



National Coalition For Men (NCFM)

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15 August, 2018

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To Whomever It May Concern,

Please accept this Title IX complaint against Northeastern University.

We are submitting this complaint to the Boston Regional Office and the Washington Headquarters Office, whichever has original jurisdiction over the matter.

Please acknowledge by email receipt of this submission.

Respectfully,

Harry Crouch
President

10 pages including cover letter.

cc: Assistant Secretary, Kenneth Marcus

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ocr.ed@gov

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SUMMARY

Northeastern University is in violation of Title IX because it offers resources, funding, fellowships, and scholarships that are available to women only, even though men are a minority both nationwide [42%]¹ and at Northeastern University [49%].² The exclusionary programs are listed below. Women are the overrepresented sex in general nationwide; they are also the majority of law students³ and medical students.⁴ New civil rights data published by the Department of Education makes it clear that concerns over the underrepresentation of women in STEM education are outdated.⁵ 77% of all teachers in the public education system are women, and the numbers are increasing.⁶ Girls have higher grades than boys in all categories.⁷

Men are beginning to face significant problems in the workplace due to this disparity in terms of college degree attainment. Women who apply to STEM degrees are far more likely to be hired than men.⁸ A recent study found out that women are 36% more likely than men to receive a job offer.⁹ Men work in more dangerous jobs and they are more likely to suffer permanent or grievous harm.¹⁰ The gender pay gap myth ignores many variables.¹¹ Even if the gender gap were true, the fact remains that women control more wealth than men (60% of all personal wealth) and that women spend more money than men (85% of all customer purchases).¹²

¹https://nces.ed.gov/programs/digest/d16/tables/dt16_322.20.asp>>

²<https://www.northeastern.edu/admissions/student-life/diversity-at-northeastern/>

³<https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>

⁴https://www.washingtonpost.com/local/social-issues/women-are-now-a-majority-of-entering-medical-students-nationwide/2018/01/22/b2eb00e8-f22e-11e7-b3bf-ab90a706e175_story.html?utm_term=.3873f1eff392

⁵<https://www.ed.gov/news/press-releases/us-department-education-releases-2015-16-civil-rights-data-collection>

⁶<https://nces.ed.gov/pubs2017/2017072.pdf>

⁷<http://www.apa.org/news/press/releases/2014/04/girls-grades.aspx>

⁸<http://www.pnas.org/content/early/2015/04/08/1418878112>

⁹<http://insight.moveameon.com/insight-analysis/gender/women-more-likely-to-get-hired-than-men>

¹⁰FORBES article:

<https://www.forbes.com/sites/timworstall/2016/12/21/heres-your-gender-pay-gap-fatal-occupational-injuries/#3c5143d36c3e>>>

¹¹Wall Street Journal article:

<https://www.wsj.com/articles/the-wage-gap-myth-that-wont-die-1443654408>

¹²<https://girlpowermarketing.com/statistics-purchasing-power-women/>

LEGAL THEORY

The Supreme Court prohibits gender discrimination against men.¹³ The Second Circuit of Appeals has clarified that discrimination against men is unconstitutional even in the absence of malicious intent and even for a short period of time.¹⁴ The Sixth Circuit of Appeals has clarified that unlawful anti-male bias can be inferred when the overwhelming majority of the impacted parties are male.¹⁵

The plain language of Title IX, predicated in 34 CFR §106, prohibits any institution from funding/sponsoring discriminatory scholarships, programs, fellowships and initiatives.¹⁶ Title IX prohibits recipients from listing, soliciting, approving, sponsoring discriminatory scholarships even if they are entirely external to the University.¹⁷ Title IX prohibits discrimination in terms of counselling.¹⁸ Title IX prohibits discrimination in terms of health benefits.¹⁹ Title IX prohibits any kind of *preference* for admission in any educational entity, or its substituent chapters.²⁰ In determining whether discrimination occurs, Title IX requires an assessment of the *overall effect*.²¹

There are Title IX precedents for this complaint. For example, Michigan State University in 2016 converted a women-only study space in the Michigan Union to a study lounge that is now available to students of all genders, following a Title IX and civil rights complaint.²² Texas A&M

¹³ *Craig v. Boren* (1976). *Sessions v. Morales-Santana* (2017).

¹⁴ "A defendant is not excused from liability for discrimination because the discriminatory motivation does not result from a discriminatory heart, but rather from a desire to avoid practical disadvantages that might result from unbiased action. A covered university that adopts, even temporarily, a policy of bias favoring one sex over the other in a disciplinary dispute, doing so in order to avoid liability or bad publicity, has practiced sex discrimination, notwithstanding that the motive for the discrimination did not come from ingrained or permanent bias against that particular sex" (*Doe v. Columbia University*, p. 26, footnote 11).

¹⁵ "The statistical evidence that ostensibly shows a pattern of gender-based decision-making and external pressure on Miami University supports at the motion-to-dismiss stage a reasonable inference of gender discrimination ... nearly ninety percent of students found responsible for sexual misconduct between 2011 and 2014 have male first-names" (*Doe v. Miami University*, p. 15).

¹⁶ Such is the overall intent of CFR § 106.

¹⁷ CFR § 106.37.

¹⁸ CFR § 106.36.

¹⁹ CFR § 106.39.

²⁰ CFR § 106.22.

²¹ CFR § 106.37.

²² https://www.washingtonpost.com/news/wonk/wp/2016/07/28/a-male-professor-says-this-women-only-study-lounge-is-sexist-and-illegal/?utm_term=.e559327d8b60

University was subject to a Title IX complaint because it eliminated its last male-only dorm while preserving multiple female-only dorms.²³ The press has reported that the Department of Education is investigating Yale University,²⁴ and the University of Southern California,²⁵ for Title IX violations in similar issues. The Oregon Department of Education has ordered the South Eugene High School to replace the title “Axemen” with “Axe” in order to promote inclusivity.²⁶ In a previous Title IX precedent, the University of Southern California agreed to change the name of the Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services*. The gender-neutral title had a substantial, positive effect on male participation in the Center.²⁷

This complaint alleges disparate treatment, not disparate impact. On information and belief, we allege that each instance of discrimination is supported by an inference of disparate treatment. Nowhere in this complaint do we infer discrimination based on disproportionate enrolment alone. The fact that these scholarships and programs are endorsed as “Women’s” is sufficient, in and of itself, to infer disparate treatment. Such endorsement has a clearly dissuasive/discriminatory effect on males. As per OCR policy, hostile environment can occur even in the absence of intent to harm or even if the hostility is not directed at a particular target. Nor does hostile environment require sexual intent: gender animus or hostility based on sexual stereotypes is sufficient to trigger Title IX liability (*Dear Colleague Letter*, 2010, p. 8).

This complaint seeks to eliminate gender discrimination against men without jeopardizing the civil rights of women. When injunctive relief is granted, the female majority will still be able to compete with the male minority on equal footing. The complaint is timely because all programs listed below involve ongoing and systematic gender discrimination.

²³ <https://www.thecollegefix.com/post/31646/>

²⁴ <https://www.campusreform.org/?ID=10899>

²⁵ <https://www.campusreform.org/?ID=10931>

²⁶ http://www.oregonlive.com/education/index.ssf/2018/02/eugene_officials_chop_south_eu.html

²⁷ San Francisco Regional Office, Docket #09-16-2128.

LIST OF DISCRIMINATORY PROGRAMS

This list includes some discriminatory programs and scholarships, external or internal, active as of June 2018. The list is neither exhaustive nor final. OCR should request information regarding all women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Northeastern University.²⁸ Title IX also prohibits discrimination in programs which are externally funded if these programs use campus space and/or receive any other form of institutional endorsement.

1. **Northeastern University** violates Title IX by expressing an unlawful preference for women in its employment/hiring practices. This is because Northeastern is “an ADVANCE institution and particularly encourages applications from minorities, women and persons with disabilities.”²⁹ In addition, Northeastern University’s affirmative action program states the following: “Northeastern University will make strong, positive efforts to recruit, employ and promote qualified members of minority groups and *women*.”^{30,31} Yet another link states that “Northeastern University particularly welcomes applications from minorities, women and persons with disabilities.”³² Any preference on the basis of sex in admissions/recruitment violates Title IX.
2. Northeastern University violates Title IX by receiving and distributing financial aid via **ALIGN**, a program which specifically discriminates against men: ALIGN “will pay for the first semester of study for women and underrepresented minority students—a critical step toward ensuring degree completion.”^{33,34}

²⁸ “The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations” (*Case Processing Manual*, p. 20). OCR must use its discretion in a manner which maximizes its opposition to civil rights violations against men. If OCR chooses to narrow the scope of its discretion, OCR must state the reasons behind the decision. Please note that OCR is already using its discretion to launch compliance reviews against alleged anti-female discrimination (for example, #15-18-2049).

²⁹ <<<http://www.cardiopt.org/ad-northeastern-faculty-position.php>>> While this posting is for the Department of Physical Therapy specifically, the context makes it clear that the unlawful preference extends to all job postings at Northeastern University.

³⁰ https://repository.library.northeastern.edu/downloads/neu:m040rn118?datastream_id=content

³¹ The disclaimer is irrational because women are not a minority at Northeastern University.

³² <https://chroniclevitae.com/jobs/0000437785-01>

³³ <https://news.northeastern.edu/2018/03/12/northeastern-university-receives-funding-to-aid-in-closing-diversity-gap-in-tech/>

³⁴ This complaint does not allege racial discrimination.

3. Northeastern University violates Title IX by funding a **Women’s, Gender, and Sexuality Studies**,³⁵ which has an overall hostile effect against male participants. The name is discriminatory (invokes women, but not men). Their mission statement mentions “women” and “feminism,”³⁶ but not men (nor any gender-specific issue relevant to men). “Feminism” is defined as “organized activity on behalf of women’s rights and interests.”³⁷ All core faculty members are women.³⁸ All members of the executive committee are women (23/23).³⁹ Men have been practically non-existent among past visiting scholars [2/110+].⁴⁰ Their agenda is preoccupied with women’s issues only, which creates a hostile/dissuasive effect against male participants.⁴¹ In addition, such ideological preferences have a chilling effect upon the First Amendment rights of prospective applicants/scholars, i.e. a professor who would like to focus on gender-specific issues unique to men would be dissuaded from applying. Last but not least, there is no Men’s Studies at Northeastern University.

- a. All “political links” listed on their website mention women and LGBT groups, but not men.⁴² All “academic and professional sources” listed on their website mention women and LGBT groups, but not men.^{43,44}
- b. External programs endorsed by the program express an explicit preference for women, augmenting the *overall effect* of discrimination.⁴⁵
- c. The current Chair, Suzanna Danuta Walters, has recently published an article in the Washington Post [“Why Can’t We Hate Men?”] in which she sought to justify systematic and universal hatred against men.⁴⁶ The article received more than 3000 comments from the public, the overwhelming majority of which

³⁵ <https://www.northeastern.edu/cssh/wgss/>

³⁶ <https://www.northeastern.edu/cssh/wgss/about/mission-statement/>

³⁷ <https://www.merriam-webster.com/dictionary/feminism>

³⁸ <https://www.northeastern.edu/cssh/wgss/people/our-faculty-and-staff/>

³⁹ <https://www.northeastern.edu/cssh/wgss/people/executive-committee/>

⁴⁰ <https://www.northeastern.edu/cssh/wgss/past-visiting-scholars/>

⁴¹ <https://www.sas.upenn.edu/gsws/events/gsws-apc>

⁴² <https://www.northeastern.edu/cssh/wgss/resources/political-links/>

⁴³ <https://cssh.northeastern.edu/wgss/graduate/academic-and-professional-resources/>

⁴⁴ Please note that this complaint alleges discrimination on the basis of sex only (i.e. against men), not discrimination on the basis of sexual orientation.

⁴⁵ <https://www.northeastern.edu/cssh/wgss/position/>

⁴⁶ https://www.washingtonpost.com/opinions/why-cant-we-hate-men/2018/06/08/f1a3a8e0-6451-11e8-a69c-b944de66d9e7_story.html?utm_term=.fc00957df8be

condemned the hate speech in question. The article offers circumstantial evidence that the current ideology/composition of the program creates an overall hostile effect against male participants. However, this complaint does not request disciplinary action against the Chair.

4. **The Northeastern University Women's Leadership Network** discriminates against men.⁴⁷ The name is discriminatory, the overall effect is discriminatory, and all members are women.⁴⁸ There is no equivalent program for men.
5. **Northeastern University Women in Technology** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all officers are women.⁴⁹ There is no equivalent program for men.
6. **Women Who Empower Conference** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵⁰ There is no equivalent program for men.
7. **Society of Women Engineers (Northeastern chapter)** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵¹ The chapter uses campus space and has an office on campus.⁵² In addition, they distribute female-only scholarships, such as the **Women Forward in Technology Scholarship**.⁵³ There is no equivalent program for men.
8. **Strong Women, Strong Girls (Northeastern chapter)** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵⁴ There is no equivalent program for boys.
9. **Women of Colour in the Academy** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵⁵ The discrimination is ongoing because the conference is hosted annually. Please note that we allege sex-based discrimination only (Title IX, not Title VI). As such, injunctive relief may consist of transforming the conference into *People of Color in the Academy*. There is no equivalent conference for men.

⁴⁷ <http://www.northeastern.edu/nuwln/>

⁴⁸ <http://www.northeastern.edu/nuwln/about-nuwln/>

⁴⁹ <https://nuwit.ccs.neu.edu/officers/>

⁵⁰ <https://advancement.northeastern.edu/womenwhoempower/>

⁵¹ <https://www.northeastern.edu/swe/>

⁵² <https://www.northeastern.edu/swe/about/become-a-member/>

⁵³ <http://www.coe.neu.edu/blog/women-forward-technology-scholarship>

⁵⁴ <https://web.northeastern.edu/woc/>

⁵⁵ <https://swsg.org/swsg-northeastern-university-chapters-women-in-business-field-trip/>

- 10. Women in the Law (Northeastern)** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵⁶ The language is discriminatory: “by women, for women.” There is no equivalent conference for men.
- 11. Northeastern University Women MBA** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁵⁷ The language is discriminatory: “NUWMBA will empower *women*.” There is no equivalent program for men.
- 12. Northeastern University Women in Finance** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women. The language is clearly exclusionary: “The Women in Finance initiative is an effort to better educate, empower, support and mentor *our female students* exploring careers in finance.”⁵⁸ There is no equivalent initiative for men.
- 13. Northeastern University American Medical Women’s Association** violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.^{59,60} On information and belief, AMWA uses campus space and receives endorsement from the University. Northeastern University does not endorse a similar association that is male-only.
- 14. Women’s Leadership Seminars** violate Title IX. They specifically exclude men: “it is essential that participants are women who have already completed their first year of college.”⁶¹ No such seminars exist for young men.
- 15. Her Campus: Northeastern** violates Title IX by specifically excluding men from employment: “a website founded in 2009 that is written entirely by college women, for college women.”⁶² All employees of the journal are women.⁶³ The organization has an office on Northeastern campus: International Village 022.⁶⁴ This qualifies as “significant assistance.” No such website exists for men.

⁵⁶ <https://www.northeastern.edu/law/alumni/news/women-law/>

⁵⁷ http://neu.orgsync.com/show_profile/28146-northeastern-university-women-in-mba

⁵⁸ <https://web.northeastern.edu/womeninfinance/sample-page/>

⁵⁹ http://neu.orgsync.com/show_profile/148594-northeastern-university-american-medical-womens-association

⁶⁰ All board members of the umbrella organization, AMWA, are women: <https://www.amwa-doc.org/about-amwa/leadership/>

⁶¹ <http://www.northeastern.edu/csi/leadership/#womensleadership>

⁶² http://neu.orgsync.com/show_profile/46388-her-campus-northeastern

⁶³ <https://www.hercampus.com/about-us>

⁶⁴ <https://orgsync.com/46388/chapter>

16. Northeastern Science Club for Girls violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁶⁵ The language is discriminatory: “Our mission is to increase the self-confidence and science literacy of K-12th grade *girls*.” No such initiative exists for boys.

17. Graduate Women in Science and Engineering violates Title IX. The name is discriminatory, the overall effect is discriminatory, and all participants are women.⁶⁶ “GWISE strives to provide *women* with the support and resources necessary to be successful, as well as to create a sense of community.” No such program exists for men.

⁶⁵ https://neu.orgsync.com/show_profile/29001-northeastern-university-science-club-for-girls

⁶⁶ <https://orgsync.com/49917/chapter>

INJUNCTIVE RELIEF

In some circumstances, anti-male programs can attempt to cloak their invidious intent by posting hollow anti-discrimination disclaimers. Such rhetoric is diversionary and meaningless. In addition, the very name of an institution (i.e. *Women's*) can support an inference of discrimination.⁶⁷ This is because a reasonable male person would not seek to participate in such an organization and/or apply for such a scholarship; the name thus creates a hostile overall effect.

This complaint requests the following injunctive relief, in any combination thereof:

- The abolition of all female-only programs (and all programs that provide special preferences to females) within a reasonable period of time.
- The conversion of all discriminatory programs into gender-neutral programs within a reasonable period of time. If such conversion occurs, the names of the programs must be changed into gender-neutral titles, and the programs must begin to actively recruit male students. There is OCR precedent for such conversion.⁶⁸
- The creation of male-specific or male-focused programs and/or scholarships and/or research centres to offset the balance, whenever proper.
- Any other form of injunctive relief, whenever proper (such as a future ban on all such programs).

⁶⁷ OCR routinely opens investigations against institutions which post such disclaimers.

⁶⁸ In a previous OCR precedent, the University of Southern California agreed to change the name of the Center for Women and Men (implying a hierarchy of victimhood) into *Relationship and Sexual Violence Prevention Services* (#09-16-2128). The name change had a substantial, positive effect on male participation in the Center.

ADDENDUM
(LIST OF DISCRIMINATORY PROGRAMS)

The list is neither exhaustive nor final. OCR should request information regarding all women-only spaces, scholarships, fellowships, initiatives, departments, programs, lectureships, committees, groups, and events that are currently active at Northeastern University.⁶⁹

1. Northeastern University (*employment preferences, systemic*)
2. ALIGN financial aid program
3. Northeastern Women, Gender's, and Sexuality Studies
4. Northeastern Women's Leadership Network
5. Northeastern Women in Technology
6. Women Who Empower Women Conference
7. Society of Women Engineers (Northeastern chapter)
8. Strong Women, Strong Girls (Northeastern chapter)
9. Women of Colour in the Academy
10. Women in the Law
11. Northeastern University Women MBA
12. Northeastern University Women in Finance
13. Northeastern University American Medical Women's Association
14. Women's Leadership Seminars
15. Her Campus: Northeastern
16. Northeastern Science Club for Girls
17. Graduate Women in Science and Engineering

⁶⁹ "The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations" (*Case Processing Manual*, p. 20). OCR is already using such discretion to open compliance reviews against alleged anti-female discrimination (for example, #15-18-2049).