



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
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REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

February 16, 2021

Sent via email president@virginia.edu

Jim Ryan
President
University of Virginia
Office of the President
P.O. Box 400224
Charlottesville, VA 22904-4224

RE: OCR Complaint No. 11-20-2345
Resolution Letter

Dear President Ryan:

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 21, 2020 against the University of Virginia (the University). The Complainant alleges that the University discriminates on the basis of sex. Specifically, the complaint alleges that the University “operates” the Women’s Leadership Program (the WLP),¹ which is a “single-sex, female-only program” that discriminates on the basis of sex.

OCR enforces 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, 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.

During the course of OCR’s investigation, OCR reviewed the University’s website, the WLP’s webpages, the WLP’s program brochure, a Memorandum of Understanding (the MOU) between the University and the University of Virginia Darden School Foundation (Foundation), and the University’s narrative response. Prior to completion of OCR’s investigation, the University expressed an interest in resolving the complaint by entering into a Voluntary Resolution Agreement (Agreement) pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM), and OCR determined that it would be appropriate to do so. Subsequent discussions with the University resulted in the University signing the enclosed resolution agreement on January 14, 2021 which, when fully implemented, will address the issues raised in this complaint. OCR’s investigation to date is summarized below.

¹ The University informed OCR in January 2021 that the WLP’s name “has been changed to ‘Women in Leadership.’”

Legal Standard

The regulation implementing Title IX, 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. 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.”

Factual Findings to Date

The WLP is a five-day course, which includes in-person or virtual participation, and is offered by the Foundation. The University provided, and OCR reviewed, the MOU between the University and the Foundation. The MOU explains the relationship between the University and the Foundation. The MOU states (among other provisions) that the University granted the Foundation a “non-exclusive, non-transferable royalty-free right and license to use University names and marks in connection with [the Foundation’s] operations;” Foundation employees are permitted the “use of designated [University] facilities;” and the University provides information technology services” to the Foundation. Furthermore, OCR’s review found the WLP’s webpage² among the University’s webpages and OCR did not find any independent website for the WLP or the Foundation outside of the University.

OCR reviewed the online promotional information pertaining to the WLP. In November 2020, OCR reviewed the WLP’s “Live Virtual Course” webpage and identified information that indicated the WLP is an executive education course “designed for female executives and women with management responsibilities.” The webpage noted that “women are called on to lead in organizations and society,” and that “this program is [their] opportunity to develop clarity and lay the groundwork to achieve [their] chosen purpose.” In December 2020, OCR reviewed the WLP’s program brochure and identified language in the program brochure that is consistent with the language from the “Live Virtual Course” webpage discussed above. The webpage and program brochure noted that the location of the WLP program is the University’s Darden School of Business.

In December 2020, OCR also reviewed the WLP’s “In-Person Program” webpage and found information indicating that the University is proactively making changes to the information available online. Notably, the webpage now states that the “course is open to all participants who meet the professional development requirements for admission regardless of gender.” Furthermore, on December 4, 2020, the University told OCR staff that the WLP is “open to all genders” and “that the WLP has ‘never rejected’ a male applicant on the basis of sex.”

As noted above, prior to OCR making a final determination, the University expressed an interest in resolving the complaint with an agreement pursuant to Section 302 of the CPM. OCR had identified concerns about the WLP program based on the facts described above. In light of the University’s willingness to address the concerns identified by OCR without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. On

² <https://www.darden.virginia.edu/executive-education/womens-leadership-program>

January 14, 2021, the University signed the enclosed Resolution Agreement. The provisions of the Agreement are aligned with the allegation and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the University's implementation of the Agreement until the University has fulfilled the terms of the Agreement.

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. Complainants 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 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.

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Zorayda Moreira-Smith, the OCR attorney assigned to this complaint, at 202-453-6946 or Zorayda.Moreira-Smith@ed.gov.

Sincerely,

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

Cc (Via Email): Nicole Thompson, Compliance Director for Equal Opportunity and Civil Rights