on the findings of this study.

Significance of the Study

This study is significant to higher education because it has identified relationships between OCR Title IX guidelines pertaining to harassment and sexual assault,

noncompliance investigations, Title IX resolution agreements, and institutional characteristics. This information can be very useful as the basis for further research to explain why certain institutional characteristics were more or less common among violating schools than others. This research could lead to institutions not only addressing policy, but also campus climate, traditions, and other areas that may contribute to assaults and/or harassment. In addition to addressing institutional policy, the research could also impact national policy and guidance concerning sexual assault on college campus.

Institutions that signed Title IX resolutions between 1995 and 2015 were analyzed. I analyzed institutions since 1995 because the OCR's first guide connecting Title IX with sexual assault was released in 1997. Other OCR guidance documents were released in 2001, 2008, 2010, 2011, 2014, and 2015. The results of this study will primarily be used as the basis for future research.

LITERATURE REVIEW

Origins of Title IX

President Richard Nixon signed Title IX into federal law on June 23, 1972 as part of the 1972 Education Amendments to the Higher Education Act of 1965. Title IX protects women from discrimination in education. The legislation states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. § 38-1681)

In 1964, the Civil Rights Act was passed. Title VII of the Act “prohibits employment discrimination based on race, color, religion, sex, and national origin.” However, section 702 of the act exempts education institutions, so in essence the law did not prohibit sex discrimination in higher education (Civil Rights Act, 1964).

The driving force behind Title IX was the finding of evidence that sex discrimination existed in higher education. Dr. Bernice Sandler was instrumental in bringing awareness to the issue by contacting the director of the Office of Federal Contract Compliance at the Department of Labor, Vincent Macaluso. In 1969, while working as part-time faculty at the University of Maryland and soon after finishing her doctoral degree, Sandler was overlooked for seven job openings in her department. When she inquired as to why she was not considered for any position to a friend and fellow faculty member, he responded “you come on too strong for a woman” (Sandler, 2000). After receiving similar rejections over the next few months, Sandler began conducting

research and found there was no precedent for action against sex discrimination in education.

Sandler soon discovered an Executive Order (Exec. Order No. 11375, 1967) issued by President Johnson in 1967 that could be useful in addressing sex discrimination in higher education. The Order amended a previous Executive Order from 1965 (Exec. Order No. 11246, 1965) providing equal opportunity in employment in the federal government and in any institution with federal contracts without discrimination because of race, color, religion, or national origin.

The 1967 Executive Order added *sex*, referring to one's gender, to the law. Since many colleges and universities have federal contracts, Sandler found a legal route to pursue action against sex discrimination in education. On January 31, 1970, the Women's Equity Action League filed a class action complaint against all institutions of higher education holding federal contracts on behalf of all women working in higher education based on Sandler's research. The complaint was filed with the U.S. Department of Labor under Executive Order 11246. In the next two years, charges were filed against approximately 250 colleges and universities (Sandler, 2000).

Momentum to include gender in future civil rights legislation accelerated and proponents began pushing for improved legislation, especially relating to the field of education (Galles, 2004). In 1970, during the hearings on discrimination by the Special Subcommittee on Education led by U.S. Representative Edith Green (Anderson, 2012), evidence presented during testimony clearly showed that women were being discriminated against in areas such as admissions, scholarship funds, activities, and employment in higher education. As a result of the subcommittee hearings, U.S. Senator

Birch Bayh and Representative Edith Green drafted and sponsored a bill to amend Title VI of the Civil Rights Act of 1964 by adding *sex* to the law. Title VI prohibits discrimination on the basis of race, color, and national origin in all federally funded activities, but discrimination based on “sex” was not protected. Sandler noted that African American leaders showed concern that an amendment would weaken the law. As a result, Bayh and Green drafted a separate measure as an amendment to the Higher Education Act of 1965, which became Title IX.

The wording was identical to that of Title VI of the Civil Rights Act, but substituted *race, color, and national origin* with *sex*. The bill was enacted by congress and signed into law by President Nixon on June 23, 1972 (Sandler, 2000).

Title IX Protections and Enforcement

The Office for Civil Rights of the United States Department of Education enforces Title IX. The law was originally enacted to address discrimination based on sex in employment and admissions in higher education, but the law covers a wide range of areas in education where sex discrimination has been identified. Those areas include access to higher education, recruitment, admissions, counseling, financial assistance, sex based harassment/assault, athletics, pregnant and parenting students, discipline, single sex education, employment, and retaliation (United States Department of Education, 2015). Institutions are responsible to ensure that there is no sex discrimination concerning any of these categories or they may be in noncompliance of the law.

A memorandum of understanding was issued on April 28, 2014 by the Department of Education and the Department of Justice explaining how the departments work together to investigate and enforce Title IX compliance. The OCR (Office for Civil

Rights) has the authority to enforce Title IX against all institutions that receive federal financial assistance from the Department of Education through complaint investigations and compliance reviews. The CRT (Civil Rights Division) only enforces Title IX if the OCR defers a case to them, as the CRT has authority to bring and participate in federal lawsuits to enforce various civil rights statutes that apply to educational institutions (Lhamon & Samuels, 2014, pp. 1-2). For the purpose of this study, only institutions that signed an OCR resolution as enforcement were be studied.

The Office for Civil Rights' website outlines the process in which the OCR follows up on complaints and proceeds to an investigation. Anyone who believes discrimination based on his or her sex has occurred in an educational setting or is occurring can file a complaint to the OCR. The exact words from the OCR website states "anyone" can file a complaint; there is no written stipulation on who can complete a complaint form. The person filing the complaint does not have to be the victim; anyone is allowed to file a complaint on the behalf of another person or group. The complaint must be filed within 180 days of the alleged discrimination. If 180 days have passed, the complainant can request a waiver, but if the waiver is denied, the OCR will not pursue an investigation. It is also recommended, although not required, for the complainant to look into the individual institution's grievance process before filing a federal complaint, as there may be additional avenues for redress through this process. The complaint form can be found on the OCR's website (United States Department of Education, 2010). If the OCR decides it has received enough information about an alleged discrimination to pursue an investigation based on a complaint, they will contact the complainant, assign

an attorney or investigator to the case, and work to investigate and resolve the issue as soon as possible.

Complaints of Title IX noncompliance can also be submitted to the Civil Rights Division of the United States Department of Justice. They do not have a formal complaint form like the OCR or have a time constraint on when the complaint has to be issued. Complaints can be submitted to the Civil Rights Division by email, telephone, fax, or mail. Upon receipt of a complaint, the Civil Rights Division will dismiss the complaint, refer it to the OCR or another department, or pursue an investigation on its own. The Civil Rights Division specifically oversees out-of-court settlements and litigation in federal courts otherwise the investigation and resolutions are under the authority of the OCR (United States Department of Justice, n.d.). The Civil Rights Division is selective in which complaints to investigate and will resolve cases through out-of-court settlements or litigation in federal court if necessary (United States Department of Justice, n.d.). An investigation will only go to litigation if a voluntary resolution for compliance could not be made with the OCR, and those incidences are rare (Bonnette, 2012).

After a complaint is issued with the OCR, institutions have the opportunity to pursue early complaint resolutions if appropriate. This option allows an institution to begin negotiating a resolution agreement soon after a complaint was issued and before an investigation is complete. This option can lead to a much quicker resolution agreement process. If an early complaint resolution does not occur, and an investigation results in findings of noncompliance, the OCR will contact the recipient to negotiate a voluntary resolution agreement. If the recipient refuses to negotiate, the OCR will provide a Letter of Finding, which articulates the factual and legal basis for finding noncompliance. If the

institution still refuses to negotiate, the OCR will issue a Letter of Impending Enforcement Action, once again requesting negotiation for a resolution. If there is still an unwillingness to negotiate, the OCR will initiate administrative enforcement proceedings to suspend, terminate, or refuse to grant or continue federal financial assistance to the institution or will refer the case to the Department of Justice to pursue a lawsuit (Office for Civil Rights, 2015).

Most institutions that are found to be out of compliance with Title IX reach a resolution by completing an agreement in which they agree to make required changes or are able to show progress towards compliance to avoid losing federal funding or having the case deferred to the Department of Justice to proceed with a lawsuit. The OCR stopped including percentage of complaints resolved in 2009, however, in the annual report to Congress in 2009, the OCR reported that 91% of complaints were resolved within 180 days (United States Department of Education Office for Civil Rights, 2009). A resolved case is defined as cases that resulted in dismissal, administrative closure, a finding of no violation, an early complaint resolution, or a resolution agreement. Recent Title IX sexual assault cases have taken much longer than 180 days to reach resolution. Cases resolved in 2014 have taken an average of 1,469 days. The department cites a dramatic increase in complaints and a shortage of staff as the reasoning behind increased time to resolve cases (New, 2015).

Noncompliance Research

Recent Title IX attention is focused on the occurrences of sexual assault harassment affecting colleges and universities today. According to the annual report issued to the President and Secretary of Education by the Office for Civil Rights for the

academic year of 2013-14, the OCR received a record high, 9,989 complaints. Of those 9,989 complaints, 5,845 were complaints of a Title IX issue, 854 of which pertained to sexual harassment/violence (United States Department of Education Office for Civil Rights, 2015). As of October 2016, there are 281 active federal investigations for Title IX violations resulting from sexual assault cases in higher education. The oldest cases began in 2011 and the most recent case was opened in October 2016 (The Chronicle of Higher Education, 2016). The high number of complaints and investigations has lead the OCR to release guidance information periodically to assist with compliance measures.

Despite the issue being ever-present in the news and in periodicals, there is very little scholarly research on sexual assault and harassment on college campuses and Title IX compliance. Most of the scholarly research pertaining to Title IX investigates gender equity and athletics because athletic noncompliance is the most common type of violation. Studies show that the most common variables that affect athletic compliance are institution size, percentage of female undergraduates, and the presence of a football team. These variables had the strongest correlation as to whether schools were in Title IX compliance or not (Stafford, 2004). Large institutions and institutions with a smaller percentage of female undergraduates than males both had a positive correlation to compliance, while the presence of a football team had a negative correlation (Stafford, 2004). Using Stafford's research as a model, institutional characteristics such as location, size, demographics, and type may also affect other areas of Title IX compliance, including sexual harassment and assaults.

OCR Guidance

The first OCR guidance concerning Title IX and sexual assault and harassment was released in 1997 after two landmark court cases in the 1990s connected Title IX with sexual harassment and assault. The first was the United States Supreme Court case, *Franklin v. Gwinnett County* in 1992. This case involved a female student who accused a male teacher of continual sexual harassment and abuse from 1986-1988. Franklin first filed a complaint with the OCR in 1988 that dismissed the case because the abusive teacher, Andrew Hill, and respondent William Prescott both resigned and the school implemented a grievance procedure that met the standards of the OCR. Franklin then pursued damages for the abuse she suffered, which were rejected by the lower courts because monetary damages were not permissible under Title IX. Her case was appealed and heard by the U.S. Supreme Court. The court reversed the lower courts' decision and set the precedent that students who are subjected to sexual harassment in public schools may sue for monetary damages under Title IX (*Franklin v. Gwinnett County Public Schools*, 1992).

The other case was *Rowinsky v. Bryan Independent School District*, which was decided in 1996 by the Fifth Circuit of the United States Court of Appeals. This case involved two middle school girls who were sexually harassed and assaulted by peers on the school bus and later on school grounds. The girls' parents made multiple complaints, but felt the school district did not address the situation properly so they filed a lawsuit under Title IX because the girls were subject to a hostile environment. Lower courts rejected the case because schools were not liable under Title IX for peer-to-peer sexual harassment. The case was appealed and heard by the United States Court of Appeals,

Fifth Circuit. The judges decided on April 2, 1996, that school districts are liable for peer hostile environment sexual harassment under Title IX (*Rowinsky v. Bryan Independent School District*, 1996).

The previous two cases are cited by the OCR in the document “Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” as a primary reason for the need for guidance on the topic. This 1997 guidance details the requirements institutions must adhere to in order to be in compliance with Title IX in terms of sexual assault. It outlines that both, K-12 institutions and colleges and universities, are responsible to provide a safe environment for students and the awareness of sexual assault is vital to that atmosphere. It explains in detail the procedural requirements that should take place if an incident occurs, steps of prevention, education, and training, and remedies and enforcement to ensure the protection of complainants and all students in general. It also warns that if the OCR finds that institutions have not taken the prompt and effective steps to respond to sexual violence, then they will be investigated and are susceptible to the full extent of the law (*United States Department of Education*, 1997).

The 1997 Guidance specifically defines *quid pro quo* harassment. This type of harassment occurs when an employee conditions a student’s participation in an educational program, activity, or decision on the student’s submission to unwelcome sexual advances, requests, favors, or verbal, nonverbal, or physical conduct of a sexual nature (*United States Department of Education*, 1997, sec. A, pars. 2). The guidance also explains how an institution can be liable for the actions of its employees. A “school will always be liable for even one instance of *quid pro quo* harassment by a school employee

in a position of authority, such as a teacher or administrator, whether or not it knew, should have known, or approved of the harassment at issue (United States Department of Education, 1997, sec. C, pars. 2)” Other types of harassment such as peer to peer or by a third party have different criteria for liability. For a school to be accountable for these types of harassment, a hostile environment must exist, the school must know or should have known of the harassment, and the school must fail to take immediate and appropriate action.

A hostile environment is defined in the 1997 guidance and is also reiterated and clarified in future releases. In this guidance it is defined as:

Hostile environment sexual harassment of a student or students by other students, employees, or third parties is created if conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive educational environment. Thus, conduct that is sufficiently severe, but not persistent or pervasive, can result in hostile environment sexual harassment (United States Department of Education, 1997, sec. E, pars. 1).

It is articulated that even one incident of harassment can result in a hostile environment not only for the victim, but also for any witnesses. Examples of possible repercussions or effects of a hostile environment are given and include; declining classroom performance, complete withdrawal, physical, mental, or emotional injury, or feelings of humiliation or anger as a result of harassment.

Prompt and equitable grievance procedures are reviewed in this guidance as well. These procedures should explain a means to file complaints and how the complaints will

be investigated. The OCR states six requirements for procedures to be deemed prompt and equitable:

1. notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
2. application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
3. adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
4. designated and reasonably prompt timeframes for the major stages of the complaint process;
5. notice to the parties of the outcome of the complaint; and
6. an assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate (United States Department of Education, 1997, sec H, pars 4)

It is also stated that the language of the grievance procedures should be written appropriate to the age of the school's students, easily understood, and widely disseminated. Having a policy in place is not enough to protect the institution from violation; the policy must be visible and understood. The guidance also advises that someone at the institution must be designated as a Title IX coordinator and incidents should be reported to that designee. The person is expected to be well trained and versed in Title IX and how cases should be resolved.

This guidance, as well as others, sets forth the criteria for resolution of a case. The OCR identifies three items it looks for to determine whether an institution is in compliance or not. The items are:

1. The school has a policy prohibiting sex discrimination under Title IX and effective Title IX grievance procedures;
2. The school appropriately investigated or otherwise responded to allegations of sexual harassment; and
3. The school has taken immediate and appropriate corrective action responsive to quid pro quo or hostile environment harassment (United States Department of Education, 1997, sec B, pars 11).

If the OCR decides that an institution has successfully completed all three of these items than the case is considered resolved, if not than the institution is noncompliant and would begin the process for resolution negotiations.

After the release of the 1997 guidance, there were two court cases decided by the United States Supreme Court that clarified the expectations of institutions and how Title IX was to be interpreted. The first case referenced in the guidance was *Gebser v. Lago Vista Independent School District*, decided by the United States Supreme Court in 1998. This case involved a ninth grade student who had an ongoing secret sexual affair with a teacher, which began in spring of 1992. The relationship or any harassment was not reported to school officials, nor were any school officials aware of the relationship. In January 1993, a police officer discovered the teacher and student engaging in sexual intercourse off school grounds and arrested the teacher. The district fired the teacher after the arrest. The same teacher was also investigated previously for similar allegations, but

not fired. In November 1993, the student's mother filed a lawsuit seeking monetary damages for harassment under Title IX. The case was rejected by lower courts and appealed to the U.S. Supreme Court. In June of 1998, by a vote of 5-4, the Supreme Court decided in favor of Lago Vista Independent School District, but added criteria to the precedent set by *Franklin v. Gwinnett County*. The Supreme Court noted that despite the school district not having a Title IX sexual assault policy in place, in order for a victim to recover damages for sexual harassment under Title IX, the party must show that a school district official or responsible employee with the ability to institute corrective measures, knew of the conduct, which is defined legally as "actual notice". The party must also show that despite knowledge of the conduct, the educational establishment deliberately failed to respond in a proper manner, which set precedence for the "deliberate indifference standard". (Alida Star Gebser and Alida Jean McCullough, *Petitioners v. Lago Vista Independent School District*, 1998).

The second case was *Davis v. Monroe County Board of Education*, which was decided by the United States Supreme Court in 1999. This case involved a fifth grade student who was repeatedly harassed and abused by another student over a six-month period in 1992-93. The student's mother complained to the principle about the incidents, but the student was not protected or separated from the accused. LaShonda reported multiple incidents to teachers and administration over the six month time period, not of which were addressed. These incidents included vulgar statements made directly to LaShonda, sexually suggestive acts made towards her, and inappropriate rubbing or touching of her body. The incidents did not end until May, 1993 when the accused student was charged with sexual battery and pled guilty. In 1994, Davis's mother sued the

district for monetary damages under Title IX. The case was rejected in lower courts and appealed to the United States Supreme Court. The court decided that because the misconduct was “severe, pervasive, and objectively offensive”, had “concrete, negative effect on the student’s ability to receive an education”, evidenced by a drop in her previously high grades and the discovery of a suicide note, and “the petitioner may be able to show both actual knowledge and deliberate indifference on the part of the Board, which made no effort whatsoever either to investigate or to put an end to the harassment” the lower court’s decision was reversed and the case was remanded for further proceedings (*Aurelia Davis, as next friend of LaShonda D., Petitioner v. Monroe County Board of Education*, 1999). The case allows for the right to sue for monetary damages under Title IX for student on student harassment if the conditions set in the *Gebser* case are met, i.e. a responsible employee had “actual notice” and the school was deliberately indifferent. Supreme Court Justice O’Connor stated, “that the petitioner may be able to show both actual knowledge and deliberate indifference on the part of the Board, which made no effort either to investigate or put an end to the harassment (*Aurelia Davis, as next friend of LaShonda D., Petitioner v. Monroe County Board of Education*, 1999).”

These court cases were cited as one reason for why a new guidance release was required in 2001. The revised guidance procedures articulated how schools may be liable for monetary damages based on the handling of sexual harassment complaints by explaining the decisions of the recent court cases and reiterating the schools’ responsibility articulated in the 1997 guidance. The revised guidance articulates that monetary damages would only be the result of private suits against institutions; administrative OCR investigations do not have the authority to result in the payment of

monetary damages. The revision also further clarified certain sections of the 1997 document. It further defines harassment, hostile environments, and how they limit students' ability to participate or benefit from education programs (United States Department of Education, 2001). The OCR addresses the "hostile environment" that may exist for victims during investigations of noncompliance. In order to be in compliance with Title IX, the institution must immediately take the appropriate steps to relieve the hostile environment and prevent it from happening again. These steps must be defined in an institution's Title IX policy if there is a claim of sexual assault and harassment.

The 2001 guidance also clarifies the types of harassment and whether the institution is liable for monetary damages. It is stated that if an employee harasses a student while the employee was responsible for the provision of aid, benefits, and service to the student, then the school is liable whether it had actual notice of the incident or not. If harassment takes place while the employee is not responsible for the student, for example, outside of school, then the institution is only liable if a responsible employee had actual notice of the incident and failed to stop it or put an end to the hostile environment it may have created. The guidance further clarifies liability pertaining to peer-to-peer harassment. Schools can be held liable for peer-to-peer harassment if a responsible employee is aware of the harassment and the institution fails to ease the hostile environment that may exist as well as end the harassment in the required prompt and equitable manner (United States Department of Education, 2001, p. i-ii).

The 2001 guidance also makes a change to the third item the OCR looks for when deciding whether an institution is compliant. The 1997 guidance only mentions harassment of quid pro quo and hostile environment, the 2001 guidance that criterion is

edited to read, “the school has taken immediate and effective corrective action responsive to the harassment, including effective actions to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects (United States Department of Education, 2001, sec VI, pars 1)”. The End, Prevent, Remedy statement continues to be the underlining theme of all guidance issued after this time.

The next OCR guidance was released in September of 2008 in the form of a document titled, “Sexual Harassment: It’s *Not* Academic”. The document is organized in a question and answer format. The questions are separated into three sections; defining sexual harassment, responding to sexual harassment, and reporting and preventing sexual harassment. The questions reiterate predominately the same information from the 2001 guidance, but in an easy format for reference. The questions do expand on the need and role of the Title IX coordinator from what was stated in 1997 and 2001 guidance. Specifically, every institution is required to have a designated Title IX coordinator with adequate training in sexual harassment and must be able to explain the institution’s grievance procedure. The institution is required to notify all students and employees of the name, office address, and contact information for its Title IX coordinator (United States Department of Education, 2008).

The 2008 guidance also addresses how an institution should respond if a student requests confidentiality. If a student asks not to have his/her identity revealed to the harasser during an investigation, it does not mean that an institution should cease to investigate further. An institution may be limited by a confidentiality request, but must still investigate. The seriousness of the alleged harassment, the age of the harassed student, and whether there are other complaints that the same individual has harassed

others must be taken into account in how the institution proceeds with investigation. It is also mentioned that state or local laws may require schools to report incidents to the police. Reporting criminal conduct to police does not relieve an institution of its responsibilities to investigate a complaint and enforce Title IX.

In 2010, the OCR released another letter in the wake of bullying incidents at educational institutions. The letter addressed that “bullying” is not only a violation of school rules, but could also be a civil rights violation. If incidents of harassment or bullying are based on race, color, national origin, sex, disability, sexual orientation, or religion, it constitutes a civil rights violation, and will be enforced by the OCR. For the purpose of this study, only the Title IX section of the letter pertaining to sex discrimination and gender stereotypes is relevant, but the letter does describe all types of civil rights violations. The letter gives two examples of bullying that are considered harassment and needs to be managed by the institution as a Title IX violation.

The first is an example of sexual harassment in which a student is harassed by other students and the faculty and staff was aware of the incidents and inappropriately dismissed the harassment as "hazing," when it actually created a hostile environment. When the harassment leads to a hostile environment, it needs to be addressed according to institutions' Title IX policy and OCR guidelines. The letter stressed the need for proper training of staff and students to be better aware of what constitutes harassment and how to report and respond to potential issues.

The other example is one of gender-based harassment. The letter states that Title IX is enforced not only for sexual harassment, but also gender-based harassment. The gender based harassment example explains a possible incident in which a gay student is

bullied and assaulted because of his orientation and “for not conforming to stereotypical notions of how teenage boys are expected to act and appear (Ali, 2010, pp. 6-7).” The letter clarified that Title IX does not prohibit discrimination based solely on sexual orientation, but protects all students, including lesbian, gay, bisexual, and transgender students, from sex discrimination.

In 2010, rumors began to circulate that there would be new guidance issued regarding sexual harassment on campus. This was because the various OCR circuits were not always in agreement when issuing their resolution agreements. As such, there was much confusion and institutions were asking for further clarification.

This clarification was issued on April, 2011 in the form of a “Dear Colleague” letter, which was released by the OCR to address a concerning climate of sexual assault on college campuses and reiterate the expectations of the OCR. It was clear that this letter took on a different tone from that in the past, as the letter includes statistics on sexual violence such as, one in five women are victims of completed or attempted sexual assault while in college (United States Department of Education, 2011). The letter once again defines harassment and hostile environment and focuses primarily on peer-to-peer harassment/assault. It also states, again, that a single case of harassment is enough to create a hostile environment and needs to be dealt with appropriately. The letter goes into more detail when explaining that a formal complaint is not necessary for a school to be required to conduct an investigation. If the school has knowledge at all of harassment either in school or away from school, the institution is required to investigate to ensure a hostile environment does not exist and further harassment does not take place. The school is also responsible to include law enforcement if they believe criminal conduct has taken

place. The complainants' rights to confidentiality are also articulated. Once again, the need for published prompt and equitable grievance procedures and a Title IX coordinator are included in the guidance. The letter does go into further detail on prevention. It offers examples to aid in prevention, such as; orientation for new students, staff, and faculty. It also suggests training students in residence halls, athletes, and coaches. This guidance also goes into more detail on remedies to ease a hostile environment and prevent further harassment. Some of the suggestions include, providing an escort, keeping the victim and perpetrator separate, providing counseling and/or tutoring, and arranging for a withdrawal or retake without penalty for the victim.

In 2014 and 2015, the OCR released more guidance procedures. The 2014 release, "Questions and Answers on Title IX and Sexual Violence," first summarizes the 2011 Dear Colleague Letter and then proceeds with a question and answer format very similar to the 2008 release. The questions are expanded slightly compared to 2008, but the content is very similar. In each section of the guidance it provides answers to frequently asked questions and also provides examples in each response. This guidance was an excellent resource for institutions because it very thoroughly explained the expectations of the OCR in each section. Those sections included; the school's obligation to respond to sexual violence, who is protected by Title IX, procedural requirements, responsible employees, confidentiality, investigations and hearings, interim measures, remedies, appeals, training, education, and prevention, retaliation, first amendment, and the Clery Act and Violence Against Women Reauthorization Act of 2013.

The guidance answers questions pertaining to the Clery Act and the Violence Against Women Reauthorization Act (VAWA) of 2013 and its impact on Title IX, but

does not go into detail about the laws. The 2014 guidance states that The Campus SAVE Act, an amendment to the Clery Act, as part of the reauthorization of the Violence Against Women Act, does not impact the way Title IX is enforced or the way cases are investigated. There is some overlap in the guidance to be compliant with Title IX and institutions' legal obligation to VAWA and the Clery Act, but the enforcement, standard of evidence, and oversight of VAWA and Clery is much different than that of Title IX. Institutions are fined when in violation of Clery and VAWA rather than be threatened by a loss of federal funding or be obligated to conditions set forth in a resolution agreement like Title IX violators.

The Clery Act was passed in 1990 as the Crime Awareness and Campus Security Act of 1990 and is enforced by the Department of Education, not the Office for Civil Rights like Title IX. It requires institutions of higher education to "disclose accurate and complete crime statistics for incidents that are reported to Campus Security Authorities (CSAs) and local law enforcement as having occurred on or near the campus (Not Alone, n.d)." The Clery Act requires institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, much of which overlap with Title IX compliance requirements (United States Department of Education, 2016).

The Violence Against Women Act (VAWA) was first passed in 1994 to improve advocacy, services, and support for all victims of sexual violence and is enforced by the Office On Violence Against Women in the U.S. Department of Justice. There are two sections of the VAWA that apply specifically to college campuses; Section 303, titled "Grants to Combat Violent Crimes on Campuses" and Section 304, titled "Campus

sexual violence, domestic violence, dating violence, and stalking education and prevention (Violence against women reauthorization Act of 2013, 2013).” Section 303 discusses available grant money funding for educational, awareness, and protection programming to combat sexual violence, as well as funding for staff training. Section 304, amended the Clery Act in 2013 to modify institutions’ reporting requirements by including domestic violence, dating violence, and stalking, previously only forcible and non-forcible sexual offenses and aggravated assault were included. This section also provides guidance for on-campus statements of policy, including mandatory training for employees and student discipline requirements. Lastly, Section 304 improves protection of victims’ rights by allowing the option to seek assistance from law enforcement or campus authorities and requiring institutions to articulate their responsibilities and policy regarding judicial no-contact, restraining, and protective orders (American Council on Education, 2014). This separation of the victim and accused is also articulated in most of the OCR guidance on easing a hostile environment.

The 2015 guidance focuses on the importance and necessity of a Title IX coordinator. This is the first expanded guidance on the expectations, responsibilities, training, and authority of a Title IX coordinator. This guidance is not specific to sexual assault, as a Title IX coordinator is responsible for all areas of sex discrimination protected by Title IX, including; admissions, athletics, facilities, course offerings housing, marital status pregnant and parenting students, employment, the learning environment, benefits, counseling, and financial assistance. The document reiterates that the position be filled at all times, even if it is on an interim basis between one coordinator leaving and the hiring of another. The coordinator’s appointment must be well publicized

to ensure everyone at the institution (students, staff, and faculty) be aware who the coordinator is and how to contact him/her. It is also recommended that the position be held independent of any conflict of interests; ideally it should be full-time position to avoid conflicts. It is also stressed that the Title IX coordinator have the authority to revise procedures to improve compliance and be able to implement programming or procedures to improve prevention, training, or to promote awareness concerning sexual violence (Lhamon, 2015).

The breakdown of OCR guidance releases is important because it chronicles the communication the OCR has had with institutions since 1997. Even though guidance procedures have only changed slightly in the last 20 years, the releases have been fairly regular. Since 1997, the amount of complaints the OCR has received has risen steadily. In the OCR's annual report to Congress in 1997, it reported that it received 700 Title IX complaints, 209 of which were sexual harassment complaints (United States Department of Education Office for Civil Rights, 1998). In the 2013-2014 academic year the OCR received 5,845 Title IX complaints, 854 of which pertained to sexual assault (U.S. Department of Education Office for Civil Rights, 2015). Without further research there is no way to identify why Title IX sexual assault complaints have increased by 409% in less than 20 years. It is clear by the repeated guidance releases what the expectations of the OCR are, but yet there seems to be an era of noncompliance, or at least the feeling of noncompliance by complainants. Resolutions were studied starting before the first guidance release in 1997 through the 2014-2015 year, to identify patterns that formed based on institutional characteristics. By breaking them down into smaller samples of time, such as before and after releases, it also has given insight into what institutions need

to be studied further and what kind of research should be conducted to learn more about a major problem on college campuses today.

METHODS AND PROCEDURES

Research Question

Using data from the Department of Education and the conceptual model of Drs. Strange and Banning's set of environmental components that influence human behavior, this study answered the following research question:

“What patterns or anomalies develop among the institutional characteristics of colleges and universities that have signed a Title IX sexual assault and harassment resolution agreement with the OCR?”

Methodology and Rationale

This study was exploratory and descriptive. This study specifically used a deductive approach to qualitative content analysis to articulate various patterns that developed before and after guidance releases, as well as over the course of the entire time period studied. The qualitative content analysis methodology was appropriate because the intent of the study was to identify phenomenon and patterns, not to predict future outcomes or explain “why” or “how” the phenomenon exists. The findings can be used as a basis for future research. Qualitative content analysis was used instead of a grounded theory approach because the data used in the study was defined and finite. It would not have been possible to collect additional data to get to the point of data saturation required in a grounded theory study. Also, the intent of the study was not to test a theory, but rather to identify potential phenomenon.

Research Design, Data Collection, and Sample

The institutional characteristics of schools and colleges who signed Title IX higher education sexual assault and/or harassment resolution agreements between 1995

and 2015 were analyzed by comparing them to how those characteristics exist nationally. The time frame 1995-2015 was chosen to coincide with the first OCR guidance release in 1997 and to provide a 20-year sample of data.

The data sample was collected by means of a Freedom of Information Act (FOIA) request to the United States Department of Education. The request yielded a list of all post-secondary education Title IX sexual violence and sexual harassment cases and compliance reviews that were resolved through either an Early Complaint Resolution (ECR) or resolution agreement between January 1, 1995 and January 1, 2015. To ensure the sample included all examples of resolved Title IX sexual assault/harassment noncompliance cases in the time period, a follow up request for all post-secondary sexual assault and harassment complaints and compliance reviews that were resolved between January 1, 1995 and January 1, 2015, wherein the OCR found a violation, but the recipient did not sign a resolution agreement, and therefore, the case referred for enforcement (i.e., OCR proceeded to an administrative hearing or referred the case to the DOJ for litigation in federal court) was issued. Carnegie Classification and Integrated Postsecondary Education Data System (IPEDS) data was used to provide a national sample to compare to the resolution data sample.

Analysis

All OCR higher education sexual assault and harassment Title IX resolution agreements from 1995-2015 were analyzed based on institutional characteristics over time. The OCR sexual harassment guidance releases that were incorporated with the data were released in 1997, 2001, 2008, 2010, 2011, 2014, and 2015. The data was coded by categorizing and tallying institutional characteristics chronologically so they could be

analyzed in reference to guidance releases as well as over the course of the time period, 1995-2015. The institutional characteristics of the postsecondary schools and colleges identified in the resolution agreements were size (enrollment), type (public, private non-profit, private for-profit), degree type offered (two-year or four-year), percentage of female students (undergrad only), geographic location (by OCR office jurisdiction), selectivity (acceptance rate), and residential setting. Those institutional characteristics were chosen based on research done on other areas of Title IX noncompliance (Cheslock & Eckes, 2008, Stafford, 2004). The characteristics were coded into categories; physical attributes (location and residential setting), organizational attributes (type and degree offered), and enrollment attributes (size, male/female ratio, selectivity). These sub categories were developed as the data was analyzed to identify trends, patterns, or anomalies (Cho & Lee, 2014).

The institutional characteristics of the schools and colleges that signed resolution agreements had to be manually researched. The characteristics were found by manually cataloguing them using the IPEDS Data Center. The characteristics were recorded for each school based on the academic year the Title IX complaint or compliance review was issued. The type of data recorded in IPEDS varied across the 20-year time span, so not every characteristic could be recorded for all 20 years. Once all characteristics were recorded, they were tallied by academic year and as totals across the entire span of the data. The percent of occurrence for each characteristic was calculated and compared to the percent occurrence nationally to identify if certain characteristics appear significantly more or less than national statistics would suggest. The national statistics for comparison were found by using Carnegie Classification and IPEDS data. The results alone cannot

prove a relationship between institutional characteristics and noncompliance, but may be used as the basis for new theories and future research to understand why the patterns, trends, or anomalies exist.

FINDINGS

The intent of this study was to identify any patterns, which may have developed among the institutional characteristics of institutions that signed an OCR higher education sexual assault and harassment Title IX resolution agreement between 1995 and 2015.

Data Overview

The data received from the Department of Education by means of a FOIA (Freedom of Information Act) request consisted of a list of 199 resolution agreements. The data was received on October 8, 2015, and only included closed cases. There were still open cases in the time frame of the study that may affect the results of the study if they are closed with a resolution agreement. A follow up request for all post-secondary sexual assault and harassment complaints and compliance reviews that were resolved between January 1, 1995 and January 1, 2015, wherein the OCR found a violation, but the recipient did not sign a resolution agreement, and therefore, the case was referred for enforcement (i.e., OCR proceeded to an administrative hearing or referred the case to the DOJ for litigation in federal court) yielded zero results, so the sample included all findings of noncompliance from 1995-2015, as of October 8, 2015. The information consisted of a docket number, the name of the institution, the state the institution is located in, the date the case was opened, the date the case was resolved, the case type code, and the resolution type code. The institutional characteristics for each institution were manually recorded using IPEDs data for the academic year of when the case was opened. The characteristics researched were institution type, selectivity, location, size, residential setting, and female ratio of students. The data was analyzed to find trends,

patterns, and anomalies by comparing the data related to institutional characteristics of the schools and colleges that signed resolution agreements to how those characteristics exist nationally using Carnegie Classification and IPEDs data.

OCR Findings

The number of resolutions signed between 1995-2015 ranged from two in the 2003-2004 academic year to 27 in the 2010-2011 academic year. The OCR released major guidance information in 1997, 2001, 2008, 2010, 2011, and 2014 (see Figure 1).

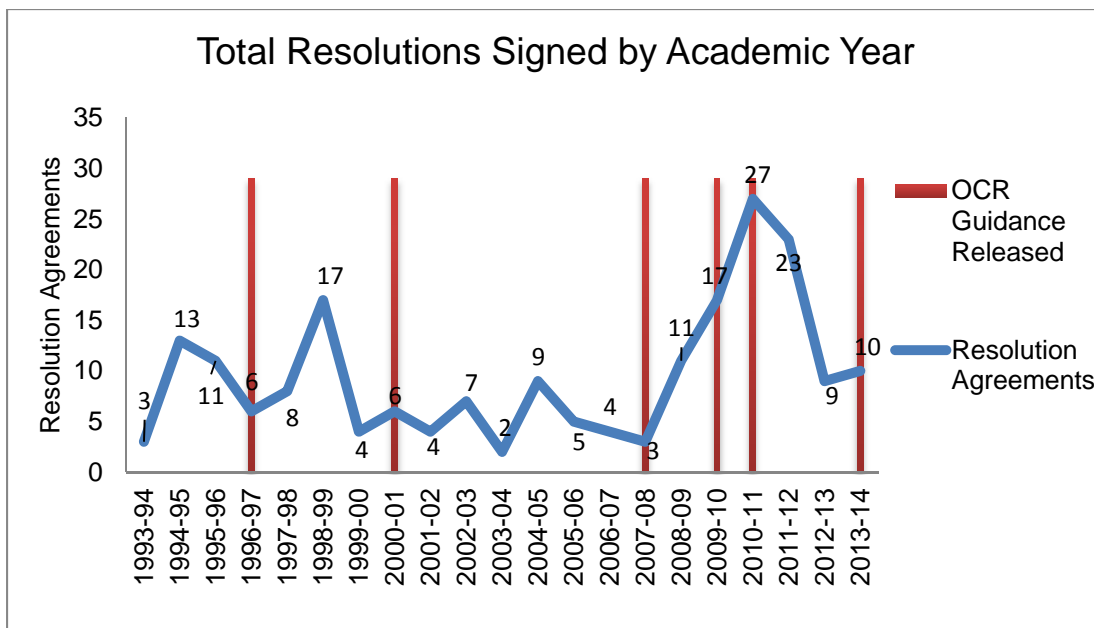


Figure 1. Total resolutions signed by academic year. This figure illustrates the total number of resolutions signed from each academic year as well as when the OCR released major guidance information.

The number of resolutions signed each year varied from 1993-2014 and there are many variables to consider as to why. Looking at Figure 1, it is clear that the number of resolutions signed rose after the 1997 OCR guidance release, and then again following the 2008 guidance release before peaking at 27 agreements signed during the academic year that the 2011 guidance was released.

Guidance releases could be a contributing factor as why the number of resolution agreements increased following the first release in 1997 and subsequent guidance releases in 2008 and 2011. The actual number of complaints issued to the OCR during the timespan increased greatly, specifically after 2004. In 1995, there were 4,981 complaints issued to the OCR, 348 were specific to Title IX, by 2014, there were 9,989 complaints issued to the OCR, approximately 2,923 complaints concerned Title IX, 427 were specific to sexual assault and harassment. The actual number of complaints could also have been impacted by guidance releases from the OCR. In addition to creating guidance, the releases also increased awareness connecting sexual assault and harassment with Title IX.

The OCR issued annual reports beginning in 1995, but the information reported varied from year to year. In some years, complaints were tallied by Title IX only, in other years the tally was for cases that involved Title IX, but the same case could also include other violations. From 1995-2008, each year was reported individually, but the 2009-2012 years were consolidated, and 2013 and 2014 were consolidated. Starting in 2009, the OCR also reported the total number of Title IX complaints that were specific to sexual assault and/or harassment. In the figure below, Title IX data was averaged for the years 2009-2012, since it was reported as one sum for four years, the Title IX data for 2013 and 2014 was also averaged since the two years were consolidated. The total complaints though were separated individually by year (see Figure 2).

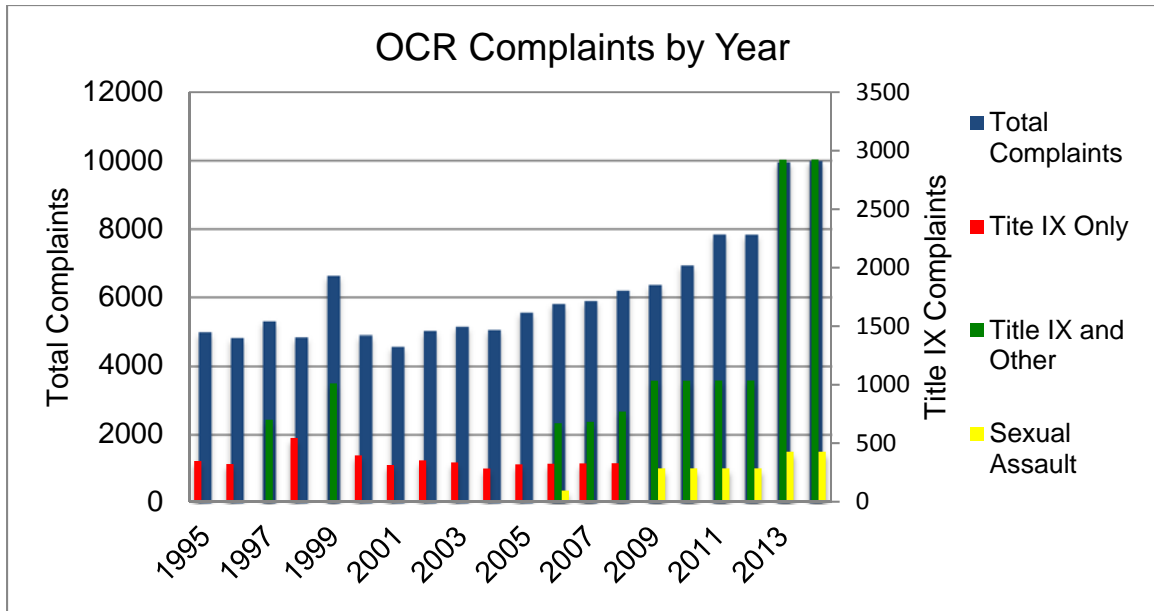


Figure 2. OCR complaints by year. This figure illustrates the total number of complaints, and total number of Title IX and sexual assault complaints, the OCR received each year from 1995-2014.

Note: Adapted from <http://www2.ed.gov/about/offices/list/ocr/congress.html>. 2016 by the United States Department of Education Office for Civil Rights.

The number of actual complaints could be a factor that affected the number of resolutions that were signed each year, although the number of complaints and the number of signed resolutions for each year did not follow the same pattern closely (see Figure 1 and Figure 2).

In recent years resolving resolutions has also taken much longer. In 2014 the OCR took an average of 1,469 days to complete a sexual assault investigation; in 2009, the average complaint was resolved in 379 days. There are still active investigations being conducted that began in the academic years used for this data set. If more resolution agreements are signed for these years, it would have an effect on the results found here. The data set for this study is accurate as of October 8, 2015, the date the sample was received from the Department of Education. The OCR has attributed the increased time it

takes to complete investigations to having a smaller staff responsible to resolve a larger number of complaints (see Figure 3).

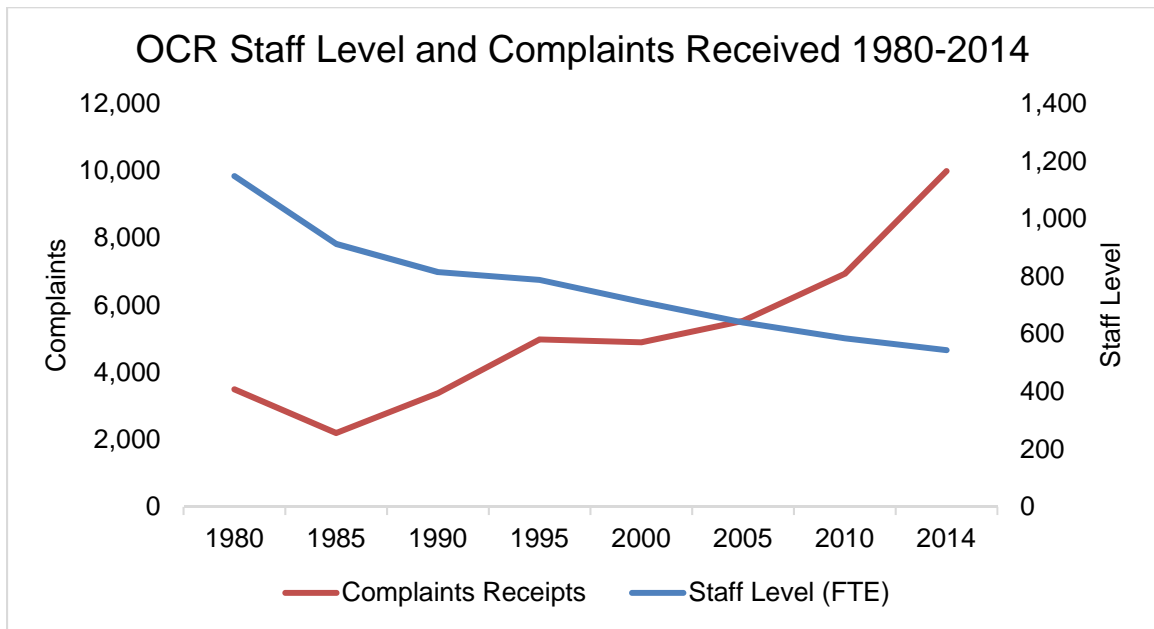


Figure 3. OCR staff level and complaints received, 1980-2014. This figure illustrates the total number of complaints in relation to the total number of staff from 1980-2014
Note: Adapted from <http://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf>. 2015 by United States Department of Education Office for Civil Rights.

Results for Organizational Attributes

The data showed that of the 199 resolutions agreements, 126 agreements were signed by four-year institutions, 49 by two-year institutions, eight by institutions offering less than an associate’s degree, six institution types were unknown because no data was available in the IPEDs database, six resolutions were signed by system offices, not individual institutions, and four agreements were signed by institutions offering only graduate degrees (see Table 1).

Table 1.
Resolutions Signed by Degree-Type

	Resolutions Signed	
	N	%
Four-Year	126	63%
Two-Year	49	25%
Certificate	8	4%
Unknown	6	3%
System Office	6	3%
Graduate School Only	4	2%
Grand Total	199	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

The number of resolution agreements categorized by degree type offered was evaluated in contrast to national Carnegie data as to how these institutions appear nationally and also the number of students they enroll. Carnegie releases their data every five years, for the purpose of comparison, the 2015 data set was used. Carnegie categorized institutions as doctoral, masters, baccalaureate, baccalaureate/associates, associates, special focus two-year, special focus four-year, and tribal colleges. Doctoral, masters, baccalaureate, baccalaureate/associates, and special focus four-year are all defined as offering at least a bachelor’s degree. Associates and special focus two-year are defined as offering at most an associate’s degree. Below is the breakdown of how these institutions exist nationally (see Table 2).

Table 2.
U.S. Postsecondary Institutions by Degree Level and Program Focus

	Institutions		Fall 2014 Enrollment	
	N	%	N	%
Doctoral Universities	335	7%	6,455,622	32%
Master’s Colleges and Universities	741	16%	4,422,535	22%
Baccalaureate Colleges	583	13%	999,834	5%
Baccalaureate/Associates	408	9%	1,079,576	5%
Associates’ Colleges	1,113	24%	6,524,819	32%
Special Focus: Two-Year	444	10%	204,321	1%
Special Focus: Four-Year	1,005	22%	776,979	4%
Tribal Colleges	35	1%	17,929	0.1%
Grand Total	4,664		20,481,615	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-FactsFigures.pdf>. 2016 by The Carnegie Classification of Institutions of Higher Education.

Comparing the data from Table 1, four-year institutions plus graduate only institutions account for 65% of the resolutions signed. These same schools account for 67% of institutions nationally and enroll 68% of the students in higher education. Two-year and certificate institutions accounted for 29% of the resolution agreements signed. Associates’ and two-year special focus schools account for 34% of institutions nationally and enroll 33% of nation’s students in higher education. Based on this data, there does not seem to be any anomalies or patterns concerning degree type; they appear in the data almost identically as they appear nationally and by the amount of students that they enroll.

Institution type was categorized by public, private non-profit, or private for-profit. Of the 199 agreements; 103 were signed by public institutions, 67 were signed by private non-profit institutions, 19 were signed by private for-profit institutions, 6 were signed by system offices, and 4 were signed by unknown institution types (see Table 3).

Table 3.
Resolutions Signed by Institution Type

	Resolutions Signed	
	N	%
Public	103	52%
Private Non-Profit	67	34%
Private For-Profit	19	10%
System Office	6	3%
Unknown	4	2%
Grand Total	199	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

The institution type of each school that signed a resolution agreement was compared to Carnegie data from 2015. The Carnegie data includes the percent distribution of institution types; public, private non-profit, and private for-profit. IPEDs data for Fall 2014 enrollment of Title IV institutions was used to find the percent distribution of enrollment between public, private non-profit, and private for-profit (see Table 4).

Table 4
Title IV Institutions by Control in 2014

	Institutions		Fall 2014 Enrollment	
	N	%	N	%
Public	1644	35%	14,765,873	71%
Private Non-Profit	1730	37%	4,015,094	19%
Private For-Profit	1290	28%	1,882,497	9%
Grand Total	4,664		20,663,464	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-FactsFigures.pdf>. 2016 by The Carnegie Classification of Institutions of Higher Education.

Total enrollment was slightly different between Carnegie data in Table 2 and IPEDs data in Table 4, possibly because IPEDs data included enrollment of non-degree granting Title IV institutions. It is difficult to do an accurate comparison of institution type because the number of institutions and enrollment percentages has varied over the 20 years of the

data, specifically for private for-profit institutions. For the best basis of comparison, an average enrollment over the 20-year span of the data was used (see Table 15).

Public institutions signed 52% of the resolutions agreements in the data set and accounted for 35% of institutions in 2014. Public schools have enrolled on average from 1995-2014, 74% of higher education students. Private non-profit institutions signed 34% of the resolutions in the data set and accounted for 37% of institutions in 2014. They have enrolled an average of 19% of students enrolled in higher education from 1995-2014. Private for-profit institutions signed 9% of the resolutions in the data set and accounted for 28% of all higher education institutions in 2014, the number of for-profit institutions increased considerably from 1995-2014 though. For-profit institutions increased from 967 in 2010 to 1,290 in 2015. For-profit institutions have enrolled an average of 7% of students in higher education from 1995-2014.

Based on the number of institutions and their enrollment, private non-profit institutions have signed resolutions at about the same rate as they exist, but at a higher rate than their enrollment suggests. Public institutions on the other hand have signed resolutions at a higher percentage than they exist, but at a much lower percentage than their enrollment suggests.

Results for Physical Attributes

The location of institutions was organized by the OCR office that is responsible for the specific territory. OCR cases are investigated by 12 different offices, each assigned to specific areas of the country (see Table 5).

Table 5.
Resolution Agreements by OCR Office

OCR Office	Territory	Signed Resolutions	% of Resolutions
Boston	CT, ME, MA, NH, RI, VT	25	13%
New York	NJ, NY, PR, VI	17	9%
Philadelphia	DE, MD, KY, PA, WV	12	6%
Atlanta	AL, FL, GA, TN	16	8%
Dallas	AR, LA, MS, TX	15	8%
Washington, DC	NC, SC, VA, DC	16	8%
Chicago	IL, IN, IA, MN, ND, WI	20	10%
Cleveland	MI, OH	12	6%
Kansas City	KS, MO, NE, OK, SD	21	11%
Denver	AZ, CO, NM, UT, WY	13	7%
San Francisco	CA	27	14%
Seattle	AK, AS, GU, HI, ID, MT, NV, OR, WA, MP	5	3%
Total		199	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

The location and OCR office responsible for investigating and signing resolution agreements were compared to national data for enrollment and number of institutions in each territory. Average higher education enrollment from 1990-2014 for each territory was calculated using IPEDs data (see Table 16). The number of higher education institutions in each territory was calculated using 2015 Carnegie data. Enrollment, number of institutions, and percent distribution for each OCR office can be seen in Table 17 and was compared to data in Table 5 to identify any patterns.

The Boston and Kansas City offices were the only two offices that signed resolution agreements at a much higher rate than their enrollment and number of institutions would suggest. All the other offices signed agreements within three percentage points of their average enrollment for their territory.

Institutions began reporting the percentage of students whom lived on campus in the 2006-2007 academic year. From the 2006-2007 through 2013-14, 67 four-year institutions both signed academic agreements and reported the percentage of students whom lived on campus. Those institutions were organized using the Carnegie size and setting classifications. The classifications are defined as primarily nonresidential, primarily residential, and highly residential. Primarily nonresidential is defined as fewer than 25 percent of degree-seeking undergraduates live on campus and/or fewer than 50 percent attend full time. Primarily residential is defined as 25-49 percent of degree-seeking undergraduates live on campus and at least 50 percent attend full time. Highly residential is defined as at least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. On campus is defined as institutionally owned, controlled, or affiliated housing such as fraternity and sororities. The 67 schools were categorized as follows; 28 were highly residential, 23 were primarily residential, 13 were primarily nonresidential, and 3 were not applicable because they were special focus institutions (see Table 6).

Table 6.
Resolution Agreements by Campus Residence Setting

OCR Office	Signed Resolutions	% of Resolutions
Primarily Nonresidential	13	19%
Primarily Residential	23	34%
Highly Residential	28	42%
Not Applicable, Special Focus Institutions	3	4%
Total	67	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

Carnegie Classification of residential setting was used to compare four-year institutions’ residential setting to national data. For the purpose of comparison, Carnegie’s 2015 data was used (see Table 7).

Table 7
Four-Year Institutions Campus Residence Setting

	Institutions		Fall 2014 Enrollment	
	N	%	N	%
Primarily Nonresidential	1,429	51%	6,596,446	49%
Primarily Residential	604	22%	4,727,411	35%
Highly Residential	755	27%	2,265,224	17%
Grand Total	2,788		13,589,081	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-FactsFigures.pdf>. 2016 by The Carnegie Classification of Institutions of Higher Education.

Comparing this data to Table 6, there seems to be identifiable trends. Primarily nonresidential institutions account for 51% of four-year institutions and enroll about half of all four-year students. These institutions signed 19% of the resolution agreements in the data set for four-year institutions. Primarily residential institutions account for 22% of four-year institutions and enroll 35% of the four-year population. Primarily residential institutions signed 34% of the four-year resolution agreements. Highly residential institutions account for 27% of four-year institutions and enroll 17% of four-year students. Highly residential institutions signed 42% of the four-year resolution agreements from the data. Based on this data, institutions with a high concentration of residential students have signed resolution agreements at a higher percentage than they exist nationally and at a higher percentage than their enrollment would suggest. Further research is needed to understand this pattern.

Results for Enrollment Attributes

The size of four-year institutions was categorized by using the Carnegie Class Sizes for four-year institutions. Very small schools have an enrollment of less than 1000 students, small schools have an enrollment between 1000 and 2999 students, medium schools have an enrollment between 3000 and 9999 students and large schools have an enrollment of 10,000 students or more. The 122 four-year institutions that signed resolution agreements and reported enrollment data contained nine very small schools, 29 small schools, 41 medium schools, and 43 large schools (see Table 8).

Table 8.
Resolutions Signed by Carnegie Class Size of Four-Year Colleges

	Resolutions Signed	
	N	%
Very Small = (<1000)	9	7%
Small (1000-2999)	29	24%
Medium (3000-9999)	41	34%
Large (>10,000)	43	35%
Grand Total	122	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

Four-year institutional enrollment size was categorized based on the Carnegie size categories; very small, small, medium, and large institutions. The percentage of each size group of four-year institutions that signed resolutions was compared to Carnegie data from 2015 (see Table 9).

Large institutions only account for 11% of four-year institutions, but enroll 57% of all four-year students. Large institutions signed 35% of the four-year resolutions from the data set. Medium institutions account for 18% of four-year institutions and enroll 26% of all four-year institutions. Medium schools signed 34% of the four-year resolution agreements from the data set. Small institutions account for 28% of four-year institutions

and enroll 13% of all four-year students. Small schools signed 24% the four-year resolution agreements in the data set. Very small institutions account for 43% of four-year institutions and enroll 4% of all four-year students. Very small schools signed 7% of the four-year resolution agreements in the data set.

Table 9.
Four-year Institutions by Carnegie Class Size

	Institutions		Fall 2014 Enrollment	
	N	%	N	%
Very Small (<1,000)	1,188	43%	587,166	4%
Small (1,000-2,999)	782	28%	1,731,145	13%
Medium (3,000-9,999)	514	18%	3,548,119	26%
Large (>10,000)	304	11%	7,722,651	57%
Grand Total	2,788		13,589,081	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-FactsFigures.pdf>. 2016 by The Carnegie Classification of Institutions of Higher Education.

Based on this data, the number of students at an institution relate closer to the percentages of resolution agreements signed than the actual number of schools. Medium and small schools signed resolution agreements at a higher percentage when looking at both number of institutions and number of students enrolled.

The size of two-year institutions was categorized by using the Carnegie Class Sizes for two-year institutions. Very small schools have an enrollment of less than 500 students, small school have an enrollment between 500 and 1999 students, medium schools have an enrollment between 2000 and 4999 students, large schools have an enrollment between 3000 and 9,999 students, and very large schools have an enrollment of 10,000 students or more. The 47 two-year institutions that signed resolution agreements and reported enrollment data contained one very small school, seven small schools, 13 medium schools, nine large schools, 16 very large schools, and one school did not report enrollment (see Table 10).

Table 10.

Resolutions Signed by Carnegie Class Size of Two-Year Colleges

	Resolutions Signed	
	N	%
Very Small (<500)	1	2%
Small (500-1999)	7	15%
Medium (2000-4999)	13	28%
Large (5000-9999)	9	19%
Very Large (>10000)	16	34%
Unreported Enrollment	1	2%
Grand Total	47	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

The percentage of each size group of two-year institutions that signed resolutions was compared to Carnegie data from 2015 (see Table 11)

Table 11.

Two-Year Institutions by Carnegie Class Size

	Institutions		Fall 2014 Enrollment	
	N	%	N	%
Very Small (<500)	531	34%	152,431	2%
Small (500-1,999)	470	30%	768,066	11%
Medium (2,000-4,999)	329	21%	1,811,740	27%
Large (5,000-9,999)	174	11%	2,057,389	31%
Very Large (>10,000)	75	5%	1,947,061	29%
Grand Total	1,579		6,736,687	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-FactsFigures.pdf>. 2016 by The Carnegie Classification of Institutions of Higher Education.

Very large institutions only account for 5% of two-year institutions, but enroll 29% of all two-year students. Very large institutions signed 34% of the two-year resolutions from the data set. Large institutions account for 11% of two-year institutions and enroll 31% of all two-year institutions. Large schools signed 19% of the two-year resolution agreements from the data set. Medium sized institutions account for 21% of two-year institutions and enroll 27% of all two-year students. Medium sized schools signed 28% the two-year resolution agreements in the data set. Small institutions account

for 30% of two-year institutions and enroll 11% of all two-year students. Small schools signed 15% of the two-year resolution agreements in the data set. Very small institutions account for 34% of two-year institutions and enroll 2% of all two-year students. Very small schools signed 2% of the two-year resolution agreements in the data set.

For two-year institutions, the percentage of resolution agreements signed for each size category was very similar to the percentage of students enrolled in each category with the exception of large schools. Large schools signed only 19% of two-year agreements, despite enrolling 31% of the two-year population.

Acceptance rate was first reported in IPEDs beginning in the 2001-2002 academic year. The selectivity categories from IPEDs were used to categorize the selectivity of four-year institutions. IPEDs categorized selectivity in the following manner; accept less than 10% of applicants, accept between 10% and 24.9% of applicants, accept between 25% and 49.9% of applicants, accept between 50% and 74.9% of applicants, schools accept between 75% and 90% of applicants, schools accept over 90% of applicants, and schools without acceptance criteria which is defined as schools with open enrollment. Eighty four-year institutions signed a resolution agreement after selectivity was first reported in 2001-2002, five four-year institutions in that time period did not report selectivity, leaving a sample of 75 schools. They were categorized as follows; three institutions accepted less than 10%, four accepted between 10% and 24.9%, 17 institutions accepted between 25% and 49.9%, 37 institutions accepted between 50% and 74.9%, eight institutions accepted between 75% and 89.9, six institutions accepted between 90% and 98%, zero institutions accepted over 98% and were considered open enrollment (see Table 12).

Table 12.
Resolutions Signed by Acceptance Rate

	Resolutions Signed	
	N	%
Accept less than 10%	3	4%
Accept Between 10%-24.9%	4	5%
Accept Between 25%-49.9%	17	23%
Accept Between 50%-74.9%	37	49%
Accept Between 75%-89.9%	8	11%
Accept Between 90%-97.9%	6	8%
Accept More Than 98% (Open Enrollment)	0	0%
Grand Total	75	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

The selectivity of institutions that signed resolution agreements was compared to IPEDs data for acceptance rates from the 2013-14 academic year. The IPEDs data included the percentage of four-year institutions that exist nationally, as well as their enrollees for the year (see Table 13).

Table 13
Acceptance Rates and Enrollees 2013-2014

	% Distribution of Institutions	% Distribution of Enrollees
No Acceptance Criteria	29%	NA
90% or More Accepted	9.3%	7.0%
75%-89.9% Accepted	16.8%	24.6%
50%-74.9% Accepted	31.8%	46.9%
25%-49.9% Accepted	10.7%	17.0%
10%-24.9% Accepted	1.9%	3.4%
Less Than 10% Accepted	0.5%	1.0%

Note: Adapted from https://nces.ed.gov/programs/digest/d14/tables/dt14_305.40.asp. 2014 by National Center for Education Statistics

IPEDs enrollment data did not include any students from open enrollment institutions.

Comparing Table 12 to Table 13, there seems to be some anomalies. Institutions that have an admissions rate of less than 10% only make up 0.5% of institutions and enroll only 1% of students, yet account for 4% of resolution agreements signed by four-year institutions after 2001. Institutions that have an admissions rate less than 50% account for

12.65% of all institutions and enroll 21.4% of students, not including students who attend open enrollment institutions yet account for 32% of all resolutions signed after 2001. Institutions who accept between 50% and 74.9% of students account for 49% off the resolutions signed after 2001. Schools with the same acceptance rate make up 31.8% of four-year institutions and account for 46.9% of enrolled students not including open enrollment students. Institutions who accept between 75% and 89.9% of students account for 11% percent of resolutions agreements signed after 2001 by four-year institutions. These same institutions make up 16.8% of four-year institutions and enroll 24.6% of students, not including students at open enrollment institutions. Four-year open enrollment institutions make up 29% of all four-year schools, but have signed zero resolution agreements since 2001.

Percentage of female undergrad enrollment was reported by 175 of institutions that signed a resolution agreement. Female enrollment was categorized in 10% increments. Two institutions had female enrollment of less than 10%, three institutions had female enrollment between 10% and 20%, five institutions had female enrollment between 20% and 30%, three institutions had female enrollment between 30% and 40%, 30 institutions had female enrollment between 40% and 50%, 88 institutions had female enrollment between 50% and 60%, 30 institutions had female enrollment between 60% and 70%, 10 institutions had female enrollment between 70% and 80%, one institution had female enrollment between 80% and 90%, three institutions had female enrollment over 90% (see Table 14). The average female enrollment of the 175 institutions that reported was 54.5%.

Table 14.

Resolution Agreements by Percentage of Female Students

OCR Office	Signed Resolutions	% of Resolutions
0%-10% Female	2	1%
10.1%-20% Female	3	2%
20.1%-30% Female	5	3%
30.1%-40% Female	3	2%
40.1%-50% Female	30	15%
50.1%-60% Female	88	45%
60.1%-70% Female	30	15%
70.1-80% Female	10	5%
80.1%-90% Female	1	1%
90.1%-100% Female	3	2%
Female Enrollment Not Reported	21	11%
Total	196	

Note: Adapted from data received by means of a FOIA request to the United States Department of Education and from <http://nces.ed.gov/ipeds/datacenter/Default.aspx>. By National Center for Education Statistics.

National data for percent distribution for female enrollment by institution does not exist. There is data for total enrollment, but not at the institutional level, so there is not an accurate basis for comparison to see if there are any trends in the data set based on female enrollment percentage. There is evidence that institutions with higher percentage of female enrollment are at a higher risk of Title IX athletic noncompliance due to the difficulty of closing the proportionality gap (Anderson, Cheslock, & Ehrenberg, 2006), but the same level of risk cannot be determined for Title IX sexual harassment and assault noncompliance without further research. The data from the institutions that signed resolution agreements can only show that approximately 50% of the resolution agreements were signed by institutions with a female enrollment percentage between 50% and 60%. The national postsecondary female enrollment percentage average from 1995-2014 was 57%, the average female enrollment percentage of the institutions that signed resolutions agreement during the same time period was 55%. There is not enough

national data to make any comparisons to determine if schools signed resolution agreements at a similar percentage as they exist nationally based on female enrollment percentage.

Conclusion of Findings

Anomalies were found among the institutional characteristics of schools and colleges that have signed a Title IX sexual assault and harassment resolutions agreements with the OCR. Among organizational attributes; private non-profit institutions signed resolution agreements at a higher percentage than their enrollment would suggest and there were no patterns, trends, or anomalies found based on degree type. Among physical attributes; medium and small sized four-year schools signed resolution agreements at a higher percentage than their enrollment and their number of institutions would suggest, large two-year and large four-year schools signed resolutions at a lower percentage than their enrollment would suggest, and the Boston and Kansas City OCR offices signed resolution agreements at a higher rate than the number of institutions and enrollment in their territories would suggest. Among enrollment attributes; highly selective institutions signed resolution agreements at a higher percentage than their enrollment and number of institutions would suggest, highly residential institutions signed resolution agreements at a higher percentage than their enrollment and number of institutions would suggest, and more detailed national data would have to be recorded to identify any trends concerning female ratio of students and noncompliance. Throughout the 20-year span of the data the number of Title IX complaints increased steadily from 1995 through 2015. Guidance releases did not seem to have an impact on findings of noncompliance. These results require further research to help identify why such anomalies exist and whether current

policy has been effective in combating sexual assault and harassment on college campuses.

DISCUSSION

Overview of Discussion Rationale

The intent of this study was to identify any patterns, which may have developed among the institutional characteristics of schools and colleges that signed an OCR higher education sexual assault/harassment Title IX resolution agreement between 1995 and 2015. Trends, patterns, and anomalies were identified by comparing the data related to institutional characteristics of the schools and colleges that signed resolution agreements to how those characteristics occur nationally using Carnegie Classification and IPEDs data. The trends and patterns for each attribute type are discussed as to how they can be used as the basis for further research and studies to understand why they exist.

Organizational Attributes Discussion

Public and private non-profit institutions enrolled 90% of all higher education students from 1995-2014 and account for 86% of the resolution agreements signed in the same time span. Private non-profit institutions signed 34% of the resolution agreements and accounted for 19% of higher education enrollment. Public institutions signed 52% of the resolution agreements and accounted for 71% of enrollment (see Table 3 and 4). Further research would have to be conducted to attempt to identify why this discrepancy exists. The data does not suggest that that sexual assault is more likely at private or public institutions, but does suggest that noncompliance exists at a higher rate based on enrollment at private non-profit schools than at public institutions. In addition to taking other factors, such as Clery data and other institutional characteristics into account, a campus culture study at private and public institutions may help give insight as to why this trend exists.

The percentage of resolution agreements signed for each degree type in the data are almost identical to the percentage they occur nationally and by the percentage of students that they enroll (see Table 1 and 2). There does not seem to be a need for future research on degree type being a factor in noncompliance concerning Title IX and sexual assault.

Physical Attributes Discussion

Location may also be factor in noncompliance. Enrollment in the territories under the jurisdiction of the Boston OCR office accounted for 5% of the national average enrollment from 1990-2014 and 6% of the nation's postsecondary institutions. The Boston OCR office signed 13% of the resolution agreements in the data set, approximately twice the percentage of the territory's enrollment and number of institutions would suggest. Enrollment in the territories under the jurisdiction of the Kansas City OCR office accounted for 5% of the national average enrollment from 1990-2014 and 7% of the nation's postsecondary institutions. The Kansas City OCR office signed 11% of the resolution agreements in the data set, approximately twice the percentage of the territory's enrollment percentage. The Boston and Kansas City offices were the only two offices that signed resolution agreements at a much higher rate than their enrollment and number of institutions would suggest (see Table 5 and 17). All the other offices signed agreements within three percentage points of their average enrollment for their territory.

Further research will need to be conducted to understand why the Boston and Kansas City OCR offices signed resolution agreements at a higher rate than their enrollment percentages. Possible studies could include researching the number of

complaints from every territory as well as compliance reviews that were conducted by each territory to see if there are discrepancies among the territories. Clery data from each territory could also be researched to see if there are more or less incidents of sexual violence in certain territories, which could lead to more complaints and investigations.

The residential setting at institutions seems to be a factor in Title IX sexual assault noncompliance and warrants future research. Highly residential institutions signed 42% of all resolution agreements signed by four-year institutions after 2006 when institutions began reporting the percentage of students living on campus. Highly residential institutions only account for 27% of institutions nationally and enroll 17% of the nation's four-year students. On the other hand, primarily nonresidential institutions signed 19% of the resolution agreements in the same time frame despite accounting for 51% of the nation's four-year institutions and enrolling 49% of the four-year population. The relationship between a high concentration of students living on campus and incidents of sexual assault, complaints, or investigations should be examined further to see if there is in fact a correlation. Resolution agreements alone do not imply that assaults happened on campus or among residential students, only that the institutions were noncompliant with Title IX. More specific data on where incidents took place and which parties were involved would have to be researched further using Clery information and crime statistics.

Enrollment Attributes Discussion

Enrollment at four-year institutions related closer to the percentages of resolution agreements signed than the actual number of schools. Large institutions (10,000 or more students) signed 35% of the resolution agreements signed by four-year schools and

account for only 11% of four-year schools nationally. Large schools do however enroll 57% of four-year students. Medium (enrollment between 3000 and 9999 students) and small schools (enrollment between 1000 and 2999) combined, signed 58% of the four-year resolutions agreements and account for 46% of four-year institutions, however they only enroll 39% of four-year students. Medium and small schools signed resolution agreements at a higher rate when looking at both number of institutions and number of students enrolled (see Table 8 and 9). This trend may exist due to the way medium and small schools are able to educate and train students on sexual assault and Title IX. These students may be more aware of their options and more likely to report incidents or file complaints than students at very small or large schools. Clery data should also be analyzed to see if the actual number of assaults and harassment vary significantly based on institutional enrollment. Large schools may have better resources to react compliantly to incidents, which would lead to less need for resolution agreements. The findings do not suggest that incidents of sexual assault are more or less likely to occur based on enrollment, that information could better be found by analyzing Clery data. The data does suggest that medium and small schools have more of an issue of noncompliance with Title IX concerning sexual assault than large schools when looking at incidents of noncompliance per student. Further research needs to be conducted to understand why this trend exists.

Enrollment at two-year schools also related closer to the percentages of resolution agreements signed than the actual number of schools. Two-year institutions signed agreements at about the same percentage as the number of students they enroll with the exception of large schools (see Table 10 and 11). Large schools (enrollment between

5000 and 9999 students) signed only 19% of two-year agreements, despite enrolling 31% of the two-year population. Further research would need to be conducted to help understand this trend, as it was similar with large four-year schools as well, which enrolled 57% of four-year students and signed 35% of four-year resolution agreements. Possible factors that could be studied further to help explain this trend is that since there are a smaller number of large institutions there is possibly less variance in their policies, procedures, and compliance efforts, which may result in better compliance per student. A study could be conducted comparing policies and procedures, training and prevention programs, and campus cultures of large schools and medium and small schools to see if there are discrepancies that could factor into noncompliance.

Acceptance rate was analyzed to identify any patterns concerning the selectivity of the institutions that signed resolution agreements. Highly selective institutions seem to sign resolution agreements at a higher rate than they exist nationally. The most selective institutions also enroll a smaller percentage of students compared to the percentage of resolutions they have signed since 2001. Institutions that accept less than 25% of its applicants signed 9% of the resolution agreements completed by four-year institutions since 2001, but only enroll 4% of the nation's four-year students and account for 2.5% of the nation's institutions (Tables 12 and 13). This trend could provide the basis for further research as to why more selective schools seem to sign resolution agreements at higher rates than would be predicted based on the number of these institutions and their enrollment. A campus culture study could provide insight as to why this trend exists. Students also may be more inclined to issue a complaint at higher selective schools, providing more opportunity for investigations and resolutions. Further research would

need to be conducted to find the number of complaints and incidents per student among different selectivity levels to help identify if there are significant discrepancies. This trend does not suggest that selective institutions are more likely to be noncompliant with Title IX or that sexual violence is more likely to occur at these institutions, only that further research should be conducted to better understand the trend.

Limitations

Limitations of internal validity are minimal because data was collected from a public database, which can be referenced. The guidance releases and institutional characteristics were clearly identified so the study can be replicated. Other researchers may use the same data, but identify different patterns by using different institutional and violation characteristics. The data was collected and patterns were identified manually so there is a possibility of human error. The results also did not answer why or how patterns exist, only identified them, but can be used as reference and for the basis of further research.

Potential Impact on Policy and Conclusion

In addition to the Clery Act and VAWA, the United States has attempted to combat sexual assault and harassment in higher education through Title IX compliance measures. A primary means to educate institutions' administration is through guidance released periodically by the United States Department of Education's Office for Civil Rights. Since the first guidance release pertaining to Title IX and sexual assault and harassment in 1997, complaints have increased steadily. The number of complaints pertaining to Title IX sexual assault and harassment began to increase significantly after 2007 (see Figure 2). From 2007-2014, the OCR released four separate guidance

documents related to Title IX and sexual assault and harassment in education. Prior to 2007, two guidance documents were released. From 2007-2011 findings of noncompliance also rose significantly and many more institutions are still being investigated, which may result in more findings of noncompliance. The OCR's enforcement and guidance policy, as well as the issue of sexual assault and harassment in higher education, should be reevaluated.

The goal of guidance from the OCR is to educate institutions to be best prepared to be compliant with Title IX and address the issue of sexual assault and harassment. Going back to the first guidance release in 1997, the number of complaints, investigations, and findings of noncompliance have all increased. Based on this data, guidance for Title IX sexual assault and harassment compliance has not had the desired effect of increased compliance. It is also questionable as to whether a focus on Title IX compliance is the best way to thwart sexual assault and harassment in higher education.

Despite an influx of media attention and a running record of investigations, actual findings of noncompliance are minimal compared to the number of complaints and investigations. From the 2009-2010 academic year through the 2013-2014 academic year, there have been 1,991 Title IX complaints for sexual assault and harassment (this includes higher education and secondary education complaints, they are not separated for reporting). As of October 8, 2015 (the date from the FOIA request was received), there have been 86 findings of noncompliance in higher education for those academic years. All other complaints are either still being investigated or did not have a finding of noncompliance. No cases were deferred to the DOJ.

The occurrence of sexual assault and harassment and the pending complaint and investigation on a college campus does not equate to noncompliance. Title IX sexual assault and harassment noncompliance from 1995-2015 was not common; 199 findings in 20 years. During those 20 years every finding was resolved through a resolution agreement, zero cases were referred to the Department of Justice. Noncompliance does not seem to be the most pressing issue concerning sexual assault and harassment in higher education, the actual number of complaints and incidents occurring seems to be the larger problem.

This study can provide the basis to research alternative policies to combat sexual assault and harassment in higher education since Title IX noncompliance is not very prodigious. Safety and security and campus culture should be researched further to attempt to reduce incidents rather than focusing primarily on reacting to incidents compliantly. Training, education, and awareness are incorporated in many of the guidance releases, but thus far have not been very effective based on the increased numbers of complaints and investigations. Guidance releases may have increased awareness, which lead to increased complaints and opportunity for investigations and findings of noncompliance, but it is difficult to determine how effective guidance has actually been in reducing noncompliance since findings have increased since 1997.

Some of these concerns were addressed in a January 2017 guide released by the White House Task Force. The guide reiterated many of the suggestions in previous OCR guidance such as; coordinated response, prevention and education, policy development and implementation, and advocacy, but the need for climate surveys, performance measurement, and evaluations are incorporated into guidance for the first time. The

document identifies the need for “regularly conducted research based sexual misconduct climate surveys (White House Task Force to Protect Students from Sexual Assault, 2017, p. 12)”. The results of the surveys should be used to develop action plans, inform future prevention and response efforts, and to identify improvements to existing responses to sexual misconduct. These suggestions are defended by the findings of this research study. The effectiveness of institutional policies, as well as the effectiveness of Federal enforcement and policies concerning sexual assault and harassment prevention needs to be evaluated further and addressed through additional research.

REFERENCES

42 U.S.C., §§ V-2000d-2000d-7 (1964)

20, U.S. Code § 38-1681 (1972).

American Council on Education. (2014). New requirements imposed by the Violence Against Women Reauthorization Act. doi:10.1037/e600022012-001

Ali, R. (2010, October 26). Dear Colleague Letter [Letter]. Washington, D.C.

Alida Star Gebser and Alida Jean McCullough, Petitioners v. Lago Vista Independent School District (June 22, 1998).

Anderson, D. J., Cheslock, J. J., & Ehrenberg, R. G. (2006). Gender equity in intercollegiate athletics: Determinants of Title IX compliance. *Journal Of Higher Education, 77*(2), 225-250.

Anderson, N. (2014, July 1). Statistics show U.S. college reports of sex offenses are rising. Retrieved February 5, 2015, from http://www.washingtonpost.com/local/education/sex-offense-statistics-show-us-college-reports-are-rising/2014/07/01/982ecf32-0137-11e4-b8ff-89afd3fad6bd_story.html

Anderson, P. M. (2012). Title IX at forty: An introduction and historical review of forty legal developments that shaped gender equity law. *Marquette Sports Law Review, 22*(2), spring, 324-389. Retrieved February 4, 2015, from <http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1554&context=sportslaw>

Aurelia Davis, as next friend of LaShonda D., Petitioner v. Monroe County Board of Education (May 24, 1999).

Bonnette, V. M. (2012). How Title IX is enforced. Retrieved February 27, 2015, from

<http://titleixspecialists.com/wp-content/uploads/2013/09/How-Title-IX-is-Enforced.pdf>

Buzuvis, E. E. (2010). Sidelined: Title IX retaliation cases and women's leadership in college athletics. Retrieved from

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1168&context=djglp>

Cheslock, J. J., & Eckes, S. E. (2008). Statistical evidence and compliance with Title IX.

New Directions For Institutional Research, 2008(138), 31-45. doi:10.1002/ir.246

Cho, J. Y., & Lee, E. (2014). Reducing confusion about grounded theory and qualitative content analysis: Similarities and differences. *The Qualitative Report*, 19, 1-20.

Retrieved from <http://www.nova.edu/ssss/QR/QR19/cho64.pdf>

Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964).

Clery, S. B. (2012). Faculty salaries. *The NEA Almanac of Higher Education*, 7-26.

Retrieved from

http://www.nea.org/assets/docs/2012_Almanac_Faculty_Salaries.pdf

The Chronicle of Higher Education. (2016, October 25). Campus sexual assault under investigation. Retrieved from <http://projects.chronicle.com/titleix/>

Exec. Order No. 11246, 3 C.F.R. (1965).

Exec. Order No. 11375, 3 C.F.R. (1967).

Franklin v. Gwinnett County Public Schools (February 26, 1992).

Galles, K. M. (2004). Filling the gaps: Women, civil rights, and Title IX. *Human Rights Magazine*, 31. Retrieved February 4, 2015, from

http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol31_2004/summer2004/irr_hr_summer04_gaps.html

Johnson, G. (2014, October 15). Athletics participation rates continue to rise. Retrieved from <http://www.ncaa.org/about/resources/media-center/news/athletics-participation-rates-continue-rise>

Klein, S. S. (2012, June). Psychologists still need to help implement Title IX as it celebrates its 40th anniversary. Retrieved from <http://www.apa.org/pi/women/resources/newsletter/2012/04-06/title-nine-anniversary.aspx>

Lhamon, C. E., & Samuels, J. (2014). *Memorandum of understanding between the United States Department of Education, Office for Civil Rights, and the United States Department of Justice, Civil Rights Division* (United States of America, Department of Education and Department of Justice).

Lhamon, C. E. (2015, April 24). Notice of language assistance Dear colleague letter on Title IX coordinators [Letter]. Washington D.C.

National Center for Education Statistics. (2015, May). Undergraduate enrollment. Retrieved June 17, 2015, from https://nces.ed.gov/programs/coe/indicator_cha.asp

National Coalition for Women and Girls in Education. (2012). Title IX and athletics: Proven benefits, unfounded objections. Retrieved from <http://www.ncwge.org/TitleIX40/Athletics.pdf>

National Girls Collaborative Project. (2015). State of girls and women in STEM. Retrieved August 4, 2015, from <http://www.ngcproject.org/statistics>

New, J. (2015, May 6). Justice delayed. Retrieved from

<https://www.insidehighered.com/news/2015/05/06/ocr-letter-says-completed-title-ix-investigations-2014-lasting-more-4-years>

Office for Civil Rights. (2014, April 28). FAQs sexual harassment, including sexual violence. Retrieved June 18, 2015, from

<http://www2.ed.gov/about/offices/list/ocr/qa-sexharass.html>

Office for Civil Rights. (2015, February 19). OCR complaint processing procedures.

Retrieved June 21, 2015, from

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Peterson, A., & Ortiz, O. (2016). A better balance: Providing survivors of sexual violence with "effective protection" against sex discrimination through Title IX

complaints. *The Yale Law Journal*, 125(7). Retrieved from

<http://www.yalelawjournal.org/feature/a-better-balance-effective-protection-through-title-ix-complaints>

Redden, E. (2007, December 10). Fallout from Fresno State's multi-million dollar case(s).

Retrieved June 17, 2015, from

<https://www.insidehighered.com/news/2007/12/10/fresno>

Rowinsky v. Bryan Independent School District (United States Court of Appeals, Fifth Circuit April 2, 1996).

Sabatier, P. A. (2007). *Theories of the policy process* (2nd ed.). Boulder, CO: Westview Press.

Sandler, B. R. (2000). Too strong for a woman: The five words that created Title IX.

Equity & Excellence in Education, 33(1), 9-13. doi:10.1080/1066568000330103

Sex offenses on U.S. college campuses. (n.d.). Retrieved June 4, 2015, from

<http://apps.washingtonpost.com/g/page/local/sex-offenses-on-us-college-campuses/1077/>

Sinozich, S., & Langton, L. (2014). Rape and sexual assault victimization among college-age females, 1995–2013. doi:10.1037/e300702005-001

Skrentny, J. D. (2002). *The minority rights revolution*. Cambridge, MA: Belknap Press of Harvard University Press.

Stafford, S. L. (2004). Progress toward Title IX compliance: The effect of formal and informal enforcement mechanisms. *Social Science Quarterly (Wiley-Blackwell)*, 85(5), 1469-1486. doi:10.1111/j.0038-4941.2004.00286.x

Strange, C. C., & Banning, J. H. (2001). *Educating by design: Creating campus learning environments that work*. San Francisco: Jossey-Bass.

The Margaret Fund of NWLC. (2015). Title IX. Retrieved February 24, 2015, from <http://www.titleix.info/Default.aspx>

United States Department of Education. (1997). Sexual harassment guidance: Harassment of students by school employees, other students, or third parties. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/sexhar01.html>

United States Department of Education. (2001). Revised sexual harassment guidance: Harassment of students by school employees, other students, or third parties Title IX. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

United States Department of Education. (2008). Sexual harassment: It's not academic. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>

United States Department of Education. (2010, October 20). How to file a discrimination complaint with the Office for Civil Rights. Retrieved June 3, 2015, from

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

United States Department of Education. (2011, April 4). Dear colleague letter: Sexual violence [Letter].

United States Department of Education. (2012). Title IX enforcement highlights office for civil rights. Retrieved February 24, 2015, from

<https://www2.ed.gov/documents/press-releases/title-ix-enforcement.pdf>

United States Department of Education. (2015, April). Title IX resource guide. Retrieved from [https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf)

[guide-201504.pdf](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf)

United States Department of Education Office for Civil Rights. (1998). Annual report to congress fiscal year 1997. Retrieved from

<http://www2.ed.gov/about/offices/list/ocr/AnnRpt97/edlite-index.html>

United States Department of Education Office for Civil Rights. (1999). How OCR does its work. Retrieved from

<http://www2.ed.gov/about/offices/list/ocr/AnnRpt99/edlite-how.html>

United States Department of Education Office for Civil Rights. (2009). *Annual report to Congress of the Office for Civil Rights. Fiscal years 2007-08.*

United States Department of Education Office for Civil Rights. (2014, April 28).

Frequently asked questions about sexual harassment, including sexual violence.

Retrieved from <http://www2.ed.gov/about/offices/list/ocr/qa-sexharass.html>

United States Department of Education Office for Civil Rights. (2015, April). Protecting civil rights, advancing equity: Report to the President and Secretary of Education.

Retrieved from <http://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf>

United States Department of Education Office for Civil Rights. (2014, April 29).

Questions and answers on Title IX and sexual violence. Retrieved January 28, 2015, from <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

United States Department of Justice. (n.d.). Information about filing a complaint with the

U.S. Department of Justice, Civil Rights Division and the U.S. Department of Education, Office for Civil Rights. Retrieved June 3, 2015, from

<http://www.justice.gov/crt/about/edu/documents/filecomp.pdf>

Violence against women reauthorization act of 2013, Pub. L. No. 113-4, §§ 303-304 (2013).

White House Task Force. (2014, April). Not alone: The first report of the White House

Task Force to protect students from sexual assault. Retrieved June 18, 2015, from <https://www.notalone.gov/assets/report.pdf>

White House Task Force to Protect Students from Sexual Assault. (2017). Preventing and addressing campus sexual misconduct: A guide for university and college

presidents, chancellors, and senior administrators. Retrieved from

<https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Documents/1.4.17.VAW%20Event.Guide%20for%20College%20Presidents.PDF>

APPENDIX

APPENDIX: TABLES

Table 15

Enrollment and Percent Distribution for Title IV Institutions 1995-2014 by Institutional Control

	Enrollment				Percent Distribution		
	Total	Public	Non-Profit	For-Profit	Public	Non-Profit	For-Private
1995	14,836,338	11,312,491	2,977,794	546,053	76%	20%	4%
1996	14,809,897	11,312,775	2,976,850	520,272	76%	20%	4%
1997	14,900,416	11,370,755	3,012,106	517,555	76%	20%	3%
1998	14,923,839	11,330,811	3,040,251	552,777	76%	20%	4%
1999	15,262,888	11,556,731	3,088,233	617,924	76%	20%	4%
2000	15,701,409	11,891,450	3,137,108	672,851	76%	20%	4%
2001	16,334,134	12,370,079	3,198,354	765,701	76%	20%	5%
2002	17,035,027	12,883,071	3,299,094	852,862	76%	19%	5%
2003	17,330,775	12,965,502	3,372,647	992,626	75%	19%	6%
2004	17,710,798	13,081,358	3,440,559	1,188,881	74%	19%	7%
2005	17,921,804	13,115,177	3,484,013	1,322,614	73%	19%	7%
2006	18,205,474	13,281,664	3,543,455	1,380,355	73%	19%	8%
2007	18,671,084	13,595,849	3,595,207	1,480,028	73%	19%	8%
2008	19,574,395	14,092,109	3,684,723	1,797,563	72%	19%	9%
2009	20,853,423	14,936,402	3,793,751	2,123,270	72%	18%	10%
2010	21,591,742	15,279,455	3,881,630	2,430,657	71%	18%	11%
2011	21,573,798	15,251,185	3,954,173	2,368,440	71%	18%	11%
2012	21,148,181	15,000,302	3,973,422	2,174,457	71%	19%	10%
2013	20,847,787	14,855,412	3,993,462	1,998,913	71%	19%	10%
2014	20,663,464	14,765,873	4,015,094	1,882,497	71%	19%	9%
Average	17,994,834	13,212,423	3,473,096	1,309,315	74%	19%	7%

Note: Adapted from https://nces.ed.gov/programs/digest/d15/tables/dt15_303.20.asp. 2015 by National Center for Education Statistics.

Table 16
Higher Education Enrollment by State 1990-2014

State or Jurisdiction	Fall 1990	Fall 2000	Fall 2009	Fall 2010	Fall 2011	Fall 2012	Fall 2013	Fall 2014	Average Enrollment 1990-2014
United States	13,818,637	15,312,289	20,313,594	21,019,438	21,010,590	20,644,478	20,375,789	20,207,369	
Alabama	218,589	233,962	311,641	327,606	320,349	310,311	305,712	305,028	291,650
Alaska	29,833	27,953	32,406	34,799	34,932	32,797	34,890	34,331	32,743
Arizona	264,148	342,490	738,753	793,871	796,974	736,465	694,123	674,746	630,196
Arkansas	90,425	115,172	168,081	175,848	179,345	176,458	172,224	169,571	155,891
California	1,808,740	2,256,708	2,732,147	2,714,699	2,691,852	2,621,606	2,636,921	2,696,415	2,519,886
Colorado	227,131	263,872	345,034	369,450	365,939	363,170	358,723	353,827	330,893
Connecticut	168,604	161,243	191,790	199,384	201,638	201,658	200,966	201,928	190,901
Delaware	42,004	43,897	54,735	55,258	56,547	58,127	59,615	60,368	53,819
District of Columbia	79,551	72,689	136,792	91,992	90,245	90,150	89,257	90,053	92,591
Florida	588,086	707,684	1,051,917	1,124,778	1,149,160	1,154,506	1,125,810	1,111,018	1,001,620
Georgia	251,786	346,204	531,510	568,916	565,414	545,360	533,424	531,004	484,202
Hawaii	56,436	60,182	74,668	78,073	79,006	78,456	76,434	73,505	72,095
Idaho	51,881	65,594	84,349	85,201	90,142	108,008	109,318	118,953	89,181
Illinois	729,246	743,918	893,207	906,845	892,452	866,893	842,888	824,980	837,554
Indiana	284,832	314,334	441,031	459,493	457,506	447,263	444,364	436,327	410,644
Iowa	170,515	188,974	351,036	381,867	372,146	361,189	339,738	282,482	305,993
Kansas	163,733	179,968	210,819	214,849	216,662	213,855	215,855	226,401	205,268
Kentucky	177,852	188,341	277,876	291,104	293,766	281,133	273,073	264,197	255,918
Louisiana	186,840	223,800	251,468	263,676	265,740	258,846	251,887	245,938	243,524
Maine	57,186	58,473	70,183	72,406	72,297	73,095	70,849	72,246	68,342
Maryland	259,700	273,745	358,775	377,967	380,097	374,496	363,771	365,597	344,269
Massachusetts	417,833	421,142	497,234	507,753	508,546	514,119	514,008	510,912	486,443
Michigan	569,803	567,631	685,628	697,765	685,420	663,703	643,592	619,438	641,623
Minnesota	253,789	293,445	442,109	465,449	457,737	451,661	441,491	433,854	404,942
Mississippi	122,883	137,389	173,136	179,995	180,576	176,618	173,634	170,728	164,370
Missouri	289,899	321,348	424,541	444,750	456,994	441,186	438,222	419,900	404,605
Montana	35,876	42,240	51,588	53,282	54,042	53,254	52,777	51,942	49,375
Nebraska	112,831	112,117	139,594	144,692	142,875	139,558	137,943	135,825	133,179
Nevada	61,728	87,893	124,896	129,360	121,013	118,300	116,738	119,205	109,892
New Hampshire	59,510	61,718	74,234	75,539	77,436	82,678	92,440	106,984	78,817

New Jersey	324,286	335,945	431,978	444,092	443,750	439,966	436,939	436,208	411,646
New Mexico	85,500	110,739	153,055	162,552	159,058	156,424	153,455	146,246	140,879
New York	1,048,286	1,043,395	1,290,046	1,305,151	1,318,076	1,309,684	1,304,230	1,299,055	1,239,740
North Carolina	352,138	404,652	567,841	585,792	585,013	578,265	575,198	570,045	527,368
North Dakota	37,878	40,248	54,456	56,903	56,482	55,242	55,063	54,048	51,290
Ohio	557,690	549,553	712,192	745,115	735,034	710,379	697,647	680,238	673,481
Oklahoma	173,221	178,016	220,377	230,560	230,176	228,492	220,897	215,349	212,136
Oregon	165,741	183,065	243,271	251,708	259,064	254,926	251,106	245,547	231,804
Pennsylvania	604,060	609,521	778,054	804,640	787,960	777,350	765,582	750,651	734,727
Rhode Island	78,273	75,450	84,673	85,110	84,647	83,952	83,460	83,499	82,383
South Carolina	159,302	185,931	246,525	257,064	260,002	259,617	257,844	254,629	235,114
South Dakota	34,208	43,221	53,342	58,360	55,899	56,058	55,129	53,963	51,273
Tennessee	226,238	263,910	332,555	351,762	350,186	343,478	338,197	326,575	316,613
Texas	901,437	1,033,973	1,447,028	1,535,864	1,564,208	1,544,524	1,541,378	1,555,462	1,390,484
Utah	121,303	163,776	236,204	255,653	264,394	267,309	264,255	274,926	230,978
Vermont	36,398	35,489	44,975	45,572	45,143	44,697	43,534	43,983	42,474
Virginia	353,442	381,893	544,665	577,922	589,145	588,708	583,755	577,908	524,680
Washington	263,384	320,840	382,613	388,116	372,839	365,529	363,377	365,193	352,736
West Virginia	84,790	87,888	142,492	152,431	162,347	162,182	157,954	157,052	138,392
Wisconsin	299,774	307,179	373,307	384,181	376,535	369,738	364,021	358,894	354,204
Wyoming	31,326	30,004	37,019	38,298	38,092	37,812	37,084	35,461	35,637
American Samoa	1,219	297	2,189	2,193	2,091	1,795	1,488	1,276	1,569
Guam	4,741	5,215	5,755	6,188	6,360	5,955	6,518	6,488	5,903
Northern Marianas	661	1,078	989	1,137	1,046	1,178	1,109	1,186	1,048
Puerto Rico	154,065	183,290	227,013	247,727	250,402	244,077	239,015	240,578	223,271
U.S. Virgin Islands	2,466	2,268	2,602	2,733	2,614	2,423	2,321	2,280	2,463

Note: Adapted from http://nces.ed.gov/programs/digest/d15/tables/dt15_304.10.asp?current=yes. 2015 by National Center for Educational Statistics.

Table 17

Enrollment, Number of Institutions, and Percent Distribution by OCR Office

OCR Office	Territory	Average Enrollment 1990-2014	Percent Distribution of Enrollment	Number of Institutions	Percent Distribution of Institutions 2015
Boston	CT, ME, MA, NH, RI, VT	949,361	5%	261	6%
New York	NJ, NY, PR, VI	1,877,120	10%	459	10%
Philadelphia	DE, MD, KY, PA, WV	1,527,124	8%	445	10%
Atlanta	AL, FL, GA, TN	2,094,085	11%	537	12%
Dallas	AR, LA, MS, TX	1,954,269	10%	414	9%
Washington, DC	NC, SC, VA, DC	1,379,753	7%	378	8%
Chicago	IL, IN, IA, MN, ND, WI	2,364,626	12%	546	12%
Cleveland	MI, OH	1,315,104	7%	322	7%
Kansas City	KS, MO, NE, OK, SD	1,006,461	5%	332	7%
Denver	AZ, CO, NM, UT, WY	1,368,583	7%	268	6%
San Francisco	CA	2,519,886	13%	451	10%
Seattle	AK, AS, GU, HI, ID, MT, NV, OR, WA, MP	946,344	5%	249	5%
Total		19,302,715		4662	

Note: Adapted from <http://carnegieclassifications.iu.edu/downloads/CCIHE2015-PublicDataFile.xlsx>. 2016 by Indiana University Center for Postsecondary Research

