

118TH CONGRESS
2D SESSION

S. 4760

To establish requirements for investigations of certain complaints of
discrimination.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2024

Mr. CASSIDY (for himself, Ms. ERNST, Mrs. CAPITO, and Mr. GRASSLEY) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Health, Education, Labor, and Pensions

A BILL

To establish requirements for investigations of certain
complaints of discrimination.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Civility on
5 Campus Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Antisemitic incidents on college campuses in
9 the United States surged by 700 percent after the
10 October 7, 2023 attack in Israel.

1 (2) Islamophobic incidents in the United States
2 rose by 178 percent after the October 7, 2023 at-
3 tack in Israel.

4 (3) The Antisemitic and Islamophobic incidents
5 on college campuses have received the most public
6 attention in the United States.

7 (4) Antisemitic and Islamophobic incidents on
8 college campuses are often violations of title VI of
9 the Civil Rights Act of 1964 (42 U.S.C. 2000d et
10 seq.) (referred to in this section as “title VI”).

11 (5) The Office for Civil Rights of the Depart-
12 ment of Education has received a surge in com-
13 plaints and investigations involving title VI following
14 October 7, 2023.

15 (6) Based on the history of the Office for Civil
16 Rights handling complaints regarding title IX of the
17 Education Amendments of 1972 (20 U.S.C. 1681 et
18 seq.) (referred to in this section as “title IX”), the
19 Government Accountability Office recognized that
20 the Office for Civil Rights of the Department of
21 Education resolves compliance issues extremely slow-
22 ly and should establish timeliness goals.

23 (7) The Government Accountability Office
24 found that the Office for Civil Rights did not com-
25 municate with some colleges following the finding of

1 a title IX violation and a resolution agreement for
2 5 years or more.

3 (8) It is imperative that the Secretary of Edu-
4 cation direct the Office for Civil Rights to swiftly ad-
5 dress violent incidents of discrimination on college
6 campuses that may be a violation of title VI based
7 on shared ancestry or ethnic characteristics.

8 (9) Compliance monitoring will be necessary to
9 ensure that further title VI violations do not reoccur
10 on college campuses.

11 **SEC. 3. EMERGENCY PRIORITY FOR CAMPUS INVESTIGA-**
12 **TIONS OF DISCRIMINATION ON THE BASIS OF**
13 **SHARED ANCESTRY OR ETHNIC CHARACTER-**
14 **ISTICS.**

15 (a) IN GENERAL.—The Secretary of Education (re-
16 ferred to in this Act as “the Secretary”) shall direct the
17 Office for Civil Rights of the Department of Education
18 (referred to in this Act as “the Office”) to send an investi-
19 gator, in-person, to each covered entity that participates
20 in a program under title IV of the Higher Education Act
21 of 1965 (20 U.S.C. 1070 et seq.) and that was the site
22 of a covered complaint of alleged discrimination, in order
23 to conduct an investigation of, and meet with the president
24 or chancellor of the covered entity regarding, such com-
25 plaint—

1 (1) in the case of a complaint that was sub-
2 mitted before the date of enactment of this Act, not
3 later than 30 days after such date of enactment; and

4 (2) in the case of a complaint that is submitted
5 on or after the date of enactment of this Act, not
6 later than 30 days after the date the complaint is
7 submitted.

8 (b) REPORTS.—Not later than 30 days after the date
9 of enactment of this Act, and every 30 days thereafter
10 until the date specified in subsection (e), the Office shall
11 prepare and make publicly available a report that—

12 (1) describes the number, findings, and deter-
13 minations of covered complaints of alleged discrimi-
14 nation that were investigated in accordance with this
15 Act;

16 (2) lists any similarities between covered com-
17 plaints of alleged discrimination in order to help cov-
18 ered entities identify potential mitigation strategies
19 and to ensure that covered entities can operate safe-
20 ly;

21 (3) indicates if any criminal charges were filed
22 or filed and dropped in association with the covered
23 complaint of alleged discrimination;

1 (4) indicates if any criminal convictions resulted
2 from criminal charges filed in association with such
3 covered complaint;

4 (5) indicates if the covered entity pursued any
5 institutional disciplinary procedures in association
6 with such covered complaint, and the outcome of any
7 such procedures;

8 (6) indicates if the covered complaint involved
9 any alleged violations of the time, place, and manner
10 policy held by the covered entity; and

11 (7) indicates if the covered complaint involved
12 any alleged retaliation by the covered entity or the
13 complainant.

14 (c) UPDATES FOR COMPLAINANT AND COVERED EN-
15 TITY.—

16 (1) IN GENERAL.—The Office shall provide an
17 update, upon request of a complainant or covered
18 entity and not less than every 30 days, regarding
19 whether the status of the covered complaint is in in-
20 take, under investigation, in negotiation, or in reso-
21 lution.

22 (2) CONTINUATION.—Before the date described
23 in subsection (f), the Secretary shall evaluate the ef-
24 ficacy of the provision of updates provided under

1 paragraph (1) and consider extending such updates
2 to all complaints received by the Office.

3 (d) COVERED COMPLAINT.—For purposes of this sec-
4 tion, the term “covered complaint” means a complaint—

5 (1) alleging discrimination in violation of title
6 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d
7 et seq.) on the basis of shared ancestry or ethnic
8 characteristics;

9 (2) that is based on actions that occurred on or
10 after October 7, 2023 and before the date that is 2
11 years after the date of enactment of this Act;

12 (3) was filed not later than 180 days after the
13 date of the incident on which the covered complaint
14 is based; and

15 (4) was not dismissed based on the policies and
16 procedures of the Office of Civil Rights case proc-
17 essing manual, as in effect on the date of enactment
18 of this Act.

19 (e) COVERED ENTITY.—In this section the term
20 “covered entity” means an entity described in section
21 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–
22 4a(2)).

23 (f) SUNSET.—The requirements under this section
24 shall cease to have force or effect on the date that is 2
25 years after the date of enactment of this Act.

1 **SEC. 4. REQUIREMENTS FOR THE OFFICE FOR CIVIL**
2 **RIGHTS.**

3 Beginning not later than 10 days after the date of
4 enactment of this Act, the Secretary shall require staff
5 of the Office to report to the Office in-person, except for
6 the purpose of conducting in-person investigations.

7 **SEC. 5. CLERY ACT COMPLIANCE AND ADDITIONAL FINES.**

8 (a) AUDIT.—

9 (1) IN GENERAL.—The Secretary of Education
10 shall begin an audit to evaluate compliance with
11 paragraph (1)(F)(ii) of section 485(f) of the Higher
12 Education Act of 1965 (20 U.S.C. 1092(f)) (known
13 as the “Jeanne Clery Disclosure of Campus Security
14 Policy and Campus Crime Statistics Act”), and spe-
15 cifically to ensure that each covered institution of
16 higher education has properly disclosed the category
17 of prejudice associated with each applicable criminal
18 offense in accordance with such paragraph (1)(F)(ii)
19 for the covered time period.

20 (2) TEMPORARY INCREASE IN FINES.—The
21 Secretary of Education shall impose a fine in the
22 amount of \$1,000,000 for an institution of higher
23 education for each instance of noncompliance found
24 through the audit described in paragraph (1) after
25 a covered institution has been provided with the cov-
26 ered institution’s due process rights under section

1 487(b) of the Higher Education Act of 1965 (20
2 U.S.C.1094(b)).

3 (b) DEFINITIONS.—In this section:

4 (1) COVERED INSTITUTION.—The term “cov-
5 ered institution” means an institution of higher edu-
6 cation—

7 (A) that participates in title IV of the
8 Higher Education Act of 1965 (20 U.S.C. 1070
9 et seq.); and

10 (B) with respect to which there is a pend-
11 ing complaint with the Office for Civil Rights of
12 the Department of Education alleging discrimi-
13 nation in violation of title VI of the Civil Rights
14 Act of 1964 (42 U.S.C. 2000d et seq.) on the
15 basis of shared ancestry or ethnic characteris-
16 tics.

17 (2) COVERED TIME PERIOD.—The term “cov-
18 ered time period” means on or after October 7,
19 2023 and before the date that is 2 years after the
20 date of enactment of this Act.

21 **SEC. 6. DISCIPLINARY PROCEDURE REPORTING REQUIRE-**
22 **MENT.**

23 Section 487(a)(26) of the Higher Education Act of
24 1965 (20 U.S.C. 1094(a)(26)) is amended by inserting
25 “or an offense in connection with an alleged violation of

- 1 title VI of the Civil Rights Act of 1964’ after “nonforcible
- 2 sex offense”.

