

Massachusetts Department of Higher Education

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# **Annual Report on Campus Sexual Misconduct Incident Data**

**December 2022**

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## I. Introduction

On January 21, 2021 Governor Baker signed into law [Chapter 337 of the Acts of 2020](#), landmark legislation intended to enhance the efforts of the Commonwealth's colleges and universities to identify, prevent, and respond to campus sexual violence. Entitled "An Act Relative to Sexual Violence on Higher Education Campuses" (and commonly referred to as the "2021 Campus Sexual Assault Law"), the law applies to all institutions of higher education located and authorized to grant degrees in the Commonwealth. The legislation has two major sections: Section 168D which requires all institutions to conduct sexual misconduct climate surveys at least once every four years (M.G.L. c. 6, § 168D); and Section 168E which imposes specific policy, procedure and reporting requirements that enhance institutions' efforts to prevent and respond to campus sexual misconduct (M.G.L. c. 6, § 168E).

The law also includes a reporting requirement, providing that the Department of Higher Education ("DHE" or "Department") shall annually report aggregate statewide information on the "frequency and nature of sexual misconduct" at all institutions of higher education located in the Commonwealth and authorized to grant degrees. Specifically, Section 168E(q) of chapter 6 of the General Laws, as amended by the 2021 Campus Sexual Assault Law, provides as follows:

Annually, not later than December 1, each institution shall prepare and submit to the department of higher education a report that includes: (i) the total number of reports of sexual misconduct reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution; (ii) the number of reports made by a student or employee of the institution against another student or employee of the institution investigated by a local or state law enforcement agency, if known; (iii) the number of students and employees found responsible for violating an institution's policies prohibiting sexual misconduct; (iv) the number of students and employees found not responsible for violating an institution's policies prohibiting sexual misconduct; and (v) the number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct. Such incident data shall be reported in the form and manner established by the department of higher education, in consultation with the attorney general, and in a manner that complies with state and federal privacy laws. The department of higher education shall analyze the incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of sexual misconduct at institutions. The department of higher education shall file the annual report with the attorney general, the clerks of the senate and the house of representatives and the joint committee on higher education.

In furtherance of the Department's statutory analysis and reporting responsibilities, the Department hereby submits its annual "Incident Data Collection and Annual Report" (Section II) to the Massachusetts Attorney General, the Clerks of the Senate and House of Representatives, and the Joint Committee on Higher Education on the "frequency and nature of sexual

misconduct” at campuses across the Commonwealth, as indicated in the incident data collected by the DHE consistent with the process discussed within this report.

In addition to the information provided in this report, a summary of the Department’s overall Year 1 implementation process for the new law can be found on the [DHE Campus Safety Violence Prevention \(CSVP\) Website](#)<sup>1</sup>.

## **II. Incident Data Collection and Annual Report**

The law includes a specific reporting requirement (M.G.L. c. 6, § 168E(q)), which directs all public and private institutions of higher education (“IHEs”) located in the Commonwealth and authorized to grant degrees to report annually on the prevalence of sexual misconduct incidents on campus. For the 2021 CSVP Annual Reporting cycle, there were 29 public and 85 private IHEs located in the Commonwealth and authorized to grant degrees. In this cycle<sup>2</sup>, Massachusetts IHEs employed 131,669 people and enrolled 592,633 students. Public institutions accounted for 34,284 employees and 244,825 students, and private institutions accounted for 97,385 employees and 347,808 students.

To streamline the collection of this data, DHE developed an online portal for institutions to submit these data. The portal also serves as a user-friendly mechanism to provide status updates and documentation related to Law Enforcement Agencies (LEAs) and community-based service provider Memorandums of Understanding (MOUs), registration and waiver requests related to Sexual Assault Crisis Service Centers, and sexual misconduct surveys. The data collection portal, EDvera, went live on December 1, 2021, and as of the date of this report submission, 100% of IHEs have submitted their reports. The DHE has reviewed all submissions and after conducting any necessary due diligence in seeking supplementary information or clarifications, the DHE has deemed all submitted reports sufficient. Pursuant to the law, the following data tables provide aggregate statewide information on the frequency and nature of sexual misconduct at institutions.

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<sup>1</sup> <https://www.mass.edu/strategic/csvp.asp>

<sup>2</sup> The 2021 CSVP reporting period spanned incidents that occurred between January 1, 2020 – December 31, 2020. Total employee and student data presented here from IPEDS were as of November 1, 2020 for employees, and AY21 (July 1, 2020 - June 30, 2021), for students. Six private IHEs’ data were not available in IPEDS as of the publication of this report. There are a number of reasons for this including that such institutions were either newly-approved institutions, do not participate in Title IV federal financial aid programs and are not required to not report data to IPEDS, or are out-of-state institutions with a limited physical presence in Massachusetts but nevertheless fall under the 2021 Campus Sexual Assault Law’s definition of “institution.”

## A. Data Tables and Figures

**Table 1.** Total number of reports of sexual misconduct reported to the institution’s Title IX coordinator by a student or employee of the institution against another student or employee of the institution<sup>3</sup>

<b>Number of reports by reporting and responding party</b>	<b>Total</b>
# of reports by students against students	<b>602</b>
# of reports by students against employees	<b>138</b>
# of reports by employees against students	<b>17</b>
# of reports by employees against employees	<b>76</b>
# of anonymous reports against students	<b>37</b>
# of anonymous reports against employees	<b>31</b>
<b>Total reports by all reporting/responding parties</b>	<b>901</b>

Table 1 above breaks down the total number of reports of sexual misconduct by the type of reporting party and the type of responding party. For purposes of this data collection process, “anonymous” represents reports where the identity of the reporting party was unknown or never identified.

**Table 2.** Number of reports made by a student or employee of the institution against another student or employee of the institution investigated by a local or state law enforcement agency, if known<sup>4</sup>

<b>Number of reports investigated by an LEA by reporting and responding party</b>	<b>Total</b>
# of reports by students against students investigated by an LEA	<b>108</b>
# of reports by students against employees investigated by an LEA	<b>2</b>
# of reports by employees against students investigated by an LEA	<b>11</b>
# of report by employees against employees investigated by an LEA	<b>4</b>
# of anonymous reports against students investigated by an LEA	<b>8</b>
# of anonymous reports against employees investigated by an LEA	<b>3</b>
<b>Total reports investigated by an LEA by all reporting/responding parties</b>	<b>136</b>

Table 2 above breaks down the total number of reports investigated by an LEA by type of reporting party and responding party. For purposes of this data collection process, “anonymous” represents reports where the identity of the reporting party was unknown or never identified.

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<sup>3</sup> M.G.L. c. 6, § 168E(q)(i).

<sup>4</sup> M.G.L. c. 6, § 168E(q)(ii).

**Table 3.** Number of students and employees found responsible for violating an institution’s policies prohibiting sexual misconduct<sup>5</sup>

<b>Number of students and employees found responsible</b>	<b>Total</b>
# of students found responsible	<b>99</b>
# of employees found responsible	<b>44</b>
<b>Total found responsible</b>	<b>143</b>

Table 3 above displays the total number of students and employees found responsible for incidents of sexual misconduct, broken down by students and employees.

**Table 4.** Number of students and employees found not responsible for violating an institution’s policies prohibiting sexual misconduct<sup>6</sup>

<b>Number of students and employees found not responsible</b>	<b>Total</b>
# of students found not responsible	<b>70</b>
# of employees found not responsible	<b>53</b>
<b>Total found not responsible</b>	<b>123</b>

Table 4 above displays the total number of students and employees found not responsible for incidents of sexual misconduct, broken down by students and employees.

**Table 5.** Number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution’s policies prohibiting sexual misconduct<sup>7</sup>

<b>Number of students and employees that received disciplinary actions</b>	<b>Total</b>
# of students found responsible against which disciplinary actions were imposed by the institution as a result of a finding of responsibility	<b>101</b>
# of employees found responsible against which disciplinary actions were imposed by the institution as a result of a finding of responsibility	<b>45</b>
<b>Total all students and employees that received disciplinary actions<sup>8</sup></b>	<b>146</b>

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<sup>5</sup> M.G.L. c. 6, § 168E(q)(iii).

<sup>6</sup> M.G.L. c. 6, § 168E(q)(iv).

<sup>7</sup> M.G.L. c. 6, § 168E(q)(v).

<sup>8</sup> **Note:** the total number of disciplinary actions incurred as a result of a finding of responsibility for violating the institution’s sexual misconduct policies (Table 5) is greater than the total number of students and employees found responsible for violating the institution’s sexual misconduct policies (Table 3). There are at least two possible reasons for this. First, an institution’s data submission may have included students or employees that were found responsible in 2019, because the institution did not impose disciplinary actions against those students or employees until 2020. Second, an institution’s data submission could have accounted for additional students that were disciplined for their involvement in a sexual misconduct incident who were not specifically found responsible for violating the institution’s sexual misconduct policies.

Table 5 on the previous page displays the total number of students and employees that received disciplinary action(s) as a result of being found responsible for incidents of sexual misconduct. The following two Figures below visualize in aggregate the data tables 1 through 5.

**Figure 1.** Reports of Sexual Misconduct Made to Title IX Coordinators or Investigated by LEAs

### Reports of Sexual Misconduct Made to Title IX Coordinators or Investigated by LEAs, if known

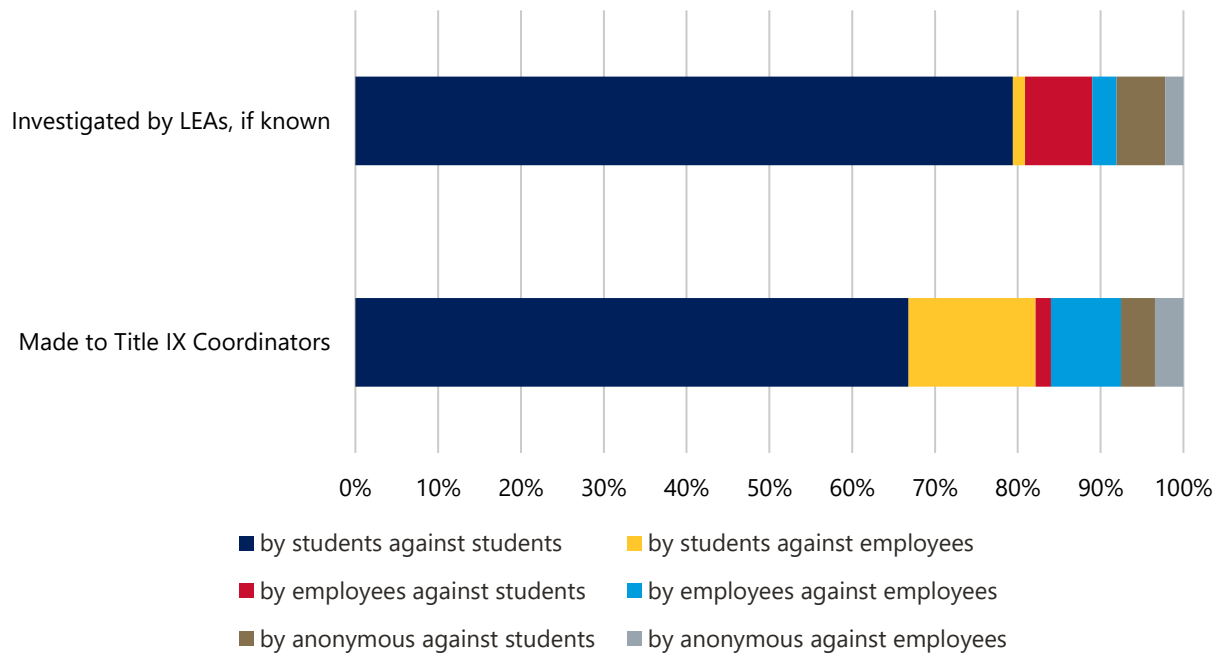


Figure 1 above shows reports of sexual misconduct investigated by LEAs, if known, and reports made to Title IX Coordinators, broken down by who made the report and who was the subject of the report. These figures show a distribution percentage of the reports by six categories: reports made by students against students, by students against employees, by employees against students, by employees against employees, by anonymous parties against students, and by anonymous parties against employees. The top bar graph demonstrates that, of the reports investigated by LEAs, if known, just ~80% were made by students against students. In contrast, the below bar graph demonstrates that, of the reports made to Title IX Coordinators, ~67.5% were made by students against students.

**Figure 2.** Students and Employees Found Responsible for Violating Sexual Misconduct Policies

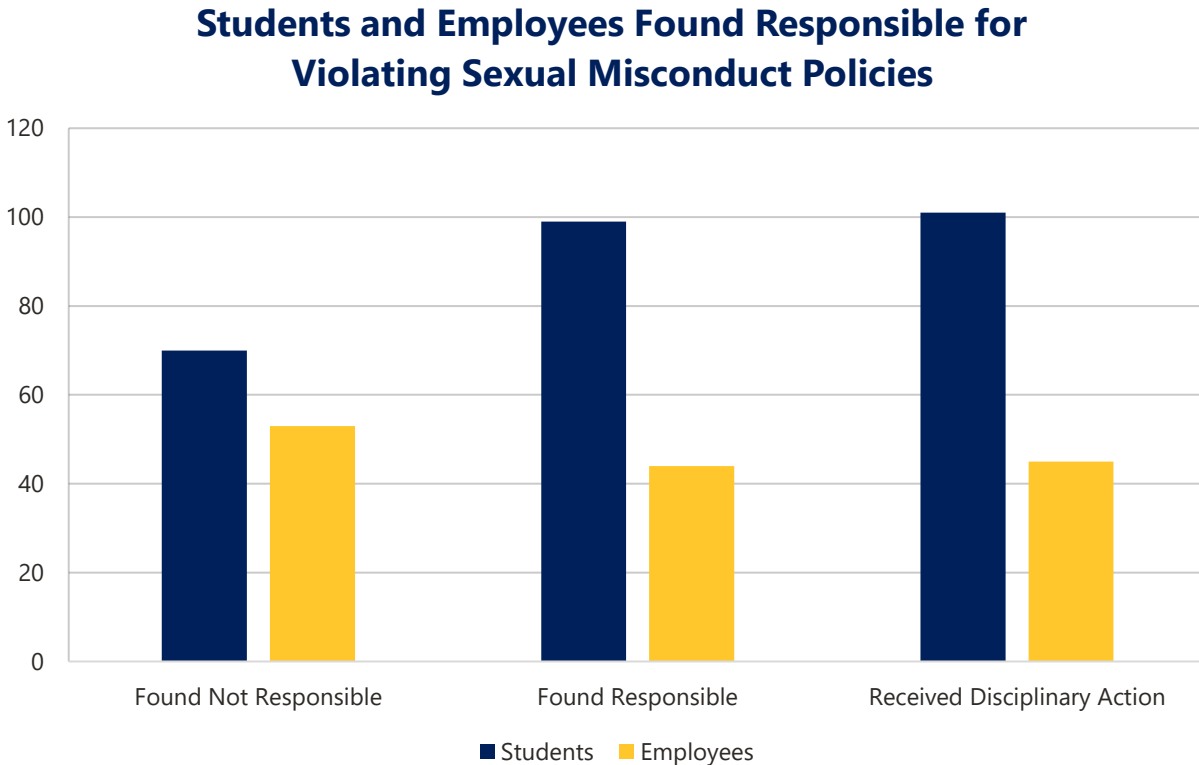


Figure 2 above shows the number of reports where a student or employee were found not responsible for violating the institution’s sexual misconduct policies, found responsible of violating the institution’s sexual misconduct policies, or received disciplinary action as a result of a finding of responsibility for violating the institution’s sexual misconduct policies.

### **B. Analysis of Year 1 Data Collection Process**

In preparation for implementation Year 2 of this landmark legislation, DHE engaged agency and institutional partners and stakeholders to further optimize the sexual misconduct incident data collection process. Working within the requirement to collect data on reports of sexual misconduct as investigated by LEAs and Title IX Coordinators, the number of students and employees found responsible or not responsible, and the total number of disciplinary actions taken in response to findings of responsibility under the institution’s sexual misconduct policies, the CSVP community provided rich feedback and suggestions for how the report could be improved for Year 2.

That feedback was primarily provided through the data collection portal, in the comments section that was built into the platform, as well as through stakeholder focus group



sessions. Between June and July 2022, DHE engaged 100 stakeholders during three co-design sessions to clarify, add, and remove fields for the 2022 sexual misconduct incident data collection process in response to the feedback DHE received from the 2021 CSVP Annual Report submissions. The revised report will collect key data regarding the number of reports, complaints, and disciplinary actions institutions received, investigated, and adjudicated during calendar year 2021 to more accurately reflect the frequency and nature of sexual misconduct at institutions. The DHE prepared an [FAQ document](#) that was distributed directly to CSVP stakeholders, and posted on our website, to highlight these changes as well as other components of the Year 2 data collection process.

### **III. Conclusion**

The 2021 Campus Sexual Assault Law has created the opportunity for the Department and the Commonwealth's public and private higher education institutions to make significant advances in the area of campus safety and violence prevention. Fulfilling the requirements of the law has led to increased transparency, enhanced collaboration and information sharing – all critical elements of success in addressing campus sexual misconduct and other forms of violence. What we have seen with Year 1 is incremental progress in creating and maintaining safe and inclusive campus environments for students, faculty and staff. We have established a baseline reporting process and have met the statutory expectations upon which this baseline was built.

What we envision for Year 2 is to continue that progress with even more vigor as we build on lessons learned and best practices realized from our campuses and other stakeholders. In Year 2, DHE will continue to refine its data metrics to best reflect the frequency and nature of sexual misconduct on college campuses. IHEs will be required to submit their incident data according to these adjustments through the Year 2 annual reporting process (the 2022 CSVP Annual Report), that will be due in December 2022.<sup>9</sup>

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<sup>9</sup> The DHE prepared an [FAQ document](#) that was distributed directly to CSVP stakeholder, as well as posted on our website, to highlight these changes as well as other components of the Year 2 data collection process.