

# GAO Highlights

Highlights of [GAO-24-107661](#), a testimony before the Subcommittee on Workforce Protections, Committee on Education and the Workforce, House of Representatives

## Why GAO Did This Study

Colleges and universities employ thousands of faculty and staff across the country. These institutions are subject to federal laws prohibiting employment discrimination. However, some faculty and other employees have reported experiencing discrimination.

This testimony is based on relevant aspects of GAO's March 2024 report, entitled *Higher Education: Employment Discrimination Case Referrals between Education and the Equal Employment Opportunity Commission Could Be Improved* ([GAO-24-105516](#)). This testimony addresses the roles of Education's OCR and EEOC and how they process complaints of employment discrimination at higher education institutions.

GAO analyzed Education complaint data from fiscal years 2011–2022, and EEOC complaint data from fiscal years 2011–2021 (each data set was the most recent available). GAO also reviewed relevant federal laws, regulations, and policies, and interviewed agency officials.

## What GAO Recommends

GAO made two recommendations in its March 2024 report. GAO recommended that Education track the timing of employment discrimination complaint referrals to EEOC. Education agreed. GAO also recommended that EEOC develop a protocol to ensure it receives and processes all complaint referrals from Education. EEOC neither agreed nor disagreed, but acknowledged the importance of processing all referrals and is taking action to address this recommendation.

View [GAO-24-107661](#). For more information, contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov).

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## HIGHER EDUCATION

### Opportunities Exist to Improve Federal Oversight of Alleged Employment Discrimination at Colleges and Universities

## What GAO Found

From fiscal years 2011 through 2021, about 20,000 complaints alleging employment discrimination at an institution of higher education were filed by faculty or other employees, according to GAO's analysis of complaint data from the Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC). Allegations of discrimination included complaints based on race, sex, disability, national origin, color, and religion. OCR received 1,944 complaints from fiscal years 2011 through 2022. OCR investigates complaints that meet its criteria, but refers the majority of its employment-related complaints to EEOC for investigation consideration. EEOC investigated 18,559 complaints of employment discrimination against higher education institutions from faculty or other employees from fiscal years 2011 through 2021.

Education and EEOC have processes in place to respond to employment discrimination complaints and coordinate referrals, but GAO found that the referral process was often delayed and sometimes resulted in missing records. In fiscal year 2022, Education processed and referred to EEOC 99 complaints alleging employment discrimination at colleges and universities. GAO found that Education referred the complaints in 71 days on average, although Education policy calls for doing so within 30 days. However, Education does not track the timing of these referrals. Without doing so, Education is missing opportunities to identify and learn from its field offices that are processing timely referrals. Lessons learned could be applied agency-wide to reduce delays. This is important because individuals with delayed complaints may experience adverse effects, such as continued discrimination or less pay.

In fiscal year 2021, EEOC processed 1,342 complaints alleging employment discrimination at colleges or universities based on race, color, religion, sex, national origin, or disability, some of which were referred by Education. However, EEOC does not have a protocol to consistently track and account for the complaint referrals, which can sometimes result in missing referrals. EEOC acknowledged that it could not locate all OCR referrals. For example, one recent referral from OCR was not initially recorded by EEOC until the individual who filed the complaint followed up. Without a protocol to ensure that EEOC receives and processes all Education complaint referrals, some may be missed or resolution may be delayed.