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DESPITE INCREASED FOCUS ON SEXUAL HARASSMENT, COLLEGES AND UNIVERSITIES SAY TITLE IX IS STILL WORKING

Less Than One-Quarter Consider Making Changes to Their Existing Practices

Washington – July 18, 2018: Forty-six years after Title IX became law on June 23, 1972, college and university general counsels and communications officers are satisfied that their current practices for adjudicating sexual abuse and harassment charges under federal Title IX guidelines are appropriate, according to a survey released today by global communications firm APCO Worldwide.

The survey of general counsels and chief communications officers conducted between May 15th and May 30th by APCO Insight, shows that fewer than a quarter of respondents (23 percent) plan on any changes at all to their current Title IX regimen, and those changes will focus on fine-tuning, rather than any wholesale adjustments.

Further, in ranking sexual abuse and harassment among other risks to institutional reputation, most respondents believe that this risk is at a “medium” level — this despite the number of high-profile cases of harassment over the past several years, as well as a number of successful attempts by students to win significant financial settlements from their colleges and universities following accusations of harassment.

In fact, when specifically asked whether cases of sexual harassment among politicians, entertainers and others exposed by the “Me Too” movement has spurred them to rethink their policies, almost three-fifths of respondents (56 percent) said “not very much” or “not at all,” and another two-fifths (39 percent) said only “somewhat.” However, there is a significant gap between public and private institutions on this issue, with 52 percent of private colleges and universities saying that it has resulted in rethinking their policies versus 33 percent of public institutions.

In addition, 89 percent say that they have no intention of changing the way they communicate about Title IX issues.

“Clearly, colleges and universities believe they’ve got this risk covered, despite the significant recent attention around sexual abuse cases,” said Kelly Stepno, practice lead for APCO’s Washington, D.C. crisis management and litigation communication team and who recently counseled a public university on reputation-threatening issues. “Perhaps part of this feeling is because colleges and universities may have been ahead of the game in building their own
resources and approaches to addressing these issues, because of their own extreme sensitivity to the need to create a safe environment for their students. That said, given the acceleration of this issue through all walks of public life, colleges and universities may want to do the same self-examination that is going on in other sectors.”

Survey respondents also do not give a passing grade to efforts by the current administration to revise guidance on how to handle sexual harassment complaints, ostensibly aimed at encouraging them to use a more rigorous standard of proof and adding protections for those individuals accused.

Almost two-thirds (64 percent) of respondents – covering both public and private institutions – say they do not intend to respond to U.S. Education Secretary Betsy DeVos’ request for input into the promulgation of new guidelines that would replace the guidance provided in 2011. Most officials say they are not planning on making any internal policy changes (77 percent), believing that their existing policies are already working well.

The survey demonstrates a distinct lack of enthusiasm for the Trump administration’s rescinding of guidance currently provided by the “Dear Colleague” letter sent by the Obama administration in April of 2011, which encouraged institutions to weigh complaints under Title IX using a “preponderance of evidence” standard. Almost all the respondents are familiar with the Trump administration’s effort to revise guidance, including 66 percent who are “very familiar” with this effort. But familiarity is not breeding favorability. The reaction to the proposed changes is mostly negative (53 percent), with a substantial number of respondents that are neutral (39 percent). Only 8 percent say they have positive feelings about the changes.

“These institutions went through a very deliberative process to develop policies to meet the Obama administration guidelines,” said Harlan Teller, an APCO executive director who most recently served as a senior communications officer at a major Midwest public university. “Apparently many are satisfied with the policies they’ve developed and see no reason to change.”

Overwhelmingly, school officials believe that current students (83 percent) are the most important stakeholders to consider when communicating how they are handling Title IX complaints. When asked which stakeholders are generally important when communicating about Title IX, students (100 percent) are again ranked first, followed by faculty (77 percent), the school administration (72 percent) and parents (71 percent). Interestingly, alumni, which account for a good deal of college and university fundraising and engagement, were only mentioned as an important stakeholder by one-fifth of respondents (21 percent).

The APCO survey showed that Title IX reporting is a priority for university officials, but it does not overshadow other concerns. A plurality say that it poses a medium risk (45 percent), while 31 percent say it poses a low risk and 24 percent say it poses a high risk. Furthermore, the
majority of respondents say that it poses the same risk when compared to other issues (56 percent). Only 20 percent say it poses greater risk. As a reflection of this relative sanguinity about these risks, more than three-quarters of respondents (78 percent) report they have not seen the need for engaging in outside communications counsel to assist in handling potential fallout.

APCO Worldwide has worked with many of the nation’s leading universities in developing and implementing reputation enhancement programs and managing crises ranging from Title IX investigations to leadership changes to incidents involving student safety. APCO staff includes former university administrators and faculty members, as well as experts in reputation management, research and social media.

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