

Sexual Harassment and Violence: Efforts to Help College Athletes

GAO-24-106641 (Accessible Version)
Q&A Report to Congressional Requesters

May 21, 2024

Why This Matters

High-profile cases at multiple colleges have raised concerns about sexual harassment and violence against athletes. Some cases involved hundreds of athletes, and alleged perpetrators included coaches, team doctors, and other athletes. Those affected were of different genders in sports such as football, gymnastics, and wrestling. Sexual harassment and violence can inflict lifelong trauma, ruin athletic careers, and adversely affect educational achievements.

Title IX of the Education Amendments of 1972 generally prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance, including colleges. The U.S. Department of Education's regulations implementing Title IX outline how recipients are to respond to sexual harassment, including sexual violence, in their education programs or activities.

We were asked to review issues related to sexual harassment and violence against college athletes. We examined barriers for athletes in reporting sexual harassment and violence to their colleges, how selected colleges address sexual harassment and violence in athletic programs, and the extent Education monitors colleges' compliance with related Title IX regulations.

Key Takeaways

- College athletes are part of a sports culture that may make it difficult for them to report sexual harassment and violence, according to college officials and athletes we interviewed. For example, athletes may be reluctant to report because they fear being ostracized or jeopardizing a scholarship. Research is mixed on whether sexual harassment and violence is more prevalent among college athletes than the general college student population.
- To address sexual harassment and violence, selected colleges in our study focused on training athletes and others on how to recognize and report it. In addition, these colleges reported focusing on providing support to those affected by sexual harassment and violence, such as offering counseling and arranging for students to redo or make up coursework. Colleges also reported implementing procedures required under Title IX regulations to investigate and resolve allegations of sexual harassment.
- Education's Office for Civil Rights (OCR) enforces Title IX and its implementing regulations primarily by investigating complaints, such as those that allege a college was deliberately indifferent to a report of sexual harassment or violence. OCR also provides information and guidance to help colleges understand Title IX's implementing regulations. Education recently published revised regulations with an effective date of August 1, 2024. The revised regulations define sex-based harassment and specify requirements for associated grievance procedures and training, among other things. OCR

officials said they will consider additional needs colleges may have for Title IX information and guidance, if any.

What is sexual harassment and violence and how are colleges required to respond?

In this report, we use the term sexual harassment and violence to broadly include all forms of unwanted sexual behavior. For example, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence can include physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. These acts include rape, sexual assault, and sexual abuse.

Perpetrators of sexual harassment and violence against college athletes can be authority figures, such as coaches, professors, team doctors, and other staff. Perpetrators can also be peers including teammates, other athletes, and students who are not athletes.

The current Title IX regulations, issued in May 2020, define sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

- (1) quid pro quo harassment by an employee of a college or other recipient of federal financial assistance from Education—meaning that an employee conditions an aid, benefit, or service of the recipient on a person's participation in unwelcome sexual conduct;
- (2) unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a recipient's education program or activity; or
- (3) sexual assault, dating violence, domestic violence, or stalking, as defined under specified federal laws.

The regulations require colleges and other recipients to designate and authorize an employee to coordinate its efforts to comply with Title IX, provide supportive measures as appropriate, and adopt and publish grievance procedures for resolving formal complaints of sexual harassment, among other actions.

Education published revised Title IX regulations in April 2024 with an effective date of August 1, 2024. These regulations define sex-based harassment as a form of sex discrimination and include sexual harassment and other harassment on the basis of sex. This can include harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity. Under the new regulations, sex-based harassment includes revised definitions of quid pro quo harassment, hostile environment harassment, and specific offenses. In addition, the April 2024 regulations revised certain procedural requirements, such as grievance procedures for resolving complaints of sex discrimination.

Because the revised regulations were issued after we reviewed relevant documentation and conducted our interviews with college officials, college athletes, and Education officials, the information in this report about requirements for responding to sexual harassment refers to requirements set under the Title IX regulations that were issued in May 2020.

Why may college athletes be vulnerable to sexual harassment and violence?

Sports culture and other unique characteristics of athletes may make them vulnerable to sexual harassment and violence, according to officials from nine of the 10 colleges and 10 of the 13 college athletes we interviewed.¹ For example, they said:

- Athletes on college campuses can be part of a close-knit community. Athletes spend a lot of time with their teammates, coaches, and other staff, such as in training and traveling to competitions. Athletes may also live and socialize together outside of practice. While this may help athletes protect each other, it may also expose athletes to sexual harassment and violence.
- Athletes may be part of a culture of sports where they are expected to “be tough” or “keep things in the family.” This dynamic can lead to athletes ignoring, normalizing, or not recognizing problematic behaviors.
- Athletes may have scholarships, housing, and other incentives attached to their participation in sports. Fear of losing these benefits can make athletes less willing to raise concerns about potential problems.

Research is mixed on whether sexual harassment and violence is more prevalent among college athletes than the non-athlete student population. For example, a 2022 study did not find differences in the prevalence of sexual harassment and violence between college athletes and non-athletes.² However, other studies found that college athletes may be more likely than their non-athlete counterparts to have been subjected to sexual harassment and violence, depending on factors such as the student’s gender, type of sexual harassment or violence, or level of athletic competition.³

What barriers do athletes face in reporting sexual harassment and violence?

Officials from all 10 colleges and nearly all of the 13 athletes we interviewed described the following barriers to reporting sexual harassment and violence (see table 1).

Table 1: Examples of Barriers for College Athletes in Reporting Sexual Harassment and Violence, According to College Officials and Athletes GAO Interviewed

Barrier	Examples
Fear of social repercussions	<ul style="list-style-type: none"> • Athletes may fear being ostracized by their team. One athlete discussed not wanting to be viewed as a “snitch who went against the family dynamics of the team” if the athlete reported sexual harassment or violence. Officials from one college said this fear can be exacerbated if the alleged perpetrator is well-known. • Athletes may fear ruining their or others’ reputations or careers. A few athletes discussed how athletes are expected to be strong, not weak. One athlete discussed not wanting to be seen as “that girl that it happened to.” In addition, some athletes said an alleged perpetrator may be a friend or someone else they care about, and thus may not want to do anything that jeopardizes the other person’s athletic career.
Fear of impacts on athletic participation	<ul style="list-style-type: none"> • Athletes may fear retaliation from a coach. Some athletes said if they reported sexual harassment or violence, a coach, for example, could withhold competition opportunities, put them through over-strenuous drills, or kick them off the team. • Athletes may fear being judged by their coaches or punished for violating team rules. One athlete discussed being hesitant to tell coaches about a sexual assault that happened before joining the team. The athlete expressed fear of being treated differently and omitted from leadership opportunities. Another athlete expressed being uncomfortable with telling coaches if sexual harassment or violence were to occur while drunk or out late. The athlete expressed concern that coaches would judge the athlete’s ability to make sound decisions.

Barrier	Examples
Mistrust in the reporting process	<ul style="list-style-type: none"> <li data-bbox="703 138 1520 352">Athletes may not trust that reporting sexual harassment or violence would help them. A few athletes discussed fears that the college would respond by conducting a long and traumatic investigation that would require the athlete to relive the details of the harassment or violence they endured. In addition, officials from two colleges said many athletes come from communities that do not trust the judicial system, which officials from one of the colleges said closely resembles the investigation process for sexual harassment and violence. <li data-bbox="703 363 1520 583">Athletes may not have trusted reporting options. A few athletes said they did not have confidential, safe spaces to go to for support. They said a coach who learns about incidents of sexual harassment and violence may be required to report the incidents to the college. Thus, they expressed concern that a report would get “blown up” into an investigation. Further, officials from a few colleges said LGBTQ+ individuals may not come forward because of fears that they would be “outed” against their will during the process.

Source: GAO interviews with officials from 10 colleges and 13 college athletes in four states. | GAO-24-106641

What are colleges doing to help athletes report sexual harassment and violence?

Officials from nearly all of the 10 colleges described adding or reorganizing resources and staff to help athletes and others report sexual harassment and violence.

- Officials from five colleges described efforts to include mechanisms for anonymous reporting. For example, officials from one college described implementing an online application that allows an anonymous reporter to seek support from the college’s Title IX office before deciding whether to make a formal complaint.
- Officials from three colleges said they consolidated reporting structures under one office to clarify where students and staff should make reports related to Title IX. The officials said this designated office gives the issue prominence and ensures that their colleges document and act upon reports, as appropriate.
- Officials from two colleges discussed adding health and wellness supports for athletes, independent of the athletics department. For example, one college assigned each athlete a designated mental health counselor to provide confidential counseling and support. The second college moved athletes’ health services away from the athletics department. Officials said this structure allows for additional oversight of athlete wellness and provides a confidential resource for athletes.

Officials from a few colleges said campus surveys on sexual harassment and violence were often the impetus for changes, such as those discussed above. Officials from four of the 10 colleges said they conduct such surveys, which can help identify challenges to reporting and opportunities for improvement. We also reported in April 2020 that these types of surveys can help colleges gather more comprehensive information about sexual harassment and violence, such as incidents not previously reported to colleges or law enforcement.⁴

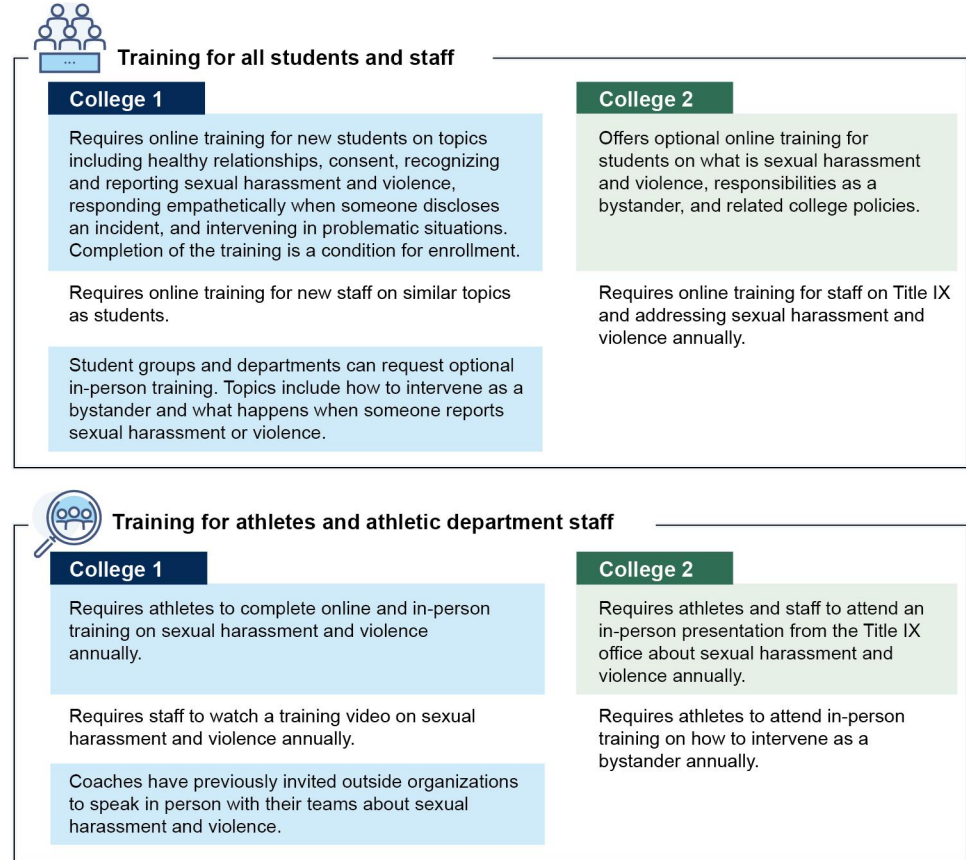
What anti-sexual harassment and violence training do athletes receive?

Officials from all colleges described training they provided to athletes on topics such as how to recognize and report sexual harassment and violence and intervene as a bystander when witnessing potential harassment and violence.

The training generally was directed to all students and staff, with additional training for athletes and athletic departments.

The subjects and frequency of training, whether it was mandatory or optional, and whether it was provided online or in person varied by college. For example, one college required online training for all students whereas another made it optional; however, both colleges had mandatory in-person training requirements for athletes (see fig. 1). Officials from nine colleges that are members of the National Collegiate Athletic Association (NCAA) said the NCAA requires athletes in the association to complete annual anti-sexual harassment and violence training.⁵

Figure 1: Examples of Anti-Sexual Harassment and Violence Training at Two Selected Colleges



Source: GAO summary of information from two selected colleges. GAO (icons). | GAO-24-106641

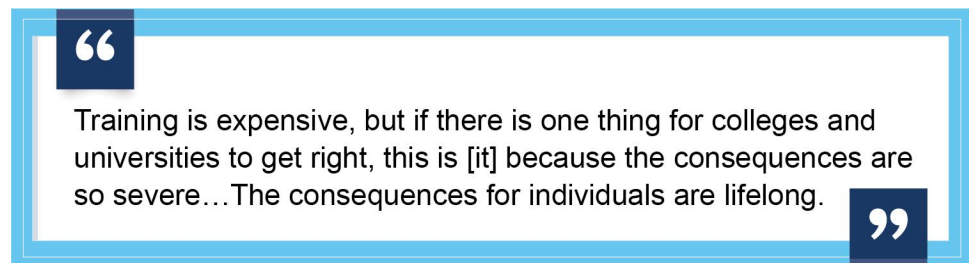
Accessible Text for Figure 1: Examples of Anti-Sexual Harassment and Violence Training at Two Selected Colleges

	College 1	College 2
Training for all students and staff	<ul style="list-style-type: none"> Requires online training for new students on topics including healthy relationships, consent, recognizing and reporting sexual harassment and violence, responding empathetically when someone discloses an incident, and intervening in problematic situations. Completion of the training is a condition for enrollment. Requires online training for new staff on similar topics as students. Student groups and departments can request optional in-person training. Topics include how to intervene as a bystander and what happens when someone reports sexual harassment or violence. 	<ul style="list-style-type: none"> Offers optional online training for students on what is sexual harassment and violence, responsibilities as a bystander, and related college policies. Requires online training for staff on Title IX and addressing sexual harassment and violence annually.
Training for athletes and athletic department staff	<ul style="list-style-type: none"> Requires athletes to complete online and in-person training on sexual harassment and violence annually. Requires staff to watch a training video on sexual harassment and violence annually. Coaches have previously invited outside organizations to speak in person with their teams about sexual harassment and violence. 	<ul style="list-style-type: none"> Requires athletes to attend in-person training on how to intervene as a bystander annually. Requires athletes and staff to attend an in-person presentation from the Title IX office about sexual harassment and violence annually.

Source: GAO summary of information from two selected colleges. GAO (icons) | GAO-24-106641

Officials from nearly all colleges said they would like to expand anti-sexual harassment and violence training but have limited resources and competing priorities. For example, officials from one community college said that mandated training for students would deter enrollment. They said many students were not full-time and enrollment numbers had decreased due to the COVID-19 pandemic. In contrast, officials from some colleges said supportive leadership helped them successfully expand their anti-sexual harassment and violence training programs (see fig. 2).

Figure 2: Example of a College’s Perspective on Prioritizing Anti-Sexual Harassment and Violence Training



Source: Officials from one selected college. | GAO-24-106641

Accessible Text for Figure 2: Example of a College’s Perspective on Prioritizing Anti-Sexual Harassment and Violence Training

“Training is expensive, but if there is one thing for colleges and universities to get right, this is [it] because the consequences are so severe...The consequences for individuals are lifelong.”

Source: Officials from one selected college. | GAO-24-106641

Officials from some colleges discussed challenges understanding whether investments in anti-sexual harassment and violence training changed behaviors. For example, officials from one college said students receive training on many topics and may have limited baseline knowledge of what constitutes sexual harassment and violence. Thus, officials said it might be difficult for students to retain the information provided. Further, officials from two colleges said online training may not make a lasting impression because participants can quickly click through the material. Officials from some colleges said they had moved in-person training to online modules or paused it during the COVID-19 pandemic and were considering or planning to resume in-person training.

Officials from a few colleges said research has shown that sexual harassment and violence is likely to happen at the beginning of the year when students are returning to campus. For that reason, they said they prioritized training efforts for certain groups of students, such as athletes, during this time. To reinforce the training, officials from two colleges said they offered it again during the school year.

What additional steps are colleges taking to prevent sexual harassment and violence against athletes?

In addition to training, officials from most colleges described specific efforts to prevent sexual harassment and violence against athletes by raising awareness about the issue. For example, officials from two colleges discussed awareness campaigns targeted at athletes. Officials from six colleges also discussed materials available to all students or posted on campus to remind them about recognizing and reporting sexual harassment and violence (see fig. 3).

Figure 3: Examples of Materials that Selected Colleges Provided to Students and Others on Recognizing and Reporting Sexual Harassment and Violence



Source: GAO images collected on visits to selected colleges. | GAO-24-106641

In addition, officials from most colleges described efforts to screen prospective athletes and others to prevent potential perpetrators of sexual harassment and violence from entering the campus community. Specifically, officials from seven colleges said they implemented new procedures required by the NCAA. These procedures require new, continuing, and transferring athletes to sign an annual attestation regarding whether they have been convicted of sexual violence or other acts of violence, disciplined for such acts by a college following a Title IX investigation, or were engaged in an ongoing Title IX investigation at the time of transfer. In addition, officials from two colleges said they screen coaches and other athletic department staff about sexual harassment and violence during the hiring process.

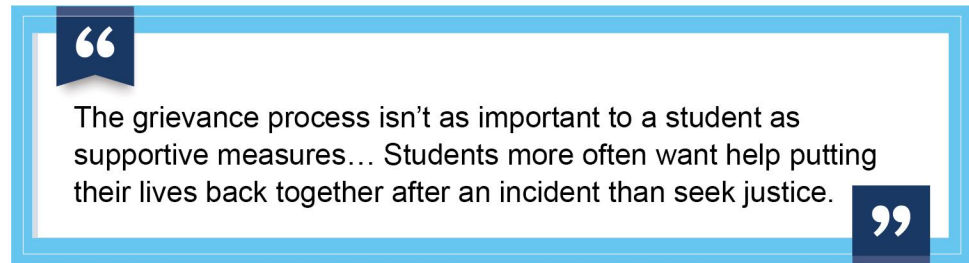
Officials from a few colleges also discussed athletics department policies they implemented. These included policies to ensure that athletes are not alone with individual medical staff during appointments or during team travel, and that coaches sign an anti-sexual harassment and violence pledge. Another policy at one college prohibits coaches and staff from having romantic relationships with college athletes, which officials said was not required of other departments at their college.

In addition, officials from two colleges described collaborative efforts to expand sexual harassment and violence prevention programs. For example, an official from one college described joining a cohort of nearly 40 colleges engaged in self-assessment and organizational change processes aimed at ending campus sexual violence. Officials from another college discussed their participation in a consortium of colleges in their state to share information about preventing sexual harassment and violence. They said the consortium—organized by the state department of education—helped them identify gaps in their efforts to address sexual harassment and violence and identify best practices to emulate.

What actions do colleges take after receiving a report of sexual harassment or violence?

Officials from nearly all colleges said their priority in responding to a report of sexual harassment or violence is to ensure that the complainant (i.e., person alleged to be the victim) receives supportive measures (see fig. 4). These measures can include counseling, establishing orders to prevent contact between parties, working with coaches to alter practice schedules, helping the complainant withdraw from one or more classes, and asking professors to allow tests to be retaken or assignments to be turned in late. Officials from most colleges told us the supportive measures provided depend on individual situations. We reported in October 2023 that measures to address mental health, safety, and academic needs can help survivors of sexual harassment and violence continue their college education.⁶

Figure 4: Example of a College’s Perspective on Prioritizing Supportive Measures for Complainants of Sexual Harassment and Violence



Source: An official from one selected college. | GAO-24-106641

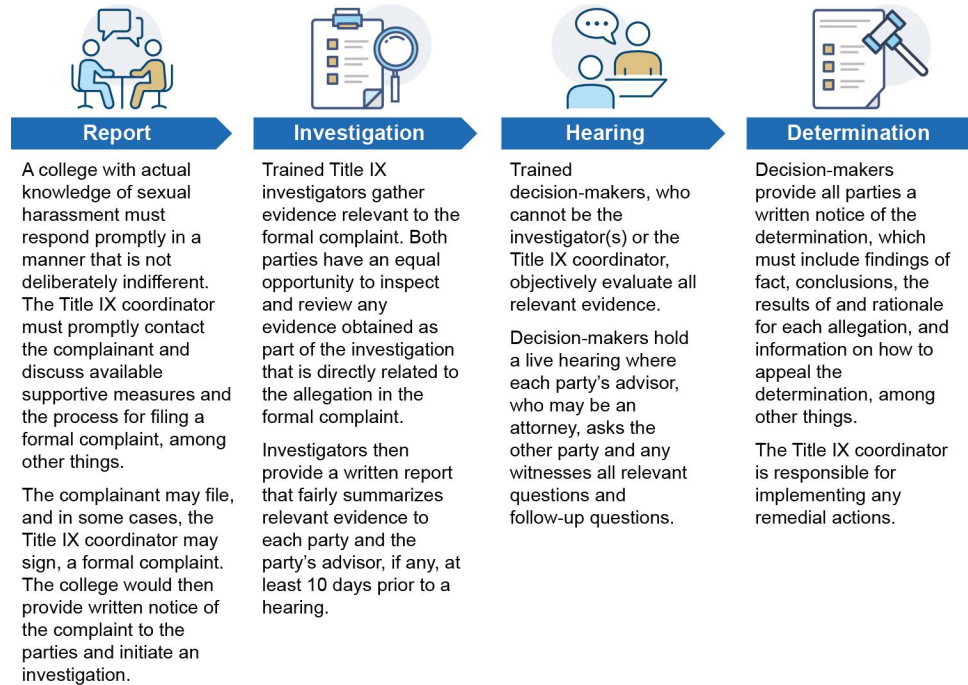
Accessible Text for Figure 4: Example of a College’s Perspective on Prioritizing Supportive Measures for Complainants of Sexual Harassment and Violence

“The grievance process isn’t as important to a student as supportive measures... Students more often want help putting their lives back together after an incident than seek justice.”

Source: An official from one selected college. | GAO-24-106641

Officials from all colleges also discussed their institution’s procedures for following Title IX regulations, for example, if an athlete were to file a formal complaint of sexual harassment.⁷ The May 2020 Title IX regulations require colleges to implement procedures that include an investigation, hearing, and determination process (see fig. 5). The April 2024 regulations revised some requirements, such as making live hearings optional.

Figure 5: General Overview of Requirements for Colleges in Resolving Formal Complaints of Sexual Harassment under Title IX Regulations Issued in May 2020



Source: GAO summary of Department of Education Title IX regulations, codified at 34 C.F.R. §§ 106.8, 30, .44, and .45. GAO (icons). | GAO-24-106641

Note: Education issued revised Title IX regulations in April 2024 with an effective date of August 1, 2024.

Accessible Text for Figure 5: General Overview of Requirements for Colleges in Resolving Formal Complaints of Sexual Harassment under Title IX Regulations Issued in May 2020

Report

- A college with actual knowledge of sexual harassment must respond promptly in a manner that is not deliberately indifferent. The Title IX coordinator must promptly contact the complainant and discuss available supportive measures and the process for filing a formal complaint, among other things.
- The complainant may file, and in some cases, the Title IX coordinator may sign, a formal complaint. The college would then provide written notice of the complaint to the parties and initiate an investigation.

Investigation

- Trained Title IX investigators gather evidence relevant to the formal complaint. Both parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegation in the formal complaint.
- Investigators then provide a written report that fairly summarizes relevant evidence to each party and the party's advisor, if any, at least 10 days prior to a hearing.

Hearing

- Trained decision-makers, who cannot be the investigator(s) or the Title IX coordinator, objectively evaluate all relevant evidence.
- Decision-makers hold a live hearing where each party's advisor, who may be an attorney, asks the other party and any witnesses all relevant questions and follow-up questions.

Determination

- Decision-makers provide all parties a written notice of the determination, which must include findings of fact, conclusions, the results of and rationale for each allegation, and information on how to appeal the determination, among other things.
- The Title IX coordinator is responsible for implementing any remedial actions.

Source: GAO summary of Department of Education Title IX regulations, codified at 34 C.F.R. §§ 106.8, 30, .44, and .45. GAO (icons). | GAO-24-106641

Officials from nearly all colleges discussed difficulties with their Title IX procedures. For example, officials said training staff involved with Title IX investigations and hearings is resource intensive. Further, they said hearings are difficult for everyone involved and can retraumatize the complainant. Officials from nearly all colleges emphasized that the complainant can generally decide whether to file a formal complaint and initiate a Title IX investigation.

If the complainant chooses not to file a formal complaint or if the facts of the incident do not meet the definition of sexual harassment in the Title IX regulations, among other scenarios, officials from nearly all colleges said they may use student conduct policy procedures to resolve issues not covered by Title IX procedures. Officials from one college said student conduct procedures may not require participation in a hearing from the person who may have been harmed. Officials from three colleges said staff responsible for student discipline can typically complete student conduct procedures, for example, within days or weeks compared to months for Title IX procedures.

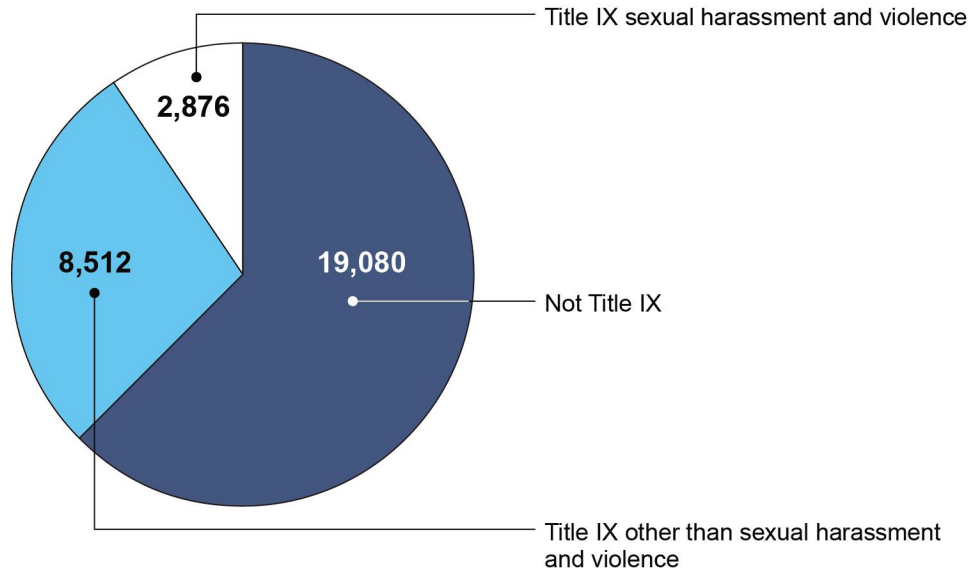
What is Education's role in ensuring that colleges address sexual harassment and violence?

Education issues Title IX regulations that set colleges' requirements for addressing sex discrimination, including sexual harassment. For example, the regulations require colleges to designate and authorize an employee to coordinate its efforts to comply with Title IX and adopt and publish grievance procedures for resolving reported harassment, as previously mentioned. Education issued revised regulations in April 2024 with an effective date of August 1, 2024. The new regulations revised regulatory definitions of sex-based harassment and requirements for grievance procedures, among other things.

Education's Office for Civil Rights (OCR) enforces colleges' compliance with Title IX and its implementing regulations primarily by investigating complaints, such as those that allege a college was deliberately indifferent to a report of sexual harassment or violence.⁸ OCR also initiates investigations, known as compliance reviews and directed investigations.

Complaints to OCR related to sexual harassment and violence made up about 9 percent of all college-related complaints opened from academic years 2013-2014 through 2021-2022 (see fig. 6). This included complaints of sexual harassment and violence involving college athletes. OCR's Case Management System does not have a code for complaints related to sexual harassment and violence that specifically involve athletes. OCR officials said that complaints involving college athletes and non-athletes are subject to the same legal standards, so additional data specific to athletes would not affect their efforts to respond to complaints.

Figure 6: Types of Complaints against Colleges Opened by Education’s Office for Civil Rights, Academic Years 2013-2014 through 2021-2022



Source: GAO analysis of data from the Department of Education’s Office for Civil Rights (OCR) Case Management System. | GAO-24-106641

Accessible Data for Figure 6: Types of Complaints against Colleges Opened by Education’s Office for Civil Rights, Academic Years 2013-2014 through 2021-2022

Pie chart

- Not Title IX: 19,080
- Title IX other than sexual harassment and violence: 8,512
- Title IX sexual harassment and violence: 2,876

Source: GAO analysis of data from the Department of Education’s Office for Civil Rights (OCR) Case Management System. | GAO-24-106641

Notes: “Title IX other than sexual harassment and violence” can, for example, include complaints involving sex discrimination in athletic facilities and employment. “Not Title IX” can include complaints involving discrimination based on race, color, national origin, and disability.

In our analysis, we removed almost 7,500 complaints related to “Title IX other than sexual harassment and violence” that were filed by a single individual. In our April 2024 report (GAO-24-105994), we noted that an OCR official told us that most of the complaints filed by the individual were dismissed because they lacked sufficient detail for OCR to determine that discrimination may have occurred. We excluded these complaints to provide a more accurate picture of OCR’s monitoring activities.

References to complaints include investigations initiated by OCR. For example, complaints related to “Title IX sexual harassment and violence” included eight compliance reviews and four directed investigations.

OCR’s Case Processing Manual describes actions OCR can take, as appropriate, when responding to a complaint. For example, OCR may dismiss a complaint if it was not filed in a timely manner or does not contain sufficient detail for OCR to infer that discrimination occurred. If a complaint meets certain criteria, OCR will open an investigation, which can include reviewing relevant documentation and conducting interviews and site visits, among other things. OCR may also offer mediation options for parties to voluntarily resolve the complaint. OCR does not monitor or approve these resolutions. After an investigation, if OCR determines that a college has violated Title IX, OCR will propose that the college enter into a resolution agreement and will monitor the case to ensure compliance.⁹

How has Education resolved any cases involving colleges’ responses to sexual harassment and violence against athletes?

OCR entered into at least eight resolution agreements with colleges for cases specifically involving sexual harassment or violence against college athletes from calendar years 2013 through 2022. These eight agreements were among 361 that OCR entered into with colleges for all violations of Title IX prohibitions against sex discrimination during that time. According to OCR officials, OCR closed five of the eight cases because the colleges met the terms of the agreements. Actions these colleges took included revising policies related to sexual harassment and violence and providing additional training to students and staff.

OCR had not yet closed the remaining three cases as of November 2023. One case was a review OCR initiated in March 2020 in response to a high-profile case of sexual harassment and violence by a coach at that college. OCR officials said they are continuing to monitor this case. For the remaining two cases, OCR had expected the colleges involved to complete the last actions outlined in the resolution agreements by October 2018 and July 2019, respectively. OCR officials said they have not yet reviewed one college's updated policies and had not yet confirmed that the other college took certain actions (see text box).

Examples of Cases with Open Resolution Agreements Involving Sexual Harassment or Violence against College Athletes

September 2015: A female gymnast alleged that her college failed to adequately respond when she reported that a coach had sexually harassed her. She alleged that the coach, who was also a sculptor, hired her as a model approximately five to 15 times from 2011 through 2013 and, at times, posed her in sexually provocative positions and made inappropriate comments. She indicated to OCR that she wanted to complain about the coach's conduct but had concerns that she would lose her scholarship or position on the team. OCR found that when she initially reported her concerns to athletics department staff, the staff discussed the matter but did not advise her to contact the college offices that could assist her. Further, the staff did not report the allegations until she reiterated her concerns a month later. At that time, the college began an investigation. It determined that the coach had violated the college's policies prohibiting discrimination and sexual harassment and that staff failed to promptly address the behavior of which they had notice. The student reached an agreement with the college in November 2014. With OCR, the college agreed to update its sexual harassment and violence policies and provide additional training to students and staff, among other actions.

November 2017: A female athlete, who had reported that a male athlete sexually assaulted her, alleged that her college failed to adequately respond and that, as a result, she was subjected to a sexually hostile environment. For example, she alleged that the college did not excuse her absences from class while she recovered and that the college failed to take measures to prevent her from seeing the alleged perpetrator on campus. When the female athlete ultimately withdrew from the college, the college did not take any additional actions because college officials believed that they were unable to investigate without a signed formal complaint from the female athlete. OCR found, among other things, that the college failed to take immediate and appropriate action to investigate, and that multiple college staff lacked a clear understanding of the college's obligations under Title IX. The college agreed to reimburse the female athlete's expenses for her final semester and hire a consultant to advise the Title IX coordinator, among other actions.

Source: GAO summary of information from the Department of Education's Office for Civil Rights (OCR). | GAO-24-106641

In April 2024, we reported that monitoring resolution agreements is an important way for OCR to ensure that colleges follow through on requirements outlined in agreements to address potential compliance issues. However, we found that OCR did not always communicate with colleges in a timely way throughout the monitoring process. For example, we reported that OCR had years-long delays in

communicating with some colleges about their actions to address potential compliance issues among a sample of 26 Title IX athletics resolution agreements that we reviewed. These cases involved the provision of equitable athletic participation opportunities and scholarship aid as well as equivalent benefits, such as access to facilities.¹⁰

In that report, we recommended that OCR establish agency timeliness goals for reviewing monitoring reports and responding to colleges during monitoring of Title IX athletics cases. Education neither agreed nor disagreed with our recommendation, stating that its performance standards for investigative staff include relevant timeliness goals. However, we reported that we continue to believe that Education should establish overall agency timeliness goals, as individual staff performance results do not provide an overall picture of agency timeliness.

We also recommended that OCR require its staff to consistently record due dates for responding to college's monitoring reports in Title IX athletics cases. Education concurred with this recommendation. The agency said it would routinely record due dates in OCR's Case Management System and periodically review the information to evaluate response times, as appropriate.

How does Education help colleges understand Title IX requirements for addressing sexual harassment and violence?

OCR provides colleges with information and guidance to help them understand the requirements outlined in Title IX regulations related to sexual harassment and violence. For example, OCR officials said they hold general educational webinars and present information on Title IX and sexual harassment and violence, both to general audiences and as requested by specific colleges or groups. OCR officials said they provided 15 presentations in fiscal years 2022 and 2023 on topics such as Title IX case processing procedures, requirements related to retaliation, and applicability to LGBTQ+ students. OCR officials said these presentations were provided primarily in response to requests from colleges and other groups.¹¹

In addition, OCR posts information and guidance primarily on a webpage called the "Reading Room." For example, a July 2023 document posted in the Reading Room consolidates key resources related to sexual harassment and violence. The Reading Room also includes information to help colleges understand changes to Title IX requirements based on new rulemaking and court decisions. Because the regulations and case law have changed over time, OCR officials said the Reading Room includes both current and rescinded documents as well as those that have been issued but are under review by the agency.

OCR officials said the written information and guidance they provide is limited to helping the public, such as students, parents, and colleges, understand federal requirements. Officials said they do not issue information and guidance on programs and procedures that are not required under Title IX, related regulations, and case law.

OCR officials said the department's Title IX policy priority was to issue revised Title IX regulations, which was completed in April 2024. Officials said they will consider additional needs colleges may have for Title IX information and guidance, if any.

Agency Comments

We provided a draft of this report to Education for review and comment. Education provided technical comments, which we incorporated as appropriate.

How GAO Did This Study

To examine barriers for athletes in reporting sexual harassment and violence to their colleges and how selected colleges address sexual harassment and violence in athletic programs, we reviewed relevant academic and other literature. In addition, we interviewed four groups: Education officials; representatives from five research, advocacy, sports, and other organizations; officials from 10 colleges in four states: Maryland, Ohio, Texas, and Washington; and 13 athletes from the selected colleges.

We selected the four states based on their high numbers of colleges with athletic programs and to represent a variety of geographic locations. We selected the 10 colleges in these states for a variety of factors such as the size and racial diversity of the student body; participation in NCAA and other athletic associations; degree of urbanicity; and number of complaints related to sexual harassment and violence filed with OCR from academic years 2013-2014 through 2021-2022. We conducted in-person and virtual visits with at least two colleges in each state, where we interviewed Title IX coordinators, athletic directors, and other college officials.

We worked with officials and student leadership groups at the selected colleges to identify the 13 athletes based on their ability to talk about barriers to reporting sexual harassment and violence. We conducted in-person and virtual interviews with at least two athletes in each state, who collectively attended six of the 10 colleges. The athletes we spoke with varied by gender and sport.

To examine the extent Education monitors colleges' compliance with related Title IX regulations, we reviewed relevant federal laws, regulations, and Education information and guidance. We also analyzed data from OCR's Case Management System from academic years 2013-2014 through 2021-2022, the most recent year available at the time of our study. Specifically, we analyzed data on complaints filed against colleges involving sexual harassment and violence generally, since data on complaints specifically involving athletes were not readily available. We determined that data from OCR's Case Management System were reliable for the purposes of describing information on complaints received related to sexual harassment and violence at colleges.

We also used OCR's online database on all complaint resolutions to identify and analyze resolution agreements specifically involving sexual harassment and violence against college athletes. We identified these cases by using available filters to narrow our search to cases involving sexual harassment or violence at colleges from calendar years 2013 through 2022. We further narrowed our search by using search terms such as "team" and "coach" and then reviewed each individual case. The information we analyzed is meant to provide illustrative examples and our search may not be exhaustive of all resolutions involving sexual harassment and violence against college athletes.

We conducted this performance audit from February 2023 to May 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

List of Addressees

The Honorable Robert C. “Bobby” Scott
Ranking Member
Committee on Education and the Workforce
House of Representatives

The Honorable Suzanne Bonamici
House of Representatives

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees and the Secretary of Education. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

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Endnotes

¹We interviewed officials from 10 colleges and a total of 13 athletes from six of those colleges. We used semi-structured interview protocols that included open-ended questions. Because information was volunteered in response to these open-ended questions, the counts of those citing each response varies. In our report, we use qualifiers to quantify responses from officials and athletes. For officials, “a few” represents responses from officials from two to three colleges, “some” represents four to five, “most” represents six to seven, “nearly all” represents eight to nine, and “all” represents 10. For athletes, “a few” represents responses from two to three athletes, “some” represents four to six, “most” represents seven to 10, “nearly all” represents 11 to 12, and “all” represents 13.

²S. Parent, I. Daigneault, S. Radziszewski, and M. Bergeron, *Sexual Violence at University: Are Varsity Athletes More at Risk?*, *Frontiers in Psychology* (2022).

³For example, see L. Bell & M. Wilfert, *NCAA Sports Science Institute’s Guide to Understanding and Supporting Student-Athlete Mental Wellness, Mind, Body and Sport: Interpersonal violence and the student-athlete population* (2014) and K. McCray, J. Evans, L. Lower-Hoppe, S. Brgoch, and A. Ryder, *Does Athlete Status Explain Sexual Violence Victimization and Perpetration on College Campuses? A Socio-Ecological Study*, *Journal of Interpersonal Violence* (2023).

⁴GAO, *Higher Education: Approaches and Strategies Used in College Campus Surveys on Sexual Violence*, GAO-20-351 (Washington, D.C.: Apr. 21, 2020).

⁵The NCAA is a member-led organization that includes about 1,100 colleges that compete in 24 sports across three divisions in all 50 states, the District of Columbia, Puerto Rico, and Canada. The NCAA adopted a policy on sexual harassment and violence beginning in 2017 that includes certain requirements that its membership must attest to annually. States may also have laws that require colleges to take certain actions to address sexual harassment and violence on college campuses.

⁶GAO, *Higher Education: Options That May Help Survivors of Sexual Violence Continue Their Education and Manage Federal Student Loans*, GAO-24-106282 (Washington, D.C.: Oct. 26, 2023).

⁷Education issued revised Title IX regulations in April 2024 with an effective date of August 1, 2024. Because the revised Title IX regulations were issued after we reviewed relevant documentation and conducted our interviews with college officials, college athletes, and Education officials, information in this report about requirements for responding to sexual harassment refers to requirements set under Title IX regulations that were issued in May 2020.

⁸OCR enforces several federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age, and sex in education programs or activities that receive federal financial assistance. In this report, references to OCR's jurisdiction over recipients will refer solely to colleges.

⁹If a college's compliance cannot be achieved, OCR may seek to suspend, terminate, or refuse to grant or continue their federal financial assistance, including participation in federal student loans, by either initiating administrative proceedings or by referring the case to the Department of Justice for judicial proceedings.

¹⁰GAO, *College Athletics: Education Should Improve Its Title IX Enforcement Efforts*, GAO-24-105994 (Washington, D.C.: Apr. 9, 2024).

¹¹Education officials said they also engage with colleges, professional associations, and others to support colleges' compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. For example, officials said they participated in public safety conferences and workshops and provided one-on-one and group technical assistance sessions for college officials and public safety professionals in fiscal year 2023. They said such sessions could, but do not necessarily, include discussions of crimes related to sexual harassment and violence.