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## MOST FEDERAL SEXUAL CASES AGAINST COLLEGES DROPPED

### Citing tardy filing, US often rejects allegations of mishandling sexual violence complaints

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By **Matt Rocheleau**

GLOBE STAFF APRIL 08, 2015

Over the past decade, federal investigators have dropped nearly three-quarters of the allegations against colleges accused of mishandling complaints of sexual violence on their campuses, often because the complaints are filed too long after the incident.

Of the 118 investigations closed between 2004 and 2014, 87 cases were shut because the allegations could not be proved, for late filing, or administrative reasons, according to a Globe analysis of data from the US Education Department's Office for Civil Rights, the agency that conducts investigations into discrimination related to sexual violence on college campuses.

The figures shed light on the outcome of the allegations at a time of heightened awareness of campus sexual violence. The number of sexual violence-related investigations opened each year has increased steadily over the past decade, from a single case in



2004 to 17 in 2012, 32 in 2013, and 102 last year.

Some activists said the data showing the number of closed cases suggest that the Education Department is not doing enough to hold colleges accountable.

“It reminds us how much of the burden to solve this problem is on the backs of survivors,” said Andrea Pino, who cofounded the national advocacy group End Rape on Campus, which since its start in 2013 has helped students report to the department more than two dozen cases of colleges allegedly mishandling sexual violence claims.

Denise Horn, a spokeswoman for the Education Department, said officials are “working aggressively to ensure that all students have the opportunity to learn in a safe and healthy environment.”

“Let there be no mistake: Sexual violence has no place in society and especially no place in our nation’s schools or on our nation’s college campuses,” she said in an e-mail.

Sexual violence cases are governed by Title IX, a law that prohibits discrimination on the basis of gender in any federally funded education program or activity. It requires colleges to address sexual violence on campus, including following proper steps to investigate claims of assault.

“Title IX is one of the few options you have to hold your school accountable,” said Pino, 23, who said she was raped while a student at the University of North Carolina. “It’s been a cornerstone of the activism movement in the past several years. But it’s also been a hypocrisy.”

In Massachusetts, seven different colleges faced a total of 11 investigations between 2004 and 2014.

Two of those investigations were dismissed because too much time had passed between when the alleged violations occurred and when they were reported to the Education Department.

In five other cases, investigations were closed because the allegations were being investigated elsewhere, because there was insufficient evidence, or because the person who reported the alleged wrongdoing did not give permission when asked by the Education Department to proceed with the investigation.

In four cases, the colleges reached a resolution agreement with the department during or after the investigation.

Ten Massachusetts schools are facing investigations: Amherst College; Berklee College of Music; Boston

University; Brandeis University; Emerson College; Hampshire College; Harvard University; Northeastern University; the University of Massachusetts Amherst; and the University of Massachusetts Dartmouth.

The data the Globe reviewed were obtained through a Freedom of Information Act request by Boston-based public records website [MuckRock](#), and subsequently analyzed by the Globe. The data included cases that were resolved as of the end of last year.

The most common reason cases at colleges across the country were closed was that too much time had passed between when the alleged violations occurred and when they were reported to the Education Department, which generally does not investigate allegations more than 180 calendar days old.

Colby Bruno, an attorney at the Victim Rights Law Center in Boston, a nonprofit that gives free legal services to sexual assault victims, said she was surprised by the findings from the Globe's review.

"If a quarter of complainants are not able to report that their school has problems because of what seems to be an arbitrary deadline, then maybe we should look at a way to change that," said Bruno, referring to the Education Department's 180-day deadline for filing complaints.

Bruno said she expects to see a decline in the percentage of cases dropped due to administrative reasons or other apparent technicalities because in recent years an increasing number of students have turned to lawyers, often on a pro bono basis, to help them file Title IX complaints.

"I have every expectation that all of the open cases will reach agreements, where there are violations," she said.

The Education Department has said its investigations have found that some colleges have retaliated against victims of sexual assault for filing reports with the department and delayed investigations. The department has also uncovered instances in which administrators determined that a student had raped a fellow student, but school officials allowed the alleged perpetrator to remain at the school, only to find out that the offending student subsequently raped another classmate.

As of Wednesday, the Education Department was investigating 112 additional cases at 105 colleges nationwide. Last May, the department, as part of a White House push to hold colleges more accountable for how they handle sexual assault, took the unprecedented step of naming every college in the country involved in an active case. At that time, 55 schools were named; the list has grown substantially since.

Fourteen of the 118 investigations nationally between 2004 and 2014 ended with the accused college reaching an agreement with the department after the school was found to be out of compliance. In 15 other cases, the department and the college reached mutual accord before the investigation was completed, and in two other instances, colleges quickly resolved the matter with the individual or individuals who alleged the wrongdoing.

Eleven colleges faced two sexual violence-related investigations between 2004 and 2014, while five schools faced three such investigations. The rest were investigated just once during that span.

On average, it has taken the department 229 days to resolve each case.

The office says its goal is to complete investigations within 180 days, but notes that investigations about sexual violence can be delicate and complex and the process typically involves not just investigating a complaint specific to a small number of students, but also looking at the campuswide culture, policies, and other systemic issues related to sexual violence.

Officials have said steps have been taken recently to reduce how long investigations take.

Schools found to be violating the rules around handling complaints of sexual violence could face punishment as severe as losing their federal funding or having the matter referred to the Department of Justice; however such drastic action has never been taken.

Instead, schools found in violation typically agree to change certain policies and procedures to improve their handling of assault cases.

## Closed investigations of colleges' handling of sexual violence

The Education Department closed 118 cases at 97 schools between 2004 and 2014. Here's what they were:

State	School name	Date opened	Date resolved	Days to resolve	Result
AL	Faulkner University	9/18/12	10/18/12	30	Complainant withdraws allegation
AL	University Of Alabama	10/14/14	11/7/14	24	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
AZ	University Of Arizona	3/9/09	9/1/09	176	Insufficient evidence of non-compliance determination
AZ	University Of Arizona	7/1/14	11/20/14	142	Allegation lacks sufficient detail to infer discrimination
CA	Azusa Pacific University	8/12/14	9/24/14	43	Complaint is not timely
CA	Biohealth College	11/17/10	5/13/11	177	Prior findings by other agency meet OCR standards
CA	California Polytechnic State Univ-San Luis Obispo	10/16/14	12/2/14	47	Complaint is not timely
CA	Claremont Graduate University	10/18/11	11/1/11	14	Complaint is not timely
CA	Merced College	12/13/06	12/29/08	747	Resolution agreement after investigation (non-compliance determination)
CA	Pitzer College	3/19/12	3/29/13	375	Resolution agreement before conclusion of investigation
CA	Samuel Merritt College	1/24/14	2/10/14	17	OCR has no jurisdiction over allegation
CA	San Francisco State University	11/13/14	12/10/14	27	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)

CA	University Of California-Berkeley	6/9/14	6/12/14	3	Complaint is not timely
CA	University Of California-Davis	5/23/11	6/14/11	22	Complaint is not timely
CA	University Of California-Los Angeles	8/14/14	10/15/14	62	Allegation currently being investigated elsewhere (fed, state, internal procedures)
CA	University Of California-Santa Cruz	2/14/11	3/2/11	16	Complaint is not timely
CO	Colorado State University	7/2/14	9/26/14	86	Allegation addressed in recent OCR compliance review(s)
CO	University Of Colorado At Boulder	4/2/14	9/4/14	155	Allegation fails to state a violation
CO	University Of Colorado At Denver	1/15/13	2/7/13	23	Complaint is not timely
CO	University Of Colorado At Denver	8/18/14	9/25/14	38	Allegation addressed in recent OCR compliance review(s)
CT	Yale University	3/15/11	6/15/12	458	Resolution agreement before conclusion of investigation
DC	George Washington University	3/4/11	8/31/11	180	Resolution agreement before conclusion of investigation
DE	University Of Delaware	7/7/14	8/12/14	36	Allegation currently being investigated elsewhere (fed, state, internal procedures)
FL	Florida Gulf Coast University	7/28/14	8/26/14	29	Complaint is not timely
FL	Florida International University	4/28/14	6/3/14	36	Complaint is not timely
GA	Clark Atlanta University	4/24/08	6/10/09	412	Resolution agreement after investigation (non-compliance determination)
HI	University Of Hawaii At Manoa	5/6/14	6/24/14	49	Complaint is not timely
IL	North Park University	7/22/14	12/18/14	149	Complainant withdraws allegation
IL	Northwestern University	11/24/08	5/22/09	179	Resolution agreement before conclusion of investigation
IL	Roosevelt University	3/3/09	4/20/09	48	Complaint is not timely
IL	Southern Illinois University-Carbondale	5/22/09	11/18/09	180	Resolution agreement after investigation (non-compliance determination)
IL	University Of Illinois At Urbana-Champaign	5/31/12	5/22/13	356	Early complaint resolution
IN	Butler University	3/15/13	7/12/13	119	Allegation lacks sufficient detail to infer discrimination
IN	Butler University	3/15/13	7/12/13	119	Complaint is not timely
IN	Butler University	5/20/14	6/18/14	29	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
IN	Hanover College	2/22/13	9/6/13	196	Complaint is not timely
IN	Indiana University-Bloomington	8/8/14	8/15/14	7	Allegation addressed in recent OCR compliance review(s)
KS	University Of Kansas	10/14/11	3/30/12	168	Resolution agreement before conclusion of investigation

KY	Kentucky Wesleyan College	2/21/12	8/15/13	541	Resolution agreement before conclusion of investigation
LA	University Of Northern Iowa	7/16/13	8/20/13	35	OCR has no jurisdiction over allegation
MA	Harvard University- Law School	9/27/10	10/8/10	11	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
MA	Harvard University- Law School	10/4/10	12/30/14	1548	Resolution agreement after investigation (non-compliance determination)
MA	Massachusetts Maritime Academy	10/12/12	4/10/13	180	Resolution agreement before conclusion of investigation
MA	Northeastern University	1/13/04	7/9/04	178	Insufficient evidence of non-compliance determination
MA	Northeastern University	9/2/14	10/30/14	58	Allegation currently being investigated elsewhere (fed, state, internal procedures)
MA	Quincy College	3/7/12	8/27/13	538	Resolution agreement before conclusion of investigation
MA	Springfield College	11/13/13	4/4/14	142	Complaint is not timely
MA	Tufts University	9/10/09	4/30/13	1328	Complaint is not timely
MA	Tufts University	9/10/09	4/30/13	1328	Insufficient evidence of non-compliance determination
MA	Tufts University	9/22/10	4/28/14	1314	Resolution agreement after investigation (non-compliance determination)
MA	Wentworth Institute Of Technology	5/10/10	6/23/10	44	Allegation currently being investigated elsewhere (fed, state, internal procedures)
MD	Frostburg State University	11/25/14	12/19/14	24	Allegation currently being investigated elsewhere (fed, state, internal procedures)
MD	Saint Mary'S College Of Maryland	5/15/12	6/24/13	405	Resolution agreement after investigation (non-compliance determination)
MD	Washington Adventist University	10/6/14	12/19/14	74	Complaint is not timely
ML	Michigan College Of Beauty	4/18/13	5/22/13	34	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
ML	University Of Michigan- Ann Arbor	8/16/13	2/24/14	192	Allegation currently being investigated elsewhere (fed, state, internal procedures)
ML	University Of Michigan- Ann Arbor	11/3/14	11/6/14	3	Allegation currently being investigated elsewhere (fed, state, internal procedures)
MO	Lincoln University	4/16/09	10/13/09	180	Resolution agreement before conclusion of investigation
MS	Antonelli College	8/6/09	10/14/09	69	Complainant refuses to provide information or can't be reached
MS	University Of Mississippi Main Campus	3/8/10	12/22/11	654	Resolution agreement after investigation (non-compliance determination)
MT	University Of Montana- Missoula	1/11/12	5/17/12	127	Process as compliance review
NC	Appalachian State University	7/14/14	8/8/14	25	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
NC	Duke University	2/5/13	7/26/13	171	Complaint is not timely

NC	North Carolina Wesleyan College	4/26/07	12/17/07	235	Resolution agreement before conclusion of investigation
NJ	Atlantic Cape Community College	9/29/08	1/26/09	119	Allegation currently being investigated elsewhere (fed, state, internal procedures)
NJ	Bloomfield College	3/22/10	4/22/10	31	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
NJ	Princeton University	4/14/10	10/7/10	176	Insufficient evidence of non-compliance determination
NJ	Princeton University	11/10/10	11/5/14	1456	Resolution agreement after investigation (non-compliance determination)
NJ	Princeton University	8/8/11	2/3/12	179	Allegation currently being investigated elsewhere (fed, state, internal procedures)
NJ	Rider University	6/12/09	4/8/10	300	Resolution agreement after investigation (non-compliance determination)
NM	Northern New Mexico Community College	5/4/11	1/31/12	272	Resolution agreement before conclusion of investigation
NM	Southwest Acupuncture College	2/29/12	6/14/12	106	Early complaint resolution
NM	University Of New Mexico-Main Campus	1/30/14	4/11/14	71	Currently in litigation - 60 day rule
NY	Cuny Queens College	2/10/12	3/12/12	31	Complaint is not timely
NY	Monroe Community College	9/24/14	10/21/14	27	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
NY	Suny At Stony Brook	9/20/13	2/19/14	152	Complaint is not timely
NY	Suny Binghamton University	11/12/13	6/27/14	227	Allegation addressed in recent OCR compliance review(s)
NY	Suny Buffalo State College	6/2/14	7/22/14	50	Complaint is not timely
NY	Suny Buffalo State College	6/2/14	7/22/14	50	Previous decisions (by cour, OCR, etc.) preclude processing
NY	The New School University	4/5/11	9/30/11	178	Insufficient evidence of non-compliance determination
NY	University Of Rochester	1/11/11	2/7/11	27	Complaint is not timely
OH	Cedarville University	5/17/13	6/23/14	402	Complaint is not timely
OH	Ohio State University	5/23/13	7/10/13	48	Complainant refuses to provide information or can't be reached
OH	Owens State Community College-Toledo Campus	11/13/07	11/13/09	731	Resolution agreement after investigation (non-compliance determination)
OH	Xavier University	2/18/09	3/18/09	28	OCR has no jurisdiction over allegation
OH	Xavier University	11/15/11	2/7/12	84	Allegation currently being investigated elsewhere (fed, state, internal procedures)
OH	Xavier University	1/25/12	7/23/12	180	Resolution agreement before conclusion of investigation
OK	University Of Central Oklahoma	2/25/10	4/1/10	35	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient

					factual basis)
OK	University Of Central Oklahoma	5/6/10	10/8/10	155	Currently in litigation - 60 day rule
OR	Portland State University	10/10/12	12/14/12	65	Complainant refuses to provide information or can't be reached
PA	Drexel University	6/16/14	8/11/14	56	Complaint is not timely
PA	Haverford College	11/12/09	5/6/10	175	Resolution agreement before conclusion of investigation
PA	Pennsylvania State University	3/11/13	3/13/13	2	Complaint is not timely
PA	Pennsylvania State University	10/17/13	4/14/14	179	Process as compliance review
PA	Swarthmore College	10/22/14	10/24/14	2	Allegation currently being investigated elsewhere (fed, state, internal procedures)
PA	West Chester University Of Pennsylvania	5/27/14	8/12/14	77	Allegation lacks sufficient detail to infer discrimination
PA	West Chester University Of Pennsylvania	5/27/14	8/12/14	77	Complaint is not timely
RL	Community College Of Rhode Island	9/20/10	10/29/10	39	Allegation fails to state a violation
TN	Vanderbilt University	11/14/13	3/20/14	126	Allegation addressed in recent OCR compliance review(s)
TX	Prairie View A & M University	3/22/13	4/26/13	35	Complaint is not timely
TX	Southern Methodist University	6/2/11	12/11/14	1288	Resolution agreement after investigation (non-compliance determination)
TX	Southern Methodist University	3/8/13	12/11/14	643	Resolution agreement after investigation (non-compliance determination)
TX	Southern Methodist University	3/20/13	12/11/14	631	Resolution agreement after investigation (non-compliance determination)
TX	Texas A & M University-Kingsville	7/1/14	12/18/14	170	Allegation lacks sufficient detail to infer discrimination
TX	Texas A & M University	8/1/12	8/16/12	15	Allegation currently being investigated elsewhere (fed, state, internal procedures)
TX	The University Of Texas At Arlington	12/3/10	1/7/11	35	Closed with referral to EEOC
TX	The University Of Texas-Pan American	5/5/14	1/5/15	245	Allegation fails to state a violation
VA	University Of Virginia-Main Campus	5/6/10	7/15/11	435	OCR has no jurisdiction over allegation
VA	University Of Virginia-Main Campus	6/18/12	7/27/12	39	Process as compliance review
VA	Virginia Commonwealth University	12/3/10	9/30/11	301	Resolution agreement before conclusion of investigation
VA	Virginia Commonwealth University	12/6/10	1/12/11	37	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
VA	Virginia Military Institute	6/23/08	5/9/14	2146	Resolution agreement after investigation (non-compliance

					determination)
VT	Marlboro College	11/2/12	12/6/12	34	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
WA	Western Washington University	6/9/14	11/13/14	157	Allegation lacks sufficient detail to infer discrimination
WA	Whitman College	4/15/14	5/15/14	30	Allegation currently being investigated elsewhere (fed, state, internal procedures)
WI	Nicolet Area Technical College	12/17/12	1/11/13	25	Complainant did not give consent to proceed with investigation (or, prior to February 2008, insufficient factual basis)
WV	Glenville State College	12/29/10	1/17/12	384	Resolution agreement before conclusion of investigation
WV	West Virginia University	5/15/14	5/28/14	13	Complaint is not timely

**DATA: US Department of Education**

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## Open investigations of colleges' handling of sexual violence

As of April 8, the department was investigating 112 cases at 105 schools. Here's what they were:

State	School name	Date opened
AK	University Of Alaska System Of Higher Education	5/5/2014
AZ	Arizona State University	1/26/2012
CA	Butte-Glenn Community College District	2/27/2013
CA	California Institute Of The Arts	9/30/2014
CA	Occidental College	5/2/2013
CA	San Francisco State University	3/10/2015
CA	Stanford University	2/26/2015
CA	San Jose-Evergreen Community College District	11/12/2014
CA	University Of California-Berkeley	3/25/2014
CA	University Of California_Davis	3/24/2015
CA	University Of California-Los Angeles	8/8/2014
CA	University Of California-Santa Cruz	3/13/2015
CA	University Of Southern California	6/26/2013
CO	Colorado State University	6/24/2014
CO	Regis University	4/30/2013
CO	University Of Colorado At Boulder	6/18/2013
CO	University Of Colorado At Denver	4/29/2014

CO	University Of Denver	Case 1: 12/12/2013 Case 2: 3/10/2015
CT	University Of Connecticut	2/17/2015
DC	American University	3/11/2015
DC	Catholic University Of America	1/8/2014
DE	University Of Delaware	5/8/2014
FL	Florida State University	4/3/2014
FL	University Of South Florida	9/3/2014
GA	Emory University	12/13/2013
HI	University Of Hawaii At Manoa	5/28/2013
IA	Drake University	10/3/2014
IA	Iowa State University	10/15/2014
ID	University Of Idaho	4/18/2013
IL	Knox College	1/2/2014
IL	University Of Chicago	6/28/2013
IN	Indiana University-Bloomington	3/12/2014
IN	Valparaiso University	10/3/2014
IN	Vincennes University	3/20/2014
KS	Kansas State University	8/4/2014
KS	University Of Kansas	7/16/2014
KS	Washburn University	7/1/2014
MA	Amherst College	1/6/2014
MA	Berklee College Of Music	6/19/2014
MA	Boston University	12/16/2013
MA	Brandeis University	8/29/2014
MA	Emerson College	12/23/2013
MA	Hampshire College	7/17/2014
MA	Harvard College	4/24/2014
MA	Northeastern University	10/30/2014
MA	University Of Massachusetts-Amherst	6/30/2011
MA	University Of Massachusetts-Dartmouth	7/16/2014
MD	Frostburg State University	9/18/2013
MD	Johns Hopkins University	8/8/2014
MD	Saint Mary'S College Of Maryland	Case 1: 2/6/2015 Case 2: 2/6/2015 Case 3: 2/6/2015 Case 4: 3/10/2015
MD	Morgan State University	6/26/2014

MI	Grand Valley State University	10/6/2014
MI	Michigan State University	Case 1: 7/21/2011 Case 2: 2/18/2014
MI	University Of Michigan-Ann Arbor	2/21/2014
MO	Missouri University Of Science And Technology	5/21/2014
NC	Guilford College	11/18/2013
NC	University Of North Carolina At Chapel Hill	3/1/2013
ND	Minot State University	2/26/2014
NE	University Of Nebraska-Lincoln	9/30/2014
NH	Dartmouth College	5/31/2013
NY	Barnard College	12/29/2014
NY	Canisius College	12/11/2014
NY	Columbia University	1/8/2015
NY	Cuny Hunter College	2/8/2013
NY	Elmira College	5/12/2014
NY	Hamilton College	11/14/2014
NY	Hobart And William Smith Colleges	4/24/2014
NY	Pace University - New York	7/22/2014
NY	Saint Thomas Aquinas College	7/9/2014
NY	Sarah Lawrence College	12/4/2013
NY	Suny At Stony Brook	7/23/2014
NY	Suny Buffalo State College	3/26/2015
NY	Suny College At Brockport	2/12/2015
NY	Suny College At Purchase	1/5/2015
OH	Denison University	3/7/2014
OH	The University Of Akron	5/6/2014
OH	Wittenberg University	Case 1: 8/25/2011 Case 2: 4/18/2013
OK	Langston University	11/26/2014
OK	Oklahoma State University	4/10/2014
PA	Allegheny College	12/5/2014
PA	Carnegie Mellon University	1/13/2014
PA	Elizabethtown College	11/20/2014
PA	Franklin And Marshall College	3/26/2014
PA	Pennsylvania State University	1/23/2014
PA	Pointe Park University	2/27/2015

PA	Swarthmore College	7/12/2013
PA	Temple University	Case 1: 8/9/2013 Case 2: 11/19/2014
RI	Brown University	7/10/2014
TN	University Of Tennessee @ Chattanooga	12/5/2014
TN	Vanderbilt University	3/12/2014
TX	Cisco Junior College	5/7/2014
TX	The University Of Texas-Pan American	4/21/2014
VA	College Of William And Mary	4/18/2014
VA	James Madison University	6/4/2014
VA	University Of Richmond	6/12/2014
VA	University Of Virginia	6/30/2011
VA	Washington And Lee University	2/18/2015
VT	Marlboro College	10/6/2014
WA	Washington State University	1/15/2013
WA	Whitman College	11/7/2014
WI	University Of Wisconsin-Madison	2/24/2015
WI	University Of Wisconsin-Whitewater	2/14/2014
WV	Bethany College	4/28/2014
WV	Davis And Elkins College	9/4/2014
WV	West Virginia School Of Osteopathic Medicine	3/25/2013

**DATA: US Department of Education**

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