



Higher Ed Alert: OCR Investigates Sex Discrimination Against Males At Dozens of Colleges and Universities

June 19, 2020

Since the beginning of 2020, the U.S. Department of Education, Office for Civil Rights (OCR) has opened dozens of investigations into sex-specific scholarships and programming at colleges and universities across the United States. The investigations are generally focused on scholarships and programs that are available exclusively to women, such as on-campus coding and STEM camps for female K-12 students and scholarships that are limited to female students or whose criteria grant preference to female students. These investigations have been categorized under two new types of discrimination on OCR's website, Title IX - Single Sex Campus Programs and Title IX - Single Sex Scholarships. As of June 3, 2020, the OCR website showed that the agency had a total of 41 open investigations into single sex scholarships and 35 open investigations into single sex campus programs across the office's 12 regional branches.

Many of the colleges and universities currently under investigation by OCR were initially contacted not by the U.S. Department of Education, but by third parties, including individuals and education reform groups. These third parties have filed hundreds of complaints identifying various campus scholarships and programs that they allege violate Title IX's prohibition of discrimination on the basis of sex and request both a response to the allegations and programmatic changes. A significant number of these third party complaints were then forwarded to OCR. Some investigations have resulted in institutions voluntarily agreeing to open scholarships and activities to all students regardless of sex as a resolution to the OCR complaint, while others have resulted in additional training requirements on how Title IX protections must be applied to all gender-based discrimination, even discrimination against male students.

While female-specific scholarships and programs have historically been viewed as necessary to even the playing field, especially in STEM-related professions, and have not been considered inherently discriminatory under Title IX, OCR appears to be listening to and acting on this new frontier of Title IX activism. If you have any questions on compliance with Title IX or other state and federal laws regarding sex discrimination, including scholarship eligibility, summer camps, or other campus programs or initiatives, please contact Labor, Employment and Higher Education Practice Group Leader Kathryn Nash or your regular Lathrop GPM contact.



If your institution has received a complaint challenging the legality of your scholarship programs or other on-campus initiatives, you should immediately seek legal assistance.