

# Congress of the United States

Washington, DC 20515

May 28, 2026

The Honorable Linda McMahon  
Secretary of Education  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

The Honorable Kimberly Richey  
Assistant Secretary for Civil Rights  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Secretary McMahon and Assistant Secretary Richey:

As Members of Congress responsible for the oversight of the Executive branch, we request information regarding the Department of Education's (ED) management of sexual violence, assault, harassment, and misconduct cases within the Office for Civil Rights (OCR). OCR provides an invaluable service to students nationwide by enforcing civil rights laws to protect the fundamental right to a safe and secure education.

Sexual assault, including sexual harassment and sexual violence, continue to impact students' ability to access education. Student survey data indicate that more than 20% of girls aged 14-18 report being kissed or touched without their consent.<sup>1</sup> At the postsecondary level, one in four undergraduate women are sexually assaulted, and male college-aged students are 78% more likely than non-students of the same age to be victims of sexual assault.<sup>2</sup> Research shows that youth who experience sexual abuse have lower grades, attain lower levels of education, and are more likely to drop out of school as compared to their peers.<sup>3</sup> Across multiple studies, sexual assault is associated with declines in grade point average, self-regulated learning problems, and an increased likelihood of dropping out of university.<sup>4</sup> Academic settings must remain safe environments for learning and growth for all students.

Under Title IX of the Education Amendments of 1972, schools and other educational programs that receive federal financial assistance may not discriminate on the basis of sex. This includes a duty of recipients to address sex-based harassment, including sexual harassment and sexual violence, when they have actual knowledge of incidents that are serious enough to limit or deny a student's ability to participate in or benefit from the institution's educational programs or activities.<sup>5</sup> A recipient must take prompt and appropriate action to stop the harassment, prevent its recurrence, and remedy its effects. Title IX also prohibits retaliation against individuals who report discrimination or participate in a Title IX process.

Investigative staff at OCR investigate complaints alleging discrimination by educational programs that receive federal funding and issue regulations, policy guidance, and technical assistance to support compliance. OCR responds to Title IX complaints filed by individuals or submitted on their behalf by assessing and, where appropriate, investigating the allegations. If OCR determines that a recipient is not in compliance with Title IX,

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<sup>1</sup> National Women's Law Center, *Gates: Harassment and Violence*, Apr. 2017, [https://nwlc.org/wp-content/uploads/2017/04/final\\_nwlc\\_Gates\\_HarassmentViolence.pdf](https://nwlc.org/wp-content/uploads/2017/04/final_nwlc_Gates_HarassmentViolence.pdf).

<sup>2</sup> RAINN, *Campus Sexual Violence: Statistics*, <https://rainn.org/statistics/campus-sexual-violence>.

<sup>3</sup> Chohan, M.K., Constantin, K. Impacts of Child Sexual Abuse: The Mediating Role of Future Orientation on Academic Outcomes. *Child Abuse & Neglect*, Vol. 145, 2023, 106437.

<sup>4</sup> Molstad, T.D., Weinhardt, J.M., and Jones, R. Sexual Assault as a Contributor to Academic Outcomes in University: A Systematic Review. *Trauma, Violence, & Abuse*, Vol. 24, No. 1, 2023, pp. 18–230.

<sup>5</sup> Stop Sexual Assault in Schools, Quick Facts, <https://stopsexualassaultinschools.org/quick-facts/>.

it seeks to resolve the matter through a voluntary resolution agreement that outlines the corrective actions the institution must take. OCR then monitors implementation of that agreement to ensure the institution returns to compliance. ED may initiate an action for the termination of federal funds or make a referral to DOJ for other enforcement when a voluntary resolution cannot be reached.<sup>6</sup>

Additionally, the Department of Education Organization Act authorizes the Assistant Secretary for Civil Rights to collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within OCR's jurisdiction.<sup>7</sup> This authority is implemented in part through the Civil Rights Data Collection (CRDC) a biennial survey of public school districts and schools. The CRDC gathers data on a range of civil rights indicators, including sexual violence and harassment.<sup>8</sup> OCR uses this data to inform its enforcement work, identify trends, and help guide policy and oversight priorities to ensure safe and equitable learning environments.

Congress has historically relied on public reporting by the OCR to understand its enforcement activity. Specifically, OCR has published investigation letters and resolution documents on resolved sexual harassment and sexual violence cases on its “Recent Resolution Search” website page. While cases involving other types of discrimination continue to be posted, as of now, the website does not appear to include any sexual harassment or sexual violence resolutions since January 20, 2025.<sup>9</sup> Additionally, only 177 resolutions were posted on the website for the entire year 2025.

These figures are inconsistent with other publicly reported information. In court filings, OCR reported having resolved 581 voluntary agreements, mediated settlements, or technical assistance between March and September 2025.<sup>10</sup> Congress has also relied on insights from the publicly available list of institutions currently under investigation, which OCR has published on its “Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools” webpage. However, this site has not been updated since January 14, 2025.<sup>11</sup> Considering these variations, the absence of sexual harassment or sexual violence cases reported on these webpages may reflect gaps in public reporting or a lack of enforcement activity by OCR during this period.

As members of Congress, we rely on timely and accurate information from federal agencies to inform policymaking and oversight. It is essential that Congress can assess the nature, severity, and scope of barriers to education facing our constituents. This information helps guide how Congress should apply its regulatory and funding authorities within the education system.

OCR serves as an important backstop when schools, colleges, universities, or state and local educational agencies are unable or unwilling to protect students’ civil rights. We recognize ED, including OCR, has

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<sup>6</sup> 34 C.F.R. § 100.8(a)

<sup>7</sup> 20 U.S.C. §3413(c)

<sup>8</sup> U.S. Department of Education, Civil Rights Data Collection, <https://civilrightsdata.ed.gov/>.

<sup>9</sup> U.S. Department of Education, Office for Civil Rights, Recent Resolution Search, <https://ocrcas.ed.gov/ocr-search>.

<sup>10</sup> Victim Rights Law Center et al. v. U.S. Department of Education et al., No. 25-11042, Document 75, U.S. District Court for the District of Massachusetts.

<sup>11</sup> U.S. Department of Education, Office for Civil Rights, Pending Cases Currently Under Investigation at Elementary-Secondary and Postsecondary Schools, <https://ocrcas.ed.gov/open-investigations>.

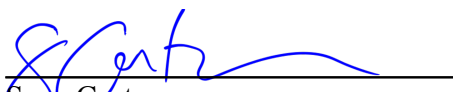
undergone staffing changes, which may impact its capacity to manage caseloads. However, it remains critical that OCR maintains its focus on handling these sensitive matters and provides consistent, transparent communication to Congress.

We urge OCR to resume regular updates to its webpages, including posting information on cases involving sexual harassment and sexual violence. We also request that ED directly respond to the following, either through written correspondence or a briefing to the signatories of this letter:

- The status of current and recent cases involving sexual harassment and sexual violence, including:
  - the number of complaints received, resolution agreements reached, and cases dismissed 2025 since January 20, 2025.
- An explanation of the prioritization of cases concerning school-based sexual violence and sexual harassment, including:
  - Average processing times from complaint receipt to resolution or dismissal;
  - Staffing levels at OCR, including, particularly, those working with cases of sexual violence and harassment:
    - The number of investigators,
    - The average caseload per investigator,
    - A breakdown of staff, including how many are permanent versus temporary, and how many are assigned to sexual harassment and sexual violence cases.
- An explanation of the criteria used to determine which cases and resolution documents are published on the Office for Civil Rights Recent Resolution Search webpage
- An explanation of how OCR manages the public “Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools” webpage, including whether and when OCR expects to resume regular updates.
- The status and planned release dates for the 2023 to 2024 CRDC data and public and restricted use data sets.
- Whether OCR is including data on sexual harassment and sexual violence in the CRDC for the 2023 to 2024 cycle, including in both public use and restricted use datasets, and how OCR plans to incorporate and use this data in future collections to support civil rights enforcement.

Thank you for your attention to this matter. We look forward to your prompt response and continuing to work together to ensure the safety of our nation’s students from sexual harassment and sexual violence.

Sincerely,

  
Sean Casten  
Member of Congress

  
Brian K. Fitzpatrick  
Member of Congress

