



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 25TH FLOOR
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

June 24, 2023

Sent via email only to [REDACTED]

Re: Case No. 02-23-2063
Barnard College

Dear [REDACTED]

By letter dated March 13, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR) notified you that it would investigate a complaint you filed against Barnard College. You alleged that the College discriminates on the basis of sex by offering opportunities and resources only for women in its Athena Center for Leadership Incubator (the Incubator) (Allegation 1). You also alleged that the College discriminated on the bases of race or color (Allegation 2), national origin (Allegation 3), and sex (Allegation 4) by waiving the \$14 fee for submitting short films to the 2023 Athena Film Festival (the Festival), for Black and Indigenous Women of Color (BIWOC) filmmakers, between June and August 2022. You further alleged that the College discriminated on the basis of sex by admitting only women and non-binary applicants to the Festival's Writers Lab (the Writers Lab) in November 2022 and March 2023 (Allegation 5). For the remainder of this letter, OCR will refer to you as the Complainant.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program and activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the College is subject to Title VI and Title IX and their implementing regulations.

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies. The regulation implementing Title VI, at 34 C.F.R. § 100.3(b)(1)(i),(ii) and (iv), states that a recipient may not, directly or through contractual or other arrangements, on ground of race, color, or national origin, deny an individual any service, aid, or benefit provided under the program; provide any service or benefit to an individual that is different, or is provided in a different manner, from that

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provided to others under the program; or restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit under the program.

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 assistance.

With respect to Allegation 1, the Complainant alleged that the College discriminates on the basis of sex by offering opportunities and resources only for women in the Incubator. The Complainant alleged that access to the Incubator is limited to women and nonbinary student entrepreneurs in the College and Columbia University communities.

According to its website, the Incubator is a year-long cohort-based program for aspiring and emerging entrepreneurs at the College to develop and advance their businesses.¹ During the course of OCR’s investigation, the College informed OCR that the Incubator is open to all College students, not limited to women and nonbinary students, and that only College students are eligible to apply. The College modified the Incubator’s website to reflect that applications are not restricted by sex and are open to “[a]spiring and emerging [College] student entrepreneurs ready to take their venture to the next level.”²

Under Section 110(d) of OCR’s *Case Processing Manual (CPM)*,³ OCR will dismiss an allegation if OCR obtains credible information indicating that the allegation raised by the complainant has been resolved, and there is no systemic allegation. Based on the above, OCR determined that Allegation 1 is resolved. Accordingly, OCR is dismissing Allegation 1 under Section 110(d) of OCR’s *CPM* as of the date of this letter.

With respect to Allegations 2, 3, and 4, the Complainant alleged that the College discriminated on the bases of race or color, national origin, and sex by waiving the \$14 fee for submitting short films to the 2023 Festival, for BIWOC filmmakers, between June and August 2022.

During the course of OCR’s investigation, the College informed OCR that the Festival grants waivers of the \$14 submission fee to everyone who makes a request, and that fee waivers for short films submitted to the 2023 Festival between June and August 2022 were available to, and granted to any individual who made a request, regardless of the individual’s race or color, national origin, or sex. OCR confirmed that the College granted fee waivers to all 143 applicants who requested a waiver. The College further informed OCR that the Festival modified its webpage to reflect the availability of fee waivers regardless of race or color, national origin, or sex. The Festival webpage states that it “encourages applications from people of all races, religions, national origins, sexual orientations, gender identities, gender expressions, and ages, as well as veterans and individuals with disabilities.”⁴ The Festival webpage further states that “[n]o film will ever be turned away

¹ See <https://athenacenter.barnard.edu/athena-incubator/> (last visited June 24, 2023).

² See “Frequently Asked Questions,” <https://athenacenter.barnard.edu/athena-incubator/> (last visited June 24, 2023).

³ See *CPM* (July 18, 2022) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

⁴ See <https://athenafilmfestival.com/submit-your-film/> (last visited June 24, 2023).

due to a lack of funds” and that applicants may request a fee waiver if “unable to pay the submission fee for any reason.”

Under Section 110(d) of OCR’s *CPM*, OCR will dismiss allegations if OCR obtains credible information indicating that the allegations raised by the complainant have been resolved, and there is no systemic allegation. Based on the above, OCR determined that Allegations 2, 3, and 4 are resolved. Accordingly, OCR is dismissing Allegations 2, 3, and 4 under Section 110(d) of OCR’s *CPM* as of the date of this letter.

With respect to Allegation 5, the Complainant alleged that the College discriminated on the basis of sex by admitting only women and non-binary applicants to the Writers Lab in November 2022 and March 2023.

During the course of OCR’s investigation, the College informed OCR that the Writers Lab is open to script writers without regard to sex; and that the Festival modified its webpage, including language relating to eligibility. The Festival webpage states that it “encourages applications from people of all races, religions, national origins, sexual orientations, gender identities, gender expressions, and ages, as well as veterans and individuals with disabilities.”⁵

Pursuant to Section 110(d) of OCR’s *CPM*, OCR will dismiss an allegation if OCR obtains credible information indicating that the allegation raised by the complainant has been resolved, and there is no systemic allegation. Based on the above, OCR determined that Allegation 5 is resolved. Accordingly, OCR is dismissing Allegation 5 under Section 110(d) of OCR’s *CPM*, and closing the complaint as of the date of 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. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

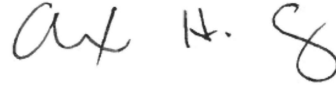
Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the College 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, 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.

⁵ See <https://athenafilmfestival.com/submit-to-the-writers-lab/> (last visited June 24, 2023).

If you have any questions, please contact Lauren Numeroff, Senior Compliance Team Attorney, at (646) 428-3895 or lauren.numeroff@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Artz H. Artz". The signature is written in a cursive style with a large, stylized "S" at the end.

Alexander H. Artz
Compliance Team Leader