



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

December 14, 2018

VIA MAIL

Margaret C. Valois, Esq.
7601 Timberlake Rd.
Lynchburg, VA 24502

Re: OCR Complaint No. 06-18-2230

Dear Ms. Valois:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. On June 18, 2018, OCR received the complaint, which you filed against Tulane University (University), in New Orleans, Louisiana. You alleged that the University discriminates against men on the basis of sex.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based on sex. OCR has confirmed that the University is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate this complaint under Title IX.

Based on your allegations, OCR investigated the following legal issues:

1. Whether the University treated male students differently on the basis of sex by providing different amounts or types of financial assistance, limiting eligibility for financial assistance, applying different criteria for financial assistance, or otherwise discriminating in the provision of financial assistance on the basis of sex from December 20, 2017, to the present, in violation of Title IX, at 34 C.F.R. § 106.37; and
2. Whether the University treated men differently on the basis of sex in the context of an educational program or activity without a legitimate, nondiscriminatory reason and thereby interfered with or limited their ability to participate in or benefit from the services, activities, or privileges provided by the University from December 20, 2017, to the present, in violation of Title IX, at 34 C.F.R. § 106.31.

Prior to the completion of an investigation, the University informed OCR that it was interested in resolving the complaint allegations through a voluntary resolution agreement. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when,

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

prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegations. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the University's request to resolve the complaint prior to the conclusion of an investigation.

The University voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the University's representative signed the Agreement on December 14, 2018. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that the University will fulfill its obligations under Title IX with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the University's implementation of the Agreement. Please be advised that if the University fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This letter sets forth OCR's determination in the individual OCR cases identified above. 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, you 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, we 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.

If you have any questions regarding this letter, please contact Katherine Fearn, the attorney assigned to the matter, at (214) 661-9653 or katherine.fearn@ed.gov. You may also contact me at (214) 661-9600.

Sincerely,



Paul Coxe
Team Leader Attorney
Office for Civil Rights
Dallas Office

Enclosure



RESOLUTION AGREEMENT

Tulane University
OCR Case Number: 06-18-2230

A. GENERAL TERMS & PRINCIPLES:

The U.S. Department of Education's Office for Civil Rights (OCR) and Tulane University (University) enter into this agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1

By September 6, 2019, the University will ensure that it is not treating male students differently on the basis of sex by providing different amounts or types of financial assistance, limiting eligibility for financial assistance, applying different criteria for financial assistance, or otherwise discriminating with respect to financial assistance on the basis of sex, in accordance with the requirements of 34 C.F.R. § 106.37.

Reporting Requirements: Action Item 1

By September 6, 2019, the University will submit to OCR a narrative explaining any alterations that it made to the following items to comply with this Action Item and copies of the relevant governing documents, application materials, selection criteria, and promotional materials (e.g., links to website postings) for the following items:

- a. Landor Lewis and Shirley Gauff Awards,
- b. Grace Hopper Celebration Grants,
- c. Skau Art & Music Fund,
- d. Newcomb Alumnae Association Grants and Other Awards,
- e. NCI Student Research Grants,
- f. NCI Summer Internship Funding Program,
- g. Public Leadership Education Network Grants,
- h. Boggs Congressional Fellowship, and
- i. Any financial assistance (i.e., scholarships, fellowships, and other forms of financial assistance) that the University identifies as requiring alteration to comply with this Action Item.

Action Item 2

By September 6, 2019, the University will ensure that it is not treating men differently on the basis of sex through its experiential learning opportunities, programs, and student organizations, in accordance with the requirements of 34 C.F.R. § 106.31.

Reporting Requirements: Action Item 2

By September 6, 2019, the University will submit to OCR a narrative explaining any alterations that it made to the following items to comply with this Action Item and copies of the relevant governing documents, application materials, selection criteria, and promotional materials (e.g., links to website postings) for the following items:

- a. Women-to-Women Mentoring Program,
- b. Under the Oaks: Daisy Chain,
- c. Tulane Newcomb Scholars Program,
- d. Tulane Women and Youth Supporting Each Other,
- e. Newcomb Alumnae Association,
- f. African-American Women's Society,
- g. Newcomb Senate,
- h. Tulane Women in Technology, and
- i. Any experiential learning opportunities, programs, and student organizations that the University identifies as requiring alteration to comply with this Action Item.

Action Item 3

By March 29, 2019, the University will provide OCR, for OCR's review and approval, proposed training for University administrators responsible for approving financial assistance opportunities, experiential learning opportunities, programs, and student organizations, such as the items identified in Action Items 1 and 2. The training must be conducted by a person or persons knowledgeable about the relevant requirements of Title IX and must address, at a minimum, the following:

- a. Title IX's requirements with respect to nondiscrimination in financial assistance (34 C.F.R. § 106.37); and
- b. Title IX's prohibition of sex discrimination (including sex discrimination against men), including with respect to participation criteria for experiential learning opportunities, programs, and student organizations.

Reporting Requirements: Action Item 3

- a. By March 29, 2019, the University will provide OCR, for OCR's review and approval, the proposed training materials to be used and distributed during the training described in this Action Item, including all speaker's notes, handouts, and

PowerPoints (or other presentations), and the name, title, contact information, and qualifications of the trainer(s).

- b. Within thirty-five (35) calendar days after the University receives written notification of OCR's approval of the training described in this Action Item, the University will provide to OCR documentation demonstrating that the University provided training to relevant personnel, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals who attended the training.

C. EXECUTION:

The University understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that, during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Title IX. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representative below.

Robin Forman
Senior Vice President for Academic Affairs and Provost
President or Designee's Name/Title

Robin Forman
President or Designee's Signature

December 14, 2018
Date