Sonoma County Office of Education

TITLE IX PART III -
NUTS AND BOLTS OF THE
TITLE IX COORDINATOR’S
ROLE

November 12, 2019

Presented by:

Monica D. Batanero, Sr. Associate General Counsel
Ellie R. Austin, Associate General Counsel
Monica D. Batanero
Senior Associate General Counsel
mbatanero@sclscal.org

Areas of Expertise
General Education Code & Student Issues (including student discipline, interdistrict transfers; general student issues, student’s and parent’s rights); Governance (Brown Act, Public Record Acts, conflicts); Special Education/Section 504

Experience
Ms. Batanero has over 14 years of experience in administrative law; over 10 years of experience in education law. Ms. Batanero's practice touches upon myriad legal issues relating to students and school personnel. She advises school districts, county offices of education and special education local plan areas statewide regarding all aspects of special education law, student discipline and anti-discrimination laws. In addition to regularly participating in IEP meetings, Ms. Batanero has represented clients before the Office of Administrative Hearings, the California Department of Education and the Office for Civil Rights. Ms. Batanero also assists school districts in negotiating agreements and reaching settlements with parents regarding special education issues. Ms. Batanero also assists school districts and County Boards of Education at all levels of the student discipline process and conducts investigations on behalf of her clients of allegations of discrimination. Prior to joining SCLS, Ms. Batanero worked in education law in Southern California representing school districts in special education matters as well as addressing various legal matters as they arose. Ms. Batanero is a Member of the California State Bar and the California Council of School Attorneys.

Education
Juris Doctorate, University of San Francisco School of Law (2003); Master of Science in Gerontology, University of Southern California (1999); Bachelor of Science in Gerontology, University of Southern California (1998).

School and College Legal Services (SCLS) is a joint powers authority serving school districts, county offices of education, SELPAs, and community colleges in over fifteen counties in Northern California. Our primary focus, as a preventative law firm, is helping clients avoid future costly legal problems. We are a collaborative office, working to ensure our clients receive the most legally defensible advice in the most efficient manner possible.
Ellie R. Austin
Associate General Counsel
eaustin@sclscal.org

Areas of Expertise
Collective Bargaining
Personnel
Title IX & the Clery Act
Website Accessibility

Experience
Ms. Austin’s practice focuses on collective bargaining negotiations and personnel matters. She assists school districts, county offices of education, and community college districts in negotiating collective bargaining agreements, resolving grievances and unfair practice charges, and handling personnel matters. Ms. Austin also assists clients with Title IX and Clery Act compliance, as well as investigations of alleged discrimination or harassment.

Prior to joining SCLS, Ms. Austin practiced special education law representing public school districts at a law firm in Southern California for over 3 ½ years, where she worked extensively on matters pending before the California Office of Administrative Hearings. She developed expertise in analyzing special education documents, including IEPs, multidisciplinary assessments, and transition plans, for legal compliance. While in law school, she interned at a human rights NGO in Thailand teaching English to refugee women and Thai schoolchildren. Her capstone project for her M.P.A. degree involved a qualitative research study which identified common barriers facing community college students in Oregon as they transferred to four-year institutions.

Education
B.A. Humboldt State University, Geography magna cum laude (2007)
J.D. Drexel University School of Law (2011)
M.P.A. University of Oregon (2016)

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Title IX Part III: Nuts & Bolts of the Title IX Coordinator’s Role

November 12, 2019

Presented by:
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Agenda

• Brief overview of Title IX
• Title IX coordinator’s role
• Training requirements
• Data reviews
• Campus climate surveys

Fall 2019
Title IX Workshop Series at SCOE

• Part 2 – Conducting Title IX Investigations, December 9, 2019
• Part 3 – Nuts and Bolts of the Title IX Coordinator’s Role, November 12, 2019
• Part 4 – CCD Only – Additional Title IX Challenges for Community Colleges, December 12, 2019
I. Brief Overview of Title IX

What is Title IX?

“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 educational program or activity receiving federal financial assistance.”


Sex-Based Discrimination

- Title IX prohibits sex-based discrimination
- Sex-based discrimination includes:
  - Sexual harassment
  - Sexual violence
  - Discrimination based on gender stereotypes
  - Gender-based discrimination
- Does NOT prohibit discrimination on the basis of sexual orientation (but California law does)
II. Title IX Coordinator’s Role

Title IX Coordinator

Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under these Title IX regulations, including any investigation of any complaint communicated to such recipient alleging its noncompliance with these Title IX regulations or alleging any actions that would be prohibited by these Title IX regulations. The recipient shall notify all its students and employees of the name, office address, and telephone number of the employee or employees appointed pursuant to this paragraph.

28 C.F.R. 54.135(a)

Title IX Coordinator

• The Title IX Coordinator has many responsibilities, including broadly:
  • Promoting gender equity in education
  • Overseeing the response to Title IX reports and complaints
  • Training students, staff, and faculty
  • Involvement in drafting and revising Title IX policies and regulations
  • Ensuring proper posting of notices
  • Identifying and addressing patterns of gender inequity revealed by reports and complaints
  • Evaluating confidentiality requests from complainants
Title IX Coordinator

- Plays an essential role in ensuring every person involved in the activities and programs of the educational institution is aware of their rights under Title IX
- Should have community-wide visibility and comprehensive knowledge and training
- Must be knowledgeable about other applicable federal and state laws, regulations, and policies that overlap with Title IX

Institutional Obligations

- Must ensure that the Title IX coordinator has the institution’s full support
- Title IX coordinator must have the authority to oversee the institution’s compliance with Title IX
- In the district’s organizational structure, Title IX coordinator should report directly to senior leadership, such as the superintendent or president
- OCR recommends that the Title IX coordinator be a full-time position

III. Training Requirements
Title IX Training

• Title IX coordinator must have specified training
• Title IX coordinator is responsible for providing or facilitating training to staff and students

Trainings Required for Title IX Coordinator

• Title IX’s regulatory provisions
• Applicable OCR guidance
• Recipient’s own Title IX policies and grievance (complaint) procedures
• Confidentiality requirements, such as FERPA
• Training handling sexual harassment and sexual violence complaints*

Trainings Provided by Title IX Coordinators

• School policies related to sex discrimination, including grievance procedures
• What constitutes sex- and gender-based harassment
• How to respond appropriately to reports of sex- and gender-based harassment
• Assemblies and schoolwide trainings
• Class, departmental, or smaller group trainings
• Individual trainings, as appropriate
Trainings for Students

- Trainings should focus on prohibited conduct and how Title IX protects against sex discrimination
- Include information on the school’s grievance procedures and how to file a complaint of sex discrimination, including sexual harassment and sexual assault
- Present the information so the students can understand it

Trainings for Staff

- What constitutes sex-based discrimination and harassment, how to identify it, and how to report it
- How to respond to student complaints
- The school’s Title IX grievance procedures
- The school’s obligations toward pregnant and parenting students
- Awareness of their own (employment) rights under Title IX

Trainings for Responsible Employees

- Obligations of a responsible employee
- What conduct constitutes sexual harassment
- How the school’s grievance procedures operate
- How to respond to complaints of sex discrimination, including sexual harassment
Trainings for Respondents

- If an individual is determined to have violated Title IX, training may be an appropriate remedy.
- Training may be targeted at the individual respondent only, or may encompass specific groups or the entire school community.

Schoolwide Trainings

- If through a Title IX investigation the school determines that a hostile environment exists, it may need to provide special training to impacted students.
- May encompass a class, a club, a team, a grade level, department, or the entire school.
- Purpose is to repair the educational environment.
- Training may also need to be provided to the larger student body to ensure that harassment or discrimination does not recur.

Pop Quiz

The district hired a Title IX coordinator 5 years ago. She is one of the nation’s foremost experts on Title IX, but hasn’t attended a training herself since she was hired.

Is there any violation here?
Additional Clery Act Requirements

- Community colleges have additional training requirements under the Clery Act
- Individuals responsible for conducting disciplinary proceedings must receive **annual training** about how to conduct an investigation and hearing process that:
  - Promotes accountability, and
  - Protects the safety of victims
- Law enforcement personnel should be trained in the district’s policies for handling complaints of sexual assault
- “Campus security authorities” should receive training on issues related to dating violence, domestic violence, sexual assault, and stalking, and how to fulfill their obligations under Clery

Pop Quiz

Are School Resource Officers required to have special training, besides what is provided to other staff members?

A Word of Caution

- Some complainants file suit against their school for “failure to train” employees in how to investigate Title IX complaints
- School or district may be found liable even if there is no official written policy or custom of not training its employees
- If it rises to the level of “deliberate indifference,” courts will find against schools/districts
Pop Quiz

School personnel are investigating an allegation of sexual assault. Investigator asks the victim: “Why didn’t you do more to fight off your attacker?”

Is this relevant? Are there any issues with this approach?

Regular Assessment

• Title IX Coordinator should regularly assess the adequacy of current training opportunities and programs
  • One way to do this is through campus climate surveys
  • Another method is by reviewing institutional data

Hot Seat
IV. Data Review

Data Review

- Title IX coordinator should:
  - Review data regularly to evaluate the school’s Title IX compliance
  - Identify any patterns or systemic problems under Title IX
  - Investigate possible causes of any patterns or systemic problems
  - Use the information to recommend next steps to improve Title IX compliance and ensure the school is free from sex-based discrimination

Data Review

- Data review should include consideration of many aspects of Title IX compliance:
  - Equal opportunity in athletics
  - Proportionate participation in courses and programs of study
  - Incidents of sexual violence
  - Incidents of harassment and bullying
  - Consistency of discipline
  - Effectiveness of training efforts
Data Review: Athletics

• Title IX coordinator should regularly review participation in and offerings of sports to ensure equal opportunity

• Regularly reviewing the data should help the Title IX coordinator identify patterns of disproportionality that may be rooted in sex discrimination

Data Review: Athletics

• OCR has provided a three-part test to determine if an institution provides nondiscriminatory athletic participation opportunities:
  1. Substantially proportionate participation
  2. History and continuing practice of program expansion for underrepresented sex
  3. Interests and abilities of underrepresented sex fully accommodated

Data Review: Athletics

• Specifically, the data review should include analysis of parts 1 and 2 of the three-part test:
  1. Whether athletic participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollment
  2. Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of members of that sex
Data Review: Athletics – Part 3

• Part 3 of the three-part test
  • Where the members of one sex are underrepresented in athletics, and there isn’t a history and practice of program expansion, the school is fully and effectively accommodating the interests and abilities of that sex with the current program

• OCR looks to three criteria:
  1. Is there unmet need in a particular sport?
  2. Is there sufficient ability to sustain a team in the sport?
  3. Is there a reasonable expectation of competition for the team?

Data Review: Athletics – Part 3

• Criterion 1: Unmet Interest and Ability
  • Whether district eliminated a viable team for underrepresented sex
  • Multiple indicators

• Criterion 2: Sufficient Ability
  • The athletic experience and accomplishments of the underrepresented sex
  • Opinions of coaches, administrators, and other athletes
  • Previous competition; participation in other sports

• Criterion 3: Reasonable Expectation of Competition
  • Competitive opportunities offered by other schools against which the institution competes, and new competitive opportunities in the geographic area

Data Review: Athletic Scholarships

• When a college awards athletic scholarships, they must be granted to “members of each sex in proportion to the number of students of each sex participating in... intercollegiate athletics”

• There is a strong presumption that an unexplained disparity of more than 1% is in violation of the "substantially proportionate" requirement for funding men’s and women’s athletic scholarships
Data Review: Courses and Programs of Study

- Title IX coordinator should regularly review participation and offerings in courses and programs of study with disproportionate historical participation by one sex.
- Is a particular sex underrepresented in some courses of study (e.g., girls in STEM courses, science programs, robotics extracurricular activities)? Why?
- Title IX coordinator should investigate the possible causes of underrepresentation and recommend measures for reaching greater proportionality.

Data Review: Harassment & Bullying

- Who is being targeted?
- Who is the perpetrator?
- Who is being disciplined?
- Is this proportionate to each sex’s enrollment?
- Are incidents occurring in a particular setting?
- Reviewing data helps schools analyze problems and understand where change is needed.

Data Review: Discipline

- Title IX Coordinators should regularly review discipline data.
- Look for:
  - Whether similarly situated students are being disciplined differently based on sex for the same offense.
  - Whether discipline policies are in fact having an unlawful disparate impact on students based on sex.
What is a Campus Climate Survey?

• A survey of students that gathers data relating to an institution’s strengths and weaknesses in areas of discrimination on the basis of sex
• It should assess the prevalence, nature, and extent of sex discrimination, sexual assault, and other sexual misconduct on a campus and at individual sites
• The survey should also address students’ knowledge of resources and procedures relating to sex discrimination, including sexual harassment and sexual misconduct

Why Conduct a Campus Climate Survey?

• Survey should serve as the basis of a comprehensive campus sex discrimination action plan
• Data should inform a comprehensive Title IX compliance plan
• Using the data, institutions can create tailored prevention and response efforts
• OCR has identified campus climate surveys on sexual assault as a best practice
Why Conduct a Campus Climate Survey?

• Evaluate whether any discriminatory attitudes pervade the school culture
• Evaluate whether any harassment or other problematic behaviors are occurring
  • Where do they occur?
  • Which groups/types of students are responsible?
  • Which groups/types of students are targeted?
  • How best to remedy those conditions?
• Reveal whether students perceive certain campus environments or populations as hostile

Why Conduct a Campus Climate Survey?

• Assess the effectiveness of remedial actions
  • Were the actions effective?
  • What are students’ attitudes, knowledge, and experience around sexual harassment?
  • What further steps should be taken?
• Regularly conducted over time, campus climate surveys can reflect changing attitudes, increases in awareness and reporting, and the effectiveness of an institution’s efforts

What Will a Campus Climate Survey Do?

• Identify “blind spots” in existing institutional responses to Title IX complaints and instances of sex discrimination
• Identify student populations most at risk
• Evaluate students’ level of knowledge about campus resources
• Identify any confusion about policies and procedures
• Shed light on whether students feel comfortable reporting sexual harassment/sexual assault to school officials through the school’s grievance procedures
Note

- Campus climate surveys can address many more issues than just sex discrimination/sexual assault.
- The Ohio State University conducts an annual campus climate survey on topics related to general health, health-related impediments to academic performance, relationships, alcohol and other drug use, sexual behavior, nutrition, exercise, mental health, and sleep.

Creating the Survey

- Identify the survey team
  - Title IX coordinator, expert in survey methodology, advisory board
- Establish the purpose of the survey
- Create the survey instrument
  - Specific questions – language can be explicit (e.g. anus, penetration) but should be age-appropriate
  - Templates available (attachments 4-7)

DOJ’s 5 Best Practices

- #1 – Confidentiality
- #2 – Long-Term Action Plan
- #3 – Electronic Device Accessibility
- #4 – Incentives
- #5 – Content of Questions
Incentivizing Participation

- Bureau of Justice Statistics suggests an incentive of $20-$30 (more money did not yield more participation)
- School can recruit certain students to participate, but be aware of sample size and representation concerns
- Survey should be open for 28-57 days
- Send a reminder email about once every 10 days
- Survey should be smartphone and tablet accessible
- “Brand” survey campaign: Boston University’s “Speak Up BU” or Rutgers’ “iSpeak” campaigns

Pop Quiz

Should a district include information assessing interest in sports on its annual campus climate survey?

Why or why not?

Survey Content

- Include questions necessary to get the information the school wants to learn
- Write questions to help students understand important terms like what constitutes sexual harassment
- Consider the many areas of Title IX – athletics, programs and courses of study, pregnant and parenting students, etc.
- Provide contact information for the Title IX coordinator and how students can report an incident or get more information
Pop Quiz

Is there anything wrong with the question, “How frightened were you by the incident?” on a campus climate survey?

Additional Pointers

• Survey should be administered toward the end of the school or academic year
• Survey should remain available to participants for at least one month, but preferably two
• The methodology should include multiple follow-up reminders for non-respondents (e.g., via email)
• Recruitment materials should be personalized for potential respondents
• Some messages should be customized for male students to increase their participation

Pop Quiz

Which question is better:
1. How safe do you feel on campus?
2. Have you experienced harassment while playing on a school sports team?

Why?
What concerns do you have about each question?
Hot Seat

- It’s your turn to draft questions for a campus climate survey!
- Take 15 minutes to look through the resources in your packet and draft five questions for a campus climate survey relevant to your district.

Campus Climate Survey Resources

- Department of Justice “Not Alone” Campaign, https://www.justice.gov/ovw/protecting-students-sexual-assault/campusclimate
- Bureau of Justice Statistics, Campus Climate Survey Validation Study, https://www.bjs.gov/content/pub/pdf/ccsvsftr.pdf

Resources (K-12)

- Know Your IX - High School, https://www.knowyourix.org/high-school-resource/
- Safe Place to Learn, https://safesupportivelearning.ed.gov/safe-place-to-learn-k12
- OCR Civil Rights Data Collection, https://www2.ed.gov/about/offices/list/ocr/data.html
Resources (CCD)

- Center for Changing Our Campus Culture, http://changingourcampus.org/
- Clery Center, https://clerycenter.org/

Questions?

Information in this presentation, including but not limited to PowerPoint handouts and presenters’ comments, is summary only and not legal advice. We advise you consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

Monica D. Batanero, Sr. Associate General Counsel
mbatanero@sclscal.org
Ellie R. Austin, Associate General Counsel
eaustin@sclscal.org
School & College Legal Services of California
5350 Skyline Boulevard
Santa Rosa, CA 95403
(707) 524-5680
www.sclscal.org
Notice of Language Assistance

Dear Colleague Letter on Title IX Coordinators

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

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Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.
Dear Colleague:

I write to remind you that all school districts, colleges, and universities receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators.

Your Title IX coordinator plays an essential role in helping you ensure that every person affected by the operations of your educational institution—including students, their parents or guardians, employees, and applicants for admission and employment—is aware of the legal rights Title IX affords and that your institution and its officials comply with their legal obligations under Title IX. To be effective, a Title IX coordinator must have the full support of your institution. It is therefore critical that all institutions provide their Title IX coordinators with the appropriate authority and support necessary for them to carry out their duties and use their expertise to help their institutions comply with Title IX.

The U.S. Department of Education’s Office for Civil Rights (OCR) enforces Title IX for institutions that receive funds from the Department (recipients). In our enforcement work, OCR has found that some of the most egregious and harmful Title IX violations occur when a recipient fails to designate a Title IX coordinator or when a Title IX coordinator has not been sufficiently trained or given the appropriate level of authority to oversee the recipient’s compliance with Title IX. By contrast, OCR has found that an effective Title IX coordinator often helps a recipient provide equal educational opportunities to all students.

OCR has previously issued guidance documents that include discussions of the responsibilities of a Title IX coordinator, and those documents remain in full force. This letter incorporates that existing OCR guidance on Title IX coordinators and provides additional clarification and recommendations

1 34 C.F.R. § 106.8(a). Although Title IX applies to any recipient that offers education programs or activities, this letter focuses on Title IX coordinators designated by local educational agencies, schools, colleges, and universities.

2 20 U.S.C. §§ 1681–1688. The Department of Justice shares enforcement authority over Title IX with OCR.
as appropriate. This letter outlines the factors a recipient should consider when designating a Title IX coordinator, then describes the Title IX coordinator’s responsibilities and authority. Next, this letter reminds recipients of the importance of supporting Title IX coordinators by ensuring that the coordinators are visible in their school communities and have the appropriate training.

Also attached is a letter directed to Title IX coordinators that provides more information about their responsibilities and a Title IX resource guide. The resource guide includes an overview of the scope of Title IX, a discussion about Title IX’s administrative requirements, as well as a discussion of other key Title IX issues and references to Federal resources. The discussion of each Title IX issue includes recommended best practices for the Title IX coordinator to help your institution meet its obligations under Title IX. The resource guide also explains your institution’s obligation to report information to the Department that could be relevant to Title IX. The enclosed letter to Title IX coordinators and the resource guide may be useful for you to understand your institution’s obligations under Title IX.

**Designation of a Title IX Coordinator**

Educational institutions that receive Federal financial assistance are prohibited under Title IX from subjecting any person to discrimination on the basis of sex. Title IX authorizes the Department of Education to issue regulations to effectuate Title IX. Under those regulations, a recipient must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and the Department’s implementing regulations. This position may not be left vacant; a recipient must have at least one person designated and actually serving as the Title IX coordinator at all times.

In deciding to which senior school official the Title IX coordinator should report and what other functions (if any) that person should perform, recipients are urged to consider the following:

**A. Independence**

The Title IX coordinator’s role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient’s senior leadership, such as the district superintendent or the college or university president. Granting the Title IX coordinator this

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4 34 C.F.R. § 106.8(a).

5 Many of the principles in this document also apply generally to employees required to be designated to coordinate compliance with other civil rights laws enforced by OCR against educational institutions, such as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 34 C.F.R. § 104.7(a), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131–12134; 28 C.F.R. § 35.107(a).
independence also ensures that senior school officials are fully informed of any Title IX issues that arise and that the Title IX coordinator has the appropriate authority, both formal and informal, to effectively coordinate the recipient’s compliance with Title IX. Title IX does not categorically exclude particular employees from serving as Title IX coordinators. However, when designating a Title IX coordinator, a recipient should be careful to avoid designating an employee whose other job responsibilities may create a conflict of interest. For example, designating a disciplinary board member, general counsel, dean of students, superintendent, principal, or athletics director as the Title IX coordinator may pose a conflict of interest.

B. Full-Time Title IX Coordinator

Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest and in many cases ensure sufficient time is available to perform all the role’s responsibilities. If a recipient designates one employee to coordinate the recipient’s compliance with Title IX and other related laws, it is critical that the employee has the qualifications, training, authority, and time to address all complaints throughout the institution, including those raising Title IX issues.

C. Multiple Coordinators

Although not required by Title IX, it may be a good practice for some recipients, particularly larger school districts, colleges, and universities, to designate multiple Title IX coordinators. For example, some recipients have found that designating a Title IX coordinator for each building, school, or campus provides students and staff with more familiarity with the Title IX coordinator. This familiarity may result in more effective training of the school community on their rights and obligations under Title IX and improved reporting of incidents under Title IX. A recipient that designates multiple coordinators should designate one lead Title IX coordinator who has ultimate oversight responsibility. A recipient should encourage all of its Title IX coordinators to work together to ensure consistent enforcement of its policies and Title IX.

Responsibilities and Authority of a Title IX Coordinator

The Title IX coordinator’s primary responsibility is to coordinate the recipient’s compliance with Title IX, including the recipient’s grievance procedures for resolving Title IX complaints. Therefore, the Title IX coordinator must have the authority necessary to fulfill this coordination responsibility. The recipient must inform the Title IX coordinator of all reports and complaints raising Title IX issues, even if the complaint was initially filed with another individual or office or the investigation will be conducted by another individual or office. The Title IX coordinator is responsible for coordinating the recipient’s responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate. Such coordination can help the recipient avoid Title IX violations, particularly violations involving sexual harassment and violence, by preventing incidents
from recurring or becoming systemic problems that affect the wider school community. Title IX does not specify who should determine the outcome of Title IX complaints or the actions the school will take in response to such complaints. The Title IX coordinator could play this role, provided there are no conflicts of interest, but does not have to.

The Title IX coordinator must have knowledge of the recipient’s policies and procedures on sex discrimination and should be involved in the drafting and revision of such policies and procedures to help ensure that they comply with the requirements of Title IX. The Title IX coordinator should also coordinate the collection and analysis of information from an annual climate survey if, as OCR recommends, the school conducts such a survey. In addition, a recipient should provide Title IX coordinators with access to information regarding enrollment in particular subject areas, participation in athletics, administration of school discipline, and incidents of sex-based harassment. Granting Title IX coordinators the appropriate authority will allow them to identify and proactively address issues related to possible sex discrimination as they arise.

Title IX makes it unlawful to retaliate against individuals—including Title IX coordinators—not just when they file a complaint alleging a violation of Title IX, but also when they participate in a Title IX investigation, hearing, or proceeding, or advocate for others’ Title IX rights. Title IX’s broad anti-retaliation provision protects Title IX coordinators from discrimination, intimidation, threats, and coercion for the purpose of interfering with the performance of their job responsibilities. A recipient, therefore, must not interfere with the Title IX coordinator’s participation in complaint investigations and monitoring of the recipient’s efforts to comply with and carry out its responsibilities under Title IX. Rather, a recipient should encourage its Title IX coordinator to help it comply with Title IX and promote gender equity in education.

**Support for Title IX Coordinators**

Title IX coordinators must have the full support of their institutions to be able to effectively coordinate the recipient’s compliance with Title IX. Such support includes making the role of the Title IX coordinator visible in the school community and ensuring that the Title IX coordinator is sufficiently knowledgeable about Title IX and the recipient’s policies and procedures. Because educational institutions vary in size and educational level, there are a variety of ways in which recipients can ensure that their Title IX coordinators have community-wide visibility and comprehensive knowledge and training.

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6 34 C.F.R. § 106.71 (incorporating by reference 34 C.F.R. § 100.7(e)).
A. Visibility of Title IX Coordinators

Under the Department’s Title IX regulations, a recipient has specific obligations to make the role of its Title IX coordinator visible to the school community. A recipient must post a notice of nondiscrimination stating that it does not discriminate on the basis of sex and that questions regarding Title IX may be referred to the recipient’s Title IX coordinator or to OCR. The notice must be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the school community, including all applicants for admission and employment, students and parents or guardians of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient.7

In addition, the recipient must always notify students and employees of the name, office address, telephone number, and email address of the Title IX coordinator, including in its notice of nondiscrimination.8 Because it may be unduly burdensome for a recipient to republish printed materials that include the Title IX coordinator’s name and individual information each time a person leaves the Title IX coordinator position, a recipient may identify its coordinator only through a position title in printed materials and may provide an email address established for the position of the Title IX coordinator, such as TitleIXCoordinator@school.edu, so long as the email is immediately redirected to the employee serving as the Title IX coordinator. However, the recipient’s website must reflect complete and current information about the Title IX coordinator.

Recipients with more than one Title IX coordinator must notify students and employees of the lead Title IX coordinator’s contact information in its notice of nondiscrimination, and should make available the contact information for its other Title IX coordinators as well. In doing so, recipients should include any additional information that would help students and employees identify which Title IX coordinator to contact, such as each Title IX coordinator’s specific geographic region (e.g., a particular elementary school or part of a college campus) or Title IX area of specialization (e.g., gender equity in academic programs or athletics, harassment, or complaints from employees).

The Title IX coordinator’s contact information must be widely distributed and should be easily found on the recipient’s website and in various publications.9 By publicizing the functions and responsibilities of the Title IX coordinator, the recipient demonstrates to the school community its commitment to complying with Title IX and its support of the Title IX coordinator’s efforts.

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7 34 C.F.R. § 106.9.
8 34 C.F.R. § 106.8(a).
9 34 C.F.R. § 106.9.
Supporting the Title IX coordinator in the establishment and maintenance of a strong and visible role in the community helps to ensure that members of the school community know and trust that they can reach out to the Title IX coordinator for assistance. OCR encourages recipients to create a page on the recipient’s website that includes the name and contact information of its Title IX coordinator(s), relevant Title IX policies and grievance procedures, and other resources related to Title IX compliance and gender equity. A link to this page should be prominently displayed on the recipient’s homepage.

To supplement the recipient’s notification obligations, the Department collects and publishes information from educational institutions about the employees they designate as Title IX coordinators. OCR’s Civil Rights Data Collection (CRDC) collects information from the nation’s public school districts and elementary and secondary schools, including whether they have civil rights coordinators for discrimination on the basis of sex, race, and disability, and the coordinators’ contact information. The Department’s Office of Postsecondary Education collects information about Title IX coordinators from postsecondary institutions in reports required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act.

**B. Training of Title IX Coordinators**

Recipients must ensure that their Title IX coordinators are appropriately trained and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the recipients’ policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution. The resource guide accompanying this letter outlines some of the key issues covered by Title IX and provides references to Federal resources related to those issues. In addition, the coordinators should be knowledgeable about other applicable Federal and State laws, regulations, and policies that overlap with Title IX. In most cases, the recipient will need to provide an employee with training to act as its Title IX coordinator. The training should explain the different facets of Title IX, including regulatory provisions, applicable OCR guidance, and the recipient’s Title IX policies and grievance procedures. Because these laws, regulations, and OCR guidance may be updated, and

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12 See, e.g., the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and its implementing regulations, 34 C.F.R. Part 99; and the Clery Act, 20 U.S.C. § 1092(f), and its implementing regulations, 34 C.F.R. Part 668. These documents only address an institution’s compliance with Title IX and do not address its obligations under other Federal laws, such as the Clery Act.
recipient policies and procedures may be revised, the best way to ensure Title IX coordinators have the most current knowledge of Federal and State laws, regulations, and policies relating to Title IX and gender equity is for a recipient to provide regular training to the Title IX coordinator, as well as to all employees whose responsibilities may relate to the recipient’s obligations under Title IX. OCR’s regional offices can provide technical assistance, and opportunities for training may be available through Equity Assistance Centers, State educational agencies, private organizations, advocacy groups, and community colleges. A Title IX coordinator may also find it helpful to seek mentorship from a more experienced Title IX coordinator and to collaborate with other Title IX coordinators in the region (or who serve similar institutions) to share information, knowledge, and expertise.

In rare circumstances, an employee’s prior training and experience may sufficiently prepare that employee to act as the recipient’s Title IX coordinator. For example, the combination of effective prior training and experience investigating complaints of sex discrimination, together with training on current Title IX regulations, OCR guidance, and the recipient institution’s policies and grievance procedures may be sufficient preparation for that employee to effectively carry out the responsibilities of the Title IX coordinator.

**Conclusion**

Title IX coordinators are invaluable resources to recipients and students at all educational levels. OCR is committed to helping recipients and Title IX coordinators understand and comply with their legal obligations under Title IX. If you need technical assistance, please contact the OCR regional office serving your State or territory by visiting [http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm](http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm) or call OCR’s Customer Service Team at 1-800-421-3481; TDD 1-800-877-8339.

Thank you for supporting your Title IX coordinators to help ensure that all students have equal access to educational opportunities, regardless of sex. I look forward to continuing to work with recipients nationwide to help ensure that each and every recipient has at least one knowledgeable Title IX coordinator with the authority and support needed to prevent and address sex discrimination in our nation’s schools.

Sincerely,

/s/
Catherine E. Lhamon
Assistant Secretary for Civil Rights
APR 20 2010

Dear Colleague:

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs and activities by recipients of Federal financial assistance, which include schools, colleges and universities. Since its passage, Title IX has dramatically increased academic, athletic and employment opportunities for women and girls. Title IX stands for the proposition that equality of opportunity in America is not rhetoric, but rather a guiding principle.

Although there has been indisputable progress since Title IX was enacted, notably in interscholastic and intercollegiate athletic programs, sex discrimination unfortunately continues to exist in many education programs and activities. I am committed to the vigorous enforcement of Title IX to resolve this discrimination and to provide clear policy guidance to assist a recipient institution (institution) in making the promise of Title IX a reality for all.

To that end, on behalf of the Office for Civil Rights (OCR) of the U.S. Department of Education (Department), it is my pleasure to provide you with this “Intercollegiate Athletics Policy Clarification: The Three-Part Test – Part Three.” With this letter, the Department is withdrawing the “Additional Clarification of Intercollegiate Athletics Policy: Three Part Test – Part Three” (2005 Additional Clarification) and all related documents accompanying it, including the “User’s Guide to Student Interest Surveys under Title IX” (User’s Guide) and related technical report, that were issued by the Department on March 17, 2005.

OCR enforces Title IX and its implementing regulation. The regulation contains specific provisions governing athletic programs and the awarding of athletic scholarships. Specifically, the Title IX regulation provides that if an institution operates or sponsors an athletic program, it must provide equal athletic opportunities for members of both sexes. In determining whether equal athletic opportunities are available, the regulation requires OCR to consider whether an institution is effectively accommodating the athletic interests and abilities of students of both sexes.

1 20 U.S.C. § 1681 et seq.
2 34 C.F.R. Part 106.
3 34 C.F.R. § 106.41.
4 34 C.F.R. § 106.37(c).
5 34 C.F.R. § 106.41(c).
6 34 C.F.R. § 106.41(c)(1). The Title IX regulation at 34 C.F.R. § 106.41(c) provides that OCR also will consider other factors when determining whether equal athletic opportunity is available at an institution. This Dear Colleague
The “Intercollegiate Athletics Policy Interpretation” (1979 Policy Interpretation), published on December 11, 1979, provides additional guidance on the Title IX intercollegiate athletic regulatory requirements. The 1979 Policy Interpretation sets out a three-part test that OCR uses to assess whether an institution is effectively accommodating the athletic interests and abilities of its students to the extent necessary to provide equal athletic opportunity. On January 16, 1996, OCR issued the “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test” (1996 Clarification) to provide additional clarification on all parts of the three-part test, including the specific factors that OCR uses to evaluate compliance under the third part of the three-part test (Part Three).

In 2005, OCR issued the Additional Clarification regarding application of the indicators in the 1996 Clarification that guided OCR’s analysis of Part Three. The accompanying User’s Guide included a prototype survey instrument (model survey) that institutions could use to measure student interest in participating in intercollegiate athletics and included specific guidance on its implementation. The Additional Clarification and User’s Guide changed OCR’s approach from an analysis of multiple indicators to a reliance on a single survey instrument to demonstrate that an institution is accommodating student interests and abilities in compliance with Part Three. After careful review, OCR has determined that the 2005 Additional Clarification and the User’s Guide are inconsistent with the nondiscriminatory methods of assessment set forth in the 1979 Policy Interpretation and the 1996 Clarification and do not provide the appropriate and necessary clarity regarding nondiscriminatory assessment methods, including surveys, under Part Three. Accordingly, the Department is withdrawing the 2005 Additional Clarification and User’s Guide, including the model survey. All other Department policies on Part Three remain in effect and provide the applicable standards for evaluating Part Three compliance.

Given the resource limitations faced by institutions throughout the nation and the effect on institutions’ athletics programs, I recognize the importance of assisting institutions in developing their own assessment methods that retain the flexibility to meet their unique circumstances, but are consistent with the nondiscrimination requirements of the Title IX regulation. Therefore, this Dear Colleague letter reaffirms, and provides additional clarification

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letter only addresses the regulatory requirement, at 34 C.F.R. § 106.41(c)(1), to effectively accommodate interests and abilities.

7 44 Fed. Reg. 71413 (1979). The 1979 Policy Interpretation was published by the former Department of Health, Education, and Welfare, and was adopted by the Department of Education when it was established in 1980.

8 Although the 1979 Policy Interpretation is designed for intercollegiate athletics, its general principles, and those of this letter, often will apply to interscholastic, club, and intramural athletic programs. 44 Fed. Reg. at 71413. Furthermore, the Title IX regulation requires institutions to provide equal athletic opportunities in intercollegiate, interscholastic, club, and intramural athletics. 34 C.F.R. § 106.41(c).

9 As discussed in the 1979 Policy Interpretation, OCR also considers the quality of competitive opportunities offered to members of both sexes in determining whether an institution effectively accommodates the athletic interests and abilities of its students. 44 Fed. Reg. at 71418.

10 OCR’s “Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance,” which was issued as a Dear Colleague letter on July 11, 2003, also reincorporated the 1996 Clarification’s broad range of specific factors and illustrative examples.
on, the multiple indicators discussed in the 1996 Clarification that guide OCR’s analysis of whether institutions are in compliance with Part Three, as well as the nondiscriminatory implementation of a survey as one assessment technique.

**The Three-Part Test**

As discussed above, OCR uses the three-part test to determine whether an institution is providing nondiscriminatory athletic participation opportunities in compliance with the Title IX regulation. The test provides the following three compliance options:

1. Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or

2. Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or

3. Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a history and continuing practice of program expansion, as described above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.\(^\text{11}\)

The three-part test is intended to allow institutions to maintain flexibility and control over their athletic programs consistent with Title IX’s nondiscrimination requirements. As stated in the 1996 Clarification, “[T]he three-part test furnishes an institution with three individual avenues to choose from when determining how it will provide individuals of each sex with nondiscriminatory opportunities to participate in intercollegiate athletics. If an institution has met any part of the three-part test, OCR will determine that the institution is meeting this requirement.”

**Part Three of the Three-Part Test — Fully and Effectively Accommodating the Interests and Abilities of the Underrepresented Sex**

This letter focuses on Part Three — whether an institution is fully and effectively accommodating the athletic interests and abilities of the underrepresented sex. As the 1996 Clarification indicates, while disproportionately high athletic participation rates by an institution’s students of the overrepresented sex (as compared to their enrollment rates) may indicate that an institution is not providing equal athletic opportunities to its students of the underrepresented sex, an institution can satisfy Part Three if it can show that the underrepresented sex is not being denied opportunities, i.e., that the interests and abilities of

\(^{11}\) 44 Fed. Reg. at 71418.
the underrepresented sex are fully and effectively accommodated. This letter provides information that guides OCR in its evaluation of compliance with Part Three and the nondiscriminatory implementation of assessments of students’ athletic interests and abilities under it.

Under Part Three, the focus is on full and effective accommodation of the interests and abilities of the institution’s students who are members of the underrepresented sex — including students who are admitted to the institution though not yet enrolled. As stated in the 1996 Clarification, and as further discussed below, in determining compliance with Part Three, OCR considers all of the following three questions:

1. Is there unmet interest in a particular sport?
2. Is there sufficient ability to sustain a team in the sport?
3. Is there a reasonable expectation of competition for the team?

If the answer to all three questions is “Yes,” OCR will find that an institution is not fully and effectively accommodating the interests and abilities of the underrepresented sex and therefore is not in compliance with Part Three.

A. Unmet Interest and Ability — OCR Evaluation Criteria

In determining whether an institution has unmet interest and ability to support an intercollegiate team in a particular sport, OCR evaluates a broad range of indicators, including:

- whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students;
- whether a viable team for the underrepresented sex recently was eliminated;
- multiple indicators of interest;
- multiple indicators of ability; and
- frequency of conducting assessments.

Each of these five criteria is described below. Following the discussion of these criteria, this section provides technical assistance recommendations for effective assessment procedures and the nondiscriminatory implementation of a survey as one component of assessing the interests and abilities of students of the underrepresented sex. This section concludes with a discussion of the multiple indicators OCR evaluates to determine whether there are a sufficient number of students with unmet interest and ability to sustain a new intercollegiate team.

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12 OCR examines an institution’s recruitment practices under another part of the 1979 Policy Interpretation. See 44 Fed. Reg. at 71417. Accordingly, where an institution recruits potential student athletes for its men’s teams, it must ensure that its women’s teams are provided with substantially equal opportunities to recruit potential student athletes.
1. Nondiscriminatory Methods of Assessment

Under Part Three, OCR evaluates whether an institution uses processes and methods for assessing the athletic interests and abilities of its students of the underrepresented sex that are consistent with the nondiscrimination standards set forth in the 1979 Policy Interpretation. The 1979 Policy Interpretation states that institutions may determine the athletic interests and abilities of students by nondiscriminatory methods of their choosing provided:

a. The processes take into account the nationally increasing levels of women's interests and abilities;

b. The methods of determining interest and ability do not disadvantage the members of an underrepresented sex;

c. The methods of determining ability take into account team performance records; and

d. The methods are responsive to the expressed interests of students capable of intercollegiate competition who are members of an underrepresented sex.13

An institution should document its assessment of students' interests and abilities.

2. Assessments Not Used To Eliminate Viable Teams

As discussed in the 1996 Clarification, if an institution recently has eliminated a viable team for the underrepresented sex from the intercollegiate athletics program, OCR will find that there is sufficient interest, ability, and available competition to sustain an intercollegiate team in that sport and thus there would be a presumption that the institution is not in compliance with Part Three. This presumption can be overcome if the institution can provide strong evidence that interest, ability, or competition no longer exists.

Accordingly, OCR does not consider the failure by students to express interest during a survey under Part Three as evidence sufficient to justify the elimination of a current and viable intercollegiate team for the underrepresented sex. In other words, students participating on a viable intercollegiate team have expressed interest by active participation, and OCR does not use survey results to nullify that expressed interest.

3. Multiple Indicators Evaluated to Assess Interest

OCR considers a broad range of indicators to assess whether there is unmet athletic interest among the underrepresented sex. These indicators guide OCR in determining whether the institution has measured the interests of students of the underrepresented sex using nondiscriminatory methods consistent with the 1979 Policy Interpretation. As discussed in the

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13 44 Fed. Reg. at 71417.
1996 Clarification, OCR evaluates the interests of the underrepresented sex by examining the following list of non-exhaustive indicators:

- requests by students and admitted students that a particular sport be added;
- requests for the elevation of an existing club sport to intercollegiate status;
- participation in club or intramural sports;
- interviews with students, admitted students, coaches, administrators and others regarding interests in particular sports;
- results of surveys or questionnaires of students and admitted students regarding interests in particular sports;\(^{14}\)
- participation in interscholastic sports by admitted students; and
- participation rates in sports in high schools, amateur athletic associations, and community sports leagues that operate in areas from which the institution draws its students.\(^{15}\)

In accordance with the 1996 Clarification, OCR also will consider the likely interest\(^{16}\) of the underrepresented sex by looking at participation in intercollegiate sports in the institution’s normal competitive regions.

4. Multiple Indicators Evaluated to Assess Ability

As discussed in the 1996 Clarification, OCR considers a range of indicators to assess whether there is sufficient ability among interested students of the underrepresented sex to sustain a team in the sport. When making this determination, OCR examines indicators such as:

- the athletic experience and accomplishments — in interscholastic, club or intramural competition — of underrepresented students and admitted students interested in playing the sport;

\(^{14}\) OCR evaluates all of the indicators discussed here so OCR does not consider survey results alone as sufficient evidence of lack of interest under Part Three.

\(^{15}\) As discussed in the 1996 Clarification, this indicator may be helpful to OCR in ascertaining likely interest of an institution’s students and admitted students in particular sports, especially in the absence of more direct indicia. However, in conducting its investigations, OCR determines whether an institution is meeting the actual interests and abilities of its students and admitted students.

An institution’s evaluation should take into account sports played in the high schools and communities from which it draws its students, both as an indication of possible interest at the institution, and to permit the institution to plan to meet the interests of admitted students of the underrepresented sex. For example, if OCR’s investigation finds that a substantial number of high schools from the relevant region offer a particular sport that the institution does not offer for the underrepresented sex, OCR will ask the institution to provide a basis for any assertion that its students and admitted students are not interested in playing that sport. OCR also may interview students, admitted students, coaches, and others regarding interest in that sport.

\(^{16}\) See Footnote 15 above.
opinions of coaches, administrators, and athletes at the institution regarding whether interested students and admitted students have the potential to sustain an intercollegiate team; and

- if the team has previously competed at the club or intramural level, whether the competitive experience of the team indicates that it has the potential to sustain an intercollegiate team.

Additionally, because OCR recognizes that students may have a broad range of athletic experiences and abilities, OCR also examines other indications of ability such as:

- participation in other sports, intercollegiate, interscholastic or otherwise, that may demonstrate skills or abilities that are fundamental to the particular sport being considered; and
- tryouts or other direct observations of participation in the particular sport in which there is interest.

As the 1996 Clarification indicated, neither a poor competitive record, nor the inability of interested students or admitted students to play at the same level of competition engaged in by the institution’s other athletes, is conclusive evidence of lack of ability. For the purposes of assessing ability, it is sufficient that interested students and admitted students have the potential to sustain an intercollegiate team.

5. Frequency of Assessments

As discussed in the 1996 Clarification, OCR evaluates whether an institution assesses interest and ability periodically so that the institution can identify in a timely and responsive manner any developing interests and abilities of the underrepresented sex. There are several factors OCR considers when determining the rate of frequency for conducting an assessment. These factors include, but are not limited to:

- the degree to which the previous assessment captured the interests and abilities of the institution’s students and admitted students of the underrepresented sex;
- changes in demographics or student population at the institution;¹⁷ and
- whether there have been complaints from the underrepresented sex with regard to a lack of athletic opportunities or requests for the addition of new teams.

Further, OCR will consider whether an institution conducts more frequent assessments if a previous assessment detected levels of student interest and ability in any sport that were close to the minimum number of players required to sustain a team.

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¹⁷ For example, in a typical four-year institution, the student body population will change substantially each year, by approximately 25 percent annually.
6. Effective Procedures for Evaluating Requests to Add Teams and Assessing Participation

An institution has a continuing obligation to comply with Title IX's nondiscrimination requirements; thus, OCR recommends that institutions have effective ongoing procedures for collecting, maintaining, and analyzing information on the interests and abilities of students of the underrepresented sex, including easily understood policies and procedures for receiving and responding to requests for additional teams, and wide dissemination of such policies and procedures to existing and newly admitted students, as well as to coaches and other employees.

OCR also recommends that institutions develop procedures for, and maintain documentation from, routine monitoring of participation of the underrepresented sex in club and intramural sports as part of their assessment of student interests and abilities. OCR further recommends that institutions develop procedures for, and maintain documentation from, evaluations of the participation of the underrepresented sex in high school athletic programs, amateur athletic associations, and community sports leagues that operate in areas from which the institution draws its students. This is the type of documentation that may be needed in order for an institution to demonstrate that it is assessing interests and abilities in compliance with Part Three.

The Title IX regulation requires institutions to designate at least one employee to coordinate their efforts to comply with and carry out their Title IX responsibilities. Therefore, institutions may wish to consider whether the monitoring and documentation of participation in club, intramural, and interscholastic sports and the processing of requests for the addition or elevation of athletic teams should be part of the responsibilities of their Title IX coordinators in conjunction with their athletic departments. Another option an institution may wish to consider is to create a Title IX committee to carry out these functions. If an institution chooses to form such a committee, it should include the Title IX coordinator as part of the committee and provide appropriate training on the Title IX requirements for committee members.

7. Survey May Assist in Capturing Information on Students' Interests and Abilities

As discussed in the 1996 Clarification, institutions may use a variety of techniques to identify students' interests and abilities. OCR recognizes that a properly designed and implemented survey is one tool that can assist an institution in capturing information on students' interests and abilities. OCR evaluates a survey as one component of an institution's overall assessment under Part Three and will not accept an institution's reliance on a survey alone, regardless of the response rate, to determine whether it is fully and effectively accommodating the interests and abilities of its underrepresented students. If an institution conducts a survey as part of its assessment, OCR examines the content, implementation and response rates of the survey, as well as an institution's other methods of measuring interest and ability.

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18 34 C.F.R. § 106.8(a).
Under Part Three, OCR evaluates the overall weight it will accord the conclusions drawn by an institution from the results of a survey by examining the following factors, among others:

- content of the survey;
- target population surveyed;
- response rates and treatment of non-responses;
- confidentiality protections; and
- frequency of conducting the survey.

OCR also considers whether a survey is implemented in such a way as to maximize the possibility of obtaining accurate information and facilitating responses. A properly designed survey should effectively capture information on interest and ability\(^\text{19}\) across multiple sports, without complicating responses with superfluous or confusing questions.

OCR has not endorsed or sanctioned any particular survey; however, for technical assistance purposes, this letter contains information that an institution may wish to consider in developing its own survey.

a. **Content of the Survey**

i. **Purpose**

To ensure students understand the importance of responding to the survey, OCR evaluates whether a survey clearly states its purpose. For technical assistance purposes, an example of a purpose statement might be:

**Purpose:** This data collection is being conducted for evaluation, research, and planning purposes and may be used along with other information to determine whether [Institution] is effectively accommodating the athletic interests and abilities of its students, including whether to add additional teams.

ii. **Collect information regarding all sports**

In addition, OCR evaluates whether the survey lists all sports for the underrepresented sex recognized by the three primary national intercollegiate athletic associations,\(^\text{20}\) and contains an open-ended inquiry for other sports to allow students to write in any sports that are not

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\(^{19}\) Experience in sports generally is one indicator of ability.

\(^{20}\) These associations are the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College Athletic Association. A current list of these sports for both sexes is: baseball, basketball, bowling, cross country, fencing, field hockey, football, golf, gymnastics, ice hockey, lacrosse, rifle, rowing, skiing, soccer, softball, swimming and diving, tennis, indoor track and field, outdoor track and field, volleyball, water polo, and wrestling.
listed.\(^{21}\) OCR considers whether the survey allows students to identify their interest in future or current participation in all of the sports they identify and general athletic experience. OCR also considers whether the survey allows students to provide additional information or comments about their interest, experience, and ability. For technical assistance purposes, the types of questions an institution could ask regarding interest in future participation, current participation, and prior athletic experience might be:

<table>
<thead>
<tr>
<th>Sport</th>
<th>Interest in Future Participation: At what level do you wish to participate in this sport at [Institution]?</th>
<th>Current Participation: At what level are you participating in this sport?</th>
<th>Prior Experience: At what level did you participate in this sport or any other relevant sport in high school, college, or in another capacity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basketball</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
<td>College □ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
</tr>
<tr>
<td>Lacrosse</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
<td>College □ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
</tr>
<tr>
<td>Other sport identified by student(^{22})</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational</td>
<td>□ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
<td>College □ Intercollegiate □ Club □ Intramural □ Recreational □ Other _________</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>High School □ Varsity □ Junior Varsity □ Club □ Intramural □ Recreational □ Other _________</td>
</tr>
</tbody>
</table>

iii. Contact Information

OCR also looks at whether an institution requests contact information, to allow the institution to follow-up with students who wish to be contacted regarding their interests and abilities.

b. Target Population Surveyed

OCR considers the target population surveyed at the institution. Under Part Three, OCR evaluates whether the survey is administered as a census to all full-time undergraduate

\(^{21}\) An open-ended inquiry for other sports should be prominent or otherwise readily visible and contain a line or other mechanism for students to write in the sport for which they wish to express interest and ability.

\(^{22}\) If the survey is provided in paper form, an institution should provide a surplus of rows to ensure that a respondent can provide information for all the sports for which there is interest.
students of the underrepresented sex and admitted students of the underrepresented sex.\textsuperscript{23} Using a census of all students can avoid several issues associated with sample surveys including, but not limited to: selection of the sampling mechanism, selection of the sample size, calculation of sampling error, and using sample estimates. If an institution intends to administer a survey to a sample population to gauge an estimate of interests and abilities, the larger the sample, the more weight OCR will accord the estimate.

c. **Responses: Rates and Treatment of Non-Responses**

OCR evaluates whether the survey is administered in a manner designed to generate high response rates and how institutions treat responses and non-responses.

OCR looks at whether institutions provide the survey in a context that encourages high response rates, and whether institutions widely publicize the survey; give students, including those participating in club or intramural sports, advance notice of the survey; and provide students adequate time to respond. Generally, OCR accords more weight to a survey with a higher response rate than a survey with a lower response rate, and institutions may want to distribute the survey through multiple mechanisms to increase the response rate.

For example, for enrolled students, an institution may want to administer the survey as part of a mandatory activity, such as during course registration. If administered as part of a mandatory activity, students also should have the option of completing the survey at a later date in order to ensure that they have adequate time to respond. Students who indicate that they wish to complete the survey at a later time should be given the opportunity to provide their contact information to enable the institution to take steps to ensure that they complete the survey. An institution should follow-up with those students who indicate that they wish to respond in the future.

An institution also may choose to send an email to the entire target population that includes a link to the survey. If an institution’s assessment process includes email, OCR considers whether the institution takes appropriate cautionary measures, such as ensuring that it has accurate email addresses and that the target population has access to email.\textsuperscript{24} OCR also expects institutions to take additional steps to follow-up with those who do not respond, including sending widely publicized reminder notices.

If institutions administer the survey through a web-based distribution system, students who indicate that they have no current interest\textsuperscript{25} in athletic participation should be asked to confirm their lack of interest before they exit the system. If response rates using the methods described

\textsuperscript{23} For example, institutions may distribute surveys to all admitted students of the underrepresented sex with acceptance letters.

\textsuperscript{24} OCR also evaluates whether the survey is administered in a manner designed to ensure the accurate identity of the respondent and to protect against multiple responses by the same individual.

\textsuperscript{25} Students may have, or may be unaware of whether they will have, a future interest in athletic participation.
above are low, an institution should consider administering the survey in another manner to obtain higher response rates.

OCR does not consider non-responses to surveys as evidence of lack of interest or ability in athletics. As discussed above, regardless of whether students respond to a survey, OCR also evaluates whether students’ interest and abilities are assessed using the multiple indicators described above.

d. **Confidentiality Protections**

OCR also looks at whether institutions notify students that all responses as well as any personally identifiable information they provide will be kept confidential, although the aggregate survey information will be shared with athletic directors, coaches, and other staff, as appropriate. When requesting any personal or personally identifiable data, protecting the respondents’ confidentiality helps to ensure that institutions obtain high-quality data and high response rates. If a student has expressed interest in being contacted when responding to the survey, an institution should continue to maintain the student’s confidentiality except to the extent needed to follow-up with the student.

e. **Frequency of Conducting the Survey**

As discussed above, OCR evaluates whether an institution periodically conducts an assessment of interest and abilities. In addition to the factors OCR considers when determining the rate of frequency for conducting an assessment, OCR also will consider factors such as the size of the previously assessed survey population and the rate of response to the immediately preceding survey(s) conducted by the institution, if any.

8. **Multiple Indicators Evaluated to Assess Sufficient Number of Interested and Able Students to Sustain a Team**

Under Part Three, institutions are not required to create an intercollegiate team or elevate a club team to intercollegiate status unless there are a sufficient number of interested and able students to sustain a team. When OCR evaluates whether there are a sufficient number of students, OCR considers such indicators as the:

- minimum number of participants needed for a particular sport;
- opinions of athletic directors and coaches concerning the abilities required to field an intercollegiate team; and
- size of a team in a particular sport at institutions in the governing athletic association or conference to which the institution belongs or in the institution’s competitive regions.

When evaluating the minimum number of athletes needed, OCR may consider factors such as the:
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- rate of substitutions necessitated by factors such as length of competitions, intensity of play, or injury;
- variety of skill sets required for competition; and
- minimum number of athletes needed to conduct effective practices for skill development.

B. Reasonable Expectation of Competition — OCR Evaluation Criteria

Lastly, as indicated in the 1996 Clarification, OCR evaluates whether there is a reasonable expectation of intercollegiate competition for the team in the institution’s normal competitive regions. In evaluating available competition, OCR considers available competitive opportunities in the geographic area in which the institution’s athletes primarily compete, including:

- competitive opportunities offered by other schools against which the institution competes; and
- competitive opportunities offered by other schools in the institution’s geographic area, including those offered by schools against which the institution does not now compete.\(^{26}\)

If the information or documentation compiled by the institution during the assessment process shows that there is sufficient interest and ability to support a new intercollegiate team and a reasonable expectation of intercollegiate competition in the institution’s normal competitive region for the team, the institution is under an obligation to create an intercollegiate team within a reasonable period of time in order to comply with Part Three.

Conclusion

The three-part test gives institutions flexibility and affords them control over their athletics programs. This flexibility, however, must be used consistent with Title IX’s nondiscrimination requirements. OCR will continue to work with institutions to assist them in finding ways to address their particular circumstances and comply with Title IX. For technical assistance, please contact the OCR enforcement office that serves your area, found at http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm.

Sincerely,

Russlynn Ali
Assistant Secretary for Civil Rights

\(^{26}\) Under the 1979 Policy Interpretation, an institution also may be required to actively encourage the development of intercollegiate competition for a sport for members of the underrepresented sex when overall athletic opportunities within its competitive region have been historically limited for members of that sex. 44 Fed. Reg. at 71418.
FREQUENTLY ASKED QUESTIONS: CAMPUS CLIMATE SURVEYS

1. What is a campus climate survey on sexual assault?

A campus climate survey on sexual assault generates school-specific data on the nature and extent of sexual assault as it exists on a campus, as well as data on the attitudes and perceptions about sexual assault among different campus groups. The survey itself asks a series of questions that may address students’ experiences with sexual victimization both before and after joining the campus; knowledge of the school’s policies and procedures for reporting incidents; perceptions about how well campus authorities and local law enforcement handle reports of sexual assault; and the frequency and nature of sexual assault experienced by students on campus.

2. What are the goals of a campus climate survey?

Campus climate surveys can serve multiple purposes; however, one of their main goals is to generate school-specific data to improve institutional responses, including targeted prevention, intervention, support for victims, and accountability for offenders. These efforts are always more successful when they are tailored to the unique needs of individual campuses, which is why it is so important to have accurate school-specific data. When schools have a clear understanding of the climate around sexual assault as it actually exists on their campuses, they are in a better position to effectively prevent and respond to incidents of campus sexual assault.

3. Why are campus climate surveys important?

Campus climate surveys provide campus-level data on sexual assault in a way that national data, or even data from similarly situated schools, cannot. For example, decades of research has shown that victims rarely report sexual assault to law enforcement, and in many cases do not even access formal services, such as crisis centers. The result is that official statistics may not represent the full extent of the problem on any one campus. They also fail to provide a nuanced view of a complicated issue that usually has contributing factors that may vary from one school to the next.

4. Do campus climate surveys have any benefits outside of data collection?

In addition to the direct benefits that schools receive from the data generated, the act of conducting a survey can in itself have a positive effect on the campus climate because it reflects a school’s genuine commitment to combat campus sexual assault. For example, when campuses address sexual violence, victims may feel more comfortable coming forward to report incidents. This can help campus and local
law enforcement identify and deal with serial perpetrators, making campuses safer in the process. When victims come forward, it can help them heal from the trauma and get better access to support services (such as counseling). Plus, when they feel supported by the community and are confident in a school’s handling of an assault, they are more likely stay in school.

5. Are there best practices for conducting campus climate surveys?

Yes. Best practices for campus climate surveys have been established, and surveys are most effective when they follow these practices. One of the first steps is to do a thorough review of the best practices, with a particular emphasis on the materials referenced in question 6 below.

6. How can I find out what these best practices are?

Many of the established best practices came out of the 2015 Department of Justice Campus Climate Survey Validation Study (CCSVS). The DOJ survey instrument and methodology are free. The Office on Violence Against Women (OVW) is available to answer questions about them. Contact us at: ovw.campus.surveys@usdoj.gov.

Additional resources for campus climate survey best practices include a lessons learned guide from the Rutgers School of Social Work Campus Climate Assessment team, as well as the many resources developed by the Prevention Innovations Research Center at the University of New Hampshire, the result of UNH’s many years of experience conducting campus climate surveys.

7. Are there best practices for developing the content of a campus climate surveys?

Yes. When developing the content for a survey, it is important to keep in mind the goal of the survey and the characteristics of individual campuses. The questions should strive to assess campus-specific rates of sexual violence and also gain a perspective on the campus-wide knowledge of policies and resources. Specific guidelines for creating the content for a campus climate survey can be found in the materials referenced in question 6 above.

8. Are there best practices specific to protecting survivor confidentiality in surveys?

Protecting confidentiality is crucial in a campus climate survey on sexual assault. It is of particular importance when incentives are offered to increase survey response rates, something that is a recommended best practice. Resources to aid schools in determining best practices on climate survey confidentiality include the CCSVS final report; chapters four and six of the lessons learned guide from the Rutgers School of Social Work Campus Climate Assessment Team; and a school’s own Institutional Review Board (IRB), which should always be consulted at the beginning of the survey process.

A few examples of best practices for maintaining confidentiality were demonstrated in the CCSVS:

- Provide a disclosure at multiple points during the survey to make participants aware that no identifying information would be stored with or linked to their survey data.
• Program the survey so that IP addresses are not collected when individuals participate in the survey.

• Provide students with a Survey Access Code that they use to log into the survey website, rather than asking them to log in with personally identifying information, such as an e-mail address or student ID number.

9. Are there best practices for publicizing the results of a campus climate survey?

Yes. The Prevention Innovations Research Center at the University of New Hampshire has developed a guide for campus administrators, faculty, and staff to aid discussions about using and communicating climate survey data. The guide can be used as a reference for schools that want to follow best practices for sharing the results. It is also a useful reference for discussions around campus climate survey confidentiality.

The guide identifies important questions to think about when considering how to publicize the results of a campus climate survey, including:

- Who has ownership of the data?
- Who will write and speak about the results?
- What will your community use the data for?
- What formats will you use to share the findings?
- What should the report(s) look like?
- Who do you need to communicate with prior to the release of the data?
- How will reports and findings be distributed?
- How are you going to respond to people who are challenging your findings?
- How do you use the data to highlight the areas that are in need of change and attention?
- How do you put your local findings in the context of national cases/data?
- How do you use information to mobilize community response?
- How are you going to respond to individuals who are using false data or misconstrued data to counter the findings both in and outside of the institution?
- How will you acknowledge underserved populations and any limitations of your findings based on who responded to the survey?

10. How much does it cost to conduct a campus climate survey?

The cost to conduct campus climate survey depends on several variables, including campus size; type of school; whether the school is participating in a consortium with other schools in the area; and the existing resources at a school’s disposal, such as faculty or staff who can help implement the survey as a part of their regular job functions. However, as a general rule, the cost of a campus climate survey can run from tens to hundreds of thousands of dollars.
11. That sounds expensive. Are there ways for schools to cut down on costs?

Yes. However, it is important to remember that cost-cutting measures should never be at the expense of conducting a survey that follows established best practices.

One way that schools can significantly cut down on the costs associated with survey development and still conduct a scientifically valid survey is to use the survey instrument and methodology tested and validated in the CCSVS. These tools are freely available for any school to use and can be found in the CCSVS final report and the survey instrument as revised based on the results of the CCSVS study, which are both available online.

Another one of the largest costs associated with campus climate surveys are the incentives offered to students for survey completion, a recommended best practice to ensure that surveys produce scientifically valid results. The CCSVS tested monetary incentives at several levels and found that cash incentives should be in the $25 per person range; offering less had a negative impact on survey results. One option that schools can experiment with is providing the incentive in the form of gift certificates or credit to school-owned entities, such as campus food establishments. Schools may also want to consider forming partnerships with businesses or other organizations that want to support the fight against campus sexual assault by providing gift certificates to students who complete the survey.

It is also important to remember that while campus climate surveys can require a large up-front allocation of resources, the data generated by a scientifically valid survey will ultimately help schools save money and conserve resources. With the knowledge gained from the survey, schools will be able to target resources where they are needed most to reduce incidents of campus sexual assault and provide better responses to students when incidents do occur.

12. Are there financial resources available to schools or student groups who want to conduct campus climate surveys?

Yes. The Office on Violence Against Women at the Department of Justice has grants available for activities designed to reduce sexual assault, dating violence, and stalking on campus.

The Office on Women’s Health of the Department of Health and Human Services also funds colleges and universities to address sexual assault through their College Sexual Assault Policy and Prevention Initiative. Grants are awarded to implement policies and practices – including climate surveys – that will prevent sexual assault at post-secondary schools.

There is also potential for grant money through other non-governmental sources, as well as through certain departments at the schools themselves. Student advocates may want to help research additional sources of public and private grant funding for schools to conduct campus climate surveys.

13. Are there best practices for increasing diverse participation in campus climate surveys?

The survey should be made available as widely as possible using various devices, especially phones, and with all types of people in mind; for instance, consider the accessibility of the survey for international students and those with disabilities. Working collaboratively with a wide variety of student organizations
to encourage broad participation in the survey also can be helpful. To ensure the survey accurately represents the campus makeup, demographic information can be requested in the survey and then used to create a representative sample. A school’s Institutional Review Board (IRB) should also be consulted on the best methods for getting diverse representation in a campus climate survey.

14. Can campus climate surveys be conducted by students? Or does it have to be conducted by the school administration?

Smaller student-conducted surveys can always play a role in the conversation. When student groups are considering conducting their own campus climate survey, however, they must think about all the different pieces necessary to conduct a valid campus climate survey. Such pieces include gathering a representative sample of students; ensuring confidentiality; analyzing the data; using incentives to ensure sufficient participation to obtain valid results; and the development of a campus-wide action plan to address the issues identified in the data generated by a survey. Students can play a key role in helping to make a survey happen, but administrative resources are likely to be important to the success of a survey of the nature being discussed here.

15. What happens after a campus climate survey has been completed and the results disseminated?

As discussed above in question 9, the main purpose of a campus climate survey is to generate valid campus-specific data that schools can use to develop targeted and effective prevention and response efforts. The real benefit to conducting a survey is the campus action plan that is developed as a result of the information gained from the survey. In the Rutgers School of Social Work’s Lessons Learned Guide, Chapter 6, “Action Planning and Dissemination,” you will find specific examples of steps that Rutgers took as a result of their campus climate survey.
This survey is an untested pilot tool. Other institutions wishing to use this survey should be aware that the validity of the instrument as a whole has not yet been determined. Some scales are newly created by the Principal Investigator and research team and should be credited as such.

CAMPUS CLIMATE SURVEY

Introductory Language

Thank you for taking this survey. Rutgers is committed to ensuring a healthy and nondiscriminatory environment for our students, and your participation in this survey will help us in our work to keep all students safe.

Section One: Demographic Information

1. What is your current gender identity?*
   - Male
   - Female
   - Transgender Male
   - Transgender Female
   - Other (please specify): ________

2. Which of the following best describes you?*
   - 100% heterosexual/straight
   - Mostly heterosexual/straight but somewhat attracted to people of the same sex
   - Bisexual/attracted to men and women equally
   - Mostly homosexual/lesbian/gay but somewhat attracted to people of the opposite sex
   - 100% homosexual/lesbian/gay
   - Not sexually attracted to either males or females
   - Other (please specify): ________

3. Are you currently a member of an NCAA Rutgers athletic team?†
   - Yes CONTINUE TO QUESTION 3a.
   - No SKIP TO QUESTION 4
     a. Which team(s)? ________

4. Are you a member of a fraternity or sorority?†
   - Yes
   - No

5. Are you a member of any other student organization at Rutgers?†
   - Yes CONTINUE TO QUESTION 5a.
   - No SKIP TO QUESTION 6
     a. Which organization(s)? ________

6. Are you a member of SCREAM Theater or SCREAM Athletes?†
   - Yes
   - No

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2 Items marked with an asterisk (*) appear in the White House Task Force’s recommended survey instrument, verbatim or with minor modifications. Items marked with a cross (†) have been added.

3 Additional demographic information, including race, ethnicity, and year will be drawn from student data on file. Students’ responses to the survey are matched with these data, and any unique identifying information is stripped from the survey data.
7. Which of the following best describes your living situation?
   - Rutgers residence hall
   - Fraternity or sorority house
   - On-campus apartment
   - Off-campus apartment/house
   - At home with parent(s) or guardian(s)
   - Other (please specify): __________
Section Two: Campus Climate

“Sexual assault” and “sexual violence” refer to a range of behaviors that are unwanted by the recipient and include remarks about physical appearance, persistent sexual advances that are undesired by the recipient, threats of force to get someone to engage in sexual behavior, as well as unwanted touching and unwanted oral, anal or vaginal penetration or attempted penetration. These behaviors could be initiated by someone known or unknown to the recipient, including someone they are in a relationship with.

8. Using the scale provided, please indicate the extent to which you agree or disagree with the following statements about your Rutgers-New Brunswick community.\(^4\)

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>I can get what I need in this campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>b.</td>
<td>This campus community helps me fulfill my needs.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>c.</td>
<td>I feel like a member of this campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>d.</td>
<td>I belong in this campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>e.</td>
<td>I can have an influence on other people in my campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>f.</td>
<td>People in this campus community are good at influencing each other.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>g.</td>
<td>I feel connected to this campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>h.</td>
<td>I have a good bond with others in this campus community.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

9. Using the scale provided, please indicate the extent to which you agree or disagree with the following statements.\(^5\)

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>If a crisis happened at Rutgers-New Brunswick, the university would handle it well.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>b.</td>
<td>The university responds rapidly in difficult situations.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>c.</td>
<td>University officials handle incidents in a fair and responsible manner.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>d.</td>
<td>Rutgers-New Brunswick does enough to protect the safety of students.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

---


10. The following statements describe how the university might handle it if a student reported an incident of sexual assault. Use the scale provided to indicate how likely each scenario is.⁶

<table>
<thead>
<tr>
<th></th>
<th>Very Unlikely</th>
<th>Unlikely</th>
<th>Neutral</th>
<th>Likely</th>
<th>Very Likely</th>
</tr>
</thead>
</table>
a. The university would take the report seriously. | 1 | 2 | 3 | 4 | 5 |
b. The university would maintain the **privacy** of the person making the report. | 1 | 2 | 3 | 4 | 5 |
c. If requested by the victim, the university would forward the report to criminal investigators (for example, the police). | 1 | 2 | 3 | 4 | 5 |
d. The university would take steps to protect the **safety** of the person making the report. | 1 | 2 | 3 | 4 | 5 |
e. The university would support the person making the report. | 1 | 2 | 3 | 4 | 5 |
f. The university would take action to address factors that may have led to the sexual assault. | 1 | 2 | 3 | 4 | 5 |
g. The university would handle the report fairly. | 1 | 2 | 3 | 4 | 5 |

11. The following questions are about how people would react to someone reporting an incident of sexual assault at Rutgers. Use the scale provided to indicate how likely each scenario is.⁷

<table>
<thead>
<tr>
<th></th>
<th>Very Unlikely</th>
<th>Unlikely</th>
<th>Neutral</th>
<th>Likely</th>
<th>Very Likely</th>
</tr>
</thead>
</table>
a. Students would label the person making the report a troublemaker. | 1 | 2 | 3 | 4 | 5 |
b. Students would have a hard time supporting the person who made the report. | 1 | 2 | 3 | 4 | 5 |
c. The alleged offender(s) or their friends would try to get back at the person making the report. | 1 | 2 | 3 | 4 | 5 |
d. The academic achievement of the person making the report would suffer. | 1 | 2 | 3 | 4 | 5 |

⁷ Ibid.
Section Three: Information about Campus Sexual Assault

12. Using the scale provided, please indicate your level of agreement with the following statements.*

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. If a friend or I were sexually assaulted, I know where to go to get help on campus.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>b. I understand what happens when a student reports a claim of sexual assault at Rutgers.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>c. If a friend or I were sexually assaulted, I know where to go to make a report of sexual assault.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

13. Before coming to Rutgers, had you received any information or education (that did not come from Rutgers) about sexual assault?†
   o Yes
   o No

14. Since you came to Rutgers, which of the following have you done? Please check all that apply. †
   o Discussed sexual assault/rape in class
   o Discussed the topic of sexual assault with friends
   o Discussed sexual assault with a family member
   o Seen SCREAM Theater
   o Attended an event or program about what you can do as a bystander to stop sexual assault
   o Attended a rally or other campus event about sexual assault/rape
   o Seen posters about sexual assault (raising awareness, preventing rape, defining sexual assault, etc.)
   o Seen or heard campus administrators or staff address sexual assault
   o Seen crime alerts about sexual violence
   o Read a report about sexual violence rates at Rutgers
   o Visited a Rutgers website with information on sexual assault
   o Volunteered or interned at an organization that addresses sexual assault
   o Seen or heard about sexual assault in a student publication or media outlet (for example, the Daily Targum or RUTV)
   o Taken a class to learn more about sexual assault

15. Since coming to Rutgers, have you received written (i.e. brochures, emails) or verbal information (presentations, training) from anyone at Rutgers about the following? Please check all that apply. †
   o The definition of sexual assault
   o How to report a sexual assault
   o Where to go to get help if someone you know is sexually assaulted
   o Title IX protections against sexual assault
   o How to help prevent sexual assault

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This survey is an untested pilot tool. Other institutions wishing to use this survey should be aware that the validity of the instrument as a whole has not yet been determined. Some scales are newly created by the Principal Investigator and research team and should be credited as such.

**IF THE STUDENT RESPONDED “YES” TO QUESTION 3:**
16. Since coming to Rutgers, have any of the topics covered in this survey (sexual assault, rape, reporting sexual assault, preventing sexual assault, etc.) been discussed by your coach?†
   - Yes
   - No

**IF THE STUDENT RESPONDED “YES” TO QUESTION 4:**
17. Since coming to Rutgers, have any of the topics covered in this survey (sexual assault, rape, reporting sexual assault, preventing sexual assault, etc.) been discussed by your fraternity or sorority?†
   - Yes
   - No

**IF THE STUDENT RESPONDED “YES” TO QUESTION 5:**
18. Since coming to Rutgers, have any of the topics covered in this survey (sexual assault, rape, reporting sexual assault, preventing sexual assault, etc.) been discussed by your student organization?†
   - Yes
   - No

19. Please use the following scale to indicate how aware you are of the function of the campus and community resources specifically related to sexual assault response at RUTGERS listed below.†

<table>
<thead>
<tr>
<th>Resource</th>
<th>Not at all Aware</th>
<th>Slightly Aware</th>
<th>Somewhat Aware</th>
<th>Very Aware</th>
<th>Extremely Aware</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Office for Violence Prevention and Victim Assistance (VPVA)</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>b. Office of Student Conduct</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>c. Title IX Compliance</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>d. SCREAM Theater or SCREAM Athletes</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>e. Student Legal Services</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>f. Counseling, Alcohol and Other Drug Assistance Program &amp; Psychiatric Services (CAPS)</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>g. The Office of Employment Equity</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>h. Rutgers Health Services</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

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Section Four: Experiences

“Sexual assault” and “sexual violence” refer to a range of behaviors that are unwanted by the recipient and include remarks about physical appearance, persistent sexual advances that are undesired by the recipient, threats of force to get someone to engage in sexual behavior, as well as unwanted touching and unwanted oral, anal or vaginal penetration or attempted penetration. These behaviors could be initiated by someone known or unknown to the recipient, including someone they are in a relationship with.

The following questions below (20-24) are about unwanted sexual contact that involved force or threats of force against you. This could include someone holding you down with his or her body weight, pinning your arms, hitting or kicking you, or threatening to use a weapon against you.

20. Did you ever experience any form of sexual violence before coming to Rutgers?*
   o Yes
   o No

21. Since coming to Rutgers, has anyone had unwanted sexual contact with you by using physical force?*
   o Yes
   o No

22. Since coming to Rutgers, has anyone had unwanted sexual contact with you by coercing you or threatening to use physical force?
   o Yes
   o No

23. Has anyone attempted but not succeeded in having unwanted sexual contact with you by using physical force against you?*
   o Yes
   o No

24. Has anyone attempted but not succeeded in having unwanted sexual contact with you by coercing you or threatening to use physical force against you?
   o Yes
   o No

The next set of questions (25-26) ask about your experiences with unwanted sexual contact while you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep. These situations might include times that you voluntarily consumed alcohol or drugs and times that you were given drugs without your knowledge or consent.

25. Since coming to Rutgers, has someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? This question asks about incidents you are certain happened.
   o Yes CONTINUE TO QUESTION 25.a
   o No SKIP TO QUESTION 26

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12 Ibid.
13 Questions 25 and 26: Ibid.
This survey is an untested pilot tool. Other institutions wishing to use this survey should be aware that the validity of the instrument as a whole has not yet been determined. Some scales are newly created by the Principal Investigator and research team and should be credited as such.

a. Just prior to the incident(s), had you been drinking alcohol? Keep in mind that you are in no way responsible for the assault that occurred, even if you had been drinking.
   o Yes CONTINUE TO QUESTION 25.b.1
   o No SKIP TO QUESTION 25.b.
   1. Do you believe you were drunk?
      o Yes
      o No
b. Just prior to the incident(s), had you voluntarily been taking or using any drugs other than alcohol? Keep in mind that you are in no way responsible for the assault that occurred, even if you were using drugs.
   o Yes
   o No
c. Just prior to the incident(s), do you suspect that you had been given a drug without your knowledge or consent?
   o Yes
   o No

26. Since coming to Rutgers, has someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? This question asks about incidents you think (but are not certain) happened.*
   o Yes CONTINUE TO QUESTION 26.a
   o No IF RESPONDENT ANSWERED NO TO QUESTIONS 21, 22, AND 25 SKIP TO QUESTION 37. IF RESPONDENT ANSWERED YES TO ANY ONE OF QUESTIONS 21, 22, OR 25, SKIP TO QUESTION 27.
   a. Just prior to the incident(s), had you been drinking alcohol? Keep in mind that you are in no way responsible for the assault that occurred, even if you had been drinking.
      o Yes CONTINUE TO QUESTION 26b.1
      o No SKIP TO QUESTION 26b.
      1. Do you believe you were drunk?
         o Yes
         o No
b. Just prior to the incident(s), had you voluntarily been taking or using any drugs other than alcohol? Keep in mind that you are in no way responsible for the assault that occurred, even if you were using drugs.
   o Yes
   o No
c. Just prior to the incident(s), do you suspect that you had been given a drug without your knowledge or consent?
   o Yes
   o No
The next questions ask about the **MOST SERIOUS INCIDENT** of sexual assault you experienced. If you had only one experience of unwanted sexual contact, please answer the questions about that experience.\(^\text{14}\)

27. **Who did the unwanted sexual contact involve?**
   - Stranger
   - Friend
   - Family member
   - Coworker
   - Employer/supervisor
   - University professor/instructor
   - University staff
   - Current romantic partner (boyfriend or girlfriend)
   - Casual acquaintance or hookup
   - Ex-romantic partner (ex-boyfriend or ex-girlfriend)
   - Other (please specify): ___________

28. **Was the person a student at Rutgers?**
   - Yes
   - No
   - I don’t know

29. **Was this person affiliated with Rutgers, as an employee, staff, or faculty member?**
   - Yes
   - No
   - I don’t know

30. **What was the gender of the person who did this to you?**
   - Male
   - Female
   - Transgender Male
   - Transgender Female
   - I don’t know

31. **Was the other person using (check all that apply):**
   - Drugs and alcohol
   - Drugs only
   - Alcohol only
   - Neither
   - I don't know

32. **Were you using (check all that apply):**
   - Drugs and alcohol
   - Drugs only
   - Alcohol only
   - Neither

34. Where did the incident occur?
   o Your own home or room CONTINUE TO QUESTION 33.a
     a. You indicated that the incident happened in your own home or room.
        Where did the incident occur? (check one):
        o Your Own Residence Hall
        o Your Own Greek House
        o Your Own On-campus apartment
        o Your Own Off-campus apartment/house near campus
        o Your Own home where you reside with a parent/guardian
        o Other (please specify): __________
   o Somewhere other than your own home or room CONTINUE TO QUESTION 33.b
     b. You indicated that the incident happened somewhere other than your own home or room. Where did the incident occur? (check one):
        o Residence Hall
        o Greek House
        o On-campus apartment
        o Off-campus apartment/house near campus
        o Other (please specify): __________

35. Did you tell anyone about the incident?
   o Yes CONTINUE TO QUESTION 34.a, THEN SKIP TO 35
   o No SKIP TO QUESTION 34.b, AND THEN SKIP TO 36
     a. Who did you tell? (check all that apply)
        o Roommate
        o Doctor/nurse
        o Close friend other than roommate
        o Parent or guardian
        o Other family member
        o Romantic partner (other than the person who did this to you)
        o Religious leader
        o Off-campus rape crisis center staff
        o Off-campus counselor/therapist
        o On-campus counselor/therapist
        If checked: How useful was the on-campus counselor/therapist in helping you deal with the problem?
        o Very Useful
        o Moderately Useful
        o Somewhat Useful
        o Slightly Useful
        o Not at all Useful
        o Rutgers Health Services
        If checked: How useful was Rutgers Health Services in helping you deal with the problem?
        o Very Useful
        o Moderately Useful
        o Somewhat Useful
        o Slightly Useful
        o Not at all Useful
        o Rutgers University Police Department
If checked: How useful was the Rutgers University Police Department in helping you deal with the problem?
   - Very Useful
   - Moderately Useful
   - Somewhat Useful
   - Slightly Useful
   - Not at all Useful

- Local Police
- Office of Student Conduct

If checked: How useful was the Office of Student Conduct in helping you deal with the problem?
   - Very Useful
   - Moderately Useful
   - Somewhat Useful
   - Slightly Useful
   - Not at all Useful

- Resident Advisor (RA) or Residence Life staff

If checked: How useful was the RA or Residence Life staff in helping you deal with the problem?
   - Very Useful
   - Moderately Useful
   - Somewhat Useful
   - Slightly Useful
   - Not at all Useful

- University faculty or staff

If checked: How useful was the University faculty or staff in helping you deal with the problem?
   - Very Useful
   - Moderately Useful
   - Somewhat Useful
   - Slightly Useful
   - Not at all Useful

- Office for Violence Prevention and Victim Assistance (VPVA) staff

If checked: How useful was the VPVA staff in helping you deal with the problem?
   - Very Useful
   - Moderately Useful
   - Somewhat Useful
   - Slightly Useful
   - Not at all Useful

- Other (please specify) : __________

b. Why didn’t you tell anyone? (check all that apply)*
   - Ashamed/embarrassed
   - It is a private matter; I wanted to deal with it on my own
   - Concerned others would find out
   - Didn’t want the person who did it to get in trouble
   - Fear the person who did it would try to get back at me
   - Fear of not being believed
   - I thought I would be blamed for what happened
   - Didn’t think what happened was serious enough to talk about

McMahon, Nov. 2014 | 14
This survey is an untested pilot tool. Other institutions wishing to use this survey should be aware that the validity of the instrument as a whole has not yet been determined. Some scales are newly created by the Principal Investigator and research team and should be credited as such.

- Didn’t think others would think it was serious
- Thought people would try to tell me what to do
- It would feel like an admission of failure
- Didn’t think others would think it was important
- Didn’t think others would understand
- Didn’t know reporting procedure on campus
- Feared I or another would be punished for infractions or violations (such as underage drinking)
- I didn’t feel the campus leadership would solve my problems
- I feared others would harass me or react negatively toward me
- I thought nothing would be done
- Didn’t want others to worry about me
- Wanted to forget it happened
- Had other things I needed to focus on and was concerned about (classes, work)
- Didn’t think the school would do anything about my report
- Other (please specify): __________

**IF THE STUDENT RESPONDED “YES” TO QUESTION 34: 36. How long after the incident did you first tell someone what happened?**

- Within the first 24 hours
- Within one week
- Within one month
- Within one year
- More than a year
### Section Five: Readiness to Help

37. Using the scale provided, please indicate how true each of the following statements is of you.\(^{15}\)

<table>
<thead>
<tr>
<th>Statement</th>
<th>Not True at All</th>
<th>Not True</th>
<th>Neutral</th>
<th>True</th>
<th>Very Much True</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I don’t think sexual violence is a problem at Rutgers-New Brunswick.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. I don’t think there is much I can do about sexual violence at Rutgers-New Brunswick.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. There isn’t much need for me to think about sexual violence at Rutgers-New Brunswick.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Doing something about sexual violence is solely the job of the crisis center.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Sometimes I think I should learn more about sexual violence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. I have not yet done anything to learn more about sexual violence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. I think I can do something about sexual violence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. I am planning to learn more about the problem of sexual violence on campus.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. I have recently attended a program about sexual violence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. I am actively involved in projects to deal with sexual violence at Rutgers-New Brunswick.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. If you are still reading this survey, please mark “Very Much True” for this question.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. I have recently taken part in activities or volunteered my time on projects focused on ending sexual violence on campus.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. I have been or am currently involved in ongoing efforts to end sexual violence on campus.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

38. Using the scale provided, please indicate how likely you would be to do the following things in the future, if you had the opportunity.  

<table>
<thead>
<tr>
<th></th>
<th>Very Unlikely</th>
<th>Unlikely</th>
<th>Neutral</th>
<th>Likely</th>
<th>Very Likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Call the police or authorities if you saw a group of males bothering a female in a parking lot or similar setting</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>b. Confront a male friend who was hooking up with someone who was passed out</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>c. Confront a female friend who was hooking up with someone who was passed out</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>d. Confront a friend if you heard rumors that they forced someone to have sex</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>e. Tell an RA or other campus authority about information you might have about a rape case even if pressured by others to stay silent</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>f. Go with a female friend to the police department if she said she was raped</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>g. Go with a male friend to the police department if he said he was raped</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

39. In this section, you will be asked a series of questions about situations you have seen or been in since coming to Rutgers.  

a. Have you seen a group of students sexually intimidating/bothering someone in a parking lot or similar setting?  
   ○ Yes CONTINUE TO QUESTION 38.a.1  
   ○ No SKIP TO QUESTION 38.b  
1. What did you do?  
   ○ Did nothing, it wasn’t my business  
   ○ Did nothing because I wasn’t sure what to do  
   ○ Confronted the situation directly  
   ○ Went and got assistance from someone else  
   ○ Other (please specify):

17 Adapted from Bystander Behavior Scale-Revised (adapted from Bystander Scale (Banyard, et al., 2005)); Ibid.
b. Have you seen a girl taking a drunk guy back to her room?
   o Yes CONTINUE TO QUESTION 38.b.1
   o No SKIP TO QUESTION 38.c
   1. What did you do?
      o Did nothing, it wasn’t my business
      o Did nothing because I wasn’t sure what to do
      o Confronted the situation directly
      o Went and got assistance from someone else
      o Other (please specify):

c. Have you seen a guy taking a drunk girl back to his room?
   o Yes CONTINUE TO QUESTION 38.c.1
   o No SKIP TO QUESTION 38.d
   1. What did you do?
      o Did nothing, it wasn’t my business
      o Did nothing because I wasn’t sure what to do
      o Confronted the situation directly
      o Went and got assistance from someone else
      o Other (please specify):

d. Have you seen a girl you didn’t know go to her room with a group of guys and heard her yelling for help?
   o Yes CONTINUE TO QUESTION 38.d.1
   o No SKIP TO QUESTION 38.e
   1. What did you do?
      o Did nothing, it wasn’t my business
      o Did nothing because I wasn’t sure what to do
      o Confronted the situation directly
      o Went and got assistance from someone else
      o Other (please specify):

e. Have you heard a friend say they planned to give alcohol to someone to get sex?
   o Yes CONTINUE TO QUESTION 38.e.1
   o No SKIP TO QUESTION 38.f
   1. What did you do?
      o Did nothing, it wasn’t my business
      o Did nothing because I wasn’t sure what to do
      o Confronted the situation directly
      o Went and got assistance from someone else
      o Other (please specify):

f. Have you heard rumors that a friend forced someone to have sex?
   o Yes CONTINUE TO QUESTION 38.f.1
   o No SKIP TO QUESTION 40
   1. What did you do?
      o Did nothing, it wasn’t my business
      o Did nothing because I wasn’t sure what to do
      o Confronted the situation directly
      o Went and got assistance from someone else
      o Other (please specify):
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40. **Since coming to Rutgers**, have any other students at Rutgers told you they were a victim of an unwanted sexual experience?*
   - Yes [CONTINUE TO QUESTION 39.a]
   - No [SKIP TO QUESTION 40]
     - a. How many women told you they were a victim of an unwanted sexual experience? ______
     - b. How many men told you they were a victim of an unwanted sexual experience? ______

41. Has anyone you know – a friend or a family member – ever been forced or coerced by another person to do something sexually that they did not want to do, that you know of?†
   - Yes
   - No
This survey is an untested pilot tool. Other institutions wishing to use this survey should be aware that the validity of the instrument as a whole has not yet been determined. Some scales are newly created by the Principal Investigator and research team and should be credited as such.

Section Six: Conclusion

42. Below you will find a list of statements. Please read each statement carefully and decide if the statement describes you or not. If it describes you, check the word “true”; if not, check the word “false”.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>True</th>
<th>False</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>I sometimes litter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>I always admit my mistakes openly and face the potential negative consequences.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>c</td>
<td>In traffic I am always polite and considerate of others.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>d</td>
<td>I always accept others’ opinions, even when they don’t agree with my own.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>e</td>
<td>I take out my bad moods on others now and then.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>f</td>
<td>There has been an occasion when I took advantage of someone else.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>g</td>
<td>In conversations I always listen attentively and let others finish their sentences.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>h</td>
<td>I never hesitate to help someone in case of emergency.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>i</td>
<td>When I have made a promise, I keep it—no ifs, ands or buts.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>j</td>
<td>I occasionally speak badly of others behind their back.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>k</td>
<td>I would never live off other people.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>l</td>
<td>I always stay friendly and courteous with other people, even when I am stressed out.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>m</td>
<td>During arguments I always stay objective and matter-of-fact.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>n</td>
<td>There has been at least one occasion when I failed to return an item that I borrowed.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>o</td>
<td>I always eat a healthy diet.</td>
<td>True</td>
<td>False</td>
</tr>
<tr>
<td>p</td>
<td>Sometimes I only help because I expect something in return.</td>
<td>True</td>
<td>False</td>
</tr>
</tbody>
</table>

43. Do you have additional comments, suggestions, or feedback for us? __________________________

Closing Language

Thank you for your participation. Once you submit your responses, you will be entered into a raffle to win one of the following prizes:

- Twenty $300 cash prizes for those who finish in the first three days.
- Fifteen $200 cash prizes for those who finish in the first week and have not won a cash prize already.
- Fifteen $150 cash prizes for those who do the survey at any time during the two weeks and have not won a cash prize already.

If you win, you will be notified by e-mail by campusclimatemtestudy@ssw.rutgers.edu

If you are concerned about any of the topics covered in this survey, or if you would like more information on these issues, visit the Rutgers Office for Violence Prevention and Victim Assistance online at http://vpva.rutgers.edu.

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2019–2020 HEDS Sexual Assault Campus Climate Surveys

HEDS offers three different campus climate surveys on sexual assault and sexual violence—one for undergraduate students, one for advanced degree students, and one for faculty, staff, and administrators. These surveys are designed for and have been used by public and private institutions, from community colleges to research universities.

All three surveys ask respondents about their perceptions of their campus’s climate, their perceptions of how their institution responds to sexual assaults, and whether they have experienced unwanted sexual contact or sexual assault. The survey for faculty, staff, and administrators also asks respondents how well they know their institution’s procedures for reporting incidents of sexual violence, whether they’ve talked with victims of sexual violence, and whether they’ve reported these incidents. Administering all three surveys will provide a full picture of your campus climate and the extent to which student, faculty, staff, and administrator perceptions align on key issues related to sexual violence.

The surveys usually take less than 15 minutes to complete. Due to the surveys’ sensitive subject matter, responses for all three surveys are anonymous, and the surveys can only be administered to those 18 years of age and older. All three surveys are designed for people who spend a significant amount of time on campus, not for online students or for employees who work remotely.

Survey Administration

You can administer these surveys for any 3–6 week period between December 1, 2019, and April 30, 2020. To receive comparative reports for the undergraduate survey, institutions must administer the survey to undergraduates from all class years.

Given the sensitive nature of the data from these surveys, we suggest that you work with your campus’s institutional review board (IRB) to review the procedures you’ll follow to ensure that everyone on campus treats these survey data with appropriate care. Your procedures should protect the anonymity of the people who respond and their responses. IRB approval will help to assure your campus constituencies that your institution is treating the survey data and findings appropriately.

Administration Methods

- **Email method** – A member of the HEDS staff sends each participant an email invitation with a unique link to the survey. We will send up to three email reminders to participants who do not complete the survey. You may customize both the invitation and the reminders, and each message appears to come from your institution.

- **Authentication method** – You provide participants with a common link, and they use a unique password, such as their email address and/or ID number, to log into the survey.

For an additional fee, you can select both administration methods. If you want to use both administration methods for the same population (e.g., you share a general link to the survey with all invited participants, and they also each receive an email with a unique link to the survey), please let us know so we can review the costs and benefits of this approach. To ensure consistency in the administration process, the integrity of the comparative
data, and the respondents’ anonymity, we do not allow institutions to administer any HEDS survey through their own survey engines.

Reports and Data Files

<table>
<thead>
<tr>
<th>Standard administration reports and data files</th>
<th>HEDS institutions</th>
<th>Institutions not in HEDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPSS and Microsoft Excel files with your institution’s survey data</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Reports that compare your institution’s results to those of all other participating institutions on all survey questions and indicators.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Compilation of open-ended survey responses</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>For the undergraduate student version only—Interactive report that compares your students’ mean scores on indicators to those of students from other participating HEDS institutions. You can create customized comparison groups with this report.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>New this year: Post-survey phone consultation with a member of the HEDS staff about your institution’s survey data</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The data file will not show names, email addresses, IP addresses, location information, etc. We will also deprecate the data file as needed by removing variables and/or combining response options into broader categories in order to maintain the anonymity of respondents. We will review open-ended text responses and remove the names of anyone accused of sexual harassment and/or sexual violence, and send the open-ended text responses in a separate file. Details on how we ensure anonymity can be found [here](#).

Please note that if you have a small number of completed surveys and/or a small number of respondents who report that they have experienced sexual assault, our reports will include less specific detail and analyses.

Fees

<table>
<thead>
<tr>
<th>Base cost – survey of one population (either undergraduate, advanced degree, or faculty/staff) includes:</th>
<th>HEDS institutions</th>
<th>Institutions not in HEDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• One 3–6 week survey administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• One administration method</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Up to 1,000 responses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• One survey invitation and up to three reminders for email method</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Up to 10 close-ended supplemental questions (e.g., multiple-choice, matrix, check-all-that-apply)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• One open-ended supplemental question (i.e., a question that is answered with a text response)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Reports and data files as specified above</td>
<td>$500</td>
<td>$1,900</td>
</tr>
</tbody>
</table>
**Higher Education Data Sharing Consortium**

---

**Institutions not in HEDS**

| Base cost of additional populations – includes same specifications as above for each | $375 for each additional population | $1,425 for each additional population |
|                                                                                 | (25% discount on original base cost for each additional survey) | (25% discount on original base cost for each additional survey) |

**Additional Fees (the following fees apply for each population)**

<table>
<thead>
<tr>
<th></th>
<th>HEDS institutions</th>
<th>Institutions not in HEDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using both the authentication and email administration methods</td>
<td>+ $250</td>
<td>+ $250</td>
</tr>
<tr>
<td>Up to 10 additional close-ended supplemental questions (for a total of 11–20 close-ended supplemental questions)</td>
<td>+ $250</td>
<td>+ $250</td>
</tr>
<tr>
<td>Up to two additional open-ended supplemental questions (for a maximum of three open-ended questions total; we charge more for these types of questions given the additional staff time needed to review text responses for identifying information)</td>
<td>+ $125 per question</td>
<td>+ $125 per question</td>
</tr>
<tr>
<td>Additional responses (after first 1,000 responses; count includes incomplete responses and duplicate responses; invoiced after the survey closes)</td>
<td>+ $1.00 per extra response</td>
<td>+ $1.00 per extra response</td>
</tr>
<tr>
<td>Late registration fee (see explanation in registration section below)</td>
<td>+ $250</td>
<td>+ $250</td>
</tr>
</tbody>
</table>

If you want to administer a survey to people at multiple campuses and identify which respondents came from each campus, you have three options (listed in table below). These fees apply for each population surveyed.

<p>| Option A: we add a question at the start of the survey that asks participants what campus they are from | Reports: One set of reports that combines data from all campuses | Data Files: One data file with a campus ID variable for each respondent | HEDS institutions: $100 | Institutions not in HEDS: $100 |
| Option B: we add a question at the start of the survey that asks participants what campus they are from | Reports: One set of reports per campus. | Data Files: One data file per campus. | HEDS institutions: $250 per additional campus | Institutions not in HEDS: $250 per additional campus |
| Option C: we create a separate survey for each campus so you can create different invitation and | Reports: One set of reports per campus. | Data Files: One data file per campus. | HEDS institutions: $500 per additional campus | Institutions not in HEDS: $1,900 per additional campus |</p>
<table>
<thead>
<tr>
<th>reminder messages for each campus</th>
</tr>
</thead>
</table>

For an additional fee, we can provide other reports or data files for Options B and C. Please contact Lisa Kidd (lisa.kidd@hedsconsortium.org or 765-361-6170) for more information.

**Other Survey Information**

- **Survey liaison** – You need to identify one individual from your institution to serve as the survey liaison to handle survey logistics, communicate with the HEDS staff, etc.
- **IRB approval** – As the provider of the HEDS Sexual Assault Campus Climate Surveys, we have submitted these surveys to the Wabash College Institutional Review Board (IRB) for review. The surveys qualified for exempt status in the past. The current Wabash IRB letter is available [here](#). We will post the new letter when we receive it. We ask that you work with your own IRB for approval, including approval of supplemental questions if applicable, before administering this survey.
- **Mandatory participation** – You should not make the survey mandatory or use survey incentives that may affect voluntary participation without consulting your IRB. In addition, the introduction to each HEDS survey, which informs participants that the survey is voluntary, cannot be altered.
- **Submitting the survey** – Participants may choose not to answer any question in the survey. They may also stop taking the survey at any time and choose not to submit their data. This means that we will only keep survey responses if respondents click the “submit” button at the end of the survey. We have done this to ensure that people have complete control over whether their responses are included in our data files and reports.
- **Supplemental questions** – You can add supplemental questions related to the surveys’ subject matter at the end of the survey. The questions must not ask for information that would lead to the identification of people taking the survey. Each sub-question on a multipart or matrix question counts as one close-ended supplemental question. A question that is answered with a text response counts as an open-ended supplemental question. Please submit your finalized questions when you register. Your data file(s) will include participants’ responses to these questions, but the HEDS reports will not. For more information on how to count and format supplemental questions before submitting them to HEDS, please review our [Supplemental Question Guide](#).
- **Additional questions for institutions in New York** – If your institution is in the state of New York, we can add questions to the end of your survey, at no cost, so that the survey satisfies the requirements of the State of New York Senate Bill S5965.
- **Other state requirements or initiatives** – If your institution is in a state that requires or has an initiative to survey students or faculty/staff about sexual violence, we will work with you to meet those obligations. Please contact us to describe your needs.
- **Response rates** – We send survey liaisons weekly updates on response rates during the survey administration period so they can monitor survey participation.
- **Campus and local resources for sexual violence** – Survey liaisons will provide contact information for campus and local resources for sexual violence and may also provide information about how to report incidents of sexual assault to campus authorities.
- **Embedding institution names** – We will configure the survey so that your institution’s name appears prominently on each page.
• **ADA Accessibility** – Please let us know if anyone at your institution needs a version of the survey that is compatible with screen readers or has other ADA-related requirements so that we can discuss options with you.

• **Support for RAINN** – The HEDS Consortium supports the efforts of colleges and universities to prevent sexual assault, to help victims of sexual assault, and to ensure safe campus environments for all students, faculty, and staff. We will make a donation to the Rape, Abuse & Incest National Network (RAINN), the nation’s largest anti-sexual violence organization, for every institution that participates in our sexual assault campus climate surveys.

**Registering for the HEDS Sexual Assault Campus Climate Surveys**

You can register for the 2019–2020 HEDS Sexual Assault Campus Climate Surveys using our [online registration form](#). At the time of registration, you may choose to pay with a credit card or receive an invoice and pay with a check.

You must register at least three weeks prior to the date on which you plan to begin administering the survey. We will make decisions about accepting late registrations on a case-by-case basis. If we can accommodate a late registration, we will charge an additional $250 late fee.

**HEDS Sexual Assault Campus Climate Surveys Administration Contact**

Please contact Lisa Kidd ([lisa.kidd@hedsconsortium.org](mailto:lisa.kidd@hedsconsortium.org) or 765-361-6170) if you have any questions. You can download copies of the surveys from our website at: [https://www.hedsconsortium.org/heds-sexual-assault-campus-survey/](https://www.hedsconsortium.org/heds-sexual-assault-campus-survey/).
Core Demographic Characteristics

This section asks you some basic demographic questions.

D1. How old are you?
   Select an answer... [DROP-DOWN LIST: under 18, 18, 19, 20, 21, 22, 23, 24, 25+]
   [RESPONDENT MUST ANSWER THIS QUESTION IN ORDER TO PROCEED.]

D1a. [IF UNDER 18 IN D1] We are sorry, but you are not eligible to participate in the study. Please click "Next" below to end this session.

D2. What is your current student status?
   o First year student (freshman)
   o Second year student (sophomore)
   o Third year student (Junior)
   o Fourth year student (Senior)
   o Other (please describe your student status _________________________)

D3. Do you currently describe yourself as a woman, man, or transgender person??
   o Woman
   o Man
   o Transgender
   o Something else (please specify your current gender identity_________________________)


Sexual Harassment Victimization and Coerced Sexual Contact

SH1. Since the beginning of the current academic year in [FILL: August/September], [YEAR], has anyone done the following to you either in person or by phone, text message, e-mail, or social media? Please include things regardless of where they happened.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Made sexual advances, gestures, comments, or jokes that were unwelcome to you</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. Flashed or exposed themselves to you without your consent</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. Showed or sent you sexual pictures, photos, or videos that you didn’t want to see</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Showed or sent sexual photos/videos of you or spread sexual rumors about you that you didn’t want shared</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. Watched or took photos/videos of you when you were nude or having sex, without your consent</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

EC1. Since the beginning of the current academic year in [FILL: August/September], [YEAR], has anyone had sexual contact with you by threatening to tell lies, end your relationship, or spread rumors about you; making promises you knew or discovered were untrue; or continually verbally pressuring you after you said you didn’t want to?

Sexual contact includes:

- touching of a sexual nature (kissing, touching of private parts, grabbing, fondling, rubbing up against you in a sexual way, even if it is over your clothes)
- oral sex (someone’s mouth or tongue making contact with your genitals or your mouth or tongue making contact with someone else’s genitals)
- anal sex (someone putting their penis in your anus)
- sexual intercourse (someone’s penis being put in [IF D3=MALE, FILL “someone’s”, ELSE FILL “your” vagina])
- sexual penetration with a finger or object (someone putting their finger or an object like a bottle or a candle in your [IF D3 NE MALE, FILL: “vagina or”] anus.

○ Yes
○ No
Sexual Assault Victimization

Victimization Gate Questions (Asked of Everyone)

This section asks about times when you may have experienced unwanted sexual contact. In these questions, unwanted sexual contact is sexual contact that you did not consent to and that you did not want to happen. Remember that sexual contact includes touching of your sexual body parts, oral sex, anal sex, sexual intercourse, and penetration of your [IF D3= FEMALE OR TRANSGENDER OR SOMETHING ELSE OR MISSING, FILL “vagina or”] anus with a finger or object.

Please check off each point as you read through these descriptions.

Unwanted sexual contact could happen when: [EACH ITEM MUST BE CHECKED TO ADVANCE]

☐ someone touches or grabs your sexual body parts (e.g., butt, crotch, or breasts);
☐ someone uses force against you, such as holding you down with his or her body weight, pinning your arms, hitting or kicking you;
☐ someone threatens to hurt you or someone close to you; or
☐ you are unable to provide consent because you are incapacitated, passed out, unconscious, blacked out, or asleep. This could happen after you voluntarily used alcohol or drugs, or after you were given a drug without your knowledge or consent.

Please keep in mind that anyone – regardless of gender – can experience unwanted sexual contact. Also, the person who does this could be a stranger or someone you know, such as a friend, family member, or person you were dating or hanging out with.

When you answer the questions in this section, please count any experience of unwanted sexual contact (e.g., touching of your sexual body parts, oral sex, anal sex, sexual intercourse, and penetration of your [IF D3=FEMALE OR TRANSGENDER OR SOMETHING ELSE OR MISSING, FILL “vagina or”] anus with a finger or object) that you did not consent to and did not want to happen since the beginning of the current academic year, regardless of where it happened.

P1. Since the beginning of the current academic year in [FILL: August/September], [YEAR], has anyone had unwanted sexual contact with you?

☐ Yes
☐ No

P2. How many separate incidents of unwanted sexual contact have you experienced since the beginning of the current academic year in [FILL: August/September], [YEAR]?

☐ 0 incidents [IF P2 = 0 INCIDENTS, SKIP TO P3]
☐ 1 incident
☐ 2 incidents
☐ 3 incidents
Incident Follow-up Questions (Asked of Those who Reported 1 or More Incident in P2)

The next questions ask about [IF P2=1, FILL: “this incident”; IF P2 = 2 OR MORE, FILL “these incidents”] of unwanted sexual contact that you experienced since the beginning of the current academic year. The questions ask when the incidents happened, if/how you know the person who did it, and whether you sought services after the incident. [IF P2 = 2 OR MORE, FILL: “The questions refer to the incidents as incident #1, incident #2, and so on.”] [IF P2=4 OR 5+, FILL: “You will be asked about 3 incidents.”]

ILF1. [IF P2 = 2 OR MORE, FILL: “Please think about incident #1.”] In what month did this incident of unwanted sexual contact occur?

- Prior to [AUGUST/SEPTEMBER], [YEAR] [IF ILF1 = Prior to August/September, SKIP TO P3]
- August, [YEAR]
- September, [YEAR]
- October, [YEAR]
- November, [YEAR]
- December, [YEAR]
- January, [YEAR]
- February, [YEAR]
- March, [YEAR]
- April, [YEAR]
- May, [YEAR]
- Unsure/Don’t know

[IF P2= 2 OR 3, AS THE RESPONDENT COMPLETES ILF1 FOR THE 2ND OR 3RD INCIDENT, THE INCIDENT(S) AND DATES ALREADY REPORTED WILL DISPLAY (E.G., “INCIDENT #1: December 2016, INCIDENT #2, January 2017”]

ILF1a. [ASK IF RESPONDENT SELECTS 2 INCIDENTS IN THE SAME MONTH IN ILF1] Just to confirm, you reported incident #1 in [FILL WITH MONTH, YEAR] and incident #2 in [FILL WITH MONTH YEAR]. Are these separate incidents?

- Yes, these are separate incidents
- No, this is the same incident [COMBINE THESE INTO 1 INCIDENT]
During [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”], which occurred in [FILL THE MONTH AND YEAR REPORTED IN #ILF1, e.g., “October, 2016.”], which of the following types of unwanted sexual contact happened? Please indicate whether each type of unwanted sexual contact happened during this incident.

<table>
<thead>
<tr>
<th>a. <strong>Forced touching of a sexual nature</strong> (forced kissing, touching of private parts, grabbing, fondling, rubbing up against you in a sexual way, even if it is over your clothes)</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. <strong>Oral sex</strong> (someone’s mouth or tongue making contact with your genitals or your mouth or tongue making contact with someone else’s genitals)</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. <strong>Anal sex</strong> (someone putting their penis in your anus)</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d. [RESPONSE WILL NOT DISPLAY IF D3=MALE] <strong>Sexual intercourse</strong> (someone putting their penis in your vagina)</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e. <strong>Sexual penetration with a finger or object</strong> (someone putting their finger or an object like a bottle or a candle in your [IF D3=MALE TRANSGENDER, SOMETHING ELSE, OR BLANK, FILL: “vagina or anus”; IF D3=MALE, FILL: “anus”])</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

[IF ILF2a-e ARE ALL LEFT BLANK, FILL “Your responses to this question are very important. Please indicate whether each type of unwanted sexual contact happened during this incident.”]

During [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”] which occurred in [FILL THE MONTH REPORTED IN ILF1, e.g., “October, 2016”], how did the person(s) have unwanted sexual contact with you? Please indicate whether each of the following happened.

<table>
<thead>
<tr>
<th>a. [THIS ITEM ONLY DISPLAYED IF RESPONDENT ANSWERED YES TO ILF2a AND DID NOT ANSWER YES TO ILF2b, ILF2c, ILF2d, OR ILF2e] Touched or grabbed your sexual body parts (e.g., butt, crotch, or breasts)</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b. Threatened to hurt you or someone you care about</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Used physical force against you, such as holding you down with his or her body weight, pinning your arms, hitting or kicking you</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d. You were unable to provide consent or stop what was happening because you were incapacitated, passed out, unconscious, blacked out, or asleep</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e. Other. [TEXT FIELD IS ONLY ACTIVE IF ILF3E=YES OR UNSURE Please describe how the incident happened: _______________</th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td><strong>○</strong></td>
<td></td>
</tr>
</tbody>
</table>
[IF ILF3a-e ARE ALL LEFT BLANK, FILL “Your responses to this question are very important. Please indicate whether each of the following happened during this incident.”]

ILF4. Where did [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”] occur?
   o On this school’s campus
   o Off-campus but in the same city or town
   o In a different city or town
   o Unsure/Don’t know

ILF5. During [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”], how many people had unwanted sexual contact with you?
   o 1 person
   o 2 or more people
   o Unsure/Don’t know

ILF6. [IF ILF5 = 1] What was the gender of the person who had unwanted sexual contact with you?
   o Male
   o Female
   o Transgendered/Other
   o Unsure/Don’t know

ILF7. [IF ILF5=2+ OR UNSURE OR BLANK] What were the genders of the people who had unwanted sexual contact with you? Please select all that apply.
   □ Male
   □ Female
   □ Transgendered/Other
   □ Unsure/Don’t know

ILF8. [IF ILF5=1] Was the person a student, professor, or other employee at this school?
   o Yes
   o No
   o Unsure/Don’t know

ILF9. [IF ILF5=2+ OR UNSURE OR BLANK] How many of the people were students, professors, or other employees at this school?
   o All of them
o Some of them
o None of them
o Unsure/Don’t know

ILF10. [IF ILF5=1] Who was the person who had unwanted sexual contact with you during [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”]? Please select all that apply.

☐ A stranger
☐ Someone you had seen or heard about but not talked to
☐ An acquaintance, friend of a friend, or someone that you had just met
☐ A professor or teaching assistant
☐ A current or ex friend or roommate
☐ A current or ex dating partner or spouse
☐ Someone else (please specify relationship: ________________________________)
☐ Unsure/Don’t know [NO OTHER RESPONSE OPTION CAN BE SELECTED WITH “UNSURE”]

ILF11. [IF ILF5=2+ OR UNSURE OR BLANK] Who were the people who had unwanted sexual contact with you during [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”]? Please select all that apply.

☐ A stranger
☐ Someone you had seen or heard about but not talked to
☐ An acquaintance, friend of a friend, or someone that you had just met
☐ A professor or teaching assistant
☐ A current or ex friend or roommate
☐ A current or ex dating partner or spouse
☐ Someone else (please specify relationship: ________________________________)
☐ Unsure/Don’t know

ILF12. [IF ILF5=1] Had the person who had unwanted sexual contact with you been drinking alcohol or using drugs?

☐ Yes
☐ No
☐ Unsure/Don’t know

ILF13. [IF ILF5=2+ OR UNSURE OR BLANK] How many of the people who had unwanted sexual contact with you had been drinking alcohol or using drugs?

75
o All of them
o Some of them
o None of them
o Unsure/Don’t know

ILF14. In the hours prior to [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”], had you consumed alcohol or drugs? Please keep in mind that you are not responsible for what happened, even if you had been drinking or using drugs or had been given a drug without your knowledge or consent. Remember that your answers will remain completely confidential.

o Yes
o No
o Unsure/Don’t know

The next questions ask about whether you have told anyone about [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”].

ILF15. Have you told any of your roommates, friends, or family members about [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”]?

o Yes
o No

ILF16. Please indicate whether each of the following groups or organizations have been notified about [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”], whether it was by you or someone else.

<table>
<thead>
<tr>
<th>Group or Organization</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Administrators, faculty, or other officials or staff at this school</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>b. A crisis center or helpline, or a hospital or health care center at this school</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>c. A crisis center or helpline, or a hospital or health care center not at this school</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>d. Campus police or security at this school</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>e. Local police not at this school, such as the county or city police department</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

ILF17. [ASK IF YES IS SELECTED FOR ANY GROUP IN ILF16] When each of the following groups or organizations were notified about [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1”], were they helpful or not?
[GRID DISPLAYS EACH ORGANIZATIONS FOR WHICH ILF16=YES]

<table>
<thead>
<tr>
<th>Group or organization</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Administrators, faculty, or other officials or staff at this school</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. A crisis center or helpline, or a hospital or health care center at this school</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. A crisis center or helpline, or a hospital or health care center not at this school</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Campus police or security at this school</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. Local police not at this school, such as the county or city police department</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

[ASK ILF18a-h IF ILF16a=NO.] There are many reasons why students might not notify certain groups or organizations about incidents like this.

ILF18. Which of the following are reasons why you did not contact administrators, faculty, or other officials or staff at this school?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Yes, this was a reason for not contacting group</th>
<th>No, this was not a reason for not contacting group</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. You didn’t know how to contact them</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. You were concerned they would not keep your situation confidential</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. You were concerned you’d be treated poorly or that no action would be taken</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. You did not think the incident was serious enough to report</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. You did not want any action taken</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>f. You did not need any assistance</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>g. You felt that other people might think that what happened was at least partly your fault or that you might get in trouble for some reason</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>h. You were worried that either the person who did this to you or other people might find out and do something to get back at you</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

[ASK ILF19a-h IF ILF16d=NO.]

ILF19. Which of the following are reasons why you did not campus police or security at this school?
ILF20. Which of the following are reasons why you did not contact local police not at this school, such as the county or city police department?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Yes, this was a reason for not contacting group</th>
<th>No, this was not a reason for not contacting group</th>
</tr>
</thead>
<tbody>
<tr>
<td>You didn’t know how to contact them</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You were concerned they would not keep your situation confidential</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You were concerned you’d be treated poorly or that no action would be taken</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You did not think the incident was serious enough to report</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You did not want any action taken</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You did not need any assistance</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You felt that other people might think that what happened was at least partly your fault or that you might get in trouble for some reason</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>You were worried that either the person who did this to you or other people might find out and do something to get back at you</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

[ASK ILF20a-h IF ILF16e=NO.]
ILF21. How upsetting was [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’] for you?

- Very upsetting
- Upsetting
- Not very upsetting
- Not at all upsetting

ILF22. Did [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’] lead you to have problems with your...

<table>
<thead>
<tr>
<th>a. schoolwork or your grades?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. friends, roommates, or peers, such as getting into more arguments or fights than you did before, not feeling you could trust them as much, or not feeling as close to them as you did before?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>c. family members, such as getting into more arguments or fights than you did before, not feeling you could trust them as much, or not feeling as close to them as you did before?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>d. job or with your boss or coworkers?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

ILF23. As a result of [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’], did you move or change where you live?

- Yes
- No

ILF24. [IF ILF23 = No] Did you want to move or change where you live as a result of [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’]?

- Yes
- No

ILF25. As a result [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’], did you drop any classes or change your class schedule?

- Yes
- No

ILF26. [IF ILF25 = No] Did you want to drop any classes or change your class schedule as a result of [IF P2=1, FILL “the incident”; IF P2=2 OR MORE, FILL “incident #1’’]?

- Yes
- No
ILF27. Did you think about taking some time off from school, transferring to another school, or dropping out of school as a result of [IF P2=1, FILL “the incident”; IFP2=2 OR MORE, FILL “incident #1”]? 

- Yes
- No

[IF #P2 = 2 OR MORE, REPEAT ILF1-27 FOR UP TO 3 INCIDENTS, REPLACING “INCIDENT #1” WITH “INCIDENT #2” OR “INCIDENT #3.” FOR RESPONDENTS WHO RECEIVE THIS LOOP FOR 2 OR 3 INCIDENTS, A DISPLAY TOOL WILL BE USED TO HELP THEM KEEP TRACK OF THE INCIDENT. THE TOOL WILL LIST THE INCIDENTS BY NUMBER AND THE MONTH/YEAR OF EACH AND WILL APPEAR AS A HEADER THROUGHOUT ILF1-VQ, WITH THE CURRENT INCIDENT BOLDED. FOR EXAMPLE, DURING THE SECOND LOOP, THE DISPLAY WILL LOOK LIKE THIS:

INCIDENT #1: AUGUST, 2016 (QUESTIONS COMPLETED)
INCIDENT #2: OCTOBER, 2016
INCIDENT #3: JANUARY, 2017]
Since Entering College/Lifetime Prevalence Questions

P3. For this next question, please think about the entire time since you entered college. If you have attended more than one school, please think about the time since you first entered any college or university. At any point since you entered college, has anyone had any of the following types of unwanted sexual contact with you (i.e., sexual contact without your consent and that you did not want to happen)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. <strong>Forced touching of a sexual nature</strong> (forced kissing, touching of private parts, grabbing, fondling, rubbing up against you in a sexual way, even if it is over your clothes)</td>
<td>○</td>
</tr>
<tr>
<td>b. <strong>Oral sex</strong> (someone’s mouth or tongue making contact with your genitals or your mouth or tongue making contact with someone else’s genitals)</td>
<td>○</td>
</tr>
<tr>
<td>c. <strong>Anal sex</strong> (someone putting their penis in your anus)</td>
<td>○</td>
</tr>
<tr>
<td>d. [RESPONSE WILL NOT DISPLAY IF D3=MALE] <strong>Sexual intercourse</strong> (someone putting their penis in your vagina)</td>
<td>○</td>
</tr>
<tr>
<td>e. <strong>Sexual penetration with a finger or object</strong> (someone putting their finger or an object like a bottle or a candle in your [IF D3= FEMALE OR TRANSGENDER OR SOMETHING ELSE OR MISSING, FILL: “vagina or”] anus)</td>
<td>○</td>
</tr>
</tbody>
</table>

P4. [SKIP P4 IF P3a-e ARE ALL = NO] Thinking about your whole life, has anyone had any of the following types of unwanted sexual contact with you (i.e., sexual contact without your consent and that you did not want to happen)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. <strong>Forced touching of a sexual nature</strong> (forced kissing, touching of private parts, grabbing, fondling, rubbing up against you in a sexual way, even if it is over your clothes)</td>
<td>○</td>
</tr>
<tr>
<td>b. <strong>Oral sex</strong> (someone’s mouth or tongue making contact with your genitals or your mouth or tongue making contact with someone else’s genitals)</td>
<td>○</td>
</tr>
<tr>
<td>c. <strong>Anal sex</strong> (someone putting their penis in your anus)</td>
<td>○</td>
</tr>
<tr>
<td>d. [RESPONSE WILL NOT DISPLAY IF D3=MALE] <strong>Sexual intercourse</strong> (someone putting their penis in your vagina)</td>
<td>○</td>
</tr>
<tr>
<td>e. <strong>Sexual penetration with a finger or object</strong> (someone putting their finger or an object like a bottle or a candle in your [IF D3= FEMALE OR TRANSGENDER OR SOMETHING ELSE OR MISSING, FILL: “vagina or”] anus)</td>
<td>○</td>
</tr>
</tbody>
</table>
IPV Victimization

This section asks more questions about your experiences since the beginning of the current academic year. These questions asks about things that an intimate partner may have done to you. An intimate partner might be a boyfriend, girlfriend, spouse, or anyone you were in an intimate relationship with or hooked up with, including exes and current partners. As you answer the questions, please do not include times you knew they were joking around.

IPV1. Since the beginning of the current academic year in [FILL: August/September], [YEAR], has an intimate partner...

<table>
<thead>
<tr>
<th>Activity</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. threatened to hurt you and you thought you might really get hurt?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b. pushed, grabbed, or shook you?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c. hit you, kicked you, slapped you, or beat you up?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
Campus Climate

School Connectedness

The next questions ask about this school, meaning [FILL WITH UNIVERSITY SHORT NAME].

SC2. Please indicate how much you agree or disagree with each of the following statements. Please provide an answer that best reflects how you feel.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I feel valued as an individual at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. I feel close to people at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. I feel like I am a part of this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. I am happy to be a student at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. I feel safe when I am on this school’s campus</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>f. I believe there is a clear sense of appropriate and inappropriate behavior among students at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>g. I believe alcohol abuse is a big problem at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>h. I believe this school is trying hard to protect the rights of all students</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>i. I believe this school is trying hard to make sure that all students are treated equally and fairly</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>j. I believe this school is trying hard to make sure that all students are safe</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>k. I believe that students at this school trust one another</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>l. I believe that students at this school respect one another</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

General Perceptions of Campus Police, Faculty, and School Leadership

The next questions ask your views about three groups at this school: 1) Campus police/security, 2) Faculty, and 3) School Leadership. Please indicate how much you agree with each of the following statements, and answer as best as you can.

GC1. Overall, the campus police/security at this school...

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are genuinely concerned about my well-being</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. Are doing all they can to protect students from harm</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. Treat students fairly</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Are more interested in protecting the reputation of this school than the students they serve</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
**GC2. Overall, the faculty at this school...**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are genuinely concerned about my well-being</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. Are doing all they can to protect students from harm</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. Treat students fairly</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Are more interested in protecting the reputation of this school than the students they serve</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

**GC3. Overall, the President/Chancellor, Deans, and other leadership staff at this school...**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are genuinely concerned about my well-being</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. Are doing all they can to protect students from harm</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. Treat students fairly</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Are more interested in protecting the reputation of this school than the students they serve</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

**Perceptions of School Leadership Climate for Sexual Harassment and Sexual Assault Prevention and Response**

The next questions ask your opinion about this school’s efforts related to sexual harassment and sexual assault.

**SAC1. Please indicate how much you agree or disagree with each of the following statements. Please answer as best as you can when thinking about your school.**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Sexual harassment is not tolerated at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. This school takes training in sexual assault prevention seriously</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. This school is doing a good job of educating students about sexual assault (e.g., what consent means, how to define sexual assault, how to look out for one another)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. This school is doing a good job of trying to prevent sexual assault from happening</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. This school is doing a good job of providing needed services to victims of sexual assault</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
Participation in Training

SAC2. Have you ever attended an assembly, workshop, or received any other type of training or classes offered by this school that covered...

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The legal definition of sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>b. What the definition of “consent” is and how to obtain it from a sexual partner?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>c. This school’s policy on sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>d. How to report sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>e. What services are available for survivors of sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>f. How to intervene as a bystander to protect other students from sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>g. Other strategies for preventing sexual assault?</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

Awareness and Perceived Fairness of School Sexual Assault Policy and Resources

SAC3. Please indicate how much you agree or disagree with each of the following statements, answering as best as you can when thinking about your school.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I am aware of and understand this school’s procedures for dealing with reported incidents of sexual assault</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>b. I know what services are available for people who experience sexual assault</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>c. If a friend of mine were sexually assaulted, I know where to take my friend to get help</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>d. At this school, students who are accused of perpetrating a sexual assault are treated fairly</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>e. At this school, when it is determined that sexual assault has happened, the perpetrator gets punished appropriately</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

Perceptions of School Leadership Climate for Treatment of Sexual Assault Victims

SAC4. If I were sexually assaulted I believe this school would...
<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Take my case seriously</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. Protect my privacy</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. Treat me with dignity and respect</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Enable me to continue my education without having to interact with the person who assaulted me</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

**Likelihood of Reporting**

**SAC5.** How likely or unlikely would you be to go to or get in touch with the following groups or organizations at your school if you were sexually assaulted?

<table>
<thead>
<tr>
<th></th>
<th>Very likely</th>
<th>Likely</th>
<th>Not likely</th>
<th>Not at all likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Administrators, faculty, or other officials at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. A crisis center or helpline, or a hospital or health care center at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c. A crisis center or helpline, or a hospital or health care center not at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d. Campus police or security at this school</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e. Local police not at this school, such as the county or city police department</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

**Likelihood of Bystander Behavior to Prevent Sexual Misconduct**

**SAC6.** Please indicate how likely or unlikely you are to do each of the following things. Please think about the situation and answer as best as you can.

<table>
<thead>
<tr>
<th></th>
<th>Very likely</th>
<th>Likely</th>
<th>Not likely</th>
<th>Not at all likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. If your friends are sending sexual pictures, web pages, or messages to someone who didn’t ask for them, how likely are you to say something to try to get them to stop?</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b. If people you don’t know very well are making unwanted sexual comments, jokes, or gestures, how likely are you to say something to try to get them to stop?</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
### Perceptions of Student Norms Related to Sexual Misconduct: Student Misconduct

**SAC7.** Please indicate how much you agree or disagree with each of the following statements. As you consider these statements, please think about the overall population of students at this school and try to answer as best as you can.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>At this school, it is common for students to spread sexual comments, photos, or videos that people don’t want shared, either in person or by text, e-mail, or social media</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b.</td>
<td>At this school, it is common for students to call people who are gay or lesbian a negative name</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c.</td>
<td>A lot of sexual assault happens among students at this school when students are unable to provide consent because they are incapacitated, passed out, unconscious, blacked out, or asleep</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d.</td>
<td>At this school, it is common for students to make jokes about sexual assault or rape</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

### Perceptions of Student Norms Related to Sexual Misconduct: Student Bystander Behavior and Involvement

**SAC8.** Please indicate how much you agree or disagree with each of the following statements.
## Personal Acceptance of Sexual Misconduct

**SAC9.** Please indicate how much you agree or disagree with each of the following statements.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>People get too offended by sexual comments, jokes, or gestures</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>b.</td>
<td>It doesn’t really hurt anyone to post sexual comments or photos of people without their consent through e-mail, text, or social media</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>c.</td>
<td>A person who is sexually assaulted while he/she is drunk is at least somewhat responsible for putting themselves in that position</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>d.</td>
<td>If one of your friends told you that someone had unwanted sexual contact with them, you would encourage him/her to report the incident to campus or local police</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>e.</td>
<td>It is not necessary to get consent before sexual activity if you are in a relationship with that person</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>f.</td>
<td>Accusations of sexual assault are often used by one person as a way to get back at the other</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>g.</td>
<td>A lot of times, what people say is rape is actually consensual sex that they regretted afterwards</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
Supplemental Demographic Characteristics

D4. When did you first enroll as a student at this school?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Month</td>
<td>Select an answer...</td>
<td>[DROP DOWN LIST: JANUARY, FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER, OCTOBER, NOVEMBER, DECEMBER. IF 2016 IS SELECTED, JUNE-DECEMBER DO NOT DISPLAY.]</td>
</tr>
</tbody>
</table>

D5. What is your ethnicity (as you define it)?

- Hispanic or Latino
- Not Hispanic or Latino

D6. What is your race (as you define it)? Select one or more.

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

D7. Which of the following best represents how you think of yourself?

- Gay or lesbian
- Straight, that is, not gay or lesbian
- Bisexual
- Something else (please specify) _________________________
listed. OCR considers whether the survey allows students to identify their interest in future or current participation in all of the sports they identify and general athletic experience. OCR also considers whether the survey allows students to provide additional information or comments about their interest, experience, and ability. For technical assistance purposes, the types of questions an institution could ask regarding interest in future participation, current participation, and prior athletic experience might be:

| Sport                | Interest in Future Participation: At what level do you wish to participate in this sport at [Institution]?
|----------------------|------------------------------------------------------------------------------------------------------------------|
|                      | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
| Basketball           | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  
|                      | Current Participation: At what level are you participating in this sport?  
|                      | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  
|                      | Prior Experience: At what level did you participate in this sport or any other relevant sport in high school, college, or in another capacity?  
|                      | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  

|                      | High School  
|                      | ■ Varsity  
|                      | ■ Junior Varsity  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  
| Lacrosse             | College  
|                      | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  

|                      | High School  
|                      | ■ Varsity  
|                      | ■ Junior Varsity  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  
| Other sport identified by student\(^{22}\) | College  
|                      | ■ Intercollegiate  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  

|                      | High School  
|                      | ■ Varsity  
|                      | ■ Junior Varsity  
|                      | ■ Club  
|                      | ■ Intramural  
|                      | ■ Recreational  
|                      | ■ Other _________  

iii. **Contact Information**

OCR also looks at whether an institution requests contact information, to allow the institution to follow-up with students who wish to be contacted regarding their interests and abilities.

b. **Target Population Surveyed**

OCR considers the target population surveyed at the institution. Under Part Three, OCR evaluates whether the survey is administered as a census to all full-time undergraduate

\(^{21}\) An open-ended inquiry for other sports should be prominent or otherwise readily visible and contain a line or other mechanism for students to write in the sport for which they wish to express interest and ability.

\(^{22}\) If the survey is provided in paper form, an institution should provide a surplus of rows to ensure that a respondent can provide information for all the sports for which there is interest.
February 12, 2015

Carmen Fariña
Chancellor
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, New York 10007

Re: Case No. 02-11-1028
New York City Department of Education

Dear Chancellor Fariña:

This letter is to notify you of the determination made by the U.S. Department of Education, New York Office for Civil Rights (OCR), with respect to the above-referenced complaint filed against the New York City Department of Education (NYCDOE). The complainant alleged that the NYCDOE subjected high school girls to discrimination on the basis of sex because the selection of interscholastic sports at the NYCDOE’s high schools does not effectively accommodate the interests and abilities of members of both sexes to the extent necessary to provide equal athletic opportunity.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The NYCDOE is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.41(a), specifically prohibits discrimination on the basis of sex in athletic programs offered by recipients of financial assistance from the Department. The regulation implementing Title IX, at 34 C.F.R. § 106.41(c), states that a recipient that operates or sponsors athletic teams must provide equal opportunity for members of both sexes.

In determining equality of opportunity, OCR considers factors set forth in 34 C.F.R. § 106.41(c), and in the following clarifying policy and guidance documents: the OCR Intercollegiate Athletics Policy Interpretation issued December 11, 1979, 44 Fed. Reg. 71413 (1979) (Policy Interpretation); a letter from OCR, dated January 16, 1996, entitled "Clarification of

OCR’s investigation included a comprehensive review and analysis of documents and other data that the complainant and NYCDOE submitted from school years 2008-2009, 2009-2010, 2011-2012 and 2012-2013. OCR also reviewed historical information that the NYCDOE provided from school year 2002-2003 to 2009-2010, regarding the addition of teams. OCR conducted on-site visits to interview administrators and athletics staff responsible for the operation of the athletic program at NYCDOE high schools in each of the five boroughs. OCR also conducted interviews with Public School Athletics League (PSAL) staff.

In determining whether the NYCDOE provided male and female students an equal opportunity to participate in its interscholastic athletics program by effectively accommodating their interests and abilities, OCR first considered the opportunities provided to students of each sex to compete in interscholastic events. If an institution meets any one part of the Three-Part test, OCR will determine that the institution has provided each sex with equitable opportunities to participate. Each part of the Three-Part test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities. An institution is in compliance, and considered to be providing equal athletic opportunities, if it meets any one of the following: (1) the athletic participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or (2) there is a showing by the institution of a history and continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex; or (3) it is demonstrated that the interests and abilities of the underrepresented sex are fully and effectively accommodated by the present program. The results of our investigation and the NYCDOE’s compliance with each component of the Three-Part test are discussed below.

**Part One: Are Competitive Opportunities Substantially Proportionate to Enrollment?**

Under Part One of the Three-Part Test, where the recipient provides participation opportunities for male and female students in numbers substantially proportionate to their respective enrollments, OCR will find that the recipient is providing nondiscriminatory participation opportunities for individuals of both sexes.

The NYCDOE has not claimed compliance with Part One. Enrollment and participation data show that the NYCDOE does not comply with Part One on the system level. During school year 2012-2013, females constituted 48% (152,200) of enrolled high school students, compared to 52% (161,769) for males; however, females accounted for only 44% (21,586) of athletic participants, compared to 56% (27,048) for males. This means that in order to achieve proportionality to

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1 OCR determined that the NYCDOE’s athletic program is administered by the PSAL. The terms NYCDOE and PSAL are used interchangeably herein.
enrollment, the NYCDOE would need to add at least 3,862 athletic opportunities for girls across the system. Thus, OCR has determined that athletic participation is not substantially proportionate to enrollment.

**Part Two: Is There a History and Continuing Practice of Program Expansion Demonstrably Responsive to the Developing Interests and Abilities of the Underrepresented Sex?**

The NYCDOE asserted that it satisfies Part Two of the Three-Part Test, *i.e.*, that it has a history and continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex. The following italicized language excerpts are taken from OCR’s 1996 Clarification regarding the Three-Part Test and set forth the standard for compliance under the Part Two option. Relevant information gathered regarding the NYCDOE is summarized below under each italicized provision:

*OCR will consider the following factors, among others, as evidence that may indicate a history of program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex:*

- *an institution's record of adding teams, or upgrading teams to interscholastic status, for the underrepresented sex.*

The NYCDOE did not provide any information regarding the upgrading of teams to interscholastic status. The NYCDOE provided documentation demonstrating that it added 353 girls’ teams from school year 2002-2003 to school year 2009-2010; however, the documentation also demonstrated that the NYCDOE eliminated 309 girls’ teams over the same time period. Accordingly, there was a net increase of 44 girls’ teams over that eight year period.² Over the same time period, NYCDOE’s documentation demonstrated that it added 478 boys’ teams and eliminated 340 boys’ teams; for a net increase of 138 boys’ teams. Accordingly, 94 more boys’ teams than girls’ teams were added over the eight year period. Observed in a different way, the NYCDOE added 125 more boys’ teams than girls’ teams over the relevant period (478 boys’ teams added as compared to 353 girls’ teams added). Accordingly, OCR determined that the NYCDOE does not have a history of adding teams, or upgrading teams to interscholastic status, for the underrepresented sex.

- *an institution's record of increasing the number of participants in athletics who are members of the underrepresented sex.*

The NYCDOE submitted documentation demonstrating that it added 6,241 participation opportunities for girls during the period from 2003 to 2010; however, the elimination of teams over this period resulted in a loss of 3,218 girls’ athletic participation opportunities. Accordingly, a net of 3,023 new athletic participation opportunities were added for girls. Information the NYCDOE submitted also demonstrated that when accounting for fluctuations in overall enrollment, the rate of female participation in athletics was 10.2% in school year 2002-2003, and rose to 14.1% in school year 2012-2013; a total gain of 3.9% over that ten year period. The NYCDOE submitted

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² The NYCDOE did not provide information indicating how many teams it added annually over the course of this time period; instead, the information provided was a snapshot of total girls’ and boys’ teams active for each year.
documentation demonstrating that it added 8,894 participation opportunities for boys during the period from 2003 to 2010; however, the elimination of teams over this period resulted in a loss of 3,446 boys’ athletic participation opportunities. Accordingly, a net of 5,448 new athletic participation opportunities were added for boys. This resulted in the addition of 2,425 more boy athletes than girl athletes over that ten year period. When accounting for fluctuations in enrollment, the rate of male participation in athletics was 13.5% in school year 2002-2003, and rose to 16.7% in school year 2012-2013; a total gain of 3.2% over that ten year period. While this data shows a trend in the right direction, the numbers do not establish a history of increasing the number of girl participants in athletics when compared to the number of participation opportunities added for boys.

- an institution’s affirmative responses to requests by students or others for addition or elevation of sports.

The NYCDOE has not provided any documentation to demonstrate that it maintained records of requests for new teams prior to school year 2008-2009. As of school year 2008-2009, the NYCDOE adopted a mechanism for requesting the addition of a new team through the school principal; however, the NYCDOE does not have a process that allows students, parents, or coaches to make direct requests for the addition of teams to the PSAL. The NYCDOE acknowledged that there is no mechanism for, or system-level record of, requests generated by students, parents, coaches or other individuals for new teams or sports.

Principals OCR interviewed stated that although students or parents may bring a request to them or the athletic director, the principals decide which requests are forwarded to PSAL for review. Requests are made by principals through a password-protected application form on the PSAL website. Principals stated that, generally, before submitting a request, they consider whether there is: (a) sufficient interest; (b) facilities for practice and competition; and (c) coaching staff. Athletic directors OCR interviewed stated that if they know that they do not have sufficient numbers of participants, budget, or an available coach in order to support a request, they may not forward the request to the principal for consideration. Accordingly, OCR determined that there may be instances in which there is sufficient interest in a new team or sport that may not be communicated to the PSAL because some requests are filtered out by the structure of the PSAL request system.

During school year 2008-2009, 28 out of 51 (55%) requests for girls’ teams were approved; and 54 of 114 (47%) requests for boys’ teams were approved. During school year 2009-2010, 25 of 102 (25%) requests for girls’ teams were approved; and 46 of 124 (37%) requests for boys’ teams were approved. OCR notes that after the filing of the complaint in school year 2010-2011, none of the 127 requests for boys’ teams were approved; whereas, 85 of 129 (66%) requests for new girls’ teams were approved. Adding data from the two years together, the NYCDOE approved 53 of 153 (34.6%) requests for the addition of girls’ teams, and 100 of 238 (42%) requests for the addition of boys’ teams. It also is reasonable to assume that the number of requests made by students, parents, coaches, or others to high school principals or athletic directors for new girls’ teams not forwarded to PSAL was greater than the number of formal requests actually made by the schools.

Based on the above, OCR has determined that the NYCDOE has not established a pattern of affirmative responses to requests by students or others for the addition of sports and/or teams.
OCR will consider the following factors, among others, as evidence that may indicate a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex:

- an institution’s current implementation of a nondiscriminatory policy or procedure for requesting the addition of sports (including the elevation of club or intramural teams) and the effective communication of the policy or procedure to students.

As stated above, there is no system-level formal procedure for students, coaches, parents, or others to request additional sports. Students, parents and coaches may make requests to their athletic directors or principals, but those requests are not necessarily submitted to the PSAL for a variety of reasons. Information about the request process is included on the PSAL website, but it is not directed to students or parents. The NYCDOE informed OCR that the manner in which schools collect and record student interest in new teams may vary and is not overseen at the system level. For example, some schools may rely on lists of student signatures indicating interest in a new sport, but this is not the case for all schools; and the NYCDOE does not generate or maintain such information itself. The NYCDOE also stated that in addition to ensuring sufficient interest, schools proposing new teams are responsible for reserving space in their budget to cover the entirety of the team’s financial support for its first year, and the approval of new team requests is contingent on available funding. In addition, schools must have a potential coach available, as well as a facility the team can use. OCR determined that this process is insufficient to demonstrate that the NYCDOE has a nondiscriminatory policy or procedure for students or parents to request the addition of a sport, or that the NYCDOE effectively communicates any such policy or procedure to students or parents.

- an institution’s current implementation of a plan of program expansion that is responsive to developing interests and abilities.

Beyond the formal request/approval process referenced above, the NYCDOE informed OCR that it has no specific system-level plan of program expansion.

OCR would also find persuasive an institution's efforts to monitor developing interests and abilities of the underrepresented sex; for example, by conducting periodic nondiscriminatory assessments of developing interests and abilities and taking timely actions in response to the results.

The NYCDOE informed OCR that it has not conducted assessments on the system level to monitor developing interests and abilities of the underrepresented sex. OCR determined that during the course of the investigation, in school year 2012-2013, the NYCDOE included questions related to athletic interests and abilities in its annual school climate survey; however, the NYCDOE informed OCR that the athletics questions would not continue to be part of the school climate survey. During school year 2012-2013, the PSAL appointed a Title IX Coordinator who conducted site visits at nine high schools, during which the Coordinator met with small groups of female students regarding their athletic interests.
Based on the above, OCR determined that the NYCDOE has not, on the system level, established a history and continuing practice of athletic program expansion responsive to the interests of female students; thus NYCDOE does not comply with Part Two. Rather, the increased opportunities for male students have, at least until this investigation started, outpaced those for female students. Additionally, the NYCDOE does not have a system for capturing interests expressed by students themselves; student interest is only represented in the requests made at the school level by principals. Even among such school-level requests, as recently as school year 2009-2010, three out of every four requests for new girls’ teams were rejected.

Part Three: Are the Athletic Interests and Abilities of Female Students Being Fully and Effectively Accommodated?

Although disproportionately high athletic participation rates by one sex (as compared to their enrollment rates) may indicate that a recipient is not providing equal athletic opportunities to its students of the other, underrepresented sex, a recipient can satisfy Part Three where there is evidence that the imbalance does not reflect discrimination, i.e., where it can be demonstrated that notwithstanding disproportionately low participation rates of the underrepresented sex, the interests and abilities of these students are, in fact, being fully and effectively accommodated. In making this determination, OCR considers whether there is (1) unmet interest in a particular sport; (2) sufficient ability to sustain a team in the sport; and (3) a reasonable expectation of competition for the team. If all three conditions are present, OCR will find that the recipient has not fully and effectively accommodated the interests and abilities of the underrepresented sex.

The 2010 Clarification provides that OCR evaluates a broad range of indicators in determining whether a recipient has unmet interest and ability to support an intercollegiate team in a particular sport, including the following five elements: (1) whether the recipient uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students; (2) whether a viable team for the underrepresented sex recently was eliminated; (3) multiple indicators of interest; (4) multiple indicators of ability; and (5) frequency of conducting assessments. The 2010 Clarification adds that a recipient should document its assessment of students’ interests and abilities, and states that OCR evaluates the interests of the underrepresented sex by examining multiple indicators, including:

- Requests by students that a particular sport be added;
- Requests for the elevation of an existing club sport to interscholastic status;
- Participation in club or intramural sports;
- Interviews with students, coaches, administrators and others regarding interests in particular sports;
- Results of surveys or questionnaires of students regarding interest in particular sports;
- Participation in interscholastic sports by students at lower grade levels; and
- Participation rates in sports in middle schools, amateur athletic associations, and community sports leagues that operate in areas from which the institution draws its students.

The 2010 Clarification also explains that OCR’s evaluation of whether an institution assesses interest and ability periodically so as to be able to identify any developing interests and abilities
of the underrepresented sex in a timely and responsive manner takes several factors into account, including:

- The degree to which the previous assessment captured the interests and abilities of the institution’s students of the underrepresented sex;
- Changes in demographics or student population at the institution (e.g. virtually complete student body turnover every four years at a typical four-year institution); and
- Whether there have been complaints from the underrepresented sex with regard to a lack of athletic opportunities or requests for the addition of new teams.

The NYCDOE has not asserted that it is in compliance with Part Three of the Three-Part test. The NYCDOE acknowledged that it did not conduct any surveys or other system-wide assessments of interest until school year 2012-2013, when it included questions regarding sports on its annual school climate survey; nor does it keep track of intramural, community, amateur or other athletic participation by its students on any centralized basis. To the extent that the NYCDOE has not maintained records regarding its accommodation of athletic interests and abilities, OCR cannot conclude that it complies with Part Three of the Three-Part test.

Moreover, OCR found explicit evidence of unmet interest. As discussed under the Part Two analysis above, there have been 282 requests for the addition of new girls’ teams from school years 2008-2009 to 2010-2011, of which more than half (144) were rejected. This pool of rejected requests shows that there was unmet interest from girls in several sports; including volleyball, softball, basketball, soccer, tennis, cross-country, bowling, golf, and swimming. Again, these were requests from the school principal, and do not necessarily reflect less formal expressions of student interest or requests for new teams, of which the NYCDOE keeps no specific records.

Based on the information summarized above, OCR determined that the NYCDOE failed to meet any one part of the Three-Part Test to demonstrate that it is effectively accommodating the athletic interests and abilities of both sexes to the extent necessary to provide equal athletic opportunity. OCR’s investigative activities confirmed that athletic participation is not substantially proportionate to enrollment. Further, the NYCDOE has not demonstrated a history of continued practice of program expansion demonstrably responsive to the developing interests and abilities of the underrepresented sex. Additionally, all of the data and interviews confirmed that there are female students whose interests and abilities are not currently being met by the athletic opportunities available. Therefore, OCR determined that the NYCDOE is in violation of Title IX with respect to the issue investigated.

On January 22, 2015, the NYCDOE entered into the attached Agreement to address this compliance concern. The Agreement requires the NYCDOE to provide participation opportunities for students at the NYCDOE’s high schools that effectively accommodate their athletics interests and abilities, and assess whether there is unmet interest and ability among female students in the NYCDOE’s high schools. The Agreement also provides that if, through the assessments, the NYCDOE identifies a sport or sports in which there is sufficient but unmet interest and, if applicable, ability of female students to participate at the interscholastic level at a particular high school, the NYCDOE will continue to add athletic opportunities at the high school level. The Agreement further provides that the NYCDOE will develop a process or
procedure for students or other interested parties, such as coaches or parents, to use in requesting the addition of new sports or levels of sports at the NYCDOE’s high schools, and will publicize that process; and, provide training to the Athletic Director at each high school on the relevant requirements of Title IX as it pertains to equal athletic opportunities.

OCR will monitor implementation of the Agreement. If the NYCDOE fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the NYCDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the NYCDOE may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we will seek to protect, to the extent possible, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about OCR’s determination, please contact Helen Whitney, National Equity Expert, at (646) 428-3838 or helen.whitney@ed.gov; Anna Moretto Cramer, Senior Compliance Attorney, at (646) 428-3826 or anna.moretto.cramer@ed.gov; or Jocelyn Panicali, Senior Compliance Team Attorney, at (646) 428-3796 or jocelyn.panicali@ed.gov.

Sincerely,

Timothy C. J. Blanchard

cc: XXX, Esq.
XXX, Esq.
authority to enforce Title IX. These sessions may be provided as part of existing annual orientation programs for new or returning students.

**Reporting Requirement**

1. By June 30, 2015, and by the same date annually while OCR is monitoring this Agreement, the Law School will provide to OCR documentation demonstrating implementation of Item V.A. above, including a description of each information session and the dates the information sessions were held.

**VI. Climate Checks**

A. No later than the 2014-15 academic year, and by no later than the same date annually throughout the monitoring period, the Law School will conduct an assessment of the campus climate to assess the effectiveness of steps taken pursuant to this Resolution Agreement, or otherwise by the Law School, to provide for a campus free of sex discrimination (including sexual harassment, sexual assault, and sexual violence). In conducting such assessment, the Law School will seek input from Law School students and other members of the Law School community (including any complainants and witnesses to sex discrimination), and its annual assessment will include feedback from students regarding incidents of, attitudes toward, and effectiveness of responses to sexual assault and sexual violence. As such, the assessment will include an OCR-approved annual student survey or instrument. The University has established a task force that is charged with considering how the University may improve its efforts at preventing sexual assault and other unwelcome sexual conduct and how the institution can best evaluate the effectiveness of its approach to sexual misconduct, with a particular sensitivity to a holistic approach that focuses on prevention as well as on responsiveness. As part of its work, the task force, in cooperation with several dozen other colleges and universities and a team including methodologists and subject matter experts, is developing a survey that will be used to assess the campus climate at the University, including at the Law School, as well as at other colleges and universities across the nation. By April 15, 2015, the Law School will submit to OCR the survey or instrument it intends to use, and OCR will evaluate whether that survey or instrument satisfies the requirements of this section. The Law School, as necessary and in consultation with OCR, will supplement the survey or instrument during the monitoring period, such as by organizing an open forum information session for students and employees, and designated, publicized walk-in hours for campus community input. The Law School will use the information it gathers to inform future proactive steps taken to provide for a safe educational environment and compliance with Title IX. The Law School will share information gathered and recommendations with the Law School’s Title IX Coordinator.
Case Study: K-12

Jim is the coach of the girls’ JV volleyball team.

As early as August 2014, the district was aware that Jim regularly made comments to the JV girls about the sexiness of squats. District administration also heard reports that the athletes felt that Jim leered at their bodies during practice.

Jim has taken a particular interest in Lisa. It was reported to the District through several parents of other girls on the JV volleyball team in or around September 2014 that Lisa referred to her relationship with Jim as “almost a boyfriend/girlfriend situation.” The girls’ varsity volleyball coach saw Jim and Lisa together at a game “leaning up against one another,” which she believed to be inappropriate.

In response to these issues, the Title IX coordinator interviewed Jim on several occasions, and in August 2015 wrote him a letter directing him not to physically touch the athletes.

In October 2015, the District fired Jim. However, Jim was still permitted to continue attending the volleyball games because his wife was the new JV volleyball coach.

In July 2017, the district hired an attorney to conduct an internal investigation regarding Jim’s actions. District staff also met with the JV volleyball players and parents prior to the 2017 volleyball season to provide instruction on how to report sexual harassment and to offer counseling services to the athletes.

What issues do you see?

Adapted from LaPorte Community School Corporation, OCR Complaint No. 05-10-1263 (Apr. 27, 2015)
Case Study: CCD

You are the Title IX coordinator at a community college district.

Your campus student newspaper prints an anonymous letter claiming that a faculty member is sexually harassing students in his class on a daily basis. The letter provides no clue as to the identity of the professor or the department in which the conduct is allegedly taking place, but states that the faculty member has been engaged in this conduct for years, that the administration knows about it, and has done nothing.

Do you have an obligation to act? What should you do, if anything?