

Interagency Task Force on Sexual Violence in Education 90-Day Report

November 30, 2022

Interagency Task Force on Sexual Violence in Education: 90-Day Report

The Interagency Task Force on Sexual Violence in Education (Task Force) is pleased to present this first report to Congress, pursuant to the Violence Against Women Act Reauthorization Act of 2022, Pub. L. 117-103, 136 Stat. 49 (2022) (VAWA 2022 Amendments). Section 1314 of the VAWA 2022 Amendments requires the Task Force to issue a report no later than 90 days after the establishment of the Task Force, which occurred on September 1, 2022.

In Section 1314, Congress provided that the Task Force “shall submit to Congress recommendations for recruiting, retaining, and training a highly qualified workforce employed by the Department of Education to carry out investigation of complaints alleging a violation of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)), and enforcement of such title IX (20 U.S.C. 1681 et seq.) or such section 485(f) (20 U.S.C. 1092(f)), with respect to sexual violence in education, which shall include—

- (1) an assessment to identify gaps or challenges in carrying out such investigation and enforcement, which may include surveying the current investigative workforce to solicit feedback on areas in need of improvement;
- (2) an examination of issues of recruiting, retention, and the professional development of the current investigative workforce, including the possibility of providing retention bonuses or other forms of compensation for the purpose of ensuring the Department of Education has the capacity, in both personnel and skills, needed to properly perform its mission and provide adequate oversight of educational institutions;
- (3) an assessment of the benefits of outreach and training with both law enforcement agencies and educational institutions with respect to such workforce;
- (4) an examination of best practices for making educational institutions aware of the most effective campus sexual violence prevention, investigation, and response practices and identifying areas where more research should be conducted; and
- (5) strategies for addressing such other matters as the Secretary of Education considers necessary to sexual violence prevention, investigation, and responses.

This report addresses the five issues above.

Background

Within the Department of Education (Department), both the Office for Civil Rights (OCR) and the Clery Group within the office of Federal Student Aid have responsibility for various aspects of the Department’s work related to sexual violence in education and to the questions Congress has posed to the Task Force for this initial report. Each section of the report will include responses from both OCR and the Clery Group as appropriate.

Office for Civil Rights

Within the Department, OCR has responsibility to enforce Title IX of the Education Amendments of 1972 (Title IX), [20 U.S.C. §§ 1681-1688](#), and its implementing regulations at [34 C.F.R. Part 106](#).¹ Title IX 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.” Title IX applies to recipients of Federal financial assistance, including public school districts, colleges, and universities.

OCR also enforces Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination); Section 504 of the Rehabilitation Act of 1972 (prohibiting disability discrimination); Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services – whether or not programs receive Federal financial assistance); Age Discrimination Act of 1975 (prohibiting age discrimination); and the Boy Scouts of America Equal Access Act of 2001 (prohibiting public elementary and secondary schools, local educational agencies, and state educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed as a patriotic society in Title 36 of the United States Code). OCR enforces all of these statutes to ensure equal access to educational opportunities.

OCR’s [Case Processing Manual](#) describes the procedures OCR uses to investigate cases to ensure compliance with the civil rights laws OCR enforces. During or after completing an investigation, OCR has authority to enter a resolution agreement with a recipient. If OCR finds that a recipient has violated any of the statutes or regulations it enforces and the recipient declines to enter a resolution agreement, OCR has authority to initiate fund termination proceedings, with associated administrative review available within the Department, or to make a referral to the Department of Justice. OCR’s website links to information about resolution agreements, and [OCR’s Annual Reports to the President and the Secretary of Education](#) under Section 203(b)(1) of the Department of Education Organization Act include brief summaries of selected resolution agreements.

OCR also safeguards students’ rights through issuing guidance to assist school communities and other educational institutions receiving Federal financial assistance in understanding how OCR

¹ The Department of Justice also has Title IX enforcement authority, as do other Federal agencies that provide funding to recipients for education programs or activities. 20 U.S.C. § 1682.

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interprets and enforces Federal civil rights laws; disseminating information and technical assistance about students' rights and schools' responsibilities; and collecting and reporting data on key education and civil rights issues in our nation's public schools through the [Civil Rights Data Collection](#). OCR periodically updates the Department's regulations for the laws OCR enforces to best effectuate Congress's purpose in the laws. OCR's mandate to eliminate discriminatory barriers in education reaches more than 79 million individuals at institutions that receive Federal funds, including all state educational agencies; approximately 18,100 local educational agencies; approximately 6,000 postsecondary institutions, including proprietary schools and community colleges; 78 state vocational rehabilitation agencies and their sub-recipients; and other institutions that receive Department financial assistance, such as libraries, museums, and correctional institutions.

OCR Staffing: OCR has a headquarters office in Washington, DC, and 12 regional offices, which are responsible for investigation and enforcement of Title IX. These regional offices are located across the country in Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, Seattle, and Washington, DC. OCR's headquarters, led by the Assistant Secretary for Civil Rights, also includes the office of the Assistant Secretary; the Program Legal Group, which is dedicated to OCR's policy responsibilities; the OPEN Center (Office of Public Engagement for Nondiscrimination), which is the central point-of-entry for many external requests coming into OCR; and the Resource Management Group, which handles OCR's administrative functions.

OCR's overall staffing level has declined significantly over the life of the agency, falling from nearly 1,100 Full Time Equivalent employees (FTE) in fiscal year (FY) 1981 to 564 FTE in FY 2022. This reduction has occurred as the volume of complaints OCR receives under all of the statutes OCR enforces has grown exponentially.

During the past decade, from FY 2011 to FY 2021, OCR's FTE decreased by 2 percent, from 585 FTE to 571 FTE. At the same time, the number of complaints received increased by 14 percent, from 7,840 complaints in FY 2011 to 8,921 in FY 2021. Notably, OCR received 18,801 complaints in FY 2022, exceeding by more than 2,000 complaints the highest number previously received on record, which was 16,720 complaints received in FY 2016.² OCR appreciates the President's budget proposal to increase funding for OCR by \$25.8 million, which would allow OCR to hire additional FTE, improving OCR's ability to efficiently respond to the increased volume of complaints anticipated through the fiscal year.

OCR's per-staff caseload has increased markedly over the last decade. A more manageable caseload would enhance OCR's ability to resolve cases in a timely manner and improve OCR's capacity to engage in directed investigations and compliance reviews. The table below shows that the average caseload per staff has increased from 19 cases in 2011 to 27 cases in 2021.

² In FY 2022, OCR received nearly 7,500 complaints from a small number of complainants who filed large numbers of complaints. Likewise, the FY 2016 complaint totals include more than 6,000 complaints filed by a single complainant. OCR excludes these complaints from calculation of caseloads per staff.

Caseload per Staff in FY 2011, FY 2020, and FY 2021

	<i>FY 2011</i>	<i>FY 2020</i>	<i>FY 2021</i>
<i>Number of Attorneys/Equal Opportunity Specialists (excluding managers)</i>	417	360	334
Complaints Received & Proactive Investigations Launched	7,882	9,752	8,938
# of cases per staff	19	27	27

Title IX Complaints: The table below shows the number of Title IX sexual harassment complaints, including complaints with allegations of sexual violence, received annually by OCR from FY 2012 through FY 2022:

OCR Complaints with Sexual Harassment Allegations

Complaints Received by OCR with Sexual Harassment Allegations (including complaints of sexual violence)										
FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
350	372	467	566	760	738	809	650	589	444	759

Clery Group

Within the Department, the Clery Group is part of the Partner Eligibility and Oversight Services Directorate of the office of Federal Student Aid (FSA). The Clery Group is responsible for, among other things, compliance monitoring and enforcement of:

1. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Section 485(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1092(f)), and its implementing regulations. There are several important components of the Clery Act that focus on campus sexual assault prevention and response, including the longstanding requirements of 34 C.F.R. § 668.46(b)(11), commonly referred to as the Campus Sexual Assault Victim’s Bill of Rights and the provisions of Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) as well as the VAWA 2022 Amendments.

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2. The Drug-Free Schools and Communities Act Amendments of 1989 (DFSCA). Because more than 90 percent of violent crimes on campus, including sex offenses, involve the use or abuse of alcohol or other drugs, responsibility for enforcing the DFSCA was delegated to the Clery Group from the Department's Office of Safe and Drug-Free Schools in 2011. All institutions that receive Federal education funding are required to comply with the DFSCA.
3. The Clery Group also enforces the HEA Fire Safety provisions and other consumer protection and transparency laws, including Section 117 of the HEA (20 U.S.C. § 1101f) which requires institutions to disclose information about certain gifts received from and contracts entered into with foreign governments or other foreign entities.

The Clery Group's primary mission is to safeguard America's students by ensuring compliance with the applicable statutory and regulatory provisions related to campus safety. The goal of the Clery Group's program is to increase awareness of campus safety and crime prevention through information and transparency. These efforts make campuses safer; enable students, employees, parents, and other stakeholders to make informed decisions; and empower campus community members to play an active role in their own safety.

To further its mission, the Clery Group provides guidance to assist institutions of higher education (IHEs) receiving Federal financial assistance in understanding how the Clery Group interprets the laws it enforces, disseminates information and technical assistance about students' rights and schools' obligations under the relevant statutes and regulations, and conducts program reviews and other types of assessments of participating IHEs over which the Clery Group has jurisdiction. The Clery Group's jurisdiction encompasses approximately 6,000 postsecondary institutions, including 4-year public and private institutions, for-profit career schools, and community colleges.

Clery Group Staffing: The Clery Group is currently staffed by a total of 10 people, with personnel located in Washington, DC, Philadelphia, PA, and San Francisco, CA, who are responsible for enforcement of the Clery Act. Other than the Director, each team member has a caseload that can include, among other things, the following project types: the conduct of campus safety program reviews, complaint and media assessments, consultation with regional teams on general assessment program review and audit findings, Freedom of Information Act responses, inquiry responses, and technical assistance. In FY 2021, the average caseload per staff (not including the Director) was 30 work projects. In FY 2022, the average case load per staff (not including the Director) was 36. A more manageable caseload would enhance the Clery Group's ability to resolve cases more quickly and improve the Group's capacity to conduct Clery-focused program reviews which is the Group's strongest tool for identifying and deterring non-compliance.

The remainder of this report will address the topics specified in the VAWA 2022 Amendments regarding the Department's Title IX and Clery Act enforcement.

- (1) An assessment to identify gaps or challenges in carrying out such investigation and enforcement, which may include surveying the current investigative workforce to solicit feedback on areas in need of improvement.**

Office for Civil Rights

OCR's investigative staff bring deep civil rights expertise to the investigation of every one of the many thousands of cases in front of them each year. The volume of complaints OCR receives, coupled with the complexity of the work involved to analyze the civil rights implications of these complaints, and investigate and resolve where appropriate, continues to challenge OCR at its current staff size.

When conducting investigations, OCR staff review relevant documents, interview parties and witnesses, conduct focus groups as necessary and, when appropriate, negotiate with recipients to secure resolutions. Some examples of the types of information OCR requests of recipients in investigations related to sexual harassment include Title IX policies and procedures; reports or complaints alleging sexual harassment, including sexual violence, that the recipient received and the recipient's actions in response to those reports or complaints; information concerning the Title IX coordinator; and information concerning the training that the Title IX coordinator and investigative staff receive. In monitoring reports, what OCR requires recipients to provide depends on the nature of the concerns or violations OCR found in its investigation and the corresponding remedial provisions in the resolution agreement. Some examples of the types of information OCR reviews in monitoring include revised Title IX policies and procedures; reports or complaints alleging sexual harassment and sexual violence that the recipient received for several years; training on sexual harassment and sexual violence to employees and students; and climate assessments concerning students' attitudes and knowledge regarding sexual harassment and sexual violence.

OCR provides ongoing training to staff on the wide variety of topics relevant to efficient case processing and has multiple mechanisms in place for soliciting feedback from staff. In addition, OCR facilitates information sharing among staff, including through cross-region networks to support chief attorneys, regional directors, program managers, team leaders, and investigators to encourage effective case processing. OCR conducts exit interviews with departing staff to identify and evaluate areas for improving staff support and retention. OCR's Assistant Secretary meets with each regional office staff at least twice annually, including in individual as well as group meetings, to gather information regarding staff challenges and successes and identify additional supports needed for staff.

With caseloads averaging 27 cases per investigative staff member and climbing as high as 50 cases per investigative staff member, insufficient staffing is the persistent challenge for OCR in enforcing Title IX and the other statutes within OCR's jurisdiction. The President's FY 2023

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budget calls for a significant increase for OCR, which, if appropriated, would support OCR to address this challenge through additional hiring of enforcement staff.

Clery Group

The Clery Group has developed a comprehensive program to identify and address serious violations of the law. The Clery staff members possess significant experience and expertise in the areas of public safety, crime prevention, consumer protection, and compliance enforcement. The team also includes specialists in trauma-informed investigation, crime classification, emergency management, safety considerations in environmental design, and threat assessment, among other areas. These skill sets are evident in the Clery Group's work on complaints and media assessments and campus safety program reviews. The number of schools that the Clery Group oversees and the complexity of the analysis the Clery Group must conduct continues to challenge the Clery Group due to the size of the current staff

The most effective way for the Clery Group to enforce compliance is through the conduct of program reviews of institutions with identified risk factors, such as complaints concerning the institution's treatment of sexual assault survivors or discrepant data concerning the reporting of crimes, such as sexual assault. In order to conduct a program review, Clery Group staff review relevant documents, interview parties and witnesses, and conduct other types of investigation and campus outreach as necessary. In cases of significant non-compliance, FSA may initiate a fine proceeding and can enter into an agreement with the institution establishing a program of post-review monitoring.

Some examples of the types of information the Clery Group requests of institutions undergoing a program review include: copies of original and revised Annual Security Reports (ASRs); an "audit trail" showing all incidents of crime included in the statistical disclosures in the ASR; copies of call logs; copies of daily crime logs; lists of Timely Warnings and Emergency Notifications issued by the institution; and lists of officials designated as Campus Security Authorities (CSAs).

Reviews also typically entail an examination of large numbers of police incident reports, complaints, and other statements of concern; correspondence with state or local law enforcement agencies regarding crime statistics and information regarding incidents of crime that were reported as occurring on any part of the institution's so-called "Clery Geography" and the responses from such agencies; copies of educational and training program materials developed to promote awareness of rape, and other sex offenses, including the Primary Prevention, Risk Reduction, Bystander Intervention, and annual training on dating violence, domestic violence, sexual assault, and stalking; the institution's investigation and hearing processes; copies of policies and procedures concerning the rights and remedies of victims of sexual assault; and information concerning the training that institutional officials, including CSAs, receive.

The predominant and persistent challenge facing the Clery Group is a lack of adequate staffing and other resources, including technological tools to facilitate investigations. The program review investigative process is the best way for the Department to identify inadequacy and

weaknesses in campus safety policies, procedures, and practices; to detect intentional concealment of crime and other purposeful acts in violation of the law; and to interdict in a timely way to address safety concerns that may not otherwise be apparent to campus community members. Credible research conducted by the Clery Center for Security on Campus and ADT Security in 2021 shows that most students (74 percent) are inclined, in the first instance, to believe that their institutions will provide a safe and supportive environment. One of the most insidious aspects of many of the most serious Clery deficiencies at IHEs is that violations often go undetected by the majority of students and other stakeholders until a previously unknown incident or practice is uncovered by a complainant or the press. As a result, students are often unaware of significant and ongoing risks to their personal safety until the inciting event occurs. Additional staffing and technology resources would allow the Clery Group to effectively manage multiple complex cases at once and conduct a larger number of reviews more quickly, thereby expanding the Group's enforcement reach and significantly improving safety and transparency on America's campuses.

- (2) An examination of issues of recruiting, retention, and the professional development of the current investigative workforce for the purpose of fulfilling ED's mission and provide adequate oversight of educational institutions, including the possibility of providing retention bonuses or other forms of compensation for the purpose of ensuring the Department of Education has the capacity, in both personnel and skills, needed to properly perform its mission and provide adequate oversight of educational institutions.**

Office for Civil Rights

Recruitment: OCR is fortunate to have significant interest in its enforcement positions whenever those positions become available, and applicants frequently have experience and expertise in Title IX as well as the other areas of OCR's work. OCR recruits for enforcement staff positions by circulating job announcements widely, including through the Federal Government's recruitment source, [usajobs.gov](https://www.usajobs.gov), as well as outreach to diverse civil rights and education stakeholders.

Retention: OCR also has a strong track record of retaining expert enforcement staff. As with any office, there is some natural attrition related to retirement, relocation, and other professional opportunities. In addition, there may be some attrition attributable in part to higher compensation, especially for attorneys, elsewhere in the Federal government as well as in the private sector. At the same time, however, OCR has significant longevity among its staff. At the close of FY 2022, OCR's 564 employees had an average tenure of 14.1 years and a median tenure of 12 years.

OCR recognizes the importance of retaining OCR's talented enforcement staff through both a positive regional-office culture and financial and other incentives, including promotional opportunities. For FY 2023, OCR announced a new promotional plan for enforcement staff that

will enable one-third of the investigative staff in each regional office, including non-managers, attorneys, and Equal Opportunity Specialists (EOSs), to hold a senior-level non-managerial position (Senior EOS (GS-13) and Senior Attorney (GS-14)). This new plan creates a significant opportunity as regional offices range in size from 26 to 50 employees (including managerial staff) as of October 2022. In addition to recognizing these individuals' seniority, OCR will expect staff in these senior positions to serve as leaders in the region, playing key roles in moving the region's case work, and providing subject matter expertise relating to all stages of the case resolution process. OCR anticipates that this opportunity will also assist with retention of experienced enforcement staff by providing valuable opportunities for professional growth. OCR has not found it necessary or appropriate to offer retention bonuses to maintain highly qualified and experienced enforcement staff.

Professional Development: OCR has, for many years, engaged in extensive professional development for enforcement staff, both within regional offices and nationally, including training directly applicable to Title IX investigations as discussed below. In addition, in FY 2021, OCR's enforcement leadership introduced a regular workshop series, which takes place on a monthly basis. These workshops, which are typically led by OCR enforcement staff or other Department staff, provide an opportunity for skill building and knowledge acquisition on a variety of enforcement issues relevant to OCR's Title IX enforcement. Topics have included interviewing and counseling techniques, responding to requests for accommodations, and using OCR's case management system, among many others.

OCR's enforcement leadership also periodically conducts specialized trainings for regional leadership and all enforcement staff related to investigation and resolution of complaints. In addition, enforcement staff receive training throughout the year from external experts on a variety of issues, and regional offices conduct their own training on issues that are particularly relevant for those offices. All of these professional development programs enhance the capacity of enforcement staff to handle a wide variety of issues that arise in enforcement of Title IX and the other laws OCR enforces.

Clery Group

Recruitment: As noted above, the Clery Group is fortunate to have a core group of experienced and committed team members. The team's primary problem is capacity. While the Group includes some of the most respected professionals in the Clery space, the team urgently needs significantly more of the right people to do its work effectively and efficiently and maintain the trust of those whom the team serves. The Clery Group has recently begun the process to recruit and hire five new FTE. The maximum promotion level for these positions is the GS-12 level. While applicants and subsequent hires may have experience and expertise in law enforcement, it typically takes 3-5 years of experience and significant Clery-specific training to become proficient at identifying and documenting non-compliance in the Clery Act space.

Retention: Overall, the Clery Group has experienced attrition of experienced campus crime compliance specialists (CCCS) due to a lack of consistent promotional opportunities. Trained Clery experts are in high demand by institutions. Similarly, government employees with

significant research and investigative skills are highly sought after by other Federal agencies. Many of these employers are offering higher salaries to attract and retain these employees. From the beginning of FY 2019 to the present, the Clery Group has lost five experienced CCCSs, three of whom were lost to other work groups within the Department because other teams could offer them a salary grade increase that they could not achieve in their current position. Of the remaining staff, there is significant longevity. At the close of FY 2022, the Clery Group team (not including managers and support staff), had an average tenure of 8.4 years. It is also notable that multiple members of the staff will be eligible for retirement within 5 years while others are likely to be recruited by institutions, consultancies, and other organizations seeking to build their Clery capacity. Due to its small staff numbers, the team is not able to develop and implement a substantive succession plan and otherwise ensure seamless continuity of operations, although FSA is currently engaged in succession planning exercises at the agency level.

Professional Development: In the last few years, FSA's dedicated resources for career development and external training have been very limited. While many members of the Clery Group already possess strong skills, all members of the team would benefit from additional professional development activities, especially as the jurisdiction continues to expand. For example, updated training on conducting trauma-informed interviews with survivors of sexual violence would be useful to everyone in the Group.

(3) An assessment of the benefits of outreach and training with both law enforcement agencies and educational institutions with respect to such workforce.

Office for Civil Rights

OCR engages regularly in outreach to and training of educational institutions on topics related to Title IX as well as other laws that OCR enforces. Since FY 2016, OCR has provided more than 1200 training sessions throughout the United States, including more than 400 training sessions focused on Title IX. These sessions focus on a variety of issues under Title IX including, for example, the law's scope and coverage of sexual violence in educational settings, the obligations of a school to provide supportive measures to complainants and respondents, and the procedures a school must have in place for investigating and responding to Title IX complaints. Audiences for these training sessions include staff from K-12 schools and postsecondary institutions and other education stakeholders.

OCR enforcement staff do not receive professional development training from educational institutions because those institutions are subject to OCR's enforcement authority. However, academic researchers with expertise on topics, such as interviewing and mediation, that are relevant to OCR's enforcement work have provided training to OCR enforcement staff, as described in (2) above.

OCR does not have criminal justice jurisdiction, and enforcement staff have not received training from law enforcement representatives.

Clery Group

The Department and FSA realize that optimal levels of Clery Act compliance will not be achieved through enforcement alone. This is why the Clery Group works with the regulated community to provide ongoing training, technical assistance, and ongoing support to institutions and campus safety and compliance professionals who are committed to following the law, providing the safest possible campus experience for students and employees, and enhancing transparency on safety-related matters. One-on-one technical assistance is often provided as part of the process of closing a complaint or media assessment where some issues are identified but where a program review or other extended investigative process is not indicated.

Participation in national and regional conferences allows the Clery Group to reach large audiences of practitioners and stakeholders at one time. It is for this reason that the Clery Group works closely with professional associations from across the campus safety and higher education community to provide training and ongoing support. These groups include the International Association of Campus Law Enforcement Administrators, the National Association of Clery Compliance Officers and Professionals, the American Indian Higher Education Consortium, the Historically Black Colleges & University Law Enforcement Executives and Administrators, and the Clery Center, to name a few examples.

As noted, the Clery Group engages in regular outreach to institutions on topics related to compliance with the laws it enforces as well as providing information on best practices and process improvements. In addition, the Clery Group regularly provides a training session and a Q&A forum at the annual FSA Training Conference.

(4) An examination of best practices for making educational institutions aware of the most effective campus sexual violence prevention, investigation, and response practices and identifying areas where more research should be conducted.

Office for Civil Rights

The Department has a range of programs to share effective and promising practices, including through its National Center on Safe Supportive Learning Environments (NCSSLE) and other technical assistance centers that provide information and resources to educational institutions, community-based organizations, and other interested parties. Recent NCSSLE webinars have addressed protecting students from online exploitation as well as engaging school communities in preventing gender-based violence. In addition, through webinars and by other means, the Department directs schools and others to resources and offices in both the Departments of Justice and Health and Human Services and maintains ongoing collaborations with those Departments' experts on campus sexual violence prevention.

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In addition, Section 1507(a) of the VAWA 2022 Amendments requires the Department, in consultation with the Attorney General, Director of the Centers for Disease Control (CDC), the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking to develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding postsecondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

OCR provides guidance documents to assist schools and other educational institutions receiving Federal financial assistance in understanding how OCR interprets and enforces Federal civil rights laws, including responsibilities under Title IX. For example, in July 2021, OCR released [Questions and Answers on the Title IX Regulations on Sexual Harassment](#) (July 2021), which answers common questions about how schools must respond to allegations of sexual harassment under the 2020 Amendments to the Title IX regulations and includes an appendix with examples of policy provisions from various schools. This Q&A, like OCR's other guidance documents, makes clear that it "does not have the force and effect of law and is not meant to bind the public or regulated entities in any way" and that "OCR's enforcement of Title IX stems from Title IX and its implementing regulations, not this or other guidance documents."

Clery Group

The Clery Group regularly shares information on best practices with institutions through the provision of technical assistance and through its training programs conducted in partnership with professional associations. The Department is also working on new Clery Act guidance that will assist and empower institutions to improve their campus safety, crime prevention, and compliance programs. Both OCR and the Clery Group, together with other Department partners, are active participants in the design and rollout of the survey referenced above, pursuant to section 1507(a) of the VAWA 2022 Amendments, and will continue to work together to effectively implement this important initiative. The findings of the survey will inform interactions with IHEs and other stakeholders, enable further refinement of enforcement efforts, and improve guidance to schools. The Clery Group anticipates that the Clery Group's work on the survey tool will result in a significant uptick in the Clery Group's compliance portfolio and will require additional investments in staff and technology to ensure the success of this program.

Please note that this Task Force is charged with gathering information and making recommendations on preventing and responding to sexual violence in educational settings to the Secretary of Education, the Attorney General, and Congress, as well as to educational institutions and the public. The responsibilities include an examination of best practices for making educational institutions aware of the most effective campus sexual violence prevention, investigation, and response practices. The various tasks set out in Section 1314 may also result in identifying areas where more research should be conducted.

(5) Strategies for addressing such other matters as the Secretary of Education considers necessary to sexual violence prevention, investigation, and responses.

In addition to the actions discussed above, the Department issued a [Notice of Proposed Rulemaking](#) (NPRM), published in the Federal Register on July 12, 2022, with proposed changes to the Title IX regulations that would better align the Title IX regulatory requirements with Title IX's nondiscrimination mandate. The proposed regulations would also clarify the scope and application of Title IX and the obligation of all schools, including elementary schools, secondary schools, postsecondary institutions, and other recipients of Federal financial assistance from the Department, to provide an educational environment free from discrimination on the basis of sex, including through investigation of and response to incidents of sex discrimination. In the NPRM, the Department recognizes that schools vary in size, student populations, and administrative structure, and states that the proposed regulations would enable all schools to meet their obligations to comply fully with Title IX while providing them appropriate discretion and flexibility to account for these variations.

The Department has also taken steps to support educational institutions in their efforts to prevent sexual violence. For example, the Department participates in the White House Task Force to Address Online Harassment and Abuse, which considers numerous issues related to sexual violence prevention, investigation, and response. In addition, the Department's Office of Elementary and Secondary Education (Office of Safe and Supportive Schools) through NCSSLE hosted webinars in September and November 2022 focused on prevention of sexual violence at secondary and postsecondary institutions, as noted above. Both webinars provided practical, ready-to-use strategies for preventing sexual violence and other gender-based violence in educational settings and featured leaders of prevention programming from a diverse range of schools and organizations as well as informational updates from the Department and the CDC. Speakers at both webinars discussed actual practices, strategies, and lessons learned in their efforts to support prevention and reduce the incidence of gender-based violence. Both were well-attended, with more than 1500 registrants and more than 800 participants for the higher-education webinar and more than 1200 registrants and nearly 900 participants for the secondary-school webinar. Both also received extensive positive feedback from audience members.

Together with OCR, the Clery Group is fully engaged in the process of identifying strategies to address sexual violence on campus. As noted above, the Clery Group does this in a variety of ways, such as analyzing data acquired during campus safety program reviews. An important aspect of this work is the provision of technical assistance to Congress and other stakeholder groups on legislative proposals affecting campus safety. Recently, the Clery Group provided advice and feedback on the Report and Educate About Campus Hazing (REACH) Act and the End All Hazing Act proposals. The Clery Group's work in this space over many years shows that hazing, hate crimes, and any other criminal conduct that dehumanizes, degrades, or humiliates any person makes it easier and more likely for sexual violence and other abuse to occur. It is for this reason that the Clery Group continues to work with its OCR colleagues, this Task Force, and with partners across government and the higher education community to actively prevent sexual violence whenever possible, to help survivors access the services and support they need when these crimes do occur, and to ensure that the safety and transparency

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goals of the Clery Act, Title IX, and related laws are achieved. As part of this work, the Clery Group is carefully tracking the ongoing Title IX rulemaking process and is committed to assisting in any way to ensure consistency with the Clery Act and other laws that the Clery Group enforces.

The Task Force appreciates this opportunity to provide an initial report to Congress on the important matters discussed here and looks forward to continuing our work toward ensuring that federally funded education programs and activities are free from sexual violence.