



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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November 3, 2021

Sent via e-mail only to: straighttalkidaho@yahoo.com and pekgoz@usc.edu

Candace "Andi" Elliott
straighttalkidaho@yahoo.com

Kursat Pekgoz
pekgoz@usc.edu

Re: University of Idaho
OCR Reference No. 10192118

Dear Ms. Elliott and Mr. Pekgoz:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its evaluation of your referenced complaint against the University of Idaho. You allege that the University discriminated against men, on the basis of sex, with respect to the following identified University programs and activities:

1. Athena
2. Women's Leadership Conference
3. Women in Base Camp
4. Women in Math and Science
5. Randall Seminar Series
6. University employment/recruitment
7. Women's Center, including the following scholarships:
 - a. Shirley Grossman Caldwell Scholarship;
 - b. Agnes Eikum Chase Memorial Scholarship; and
 - c. Betsy Thomas Gender Equity Scholarship
8. Women Law Caucus
9. Listing/endorsing various internal and external programs which discriminate against men, including:
 - a. Feminist Majority Foundation
 - b. AWARE: Arming Women Against Rape & Endangerment
 - c. Battered Women's Support Services
 - d. Women Watch
 - e. UNIFEM

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

- f. GirlGeeks
 - g. Global Fund for Women
 - h. METRAC
 - i. Moscow League of Women Voters
 - j. Moscow Women’s Giving Circle
 - k. American Association of University Women
10. Office on Violence Against Women Grant
 11. Women in Engineering Day
 12. Society of Women Engineers
 13. Women in Science Society
 14. Endorsing 70+ scholarships on its database, all of which are available for female students only
 15. University admissions
 16. Women’s and Gender Studies Department

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), and the regulations that implement that statute at 34 C.F.R. Part 106, which prohibit discrimination based on sex in programs and activities of recipients of federal financial assistance. Because the University receives federal financial assistance from the Department, it is required to comply with this federal civil rights law. More information about the laws OCR enforces is available on OCR’s website at www.ed.gov/ocr.

OCR will investigate allegation nos. 1-4 in your complaint. OCR will also investigate the portions of allegation no. 5 that involve the selection of and access to the speakers for the program at issue. Each of these allegations, or portions of allegations, raise a possible violation of Title IX. OCR’s decision to proceed with an investigation does not reflect an opinion by OCR regarding the merits of the allegations or the University’s compliance status with respect to federal civil rights laws.

During OCR’s investigation of your complaint, the allegations may be resolved in a variety of ways, including a voluntary written agreement in which the University agrees to take remedial actions that OCR determines fully resolve the allegations consistent with applicable legal standards. If a resolution of the complaint is not reached before OCR completes its investigation, OCR will make findings and a determination as to whether the University is in compliance with the applicable legal standards and, in the event non-compliance is found, OCR will pursue a written agreement between OCR and the University in which the University commits to take specific steps to comply with applicable laws and regulations.

For the reasons set forth below, OCR is dismissing the remaining portions of allegation no. 5, and the entirety of allegation nos. 6-16, from your complaint. In evaluating these

allegations, OCR considered the information you provided in your complaint, as well as additional information you provided by e-mail and in a telephone call with OCR on October 23, 2020.

Allegation Nos. 5-9

Under OCR's *Case Processing Manual* (CPM) OCR is required to dismiss an allegation when the allegation, on its face or as clarified, lacks sufficient factual detail for OCR to infer that discrimination may have occurred or is occurring. Under this standard, OCR will dismiss an allegation that a program or activity discriminates based on sex where there is no evidence of an express statement that individuals are excluded from participation in a program based on sex or other evidence that an individual has been denied access to the program based on sex.

With respect to each of the allegations discussed below, nos. 5-9, by letter dated October 14, 2020, OCR requested that you provide "any additional information you have, in addition to that already set forth in your written complaint, leading you to believe that the University is discriminating against men in the manner alleged." In a telephone call with OCR on October 23, 2020, you stated that you had no additional information to provide, including any information indicating that any of the programs identified in allegation nos. 5-9 exclude men, or any information identifying an individual excluded from any of these programs based on sex.

Allegation No. 5: Randall Seminar Series

With respect to those portions of this allegation that OCR is dismissing, your complaint states that the Randall Seminar Series is discriminating against men by selecting only women to administer the series, and because the series "involves a monetary award which is available to women only." In support of these allegations, you provided information reflecting that all organizers of the seminar series are women, and that the funder's intent in establishing the seminar series was that it be "used toward academic enrichment for women in science" at the University. However, information indicating that the organizers of the Randall Seminar Series are all women, by itself, is insufficient to show that the University is discriminating against men with respect to the composition of this group. And information regarding the funder's intent in endowing the seminar series, as being for the benefit of women in science at the University, is insufficient to show that the benefit of the seminar series is limited to this group.

Allegation No. 6: University Employment

Your complaint states that the University is discriminating against men by affording women a preference in employment. However, according to your complaint, and publicly available information, the University's Affirmative Action Policy states only that women, among other groups, are "strongly encouraged to apply," not that they are afforded a preference in hiring. The University's nondiscrimination statement, moreover, publicly reflects that it "does not discriminate" based on sex with respect to employment.

Allegation No. 7: Women's Center

Your complaint states that the University Women's Center discriminates against men because there is no "equivalent Men's Center" and the name refers to women but not men. You also state that the Center's mission statement "describes sex-based advocacy for women only" and that it "portrays men only in a negative context." The Center's mission statement indicates, however, that it "promotes and advocates for gender equity on campus and in the community. We facilitate opportunities for learning and activism to support and empower all individuals in building an inclusive and compassionate society."

Your complaint states further that the University Women's Center funds three scholarships created for "women and single mothers:" the Shirley Grossman Caldwell Scholarship; the Agnes Eikum Chase Memorial Scholarship; and the Betsy Thomas Gender Equity Scholarship. Publicly available information on the University website, however, indicates that these scholarships do not state a preference for female students and are not restricted to female students.

Your complaint states still further that the Women's Center discriminates by "endorsing" 35 scholarships available only to women, with reference to a link to an outside corporation that aggregates information about scholarships generally, including those for women. The University website describes the link as "a no-cost guide to help students identify and secure college scholarships and grants, and find key financial aid information and resources." You have not provided, and OCR has not been able to locate, any information indicating any connection between the University and the outside corporation, or that the University provides any approval or support of the outside corporation, or with respect to any scholarships about which it provides information.

Allegation No. 8: Women's Law Caucus

Your complaint states that the University is discriminating against men by offering assistance to the Women Law [sic] Caucus. You state that the "plain language" of the

program discriminates against men, that all participants in the caucus are women, and that the University does not endorse any Men’s Law Caucus. In support of your allegation, you provided links to the Facebook page of the Women’s Law Caucus. Information on Facebook regarding the Women’s Law Caucus, however, reflects that its goal is “promoting an atmosphere of equality among all law students!” With respect to your assertion that all members of the caucus are women, you provided a link to a photo of ten members of the caucus in attendance at a gala, all of whom appear to be women. You have not provided OCR any information, however, indicating that the individuals appearing in the photo comprise the entire membership of this organization.

Allegation No. 9: Listing/Endorsing External Organizations

Your complaint states, with reference to the 11 organizations listed under this allegation in your complaint, that each either (1) excludes men from participation; (2) perpetuates negative stereotypes against men; (3) denies services to men; or (4) uses language that is plainly discriminatory. You further state that the University is assisting these organizations by either (1) providing them funding; (2) affording them the use of campus space; or (3) providing them “free advertisement” on the University website. However, you have not provided, and OCR has not been able to locate, any information indicating any connection between any of the listed organizations and the University beyond that each is listed on a web page on the University website.

Based on the foregoing, OCR is dismissing those portions of allegation no. 5 OCR is not proceeding to investigate, and allegation nos. 6-9 in their entirety, because each lack sufficient factual detail for OCR to infer that discrimination has occurred or is occurring in the manner alleged.

Allegation Nos. 10-14

Under OCR’s CPM, OCR is required to dismiss an allegation when, based on all the facts or information provided by the complainant, or publicly available information, OCR cannot reasonably conclude that the recipient has violated a law OCR enforces. Under this standard, OCR will dismiss an allegation where a program’s promotional or governing materials contain a statement of nondiscrimination (e.g., “this program is open to all students regardless of sex”) and there is no evidence of an individual having been excluded based on sex.

Allegation No. 10: Office on Violence Against Women Grant

Your complaint states that the discriminatory character of this program “can be inferred from the grantor (the US Department of Justice’s Office on Violence Against Women)

and the grantee (the University’s Women’s Center), that the program “assumes that all men are hypermasculine and violent, while all women are hyperfeminine and passive,” that it approaches young men “with the assumption that they are all potentially violent,” and that the program “endorses trauma-informed training,” which your complaint asserts has been criticized for violating the due process rights of men accused of sexual violence. Your complaint does not allege, however, that this program excludes men, and information linked to your complaint in support of this allegation reflects only that the goals of the grant include broadening campus and community engagement regarding on-campus violence; reducing instances of sexual assault, domestic violence, dating violence and stalking; and augmenting capacity for effective and timely intervention in response to these instances. Your complaint further provides that the grant funds “efforts to engage the campus, community, statewide and national organizations in developing and implementing culturally relevant, community responsive prevention education programming and victim services,” and that its programming includes a subcommittee “designed to engage campus men in gender-based violence prevention, with a focus on healthy masculinities, non-violent communication, and their roles as empowered bystanders.”

Allegation No. 11: Women in Engineering Day

Your complaint states that this program discriminates against men because the “plain language” of the program is discriminatory against men; and the University “offers no Men in Engineering Day. Nor does the University offer any similar programs in fields wherein men are underrepresented.” Information on the University website, however, reflects that Women in Engineering Day is “Open to ALL 11th and 12th graders.” It further states that “Students of all gender identities are invited to participate.”

Allegation No. 12: Society of Women Engineers

Your complaint states that the Society of Women Engineers (SWE) discriminates against men by distributing scholarships to women only; and that it is “complicit” in Women in Engineering Day. Your complaint further states the University endorses this organization and provides it campus space, and that the University does not endorse any similar male-only organization. Information you provided in support of your allegation reflects that the Southwest Idaho section of the SWE provides scholarships to women. Additionally, you provided information that the University chapter of SWE, which is distinct from the Southwest Idaho section, is a sponsor of Women in Engineering Day. However, you did not provide, and OCR has not been able to locate, any information indicating any connection between the University and the Southwest Idaho section of SWE, including any mention of this SWE section on the University website. With respect to the University chapter of SWE, its sponsorship of Women in Engineering Day does not

reflect discrimination, as that program is open to “all gender identities” (see allegation no. 11). The University website, moreover, reflects that “anyone” can join the SWE University chapter.

Allegation No. 13: Women in Science Society

Your complaint states that the “plain language” of this program is discriminatory against men, and the University does not endorse any similar male-only organizations.¹ Information you provided in support of your allegation reflects that the society is for “providing networking, service and leadership opportunities for undergraduate women pursuing their degrees in the sciences.” Additional publicly available information, however, reflects that the society is open to anyone that supports its mission, “without regard for gender,” and that any University student supporting the society’s mission is “welcome” to join the organization.

Allegation No. 14: External Scholarships

Your complaint states that the University, on a database, endorses 70+ scholarships which are available to female students only. In support of this allegation, you provided a link to a web page on the website of an entity outside the University, Uloop, entitled “University of Idaho Scholarships for Women.” With reference to these, the web page states, “We can’t find any matching listings.”

Additional, publicly available, information establishes that Uloop is a private company operating an online clearinghouse for information about attending college used by “1,000,000+” students attending “4,000+” colleges. You have not provided, and OCR has not been able to locate, any information reflecting that the University is formally affiliated with Uloop or otherwise connected to it in any way, including by referencing it on the University website.

Based on the foregoing, OCR is dismissing allegation nos. 10-14 in their entirety because, based on all the facts or information you provided, and publicly available information, OCR cannot reasonable conclude that the University has violated a law OCR enforces with respect to them.

¹ More specifically, your complaint alleges that the University is “offering assistance” to the Women in Science Society. Because OCR has determined that this program is not external to the University, it has analyzed your allegation as a program of the University itself, and not one to which the University is offering external assistance.

Allegation Nos. 15-16

Under OCR’s CPM, OCR is required to dismiss an allegation when the allegation, on its face or as clarified, fails to state a violation of one of the laws or regulations OCR enforces.

Allegation No. 15: University Admissions

Your complaint states that the University is discriminating against men by affording women a preference in admissions. You cite University admission rate statistics for men and women in support of this. Generally, statistical data alone are not sufficient to warrant opening an investigation but can serve in support of the opening of an investigation when presented in conjunction with other facts and circumstances. However, you did not provide any other information; you relied exclusively on statistical data to support your complaint. Specifically, you provided information indicating that the University “offers admission to 67% of male applicants, while the admission rate rises to 80% with female applicants,” and you stated that “Federal regulations prohibit any tests or practices which have a disproportionate effect in admissions unless the test can survive strict scrutiny.” You did not allege any other facts or circumstances beyond these statistics, and OCR cannot reasonably conclude that the University has violated Title IX on this basis.

Allegation No. 16: Women’s and Gender Studies Department

Your complaint states, with respect to the Women’s and Gender Studies Department, that there is no “equivalent Men’s Studies Department” at the University, and that the name of the department “invokes women only.” You also provided information about the curriculum of the Women’s and Gender Studies Department. 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. Since your allegation questions the appropriateness of the Department’s curriculum, OCR has determined that it is not appropriate for investigation.

Based on the foregoing, OCR is dismissing allegation nos. 15 and 16 in their entirety because they fail, on their face or as clarified, to state a violation of one of the laws or regulations OCR enforces.

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 court regardless of OCR's determination.

You have a right to appeal OCR's determination regarding those portions of allegation no. 5 that OCR is dismissing, and allegation nos. 6-16 in their entirety, within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically (online or by e-mail), by mail, or by fax. You must submit either a form completed online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>, or a written statement of no more than ten (10) pages (double-spaced, if typed). If a written statement is 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; or 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 allegation being opened for investigation; failure to do so may result in dismissal of the appeal.

OCR is committed to resolving complaints as promptly as possible. OCR will be contacting the University to discuss the allegations it is investigating. If you have any questions about this letter, you may contact David Kauffman, Attorney, at (206) 607-1603 or david.kauffman@ed.gov.

Sincerely,

Tania Lopez
Acting Chief Attorney