



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

January 31, 2018

SENT VIA ELECTRONIC MAIL ONLY

Mr. Kursat Pekgoz
pekgoz@usc.edu
Chadwick Apartments
3333 W 2nd St, #52-201
Los Angeles, California 90004

(In reply, please refer to case # 09-18-2031)

Dear Mr. Pekgoz:

On October 17, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against the University of Southern California (Recipient). On January 8, 2018 and on subsequent dates, you submitted additional information regarding the complaint allegations originally submitted to OCR. You also provided additional information in an interview with OCR on January 18, 2018. Based on this additional information and the information that you originally provided to OCR, OCR is opening your complaint for investigation. OCR currently understands your allegations to be that the Recipient discriminates against male students on the basis of sex, specifically:

1. The Recipient lists a number of scholarships on its website and in its database that are provided by outside scholarship granting organizations (SGOs) that provide such scholarships to females only;
2. The Recipient administers scholarships and fellowships, including but not limited to a variety of scholarships and fellowships offered by the Women in Science and Engineering (WiSE) program, the Cagney and Lacey Fellowship, and the Marilyn Beaudry-Corbett Scholarships, that are only available to and awarded to females;
3. The Recipient's WiSE program excludes male students from participation and provides opportunities for female students only;
4. The Smart Woman Securities organization's chapter on the Recipient's campus discriminates against male students by excluding male students from participation and providing opportunities for female students only;
5. The Recipient's Gender Studies Program and Center for Feminist Research have very low proportions of male students enrolled in them and male faculty teaching in them because the Recipient discriminates against males with respect to these programs; and
6. Several scholarships/fellowships administered by the Recipient that are for applicants that show an "ability or desire to further the interests of women", even when they do not state sex as a criteria, discriminate against men in practice.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106,

which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the Department.

OCR has determined that allegation numbers one¹, two, three, and four are appropriate for investigation under Title IX and its implementing regulation. However, OCR is not accepting allegations five and six for resolution for the reasons explained below.

With respect to allegation two, OCR notes that the Title IX regulation, at 34 C.F.R 106.37(b), contains an exception that permits “a recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex” so long as “the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.” From the information that you have provided to date, OCR cannot determine without further information whether the scholarships you listed would be subject to this exception. As such, OCR will be investigating all of the scholarships/fellowships that you have identified that fall under this category.

Regarding allegation five, in your complaint you state that the proportion of male students in the Gender Studies Program and Center for Feminist Research (CFR) is very low. You also stated that the proportion of male faculty in these programs is very low. Under OCR’s Case Processing Manual (CPM), generally, statistical data alone are not sufficient to warrant opening an investigation, but can serve to support the opening of an investigation when presented in conjunction with other facts and circumstances.² During the interview with OCR, you did not provide any information in addition to statistics that would tend to show that male students are excluded from or discouraged from participating in these programs.³ You stated that you thought that there is an “office culture” that is unwelcoming to men, but did not provide an example of or information about any male student being treated differently than female students with respect to recruitment, counseling, admission or participation.⁴

Regarding allegation six, you state that the Gene and Etta Silverman Family Award, Roberta Persinger Foulke Endowment Fellowship, Garold Alfred Leach Memorial Scholarship, and Elizabeth Toye Williams Memorial Scholarship Fund, which are University-administered and state that they will be awarded to an individual who demonstrates “the ability or desire to further the interests of women” are discriminatory because “even when they do not explicitly state sex as a criterion, they discriminate against men in practice.” However, you have not provided any other information about or examples of males who otherwise meet the criteria stated above who are being subjected to discrimination in practice, such as by being discouraged from applying for these scholarships/fellowships or not being awarded such scholarships/fellowships when they apply, based on their sex.

¹ 34 C.F.R. § 106.37(a)(2).

² See <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf> (pg. 5).

³ To the extent you allegation is based on the use of particular curricular material for these programs, the regulations state that Title IX shall not be interpreted as “requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.” 34 C.F.R. § 106.42.

⁴ OCR also notes that you provided a website link to information about a lecture series hosted by the CFR for the 2014-2015 school year and several prior years wherein the featured lecturers were all women; such information to the extent it would support your allegation is outside of the 180 day timeframe for OCR’s consideration of complaint allegations.

For OCR to establish jurisdiction, the complainant must provide a sufficient factual basis to raise an inference that discrimination may have occurred or is occurring. Your statements do not present sufficient facts under section 108(b) of OCR's CPM for such an inference. OCR is therefore not accepting allegations five and six for resolution. However, if you identify additional information in support of these two allegations, you may file another complaint with OCR.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely or qualified for a waiver of the timeliness requirement, it is opening this complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the CPM.

OCR is committed to resolving complaints as promptly as possible. OCR will contact you or your designated representative soon to discuss the allegations and the complaint resolution process. Complaint allegations may be resolved in a variety of ways, including through an OCR-facilitated resolution between the Recipient and the complainant ("Early Complaint Resolution" or ECR). Under ECR, if both parties are interested, they may voluntarily resolve the complaint allegations by signing a written agreement. Note that in such a case, OCR does not endorse and monitor the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through ECR.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM.

Federal regulations prohibit the Recipient from retaliating against you or from intimidating, threatening, coercing, or harassing you or anyone else because you filed a complaint with OCR or because you or anyone else take part in the complaint resolution process. Contact OCR if you believe such actions occur.

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

If you have any questions about this letter, please call our office at 415-486-5555.

Sincerely,

A handwritten signature in cursive script that reads "Sara Berman".

Sara Berman
Team Leader