



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 26, 2020

Sent via email only to hdavis@uca.edu

Dr. Houston D. Davis, President
University of Central Arkansas
Office of the President
XXXXXX XXXXXX XXXXXX
Conway, AR 72035

Re: University of Central Arkansas
OCR Case Number: 07-19-2134

Dear Dr. Davis:

On August 29, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against the University of Central Arkansas (University), Conway, Arkansas, alleging discrimination on the basis of sex. The Complainant alleged the University operates, hosts and sponsors a single-sex, “girl-only, no boys allowed” educational program entitled Girl Power in STEM (Program) that discriminates on the basis of sex. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to OCR to resolve the complaint.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in any education program or activity receiving federal financial assistance (FFA). Under Title IX, OCR has enforcement jurisdiction over recipients of FFA from the Department. As a recipient of FFA from the Department, the University is subject to Title IX and to OCR’s jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated whether the University discriminates against male students, on the basis of sex, in administering Girl Power in STEM, in violation of Title IX.

During its investigation, OCR reviewed documentation the University submitted, including information regarding student participation in the Program and funding for the Program, and information regarding similar programs the University offers for both boys and girls. In addition, OCR reviewed portions of the University’s website pertaining to the Program and the University’s Facebook page for the Program. OCR also interviewed the following University employees: the XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX (Associate Dean); a lecturer for the Department of XXXXXX XXXXXX

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

(Lecturer); the director of the XXXXX XXXXX XXXXX (Director); and an XXXXX counselor (Counselor). An analysis of the evidence obtained to date is set forth below. To protect individuals' privacy, the names of employees, witnesses, and other parties were not used in the letter.

Legal Standard

The Title IX regulation, at 34 C.F.R. § 106.31(a), states 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 educational program or activity operated by a recipient.

Findings of Fact To Date

According to the evidence obtained by OCR, the Program is an annual, one-day conference for eighth grade students that is hosted by the University and takes place on the University campus. The University admissions is also listed as a program sponsor of the event on the University's Program website. The stated description and objective, in part, for the April 2019 Program was: "Girl Power in STEM (GPS) is a unique opportunity for 8th grade girls in Arkansas to gain hands-on experience and learn about careers related to science, technology, engineering, and math." That stated description and objective for the 2020 Program was modified after the 2019 Program to provide more inclusivity, and stated: "Girl Power in STEM (GPS) is a unique opportunity for ALL 8th graders in Arkansas interested in gain hands-on experiences and learning about the role women play in careers related to science, technology, engineering, and math."

The University stated that it does not determine which eighth grade students participate in the Program conferences; the selection of student participants is done at the sole discretion of the school the students attend. The University sets limits on the number of eighth grade students schools may bring to the Program, based on the size of the school, but does not have any eligibility requirements for the students other than that they must be in eighth grade. According to the Lecturer, she/the University does not provide schools any criteria for selecting eighth grade students to attend the Program; it is up to the schools to determine which students to bring. The University stated that they did not have a list of students identified by sex for past Program. However, the University did confirm that the schools involved have informed the University that approximately 20 boys are registered and expected to attend the April 2020 Program.

According to the University, it has never explicitly told schools that only female eighth grade students may participate in the Program. The University has acknowledged, however, that up through the April 2019 Program, the Program has been geared towards and described as a program specifically for girls. After the 2019 Program, the University broadened the description of the Program included on its website and in other publications regarding the 2020 Program so that it references eighth grade "students" rather than eighth grade "girls," but it has not explicitly informed schools and potential Program participants that the program is open to boys.

Resolution

Prior to the completion of OCR's investigation into this complaint, the University indicated its interest in entering into a voluntary resolution agreement with OCR pursuant to Section 302 of OCR's *Case Processing Manual*. OCR determined that such a resolution would be appropriate based on concerns identified during the investigation. The University signed the Agreement (copy enclosed) on March 4, 2020, which, when fully implemented, will resolve OCR's concerns. The Agreement requires the University to modify the Program to ensure all of the University's activities related to the Program are open to all students regardless of sex. For more information, please consult the Agreement.

OCR considers this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume its investigation.

Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by federal civil rights law. Complaints alleging such retaliation may be filed with OCR. 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 could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

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. Complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have questions concerning this letter, please contact, Megan Levetzow, OCR Supervisory Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at XXXXXX.XXXXXX@ed.gov.

Sincerely,

/s/ Megan Levetzow

Megan Levetzow
Supervisory Attorney

Enclosure