



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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March 23, 2020

Patricia Smith, Esq.
Deputy General Counsel and Associate Vice President
Legal, Compliance and Risk Management
Grand Valley State University
4068 James H. Zumberge Hall
1 Campus Drive
Allendale, Michigan 49401-9403

Re: OCR Docket No. 15-19-2052

Dear Ms. Smith:

This letter is to notify you of the disposition of the above-referenced complaint filed on January 22, 2019, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Grand Valley State University (the University) alleging that the University discriminated against boys based on sex. Specifically, the complaint alleged that the University annually operates the Science Technology & Engineering Preview Summer (STEPS) Camp for Girls, a girls-only summer program that excludes boys from participation.

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 education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department the University is subject to Title IX.

Based on the complaint allegation, OCR initiated an investigation of whether the University, on the basis of sex, excluded individuals from participation in, denied them the benefits of, or subjected them to discrimination with respect to any University program or activity, in violation of the Title IX implementation regulation at 34 C.F.R. § 106.31, and/or provided or otherwise carried out any of its educational programs or activities separately on the basis of sex, in violation of 34 C.F.R. § 106.34(a).

To conduct its investigation, OCR reviewed information provided by the Complainant, interviewed the Complainant, and reviewed the information the University provided in response to OCR's request for information. OCR also reviewed portions of the University's public website on several occasions, most recently on January 6, 2020.

Summary of OCR’s Investigation

The evidence OCR obtained from the University in July 2019 showed that the STEPS camp, as described by the University’s website at that time, was “a day-camp preview of science, engineering and technology for young ladies between the 6th and 7th grades” and that the STEPS camp was most recently offered at the University from June 17-20 (Week 1) and June 24-27, 2019 (Week 2).

After receiving notice of this complaint, the University contacted OCR and stated that, in the future, the STEPS camp would be open to all interested applicants—regardless of their sex—beginning in the summer of 2020. As evidence of its intention to change the program to allow all applicants, regardless of sex, to participate, the University provided OCR with a copy of an internal memorandum dated July 15, 2019, that, as of the 2020 camp, “there will be no restriction on gender as a prerequisite for participation.” The University also stated in the memorandum that all marketing materials will be adjusted to support this approach.

OCR’s review confirmed that some changes to the program website have been made since its issuance of the University’s July 15, 2019, memorandum, including adding check-boxes for “Female” and “Male” to the application.

Applicable Regulatory and Procedural Standards

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.”

Analysis and Conclusion

Prior to OCR making a final determination, the University expressed an interest in resolving the allegations and OCR determined that it was appropriate to resolve the allegations with an agreement. Based on its review of the website in its entirety as of January 6, 2020, OCR had concerns that the University’s promotional materials did not convey that the program is open to students regardless of sex. For example, all the photographs on the STEPS web page, including the application brochure, depicted female campers.

On February 4, 2020, the University signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR’s investigation of the complaint and 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.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

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

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR received the University’s first monitoring report on February 26, 2020, and will respond to it under separate cover. For questions about implementation of the Resolution Agreement, please contact xx xxxxxxxxxxxx, who will be overseeing the monitoring and can be reached by telephone at (216) xxx-xxxx or by e-mail at xxxxxxxxxxxxxx@ed.gov. If you have questions about this letter, please contact me by telephone at (216) xxx-xxxx.

Sincerely,

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Acting Team Leader