



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

May 19, 2023

By email only [REDACTED]

Mark J. Perry
[REDACTED]

Re: Case No. 11-23-2144
Duke University

Dear Dr. Perry:

On April 18, 2023, the U.S. Department of Education, Office for Civil Rights (OCR) notified you that we opened an investigation into a complaint you filed against Duke University. The complaint alleged that the University discriminated against men on the basis of sex by sponsoring, promoting, and hosting a single-sex medical student outreach program with the Perry Initiative on April 1, 2023 for women in medical school, thereby excluding men.

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. The University receives federal financial assistance from the Department of Education, so OCR has jurisdiction over it pursuant to Title IX.

OCR is closing the complaint under Section 110(d) of OCR's *Case Processing Manual*, which states that OCR will close or dismiss a complaint if OCR obtains credible information indicating that it is not systemic and has been resolved.

During OCR's investigation, the University provided documentation that the outreach event at issue was open to all students regardless of sex and that both male and female participants attended. Although an initial flyer about the event invited only women or nonbinary students to participate, at the University's prompting the advertising was revised to state that "[m]edical students (MD or DO) of any gender...are invited to participate."¹ The University documented to OCR that its own advertising invited all "current medical students" in the area to attend. Based on this information, OCR determined that the facts underlying the complaint are no longer present and there is no evidence that a law enforced by OCR is violated. Therefore, OCR is closing the complaint because OCR determined that it is resolved.

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

¹ See <https://perryinitiative.org/wp-content/uploads/2023/03/Duke-MSOP-040123-2-.pdf>.

policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that 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.

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, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR 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 any questions, please contact me at



Sincerely,

Dan Greenspahn
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights