



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

November 5, 2020

Via email to: president@duke.edu

Dr. Vincent E. Price
Office of the President
Duke University
207 Allen Bldg., Box 90001
Durham, North Carolina 27708-0001

RE: OCR Complaint No. 11-11-19-2224
Resolution Letter

Dear Dr. Price:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on August 7, 2019, against Duke University (the University). The complaint alleged that the University discriminates against boys on the basis of sex. Specifically, the complaint alleged that the University sponsors, promotes, organizes, operates, and hosts the following four single-sex programs or initiatives for elementary and/or secondary school students for girls only, thereby excluding boys from such programs or initiatives:

1. Girls Exploring Science & Technology (GEST);
2. Females Excelling More in Math, Engineering, and Science (FEMMES);
3. Girls STEM Day @ Duke; and
4. Duke's Problem-Based Learning to Improve Girls' Math Identity.¹

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

As explained below, prior to completion of OCR's investigation, the University expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (Agreement) to address the allegations.

¹ On November 14, 2019, OCR dismissed the part of the allegation regarding Program #4 under Section 108(a) of OCR's *Case Processing Manual* because it does not state a violation of Title IX.

OCR’s investigation to date is summarized below by program:

1. Girls Exploring Science & Technology (GEST)²

OCR’s investigation to date indicates that the GEST program is a one-day, annual event designed to provide middle school girls access to science, technology, engineering, and math (STEM) resources and activities in the Eastern North Carolina area. According to the program’s website, the program is held at the University’s Marine Lab in Eastern North Carolina and is run by volunteers.

Although OCR’s review of the website and registration materials for the GEST program do not indicate that boys are prohibited from attending or that boys would be excluded if they registered to attend, OCR noted concerns that these materials used the terms “female-identifying” and “girls” when referring to participants or registrants.

OCR further notes that the University proactively began to remove the “female-identifying” and “girls” language from the program’s website prior to the signing of the Agreement.

2. Females Excelling More in Math, Engineering, and Science (FEMMES)³

OCR’s investigation to date indicates that FEMMES is a University-recognized student organization, whose website indicates that the organization seeks to provide experiences in the sciences for local students in the fourth through twelve grades with the goal of encouraging girls to explore participation in these fields. The group sponsors five main programs named FEMMESConnect, FEMMESHacks, Capstone, After School and Saturday, and Summer Camp.

Although OCR’s review of the website and registration materials for the FEMMES programs do not indicate that boys are prohibited from attending or that boys would be excluded if they registered to attend, OCR noted concerns that these materials used the term “girls” when referring to participants or registrants.

OCR further notes that the University proactively began to remove the references to “girls” from the program’s website prior to the signing of the Agreement.

3. Girls STEM Day @ Duke

OCR’s investigation to date indicates that Girl Scout STEM Day @ Duke is a one-day interactive STEM event for middle and high school girls. The University asserts that registration for this event was handled by a local Girl Scout troop and that a representative from the Girl Scouts stated that the program was open to both members and non-members and that no one was denied registration.

² <https://sites.duke.edu/gest/>

³ <https://sites.duke.edu/femmes/>

OCR reviewed the promotional materials used by the local Girl Scout group and an article posted on the University’s website.⁴ The Girl Scout promotional materials stated that the program was in partnership with the University’s School of Engineering, among several other local organizations.

Although OCR’s review of the promotional materials and registration emails for the program do not indicate that boys are prohibited from attending or that boys would be excluded if they registered to attend, OCR noted concerns that these materials used the term “girls” when referring to participants or registrants.

In accordance with Section 302 of the OCR Case Processing Manual, a complaint may be resolved at any time when, before OCR issues its final determination, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement. In light of the University’s willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the University resulted in the University signing the enclosed Agreement, which when fully implemented, will address the issues raised in this complaint.

This concludes OCR’s investigation of the complaint. 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.

OCR will monitor the implementation of the Agreement and will close the complaint when OCR determines that the terms of the Agreement have been satisfied. The first report under the Agreement is due by January 22, 2021.

Please be advised that the University must 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.

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

⁴ <https://www.trianglewomeninstem.org/events/girls-stem-day-duke-university>;
<https://pratt.duke.edu/about/news/girls-sample-stem-duke-university>

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Jasmine Gibbs, the OCR attorney assigned to this complaint, at 202-401-7949 or jasmine.gibbs@ed.gov.

Sincerely,

Kristi R. Harris
Team Leader, Team IV
District of Columbia Office
Office for Civil Rights

Enclosure

cc: Chris Lott, Deputy General Counsel, Duke University, christopher.lott@duke.edu
Nichole Davis, Senior Legal Fellow, Duke University, nichole.davis@duke.edu