

Determinants and Impacts of Office of Civil Rights Inquiries into Sexual Misconduct Response at U.S. Colleges and Universities

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Introduction

- Dear Colleague Letter issued in 2011 made colleges and universities responsible for addressing sexual misconduct under Title IX; approach reconsidered under Trump and DeVos
- Office of Civil Rights investigations a key component of enforcement but effectiveness unclear

Related Literature

- Campus sexual misconduct is underreported across U.S. colleges and universities (AAUW, n.d.)
- Institution-level factors (e.g. staff resources, interest) may influence an institution's number of reported incidents of sexual misconduct (Palmer & Alda, 2016)
- We know relatively little about institutional factors in reporting (Linder et al., 2020)
- Researchers have investigated the impact of Office of Civil Rights investigations of Title IX compliance on institutions' enrollment and private donations, but not on reports of misconduct (Lindo et al., 2019)
- Comparable research investigated K-12 schools' likelihood of being investigated for racial discrimination (Perera, 2021) and influence of investigations on use of suspensions (Perera, 2022)

Research Questions

- What are the characteristics of colleges and universities most likely to have been investigated by the Office of Civil Rights for their compliance in reporting sexual misconduct?
- What impact do Office of Civil Rights investigations have on colleges' and universities' subsequent reporting of sexual misconduct under the Clery Act?

Data and Methods

- Data on Office of Civil Rights investigations collected from *The Chronicle of Higher Education* and assembled by *Chronicle* staff using a series of Freedom of Information Act requests to the U.S. Department of Education
- Linked data on reports of sexual misconduct under the Clery Act from the Campus Safety and Security Data Analysis Cutting Tool
- Concurrent data on institutions' annual enrollments, finances, and other characteristics from the Integrated Postsecondary Education Data System (IPEDS)
- For Research Question 1, we use a discrete-time logit event-history model to illustrate characteristics of institutions most likely to be investigated (Table 1). Because investigated institutions are different from non-investigated institutions, we use column 4 in Table 1 to estimate each institution's likelihood of being investigated between 2011 and 2018, based on Fall 2010 characteristics. We weight institutions by the inverse of their probability of being investigated (so institutions less likely to have been investigated are not weighted heavily as control institutions) in column 2 of Table 2.
- In Table 2, we model reported crimes as:

$$Y_{it} = \sum_{k \leq -4}^{k \geq 4} \beta_k * OCR_{kit} + \gamma_i + \tau_t + \varepsilon_{it},$$

where Y_{it} is the number of crimes reported by institution i in year t ; OCR_{kit} is a vector of indicators for years from four or more years prior to an investigation up to four or more years after an investigation; γ_i is a fixed effect for institution i ; τ_t is a fixed effect for year t ; ε_{it} is an error term specific to institution i and year t ; and β_k is a vector of regression coefficients to be estimated, representing the impact of investigations on crime reports.

References and full regression results available from authors upon request (via rodney.hughes@mail.wvu.edu).

Selected Results

Table 1. Institution-level factors associated with Office of Civil Rights investigations, 2011-12 through 2017-18.

	Year-by-year (2011 - 2018)		Ever (2011 - 2018)	
	(1)	(2)	(3)	(4)
	Student complaint	Any investigation	Any investigation	Only significant predictors
Enrollment (in 1,000s)	1.038*** (0.008)	1.036*** (0.008)	1.041** (0.016)	1.060*** (0.011)
Percent of enrolled students who are female	0.995 (0.006)	0.995 (0.006)	0.985* (0.008)	0.987- (0.007)
Percent of enrolled students in minoritized racial or ethnic groups	1.018** (0.006)	1.017** (0.006)	1.021** (0.007)	1.025*** (0.006)
Percent of enrolled students receiving Pell Grants	0.971*** (0.009)	0.972** (0.009)	0.961*** (0.010)	0.965*** (0.010)
Expenditures per student on student services	0.983 (0.031)	0.987 (0.031)	0.963 (0.051)	
Expenditures per student on institutional support	0.997 (0.018)	0.993 (0.018)	1.003 (0.034)	
Reported crimes of sexual misconduct	1.006 (0.004)	1.007 (0.004)	1.056* (0.024)	1.060* (0.024)
Midpoint of concorded verbal SAT 25th and 75th percentile values	1.068*** (0.019)	1.071*** (0.019)	1.064** (0.025)	1.077*** (0.018)
Acceptance rate	1.002 (0.005)	1.002 (0.004)	0.992 (0.006)	
Endowment per student	1.000 (0.000)	1.000 (0.000)	1.000 (0.000)	
Institution had past investigation with a resolution agreement (yes or no)	1.391 (0.395)	1.322 (0.376)		
Institution had past investigation with no resolution agreement (yes or no)	0.237 (0.252)	0.242 (0.257)		
Controls for institution type	yes	yes	yes	yes
Observations	8,129	8,129	1,207	1,297
Pseudo R2	0.178	0.178	0.190	0.200

Table 2. Effects of Office of Civil Rights investigations on reports of crimes of sexual misconduct.

	Reported crimes of sexual misconduct	
	(1)	(2)
Four or more years before	-7.990~ (4.136)	-4.587 (3.928)
Three years before	-7.151 (4.613)	-4.963 (4.282)
Two years before	-6.350 (4.753)	-4.941 (4.422)
Year of investigation	-2.810 (5.062)	-3.051 (4.837)
One year after	-3.591 (5.213)	-4.404 (5.005)
Two years after	-1.931 (5.707)	-3.408 (5.470)
Three years after	-1.112 (6.180)	-4.380 (6.222)
Four or more years after	6.922 (5.783)	-1.755 (9.283)
Covariates	no	yes
Inverse probability of treatment weights	no	yes
Observations	16,263	15,659
R-squared	0.272	0.328

Interpretation of Results

- Larger institutions, institutions that reported more crimes of sexual misconduct, institutions with higher verbal SAT scores, and institutions with a higher percentage of students in minoritized racial or ethnic groups were more likely to be investigated. Institutions with a higher percentage of students who received Pell Grants and students who were female were less likely to be investigated.
- Institutions that were investigated by the Office of Civil Rights showed no statistically significant differences in reports of crimes of sexual misconduct in the years after an investigation, relative to similar institutions that were not investigated.
- Institutions already reporting a larger number of crimes of sexual misconduct were more likely to be investigated, so these investigations may not be a useful mechanism for addressing underreporting.

Significance

- Policy conversations around Title IX enforcement should include considerations of institutional compliance and student safety at smaller institutions, academically less competitive institutions, and institutions with a higher percentage of enrolled Pell Grant recipients.
- More resources may be needed for Office of Civil Rights-initiated inquiries to ensure equity across institutional characteristics for institutions that are investigated.