



What We Know - and Need to Learn - about Progress against Sex Discrimination in Higher Education

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Title IX, the U.S. civil rights law that prohibits sex discrimination in federally funded education programs, is one of the most significant steps toward gender equality in the last century. By requiring schools to provide equal opportunities regardless of sex, the law intervenes to ameliorate disparities at the institutional level. President Obama concisely summarizes Title IX's importance: "From addressing inequality in math and science education to preventing sexual assault on campus to fairly funding athletic programs, Title IX ensures equality for our young people in every aspect of their education."

Despite the law's importance—as well as the fact that it has been on the books for over 40 years—we have insufficient information about patterns of alleged violations and ultimate dispositions. Existing research has tracked the changing scope of the law and its overall effects on higher education. For example, how have issues like peer harassment come to be defined as forms of discrimination subject to Title IX enforcement? And how has Title IX affected the U.S. educational system and student experiences – for example, by creating new athletic opportunities for women, fostering gender parity in science and math programs, and mandating that colleges and universities set up procedures for handling sexual harassment allegations?

Existing Knowledge about Title IX Enforcement

What little we know about specific compliance – and non-compliance – with Title IX strictures comes not from scholarly researchers but from press reports and data collected by the Office of Civil Rights.

- Press reports include high-profile investigations such as Jon Krakauer's 2015 book, *Missoula*, documenting the failure of local law enforcement and the University of Montana at Missoula to address egregious instances of campus rape. In addition, media outlets paid considerable attention in 2014 and 2015 to a mattress-wielding "performance art" protest mounted by former Columbia University undergraduate Emma Sulkowicz, who claimed that her allegation of sexual assault was mishandled. Such stories can be dramatic and attention-grabbing, but they can also mislead, as happened with a now-discredited 2014 *Rolling Stone* article about an alleged campus rape at the University of Virginia.
- Office of Civil Rights releases are more comprehensive but still limited. Periodically, the Office issues activity reports to the President, Congress, and the Secretary of Education that include the total number of discrimination complaints received. However, these reports offer varying data and appear at irregular intervals, sometimes annually and at other times every two or four years. Some reports give only multi-year totals for complaints filed under various statutes; a few provide counts of the issues cited in complaints, characterized in broad terms. For example, the most recent report from the Office of Civil Rights collapses complaints about 76 issues covered by Title IX into 13 categories. Data are rarely

provided about the types of institutions involved, that is, elementary or secondary schools or college-level institutions. Tellingly, no data are provided about patterns in how cases are resolved, such as, for example, the percentage of complaints resolved through dismissal, administrative closure, or closure with change.

Insufficient information about Title IX complaints and enforcement outcomes is particularly problematic now that national efforts to modify the law and its implementation are underway. In 2011, the Office of Civil Rights told colleges and universities to apply a “preponderance of evidence standard” to the internal adjudication of sexual harassment complaints – which means that students now face discipline if the infraction is judged to be “more likely than not,” as opposed to have occurred “beyond a reasonable doubt” or by “clear and convincing” evidence. In April 2014, the White House Task Force issued its first report, recommending that periodic campus climate surveys should be required to meet Title IX requirements starting in 2016. More recently, District of Columbia Council Member Anita Bonds proposed a bill that would require colleges to permanently mark the transcripts of students found responsible for sexual assault.

Complaints and costs are skyrocketing. To manage record high numbers of incoming cases and deal with growing enforcement responsibilities, the Assistant Secretary for Civil Rights of the Department of Education, has requested a \$30.7 million budget to employ 200 additional lawyers and investigators.

How New Research Can Help

Merely adding more money to agency and university budgets will not be enough to ensure effective Title IX enforcement, unless independent researchers can learn more about past enforcement efforts and outcomes. My research provides the first systematic analysis of Title IX complaints against colleges and universities, using a new data set that I have constructed to track all resolved Office of Civil Rights cases filed against colleges and universities from 1994 to 2014. With these data, I will be able to provide much greater detail about the kinds of sex discrimination issues cited in complaints, the types of schools affected, and responses by the Department of Education.

Research at this level of precision can help colleges, universities, and federal officials make well-informed changes to Title IX programs and policies. New data collection and analyses are likely to inform fresh understandings of sex discrimination in education. And they can lay the basis for institutional reforms – such as educational efforts and the inclusion of more people from underrepresented constituencies in university enforcement processes. In a variety of ways, research can enrich understandings of the impact of Title IX on America’s colleges and universities and support efforts by administrators to implement the law fairly and effectively, thereby making campuses safer and improving the quality of student life.