



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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September 30, 2021

Mr. Kursat Pekgoz

By e-mail only to: pekgoz@usc.edu

OCR Complaint No. 01-18-2079

Dear Mr. Pekgoz:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Yale University. You allege that the University discriminates against male students on the basis of sex by offering opportunities and programs (collectively, “initiatives”) to women that are not available to men. Throughout this letter OCR will refer to you as the Complainant.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX’s implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education. As a recipient of Federal financial assistance, the University is subject to the requirements of Title IX and its implementing regulation. OCR therefore has jurisdiction over this complaint

OCR investigated the complaint by reviewing written materials submitted by both parties. The data submitted by the University pertained to the 2017–18 and 2018–19 academic years. For the reasons explained below, OCR concludes that there is insufficient evidence to establish a violation of Title IX.

Yale University is a research-based institution located in New Haven, Connecticut. In fall 2020, the University had 12,060 students (4,664 of them undergraduate students) and 4,962 faculty members. 5,839 students (48.4%) are male and 6,221 (51.5%) are female. The University admitted only men until 1882, when it began admitting women to the graduate school. In 1969 the University became coeducational when Yale College began admitting women undergraduates.¹

¹ <https://guides.library.yale.edu/yalehistory>.

The Complainant states that the University discriminates on the basis of sex by offering the following initiatives to women but not men:

- Women Faculty Forum
- Working Women’s Network
- Women Entrepreneurs and Innovators at Yale
- Smart Woman Securities
- Women’s Empowerment Conference
- The Campaign School at Yale
- Yale University Women’s Organization

The complaint states that all of the above-listed initiatives are open to women and deny membership to men. The Complainant alleges that there is an “overrepresentation of women” in the initiatives, and requests that the University permanently discontinue the initiatives. OCR requested specific examples of men who applied for membership or attempted to participate in any of the initiatives challenged in the complaint but were prevented from doing so on the basis of sex. The Complainant said that he had no such examples.

The University responds that, with the exception of the Yale University Women’s Organization, which is discussed in detail below, all of the initiatives listed above are open to membership and participation by men.

Women’s Faculty Forum

The Women’s Faculty Forum (WFF) website states that WFF “was established to highlight the importance of women faculty at the University and to foster gender equity through policy initiatives, research and innovative programs.”² WFF’s activities include unveiling a portrait of the first seven women to receive Ph.D.s from the University; convening workshops “to collaboratively and independently edit Wikipedia pages to reduce gender bias”; and sponsoring a walking tour to teach the history of women’s contributions at Yale. WFF offers a mentoring program, panels and workshops that address current events, and an annual reception. The Forum’s research includes scholarship on Title IX and women in academia, as well as a “seed grant” program for undergraduates, graduate students, fellows, and faculty to study issues and policies relating to gender in higher education.

Although the Complainant states that “all beneficiaries” of the Forum are women, the University indicated that WFF invites all new faculty members, regardless of sex, to join. The University informed OCR that WFF events are open to men and women, and that men and women are listed on WFF’s mailing list. OCR reviewed the program materials on WFF’s website from WFF conferences held in May 2018, March 2019, and February 2020 that featured multiple male speakers and attendees. The February 2020 event celebrated Yale College’s 50 years as a coeducational undergraduate institution. Additional information that OCR reviewed shows that

² <https://wff.yale.edu/> (accessed September 9, 2021).

two of the ten WFF “seed-grant” winners for 2017–18 were men, as were two of the sixteen winners for 2018–19.

Working Women’s Network

The Working Women’s Network (WWN) is, according to the University’s written response to the complaint, “an affinity group for Yale employees” that does not have student members. Its mission statement, which is available on the organization’s website, is: “To provide programs and resources to Yale University’s women employees, and champion the exploration and pursuit of personal and professional goals in order to enhance their individual success while also furthering the advancement of the university.”³ The University states that WWN “is open to all employees, not just women.”

The Complainant states that WWN offers resources and opportunities to women only. However, OCR found no language on WWN’s materials or website that excludes men. WWN’s promotional materials and website show pictures of male and female speakers and attendees at multiple recent WWN events, including the Self-Defense Seminar (May 2021), New Haven Hiring Initiative (November 2020), Women in National Security (November 2019), Interview with Colleen Murphy-Dunning (November 2019), Working Parents: A Panel Discussion (June 2019), and Social Media & Safety Awareness (June 2019).

Women Entrepreneurs and Innovators at Yale

The University describes Women Entrepreneurs and Innovators at Yale (WE@Yale) as a speaker series.⁴ WE@Yale operates under the auspices of the University’s Program on Entrepreneurship and the Tsai Center for Innovative Thinking, “the mission of which is to inspire and support students from diverse backgrounds and disciplines to see innovative ways to address real-world problems.” WE@Yale’s website states that the speaker series is “designed to foster community discussion, idea sharing, and best practices in support of Yale women and non-binary femme entrepreneurs and innovators.”⁵

The Complainant states that, “[o]n information and belief, WE@Yale discriminates against male applicants.” The University states that WE@Yale’s events are open to the University community, including male students. WE@Yale’s website states, “Community members of all genders are welcome to attend these talks, which are free and open to the public.” The website also shows photographs of male and female participants in WE@Yale’s events and activities.

³ <https://wwn.yale.edu/> (accessed September 20, 2021).

⁴ When the complaint was filed, this organization was called “Yale Women Innovators,” but the organization subsequently adopted a new name.

⁵ <https://city.yale.edu/programs/weyale-women-innovators-series> (accessed September 9, 2021).

Smart Woman Securities

According to the University, Smart Woman Securities (SWS) is a student group that is run “by Yale students and not by the University.” Its mission is “to provide undergraduate women with the skills necessary to make investment decisions through market education, exposure to industry professionals, and real-world financial experience.” The Complainant writes that “being a woman is explicitly stated as a criterion” of membership in SWS, and notes that this “can be inferred” from a picture on SWS’s website showing a group of women participating in an organization event. However, multiple pictures on the group’s website show male instructors, guest speakers, investors, and student participants at SWS seminars and events.⁶ The organization’s bylaws state that membership is open to all students who have completed certain academic requirements. SWS’s website states: “We welcome all undergraduate students who are interested in our mission to join SWS!” (Emphasis in original.)

Women’s Empowerment Conference

The Yale Women’s Leadership Initiative (WLI) sponsors the Women Empowerment Conference, which is in its thirteenth year.⁷ The Complainant states that the Conference offers opportunities and resources to women only.

The University provided OCR with the WLI’s constitution. Article III of the constitution, which addresses membership, states: “Members of WLI shall consist of students in good standing at Yale University.” The constitution also uses male and female pronouns to discuss members. For example, the constitution states that “Once elected, a member may resign his/her membership upon submission of a letter to the President.” WLI’s website also states prominently that WLI provides “an inclusive space where all are welcome.”⁸ The Conference’s social media pages⁹ show that men as well as women participated in the most recent conferences, held in February 2019, February 2020, and April 2021.

The Campaign School at Yale

The University informed OCR in its narrative response that the Campaign School’s mission “is to increase the number and influence of women in elected and appointed office in the United States and around the globe.”¹⁰ The University states that the Campaign School is a separate 501(c)(3) organization whose student members are not students of the University. Rather, individuals who attend courses and events at the Campaign School are candidates for public office, campaign managers, political staff, and those aspiring to work in the field of politics. The Campaign School’s website features a nondiscrimination statement noting that the Campaign

⁶ <http://www.swsyale.org/#about> (accessed September 9, 2021).

⁷ At the time the complaint was filed, this event was known as the “Women Empowering Women Leadership Conference.”

⁸ <https://www.yalewli.org/> (accessed September 9, 2021).

⁹ https://www.facebook.com/pg/yalewli/photos/?ref=page_internal; <https://www.yalewec.org/2020>; <https://www.yalewec.org/2019> (accessed September 9, 2021)

¹⁰ <https://tcsyale.org/> (accessed September 9, 2021).

School does not discriminate on the basis of sex, among other protected categories.¹¹ During OCR's investigation, in the fall of 2019, the School's Executive Members voted to change the School's name from the "Women's Campaign School" to "the Campaign School at Yale." The University stated that the School "will make clearer its long-standing policy of admitting campaign staff, strategists, advocates and other interested people regardless of gender, highlighting its policy of non-discrimination on the basis of sex in all of its on-line and print materials." Yale has since reviewed its materials and revised an instance of exclusionary language on the Campaign School's website.

The Complainant writes that "every single member of [the] Women's Campaign School is a woman." However, the University informed OCR that each year, 10-15 male students attend Campaign School courses. Recently, for example, the University stated that the June 2021 five-day interactive digital session, one of the courses available through the Campaign School, included five male attendees.

Yale University Women's Organization

The mission of the Yale University Women's Organization (YUWO), which was founded in 1965, is "to provide an opportunity for women of the Yale community to meet and pursue common intellectual and social interests." The organization's website states that YUWO welcomes and serves "female faculty and staff, wives of faculty and staff, and others affiliated with the university community in any way."¹² Students are not members of the organization. YUWO sponsors a lecture series, study groups, and bus trips "to areas of interest throughout the region." The organization conducts social events throughout the year, including a wine and cheese reception and a holiday gala. In addition, YUWO awards scholarships to members of the community "whose formal education has been interrupted or delayed, and who wish to resume their studies or enhance their careers." Membership in YUWO and eligibility for its scholarships is available to women only.

The University informed OCR that YUWO is an "independent, private organization" under section 501(c)(3) of the tax code. It is external to and not a program of Yale University. YUWO "has no financial or administrative ties to the university, and it charges dues for membership." After being notified of the present OCR complaint, the University informed YUWO's leadership that the group may no longer use the yale.edu URL unless it opened its membership to men. YUWO considered the matter at its June 2018 board meeting and elected not to change its membership rules. The University subsequently removed YUWO from the University's server effective August 1, 2018, and YUWO now uses a private hosting service for its website.

OCR requested additional information to determine whether the University affords significant assistance to YUWO. The University provided the following information to OCR. The University has no faculty sponsors or liaisons for YUWO. None of the organization's 21 board members is presently employed by the University. The board members include spouses of

¹¹ <https://tcsyale.org/non-discrimination/> (accessed September 20, 2021).

¹² <https://yuwowomen.org/> (accessed September 20, 2021).

current or former faculty members, as well as retired staff and relatives of alumni. The University does not provide direct financial assistance to YUWO, which operates on funds gathered through membership dues and gifts, and the University does not participate in the selection of YUWO scholarship recipients. The University does not collect, administer, or disburse fees on behalf of YUWO's scholarship fund, which is held in trust at the Greater New Haven Community Foundation.

The University informed OCR that it does not provide services to YUWO. It stated that in the past, when YUWO used University catering services, it paid the same rate charged to other external groups. A review of YUWO's website and calendar of events shows that it regularly uses University facilities, in addition to private facilities, for its social and business events. These include the Yale West Campus Conference Center, Maurice R. Greenberg Conference Center, University Visitor Center, and Provost House. The University informed OCR that some of these locations (such as the Greenberg Center) charge for use, and that when using those facilities, YUWO is charged for use like other external organizations. Other venues at the University (such as the University Visitor Center) do not charge external entities for use, and so YUWO has not been charged for using the facilities. Still other venues have assessed charges to organizations, including YUWO, for the moving of furniture in order to facilitate events. OCR reviewed the University's written policy for the use of facilities by University organizations and confirmed that it does not include a provision on charging for the use of space, or the rates to be charged.

In addition, the University informed OCR that it does not list, advertise for, or solicit on behalf of YUWO. The University stated that it does note on the University calendar when Yale faculty members will be speaking at YUWO, and also publicizes the names of YUWO scholarship recipients.

The University provided information to OCR on the use of the Yale or Yale University names and insignia by alumni clubs, student-run groups, and community interest organizations. The "Miscellaneous Regulations of the Yale Corporation" contain a section on the "Protection of the Yale Name" that provides discretion to the secretary of the University to license the Yale name, coat of arms, and other insignia. The regulations also set out trademark considerations for use of the Yale name and marks by student organizations and other groups. Student groups must be registered with the University and have their use of the Yale name and marks approved by the secretary of the University. A section of the regulations also governs the use of the Yale name and marks by outside consultants and contractors, who may feature their work for the University under certain circumstances. The University informed OCR that there are over 400 listed alumni clubs that use the Yale name; nearly 300 student-run groups registered with the Yale College Dean's Office; and three community interest organizations: the Yale Youth Hockey Association, the Yale Figure Skating Club, and the Yale University Women's Organization.

Applicable Legal Standards

The Title IX regulation, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of Federal financial assistance. Section 106.31(b)(2) prohibits a recipient from providing different aid, benefits, or services to students based on sex. Section 106.31(b)(6) states that a recipient may not provide significant assistance to any agency, organization, or person that discriminates on the basis of sex in providing any aid, benefit or service to students or employees.

Analysis and Conclusion

OCR found insufficient evidence to establish that the Women's Faculty Forum, Working Women's Network, WE@Yale, Smart Woman Securities, Women's Empowerment Conference, and the Campaign School at Yale discriminate on the basis of sex. All of these initiatives allow membership and participation by men as well as women. One of the initiatives, the Campaign School at Yale, changed its name during the investigation to remove the word "women" from its title. In addition, OCR determined that the Yale University Women's Organization is an independent 501(c)(3) entity separate and distinct from the University, and that the University does not provide it significant assistance. Thus, although YUWO limits its membership to women, the evidence is insufficient to establish that the University discriminated on the basis of sex with respect to it.

The 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.

Please be advised that the University may 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. OCR would also like to make you aware that individuals who file complaints with OCR may have a right to file a private suit in Federal court whether or not OCR finds a violation.

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

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 online appeal at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>, or mail a

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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 change the outcome of the case; failure to do so may result in dismissal of the appeal. OCR will forward a copy of your appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to your appeal.

If you have any questions about this letter, you may contact Michael O'Donnell, Senior Attorney, at 312-730-1636 or michael.odonnell@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Dawn R. Matthias". The signature is written in a cursive, flowing style.

Dawn R. Matthias
Team Leader