



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

October 11, 2019

Harry Crouch
President
National Coalition For Men (NCFM)
932 C St., Suite B
San Diego, CA 92101

Re: OCR Complaint No. 11-19-2003
Notification/Partial Dismissal Letter

Dear Mr. Crouch:

On October 4, 2018, the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against Georgetown University (the University), which you filed on behalf of the National Coalition For Men. You allege that the University discriminates against men on the basis of their sex.

Specifically, the complaint alleges that:

1. The University expresses an unlawful preference for women in its employment and hiring practices;
2. The University endorses several external “outreach” organizations that are exclusionary on the basis of sex;
3. The University offers opportunities and academic programs specifically to women; and
4. The University offers the following opportunities, initiatives, and award programs to women that are not available to men:
 - a. Georgetown Women in Science;
 - b. Women’s Legal Alliance;
 - c. Women’s Foreign Policy Group’s Mentoring Program; and
 - d. Several awards presented by the University’s Women in Medicine.¹

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

¹ The John Eisenberg Career Development Award, School for Nursing & Health Studies Mentorship Award, and the Karen Gale Outstanding Achievement Award.

Because OCR determined that it has jurisdiction and that the allegations were timely filed, OCR is opening the following allegations for investigation: Allegation 1; the portion of Allegation 3 pertaining to Georgetown Women's Center, Georgetown Women's Alliance, Georgetown University Women in Medicine, Women's Forum at Georgetown University, Georgetown Women of Color, Women Who Code, and Women in Technology; and, Allegation 4. Based on the complaint, OCR will investigate whether the University expresses an unlawful preference for women in its employment and hiring practices, with respect to Allegation 1; and/or violated Title IX in connection with any of the opportunities, programs, or initiatives identified above with respect to Allegations 3 and 4.

Please note that opening an investigation in no way implies that OCR has made a determination on the merits of the allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.html>. Also, in accordance with the *Case Processing Manual*, a copy of the complaint will be provided to the University. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

After carefully reviewing the information you provided, OCR determined that we will not investigate Allegation 2 and the remaining portion of Allegation 3 discussed below.

Allegation 2

OCR has determined that certain organizations identified in your complaint are private or non-profit institutions that are not programs of the University, and that you have not provided information suggesting that the University renders significant assistance to those institutions, pursuant to 34 C.F.R. §106.31(b)(6), as follows:

- Asian Women in Business
- American Business Women's Association
- Financial Women's Association
- Organization of Women in International Trade
- American Association of Women Dentists

You assert that the University's association with these organizations counts as "significant endorsement" because the University forms financial and reputational ties with them by delegating recruitment practices to their counsel." However, you provided no information to indicate that these organizations are a part of or receive significant assistance from the University. The organizations' websites state that they are independent with chapters around the country, and you provided no information to suggest that the University provides resources, support, or facilities to these organizations.

Further, the following organizations were listed as resources on the University's website:

- National Women's Studies Association
- Society of Women Engineers
- Association for Women in Computing
- Accounting and Financial Women's Alliance

The University lists the National Women's Studies Association as a resource on its webpage for the University's Women's and Gender Studies Program, which is an academic program. The remaining three organizations are listed on the University's career services webpage under the category of "Professional Associations", "Jobs and Internships", or "Industry Guides". However, with respect to all four organizations, there is no information suggesting any connection with the University. You provided no information to suggest that the University provides any approval or support of the organizations beyond listing them. OCR finds that listing these organizations among many others on its website does not constitute significant assistance for purposes of 34 C.F.R. § 106.31(b)(6).

Therefore, OCR is dismissing Allegation 2 under Section 108(c) of OCR's *Case Processing Manual* because, based on all of the facts and information you provided, OCR cannot reasonably conclude that the University violated Title IX.

Allegation 3

OCR has determined that certain opportunities, organizations, and programs (collectively referred to as "programs") identified as discriminatory in your complaint do not exclude men. You provided website addresses for each program that you allege to be discriminatory. You also provided additional information and arguments about each program. OCR reviewed this information and found no information to suggest that the below-referenced programs exclude or otherwise discriminate against men. In fact, some of the programs specifically invite members of both sexes to participate. Specifically, OCR has made this determination as to the following:

- The Cawley Career Center
- Georgetown Graduate Women in Business

In addition, consistent with the Department of Education Organization Act, Public Law 96-88 at Section 103(b), and pursuant to 34 C.F.R. § 106.42, OCR will not investigate complaint allegations that would require OCR to assess the appropriateness of pedagogical techniques and decisions, such as the proper curriculum of an academic department or program at a university. Because your allegation questions the appropriateness of certain programs' curricula, OCR will not investigate the following:

- The Georgetown Institute for Women, Peace, and Security
- The International Council on Women's Business Leadership
- Georgetown Women's Leadership Institute

- Women's Law and Public Policy Fellowship Program
- Women's Rights International Clinic

Finally, you also identified the University's Women's and Gender Studies Program (the Program) as being discriminatory towards men. The Program is an academic department at the University with male and female students and faculty members. In addition, as stated above, consistent with the Department of Education Organization Act, Public Law 96-88 at Section 103(b), and pursuant to 34 C.F.R. § 106.42, OCR will not investigate complaint allegations that would require OCR to assess the appropriateness of pedagogical techniques and decisions, such as the proper curriculum of an academic department or program at a university. Because your allegation questions the appropriateness of the Program's curriculum, OCR has determined that it is not appropriate for investigation.

Based on the information you provided regarding the programs just discussed above, OCR cannot reasonably conclude that the University has violated Title IX. Therefore, with the exception of the programs previously specified on Page 2, OCR is dismissing Allegation 3 under Section 108(c) of OCR's *Case Processing Manual*.

Conclusion

For the reasons explained above, OCR is dismissing Allegation 2, and portions of Allegation 3 previously identified, as of the date of this letter and will take no further action on these allegations. You have a right to appeal OCR's dismissal of these allegations within 60 calendar days of the date of this letter. You must submit an online appeal form (<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/ocrAppealsForm.cfm>) or a written statement of no more than ten (10) pages (double-spaced, if typed) by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; by email to OCR@ed.gov; or by fax to 202-453-6012. The filing date of an appeal is the date that the appeal is submitted online, postmarked, submitted by email, or submitted by fax. In the appeal, you must explain why you believe the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would change OCR's decision; failure to do so may result in dismissal of the appeal.

However, as noted above, we are opening an investigation of Allegation 1, portions of Allegation 3, and Allegation 4.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law

enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Betsy Trice, the OCR attorney assigned to this complaint, at Betsy.Trice@ed.gov or 202-453-5931.

Sincerely,



Letisha Morgan-Cosic
Team Leader, Team II
District of Columbia Office
Office for Civil Rights