



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

January 13, 2020

Harry Crouch
President
National Coalition For Men (NCFM)
By email: president@ncfm.org

Re: Complaint No. 01-18-2197
Northeastern University

Dear Harry Crouch:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its evaluation of the above-referenced complaint you filed against Northeastern University (University). You allege that the University discriminates against men on the basis of sex in the following manner:

1. The University “violates Title IX by expressing an unlawful preference for women in its employment/hiring practices,” because the University encourages and welcomes applications from “minorities, women and persons with disabilities,” and the University publishes an affirmative action statement (Allegation 1).
2. The University “violates Title IX by receiving and distributing financial aid via [the] ALIGN (sic)” Master of Science in Computer Science Program, which you allege “specifically discriminates against men” (Allegation 2).
3. The University “violates Title IX by funding a Women’s, Gender, and Sexuality Studies [Program], which has an overall hostile effect against male participants” and “a chilling effect on the First Amendment rights of prospective applicants/scholars.” (Allegation 3).
4. The University’s “Northeastern University Women’s Leadership Network” student organization discriminates against men (Allegation 4).
5. The University’s “Northeastern University Women in Technology” student organization discriminates against men (Allegation 5).
6. The University’s “Women Who Empower” initiative violates Title IX (Allegation 6).
7. The University’s “Society of Women Engineers” student organization violates Title IX (Allegation 7(a)), and this student group distributes female-only scholarships (Allegation 7(b)), including “Women Forward in Technology Scholarship” (Allegation 7(c)).

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

8. The University’s “Strong Women, Strong Girls” student organization violates Title IX (Allegation 8).
9. The University’s “Women of Colour in the Academy” conference violates Title IX (Allegation 9).¹
10. The University’s “Women in the Law” conference violates Title IX (Allegation 10).
11. The University’s “Northeastern University Women MBA” student organization violates Title IX (Allegation 11).
12. The University’s “Northeastern University Women in Finance” initiative violates Title IX (Allegation 12).
13. The University’s “Northeastern University American Medical Women’s Association” student organization violates Title IX (Allegation 13).
14. The University’s “Women’s Leadership” LEAD 360 seminar violates Title IX (Allegation 14).
15. The University’s “Her Campus: Northeastern” student organization and online magazine violates Title IX (Allegation 15).
16. The University’s “Northeastern Science Club for Girls” student organization violates Title IX (Allegation 16).
17. The University’s “Graduate Women in Science and Engineering” student organization violates Title IX (Allegation 17).
18. The University’s “Women in Business” student organization violates Title IX (Allegation 18).²

OCR is opening for investigation Allegations 1, 5, 6, 7(b), 8, and 10 - 15, and dismissing the remaining allegations. Below is an explanation of OCR’s decision.

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.

Because OCR determined that it has jurisdiction and that Allegations 1, 5, 6, 7(b), 8, and 10 - 15 were timely filed, OCR is opening the following legal issues for investigation:

¹ You explained in your complaint that, with respect to this Allegation 9, you were “alleg[ing] sex-based discrimination only (Title IX, not Title VI).” OCR only considered this allegation under Title IX.

² You raised this allegation in your October 23, 2018 e-mail to OCR.

1. Whether the University discriminates against men on the basis of sex, by listing an affirmative action policy that states that the University “will make strong, positive efforts to recruit, employ and promote qualified members of minority groups and women,” in violation of 34 C.F.R. § 106.51.
2. Whether the University discriminates against male students, on the basis of sex, by listing on its website the national Society of Women Engineers’ scholarships which are only available to female students, in violation of 34 C.F.R. § 106.37(a)(2).
3. Whether the University discriminates against men, on the basis of sex, by offering the following education programs or activities, which are only available to women, in violation of 34 C.F.R. § 106.31:
 - a. “Northeastern University Women in Technology;”
 - b. “Women Who Empower;”
 - c. “Strong Women, Strong Girls;”
 - d. “Women in the Law conference;”
 - e. “Northeastern University Women MBA;”
 - f. “Northeastern University Women in Finance;”
 - g. “Northeastern University American Medical Women’s Association;”
 - h. “The Women’s Leadership LEAD 360 seminar;” and
 - i. “Her Campus: Northeastern.”³

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. 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 complaint in accordance with the provisions of the *Case Processing Manual* (CPM), available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Please also note that you may have a right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR’s complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. In particular, please note the section on Facilitated Resolution Between the Parties (FRBP). Under this voluntary, informal approach, similar to mediation, OCR helps facilitate settlement discussions between you and the University. If you believe FRBP can be useful in this case, please contact OCR as soon as possible.

After carefully reviewing the information you provided, OCR determined that we will not investigate the remaining allegations in your complaint.

³ OCR notes that access to the online magazine published by “Her Campus: Northeastern” is not limited to female students; however, participation in the student organization by the same name that publishes the online magazine at the University may be limited to female students.

Allegation 2 – Align Masters in Computer Science Program

OCR is dismissing Allegation 2 under Section 108(n) of OCR’s CPM because on October 23, 2018, you notified OCR by email that you wished to withdraw this Allegation 2. Therefore, OCR is dismissing Allegation 2 as of the date of this letter.

Allegation 3 – Women’s, Gender, and Sexuality Studies Program

OCR is dismissing Allegation 3 under Section 108(a) of OCR’s CPM and pursuant to 34 C.F.R. § 106.42. You alleged that the University “violates Title IX by funding a Women’s, Gender, and Sexuality Studies [Program], which has an overall hostile effect against male participants.” You stated that you believe that the University’s Women’s, Gender, and Sexuality Studies Program created a hostile environment because its name refers to women; its mission statement mentions women and feminism; faculty and staff members are overwhelmingly women; its “agenda is preoccupied with women’s issues only;” there is no men’s studies program at the University; the links on its website overwhelmingly mention women and LGBT groups or prefer women; and the current chair published an opinion piece in the *Washington Post* regarding her views. You also state that you believe that the University’s Women’s, Gender, and Sexuality Studies Program expresses “ideological preferences [that] have a chilling effect upon the First Amendment rights of prospective applicants/scholars.” OCR determined that the University’s Women’s, Gender, and Sexuality Studies program is an academic program that is open to all students regardless of sex. 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 at a university. Because Allegation 3 questions the appropriateness of the academic program’s curriculum, OCR has determined that it is not appropriate for investigation. Therefore, OCR is dismissing Allegation 3 as of the date of this letter.

Allegations 4 7(a), 7(c), 9, 16-18 – Student Organizations, Initiatives, and Conferences

OCR is dismissing Allegations 4, 16, and 18 under Section 108(d) of OCR’s CPM because OCR has determined that these allegations are untimely. As explained in Section 106 of OCR’s CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the act of alleged discrimination. You alleged that the following student organizations violated Title IX because they are only available to women: (i) “Northeastern University Women’s Leadership Network” (Allegation 4); (ii) “Northeastern Science Club for Girls” (Allegation 16); and (iii) “Women in Business” (Allegation 18). OCR determined based on facts/information you provided and publicly available information about these student organizations that these organizations are not active student organizations at the University and were not active student organizations within 180 days of the time that you filed your OCR complaint.⁴ Therefore, OCR is dismissing Allegations 4, 16, and 18 as of the date of this letter.

⁴ Concerning Allegation 4, the University’s list of student groups does not include the Northeastern University Women’s Leadership Network as an active student organization and you acknowledged that the organization has had no activity on its website since 2016. Concerning Allegation 16, OCR notes that the University’s list of student groups states that the Northeastern Science Club for Girls has not been an active since December 2017, and that in response to an inquiry from OCR, you noted that the organization “appears to be inactive after 2012.” Concerning

OCR is dismissing Allegations 7(a), 9, and 17 under Section 108(b) of OCR’s *Case Processing Manual* because you did not provide enough information to raise these allegations above the level of speculation. To open an investigation, a complaint must provide more than conclusions of alleged violations of the laws and regulations enforced by OCR. You stated that you believed the following student organizations and conference violated Title IX because you believed they were only available to women: (i) “Society of Women Engineers” (Allegation 7(a)); (ii) “Women of Colour in the Academy” (Allegation 9); and (iii) “Graduate Women in Science and Engineering” (Allegation 17).

On October 9, 2018, OCR sent you an e-mail requesting clarification of your allegations. We notified you that we would dismiss these allegations if we did not receive this information within 14 calendar days of the e-mail. Your response did not provide any indication, beyond your speculation, that these programs denied opportunities to or otherwise discriminated against men. Further, OCR determined that based on the facts/information you provided and the publicly available information about these student organizations and conference, these programs do not discriminate on the basis of sex, as on the webpages pertaining to these programs there are affirmative statements that are plainly visible or easily locatable stating that participation is open regardless of sex. Therefore, OCR is dismissing Allegations 7(a), 9, and 17 as of the date of this letter.

OCR is also dismissing Allegation 7(c) under Section 108(c) of OCR’s CPM because based on all of the facts/information you provided, OCR cannot reasonably conclude that the University has violated a law(s) OCR enforces. Specifically, you alleged that the University’s “Society of Women Engineers” student organization violates Title IX by distributing a female-only scholarship, the “Women Forward in Technology Scholarship.” OCR determined that this scholarship is a private scholarship.⁵ OCR further determined that this scholarship is not listed on the University’s website, other than in the news article that you referenced in your complaint.⁶ As a result, OCR determined that the University does not solicit, list, or otherwise approve of this scholarship. Therefore, OCR is dismissing Allegation 7(c) as of the date of this letter.

Conclusion

For the reasons explained above, OCR is dismissing Allegations 2, 3, 4, 7(a), 7(c), 9, and 16 - 18 as of the date of this letter and will take no further action on these allegations. However, as noted above, we are opening an investigation of Allegations 1, 5, 6, 7(b), 8, and 10 - 15.

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

Allegation 18, you acknowledged that the Women in Business Club had “no activity since 2011 and their phone number goes to a lab.”

⁵ Information about the “Women Forward in Technology Scholarship” is available at: <https://www.distilnetworks.com/women-forward-in-technology-scholarship/>.

⁶ The news article is currently available at: <https://coe.northeastern.edu/news/women-forward-in-technology-scholarships>.

formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

With respect to Allegations 3, 4, 7(a), 7(c), 9, and 16 - 18, you have a right to appeal OCR's determination within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. You must either submit a completed appeal form at <https://wdcrocolp01.ed.gov/CFAPPS/OCR/ocrAppealsForm.cfm>, or mail a written statement of no more than ten (10) pages (double-spaced, if typed): if submitted by mail, please send to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. If submitted via e-mail, send to OCR@ed.gov; if submitted via fax, please send to 202-453-6012. The filing date on an appeal is the date the appeal is postmarked, submitted electronically or submitted via 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 result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

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 you may contact the investigative staff whose contact information is in the transmittal email.

Sincerely,

Michelle Kalka
Compliance Team Leader