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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

April 1, 2014

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Mr. Secretary:

I am writing to request information concerning sexual assault on college campuses and the protections that you enforce for students across the country.

As you are aware, Title IX prohibits colleges and universities which receive federal funds from discrimination on the basis of sex. This discrimination includes sexual harassment or sexual violence, including rape and sexual assault. Under Title IX, schools are required to respond promptly and effectively to reports of sexual violence and to have procedures to report and resolve complaints of sexual assault. Schools which do not comply with these requirements may lose their access to federal funds.[1]

In addition, the Clery Act requires all colleges and universities that participate in federal financial aid programs to maintain and disclose information related to crime on college campuses, including sexual assault. Failure to accurately compile and report data and security procedures can result in civil penalties against institutions for each infraction and the Department can suspend institutions from participating in federal student financial aid programs.[2]

According to the available statistics, approximately 19% of undergraduate women have been the victims of sexual assault.[3] Because many crimes are not reported, however, it is likely,

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[1] Title IX of the Education Amendments of 1927, 20 U.S.C. §1681 *et seq.*; Department of Education, *Know Your Rights: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School* (accessed March 31, 2014) (online at https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf).

[2] Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 10 U.S.C. §1092(f).

[3] Centers for Disease Control, *Sexual Violence Facts at a Glance* (accessed March 31, 2014) (online at http://www.cdc.gov/ViolencePrevention/pdf/SV-DataSheet-a.pdf).

that this number is substantially higher.[4] Disturbingly, it appears that the students responsible for these assaults frequently face few or no consequences for their actions.[5]

The Department of Education is in a unique position to protect students by ensuring adequate steps are taken by universities and colleges to prevent sexual assault and, if needed, ensure accountability for misconduct. Therefore, I request a briefing from you or your designee regarding the Department of Education's efforts to ensure accurate reporting of sexual assault incidents and to ensure accountability both for perpetrators of sexual assault and for institutions which fail to comply with federal law.

At the briefing, I request that you or your designee be prepared to provide the following information regarding campus sexual assault:

(1) Processes for conducting oversight of data reporting by colleges and universities;

(2) Copies of written materials or guidance provided to colleges and universities, local law enforcement, and other relevant agencies regarding legal issues, policies, and procedures;

(3) Information regarding training (if any) provided to colleges and universities, local law enforcement, and other relevant agencies;

(4) Information regarding all enforcement actions entered into since 1991, including the name of the school, a brief description, the resolution of the action (including penalties, if any) and any subsequent oversight;

(5) The amount of federal funding received by each school in (4) for the two years preceding, during, and the two years subsequent to the enforcement action;

(6) The number of universities have been suspended from participating in federal student aid programs since 1991;

(7) Data related to how many sexual assault cases are adjudicated administratively by universities vs how many are dealt with in the local criminal system;

(8) The number and pay grade of full time federal employees responsible for these issues at the Department of Education;

(9) If contractors provide support services related to these issues, the number of full time-equivalent contractors, their responsibilities, and the contract number of the contract under which they are employed;

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[4] *See* Department of Justice, Office of Justice Programs, *Sexual Assault on Campus: What Colleges and Universities Are Doing About It* (Dec. 2005) (online at https://www.ncjrs.gov/pdffiles1/nij/205521.pdf).

[5] *A Lack of Consequences for Sexual Assault,* Center for Public Integrity (Feb. 4, 2010) (online at http://www.publicintegrity.org/2010/02/24/4360/lack-consequences-sexual-assault).

(10) Any audits, investigations, or other reports related to the Department of Education's work on campus sexual assault dated from 1991 to the present, including any analyses prepared by private contractors.

I request that you provide the information and briefing as soon as possible, but by **no later than April 11, 2014**.

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

I appreciate your assistance. Please contact Sarah Garcia with the Subcommittee at (202) 224-5602 with any questions. Please contact Lorenzo D'Aubert at (202) 224-6154 to schedule the requested briefing. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,

Claire McCaskill
Chairman
Subcommittee on Financial and Contracting Oversight

cc: Ron Johnson
Ranking Member
Subcommittee on Financial and Contracting Oversight