

# Over 6,000 Title IX Complaints Filed by One Person Last Year

Even modest and long-overdue budget cuts draw criticism. The Trump administration proposed cutting the budget of the Education Department's Office for Civil Rights (OCR) from \$108.5 million to \$106.7 million – a “minuscule amount,” notes education researcher [George Leef](#). Yet the liberal columnist Colbert King claimed this tiny 1.66% cut would have somehow “[gutted](#)” civil rights enforcement. In reality, Professor Shep Melnick [points out](#), even if Congress enacted this budget cut, OCR's budget in 2018 would be no smaller than it was in 2016, and bigger than it was back in 2014, when OCR's budget was \$98 million.

While some activists claim OCR needs more money due to an increased caseload, Melnick [says](#) the rising caseload is partly attributable to three filers who together filed more than 7,000 largely duplicative complaints. In 2014, that [included](#) “1,700 sex discrimination complaints filed by two individuals.” In 2016, “a whopping 6,157 Title IX complaints” were filed by [one individual](#).” As Melnick [asks](#), “Should the number of complaints filed by two or three enterprising private citizens be the standard for judging how much public money a regulatory agency receives?”

Moreover, Melnick [points out](#) that OCR's temporary backlog of cases is not due to an inadequate budget. Rather, it came into being due to the Obama administration's unnecessary decision to dramatically expand the scope of investigations beyond what's needed for provide redress for individual victims of discrimination. Rather than resolve individual complaints by college students about sexual harassment or assault, or by parents about racial bias in school discipline, the Obama-era OCR would begin “a full-blown investigation of the entire institution” every time it received an individual complaint. And it would keep searching for a violation until it found one, even if it didn't involve any discrimination or harassment, but just “deficient record-keeping.”

Civil libertarians like Bob Shibley of the Foundation for Individual Rights in

Education argue that these “systemic” investigations improperly required colleges to revisit other complaints resolved long ago, potentially leading to colleges overturning not-guilty verdicts against students accused of harassment or assault based on stale evidence. “That was quite alarming from a double jeopardy and civil liberties perspective,” Shibley [said](#). The Obama-era OCR also [prodded](#) colleges like University of Virginia to investigate even when students suspected of being victims [didn’t even want](#) any investigation. Other system-wide investigations under Title VI [prodded](#) school districts to adopt [racial quotas](#) in school discipline when minority parents argued that an individual teacher or principal had improperly disciplined their child.

The Trump administration has now ended some of this overreaching [by withdrawing](#) the Obama administration’s 2014 enforcement guidance. That guidance had demanded that there be “systemic” investigations of colleges in response to every individual complaint of sexual harassment or assault and “systemic” investigations of school districts in response to every individual complaint of racial discrimination in school discipline by a teacher or principal. (Its June 2017 memo to OCR regional directors about the proper scope of investigations can be found [at this link](#).)

That withdrawal should make it easy for OCR to eliminate its case backlog, even if its budget shrinks in the future. Moreover, if OCR stopped making up violations of laws such as Title VI and Title IX out of thin air, it would have much less to do and could get by with a much smaller budget. As two members of the U.S. Commission on Civil Rights [noted](#) in a February 26, 2015 [letter](#) to Congress, OCR “has all too often been willing to define perfectly legal conduct as unlawful,” spending taxpayer money “to address violations it has made up out of thin air. Increasing OCR’s budget would in effect reward the agency for frequently overstepping the law.” To deter such overreaching in the future, the Trump administration should cut OCR’s budget even further.

There are much larger cuts elsewhere in the White House’s proposed Education Department budget for Fiscal Year 2018, but they are eminently justified. As education scholars Bill Evers and Vicki Alger [note](#) at Intellectual Takeout, “Trump wants to reduce the U.S. [Department of Education’s discretionary budget](#) by \$9.2 billion, from \$68.3 billion to \$59.1 billion.” Nearly two-thirds of the cuts are “from eliminating programs that are duplicative or just don’t work.”

One failed program slated for elimination is the School Improvement Grant (SIG) program. As Evers and Alger [point out](#), it “gave poorly performing schools fistfuls of cash” in the hope that they would “turn themselves around and raise student achievement.” That program has consumed more “than \$7 billion to date – including a one-time infusion of \$3 billion” in Obama’s stimulus package. “The Obama administration publicly revealed the SIG program’s colossal failure on [January 18, 2017](#), just [hours before President Obama’s appointees departed](#). According to [the final evaluation](#) ... SIG had ‘no significant impacts’” on student achievement or graduation. “Commenting on the evaluation, Andrew R. Smarick, a former U.S. deputy assistant secretary of education, called SIG ‘[the greatest failure in the history of the U.S. Department of Education](#).’”

Evers and Alger note that other “K-12 programs proposed for elimination in the Trump [budget](#) are similarly ineffective. In 1994, the Clinton administration started the 21st Century Community Learning Centers program... Nearly \$18 billion spent over two decades later, there’s scant evidence of success. ‘[It’s a \\$1.2 billion after-school program that doesn’t work](#),’” according to [Mark Dynarski](#) of the Brookings Institution, a former Clinton administration official and an expert on the program.

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