



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

July 16, 2020

Sent via email only to [mkrislov@pace.edu](mailto:mkrislov@pace.edu)

Marvin Krislov  
President  
Pace University  
One Pace Plaza  
New York, New York 10038

Re: Case No. 02-20-2084  
Pace University

Dear President Krislov:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), with respect to the above-referenced complaint filed against Pace University (the University). The Complainant alleged that the University discriminates against male students, on the basis of sex, by sponsoring a program entitled the “Women’s Leadership Initiative” (the Program) that is open only to “female and female-identified students” enrolled in the University’s Dyson College (the College).

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 U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), states, in relevant part “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 educational program or activity operated by a recipient . . . .” The regulation implementing Title IX, at 34 C.F.R. § 106.34(a), states, in part, “a recipient shall not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of the students on the basis of sex.”

The Complainant alleged that the University discriminates against male students, on the basis of sex, by sponsoring the Program, which the Complainant asserted is open only to “female and female-identified students” enrolled in the College. According to the University’s website, the

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

[www.ed.gov](http://www.ed.gov)

Program is for “female and female-identified students enrolled” in the College. The website further states that the Program is designed to “build community across diverse experiences including race, culture, class, sexuality, areas of study and other aspects of social identity”; “encourage skills that empower leaders”; “raise awareness of inequalities and guide [Program] Fellows to develop strategies to address these inequalities”; “include networking, wellness, and personal growth activities to address challenges and obstacles young women experience as they develop leadership skills”; “provide academic mentoring and support to assist women as they explore career and life choices”; and “create a forum to counter the ‘sexism fatigue’ young women experience as they try to reach their goals.”<sup>1</sup>

According to the University, the Program is open to all first-year students enrolled in the College regardless of sex, gender, or gender identity, and that the only Program requirements are that the applicant: (1) be enrolled in the College; (2) submit a Program application; (3) attend weekly Program meetings during the fall and spring semesters; and (4) attend a one-on-one session with Program directors. The University informed OCR that the Program application does not ask applicants to disclose sex; however, the University informed OCR that it has historically mailed the Program application only to first-year female and female-identified students enrolled in the College. Further, as stated previously, OCR determined that the Program is described on the University’s website as a “one-year program for female and female-identified students enrolled in” the College. Additionally, all photographs on the Program’s webpage, as well as the video on the webpage, depict female or female-identified participants. The University informed OCR that no male or male-identified student has ever participated in the Program.

Based on the foregoing, OCR has concerns that the University has not conveyed that the Program is open to students regardless of sex. For example, the University has historically mailed the Program application only to first-year female and female-identified students enrolled in the College; and all the marketing materials on the Program webpage depict female or female-identified participants. The University expressed an interest in resolving the complaint allegation and OCR determined that it is appropriate to do so. On July 14, 2020, the University signed the enclosed resolution agreement to resolve the complaint allegation. OCR will monitor the implementation of the resolution agreement.

This letter should not be interpreted to address the University’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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. The complainant 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 may not harass, coerce, intimidate, or discriminate against any individual because the individual has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

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<sup>1</sup> See <https://www.pace.edu/dyson/initiatives-research/womens-leadership-initiative> (site last visited on June 26, 2020).

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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Tiffany Lyttle, Compliance Team Attorney, at (646) 428-3754 or [tiffany.lyttle@ed.gov](mailto:tiffany.lyttle@ed.gov); or Bernard Dufresne, Compliance Team Attorney, at (646) 428-3802 or [bernard.dufresne@ed.gov](mailto:bernard.dufresne@ed.gov).

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.

cc: Lisa Valentino, Esq.