



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLANDS

October 7, 2024

Sent via email only to jimellis1103@yahoo.com

Jim Ellis
jimellis1103@yahoo.com

Re: Case Number 02-24-2245 – Colgate University

Dear Jim Ellis:

On February 22, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the complaint you filed against Colgate University (the University). Your complaint alleged that the University discriminates on the basis of sex by promoting the following scholarships to female students only: the Glamour's College Women of the Year Scholarship (Scholarship 1) (Allegation 1) and the NY Women in Communications Scholarship (Scholarship 2) (Allegation 2). Your complaint also alleged that the University discriminates on the basis of sex by offering the following programs to females only (Allegations 3-7, below):

- Her Campus Colgate (Program 1);
- Ophelia's Girls (Program 2);
- the Women's Leadership Council (Program 3);
- the Colgate Women's Leadership Forum (the Forum); and
- the Jean Picker Chair (the Chair).

Based on the information you provided in your complaint, information the University provided to OCR through its Rapid Resolution Process (RRP) under Section 203 of [OCR's Case Processing Manual \(CPM\) \(July 18, 2022\)](#), and publicly available information online, OCR is dismissing your complaint, as explained below.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681-1688, and its implementing regulations, 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 and its implementing regulations.

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), provides generally 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 academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of federal financial

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

assistance. The Title IX regulations, at 34 C.F.R. § 106.31(b)(6) prohibit a recipient from providing significant assistance to any outside organization that discriminates on the basis of sex in providing any aid, benefit, or service to students or employees. The regulation implementing Title IX, at 34 C.F.R. § 106.37(a), addressing financial assistance states that a recipient shall not: (1) provide different amounts or types of financial assistance, limit eligibility for such assistance, apply different criteria, or otherwise discriminate, on the basis of sex; (2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person that provides assistance to any such recipient's students in a manner which discriminates, on the basis of sex; or (3) apply any rule or assist in the application of any rule concerning eligibility for such assistance that treats people of one sex differently from persons of the other sex with regard to marital or parental status.

In support of Allegations 1 and 2, you provided a link to the University's website that listed Scholarships 1 and 2 and stated that Scholarships 1 and 2 were restricted to women. The University informed OCR that the University does not offer or administer Scholarships 1 and 2. The University further stated, and OCR confirmed, that the University has removed all references to Scholarships 1 and 2 from the University's website.

In support of Allegation 3 about Program 1, you provided a link to the University's website that stated that Program 1 is an "online hub for women at [the University] to come to for advice, empowerment, or general news about campus life to create a strong community of women." In support of Allegation 4 about Program 2, you provided a link to the University's website that stated that Program 2 is "a volunteer-based mentorship group between female students at [the] University and middle school girls." The University stated that eligibility in Programs 1 and 2 is not restricted by sex. The University informed OCR, and OCR confirmed, that the University revised the webpages for Programs 1 and 2 to clarify that membership in Programs 1 and 2 is open to all students. Publicly available information from the University webpages and the constitutions and by-laws for Programs 1 and 2 state that (1) Program 1 "includes all currently registered Colgate University undergraduate students who are enrolled in a degree-granting program" and "[a]nyone can join" and that (2) Program 2 is a volunteer-based mentorship group between students at [the University] and middle school students" and is "open to all students."

In support of Allegation 5 about Program 3, you provided a link to the University's website for Program 3 that stated, "Harnessing the energy of women to help shape [the University] through philanthropic support, [Program 3] builds community among [the University] women seeking to make a transformational impact on students and the institution." The University informed OCR that membership in Program 3 is open to all regardless of sex. Further, the University informed OCR, and OCR confirmed, that the University revised its website to state that [Program 3] builds community among all Colgate alumni seeking to make a transformational impact on all Colgate students and the institution. The University clarified that membership in Program 3 is open to all alumni.

Under Section 110(d) of OCR's CPM, OCR will dismiss an allegation when OCR obtains credible information indicating that the allegation in the complaint has been resolved, the facts underlying the allegation are no longer present, and OCR has no evidence the law is violated. Because OCR received credible information demonstrating that the University took affirmative

steps to resolve Allegation 1 about Scholarship 1, Allegation 2 about Scholarship 2, Allegation 3 about Program 1, Allegation 4 about Program 2, and Allegation 5 about Program 3, the facts underlying the allegations are no longer present, and OCR has no evidence the law is violated, OCR is dismissing Allegations 1, 2, 3, 4, and 5 under Section 110(d) of OCR's CPM.

As explained below, OCR is dismissing Allegations 6 and 7 under Section 110(l) of OCR's CPM because OCR is referring Allegations 6 and 7 to the Equal Employment Opportunity Commission (EEOC). Section 110(l) of the CPM provides that OCR may close or dismiss an allegation if OCR refers the allegation to another agency for investigation.

In support of Allegation 6 about the Forum, you provided a link to the University's website that stated the Forum "strives to support and advance [the University] women in all stages of their lives and careers by creating a culture of continuous learning." The University informed OCR that the Forum is not a student program and membership in the Forum is limited to University staff members. Publicly available information indicated that the Forum is listed under the Employee Resources Group section of the University's webpage, which states, "These groups are employee-led initiatives that provide members of the University staff and faculty with opportunities to engage in activities promoting the following within the workforce."

In support of Allegation 7 about the Chair, you provided links to the University's website that stated the Chair is "established to recognize the special contributions of women faculty members at [the] University . . . The holder of this appointment focuses on enhancing the educational opportunities of [the University] students, particularly women." The University informed OCR that the Chair position has been held by the same professor since 1998.

With respect to Allegations 6 and 7 involving alleged discrimination based on sex in employment, the U.S. Equal Employment Opportunity Commission (EEOC) has authority to investigate such claims under Title VII of the Civil Rights Act of 1964 (Title VII) and its implementing regulations at 29 C.F.R. Part 1604, which prohibit discrimination in employment based on sex among other bases, and OCR appears to have jurisdiction to investigate such claims under Title IX. Because the EEOC and OCR both appear to have jurisdiction over Allegation 6 about the Forum and Allegation 7 about the Chair, involving individual employment, OCR must refer these allegations to the EEOC absent special circumstances that do not exist here. *See* 29 C.F.R. § 1691.5(e); 28 C.F.R. § 42.605(e); and Section 701 of the CPM. Accordingly, OCR is referring Allegation 6 about the Forum and Allegation 7 about the Chair involving discrimination based on sex in individual employment to the EEOC under Section 701(c)(2)(iv) of the CPM and dismissing Allegation 6 and 7 under Section 110(l) of the CPM.

Accordingly, OCR is notifying you that it is referring Allegations 6 and 7 to the EEOC for handling at the following address:

Maureen Kielt
Director
U.S. Equal Employment Opportunity Commission
Buffalo Local Office
Olympic Towers
300 Pearl Street, Suite 450

Buffalo, New York 14202

The EEOC will consider the complaint to be received on the date that OCR received it, unless the EEOC received a similar complaint earlier. This referral concludes OCR's consideration of Allegations 6 and 7, which OCR is dismissing as of the date of this letter under Section 110(l) of the CPM.

Please note that OCR has made no determination as to whether your allegations state actionable and timely claims of employment discrimination. The EEOC may advise you that you need to provide additional information to the EEOC to file an EEOC charge of discrimination. Information about the EEOC's charge filing process, including important filing deadlines, and a link to the EEOC's online process may be found at the [EEOC website](#). The EEOC may also be reached at 1-800-669-4000; 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only); or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).

OCR is notifying the University that it is referring Allegations 6 and 7 to the EEOC. If you have any questions about Allegations 6 and 7, please contact the EEOC. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

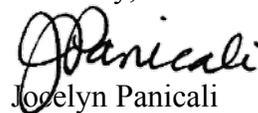
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the University 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 against the University with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If 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 questions, please contact Stacy Bobbitt, Compliance Team Investigator, at (646) 428-3823 or stacy.bobbitt@ed.gov; Grace D. Kim, Compliance Team Attorney, at (646) 428-3977 or grace.d.kim@ed.gov; or Asha Albuquerque, Compliance Team Attorney, at (202) 987-1165 or asha.albuquerque@ed.gov.

Sincerely,



Jocelyn Panicali
Compliance Team Leader