



THE EQUAL PROTECTION PROJECT
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BY EMAIL (OCR.Boston@ed.gov)

U. S. Department of Education
Office for Civil Rights – Boston Office
5 Post Office Square, 8th Floor
Boston, MA 02109-392

**Re: Civil Rights Complaint Against the Massachusetts Institute of Technology
Regarding Race- and Sex-Based Undergraduate Program**

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures. *See* 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government, and that opposes racial discrimination in any form.

We bring this civil rights complaint against the Massachusetts Institute of Technology for creating, supporting and promoting a program for undergraduate students – called the Creative Regal Women of Knowledge, or “The CRWN” – that engages in invidious discrimination on the basis of race, color and sex. As detailed and documented below, only undergraduate “women of color” can participate in the program. Applicants who fall outside of those race- and sex-based categories are ineligible for it.

Because The CRWN discriminates based on race and skin color, it violates Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations.¹ And, because the program also discriminates on the basis of sex, it violates Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations.²

The Creative Regal Women of Knowledge Program

According to an informational page on MIT’s website, The CRWN “is designed for women of color” (“WOC”)³ and its mission is “to inspire undergraduate women of color to move confidently as visionaries, grounded in excellence, empathy, and support for one another.”⁴

Who We Serve

The CRWN is designed for undergraduate women of color which includes Black, Indigenous, Hispanic/Latinx, Asian, Pacific Islanders, and other minoritized ethnicities. Women includes transgender women, cisgender women, and non-binary women.

The CRWN serves sophomores (2nd year) students and above. Students may stay in the program until they graduate.

Applications are open!

The phrase “women of color” is defined to include “Black, Indigenous, Hispanic/Latinx, Asian, Pacific Islanders, and other minoritized ethnicities,” and the word “women” is defined to include “transgender women, cisgender women, and non-binary women.”⁵

The mission of The CRWN is to inspire undergraduate women of color to move confidently as visionaries, grounded in excellence, empathy, and support for one another.

Women of Color includes Black, Indigenous, Hispanic/Latinx, Asian, Pacific Islanders, and other minoritized ethnicities. *Women* includes transgender women, cisgender women, and non-binary women.

¹ 42 U.S.C. § 2000d et seq.; 28 C.F.R. Part 100.

² 20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106.

³ See <https://ome.mit.edu/thecrwn/> [https://archive.is/EfGcO] (accessed on May 17, 2024).

⁴ See <https://ome.mit.edu/thecrwn/about> [https://archive.is/nNzkl] (accessed on May 16, 2024).

⁵ *Id.*

The goals of The CRWN are, among other things, “to enhance and strengthen community amongst WOC at MIT” and “to assist WOC in effectively and efficiently navigating the MIT experience, e.g., through general advising and group mentoring opportunities.”⁶

Program Goals

- To enhance and strengthen community amongst WOC at MIT.
- To enhance and increase opportunities to pursue and participate in academic excellence and professional development opportunities at and beyond MIT.
- To support positive racial/ethnic, cultural, gender identity, self-awareness, confidence, etc.
- To assist WOC in effectively and efficiently navigating the MIT experience, e.g., through general advising and group mentoring opportunities.

The informational webpage promotes the benefits that participants in the program will enjoy. These include “develop[ing] a network of undergraduate and graduate WOC at MIT,” “participat[ing] in group mentoring activities,” “access to social outings, retreats, dinners, and fun events,” and “access to financial assistance for pursuing academic and professional development goals.”⁷

Program Benefits

- Develop a network of undergraduate and graduate WOC at MIT.
- Participate in Group Mentoring opportunities.
- Receive support achieving academic success goals.
- Access to social outings, retreats, dinners, and fun events.
- Access to financial assistance for pursuing academic and professional development goals.

Additionally, students who have been accepted into The CRWN are able to receive up to \$400 for “professional development,” including graduate and professional school applications, professional conference registration and travel, graduate/professional/medical school exams or exam prep courses, “professional attire” and “legal name changes.”⁸

⁶ *Id.*

⁷ *Id.*

⁸ See <https://ome.mit.edu/thecrwn/crwn-request-professional-development-funds-form> [https://archive.is/E1I96] (accessed on May 16, 2024).

The CRWN Request for Professional Development Funds Form

For CRWN Members ONLY

The CRWN is excited to support our CRWN Jewels in their professional development! The CRWN Professional Development Form can be used for *currently enrolled CRWN Members only*. Funding up to \$400 (based on participation) are granted on a case by case basis, and can be used for any of the following:

- Graduate and professional applications
- Graduate and professional school travel
- Professional conference registration and travel
- Graduate/professional/medical schools admissions exams/exam prep
- Professional attire as it relates to professional events, including gender affirmation
- Government forms/paperwork fees for LGBTQ+ students
- Legal name Change
- General education and training

And, as reproduced in the screen capture below, the application webpage for The CRWN requires applicants to state if they are “Hispanic or Latino” and to identify their race and skin color, and also asks applicants for their gender identity.⁹

Program Application

Women of Color who are sophomores and above may apply to The CRWN.

First Name *

Last Name *

Are you Hispanic or Latino? *

- Yes
 No

Regardless of your answer to the prior question, please check one or more of the following groups in which you consider yourself to be a member: *

- American Indian or Alaska Native (including all Original Peoples of the Americas)
 Asian (including Indian subcontinent and Philippines)
 Black or African American (including Africa and Caribbean)
 Native Hawaiian or Other Pacific Islander (Original Peoples)
 White (including Middle Eastern)
 Other

Gender Identity

- Agender
 Genderqueer / Gender Fluid / Non-Binary
 Man
 Unsure/Questioning
 Woman
 Prefer not to answer
 Other, my gender is:

Are you transgender?

- Yes
 No
 Unsure/Questioning
 Prefer not to answer

Gender Pronouns

Leave blank if you prefer not to answer

⁹ See <https://ome.mit.edu/thecrwn/program-application> [https://archive.is/7FYI9] (accessed on May 17, 2024).

An August 2023 guidance issued by OCR provides that “[i]n determining whether an opportunity to participate is open to all students, OCR may consider, for example, whether advertisements or other communications would lead a reasonable student, or a parent or guardian, to understand that all students are welcome to participate.”¹⁰ Here, any reasonable person would understand that all students are *not* welcome to participate in The CRWN.

The CRWN Program Violates The Law

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits intentional discrimination on the basis of race, color or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” means “all of the operations of ... a department, agency, special purpose district, or other instrumentality of a State or of a local government” and each state government agency “to which the assistance is extended.” 42 U.S.C. § 2000d-4a(1)(A), (B). As MIT receives federal funds,¹¹ it is subject to Title VI.¹²

Likewise, Title IX makes it unlawful to discriminate on the basis of sex in education. That statute provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U. S. C. §1681(a).

It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cty.*, 140 S. Ct. 1731, 1742 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U. S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions v. President & Fellows of Harvard College*, 2023 U.S. LEXIS 2791, at *154 (2023) (Gorsuch, J., concurring).

¹⁰ *See* <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf> [https://archive.is/5wWb1] (accessed on May 17, 2024) at 11.

¹¹ *See* <https://tinyurl.com/mrx6tttd3> [https://archive.is/Sikr9] (accessed on May 19, 2024).

¹² Additionally, although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as MIT. *See* 42 U.S.C. § 2000a(a). Similarly, The CRWN’s race- and sex-based eligibility criteria violates the civil rights protections of the Massachusetts anti-discrimination law, which prohibits discrimination based on protected characteristics in the educational setting, *see* Mass. G.L. c. 151C §2, and in places of public accommodation. *See* Mass. G.L. c. 272 §98. The CRWN’s race- and sex-restrictive eligibility criteria also violate MIT’s own non-discrimination policy. *See* <https://tinyurl.com/38vwmex5> [https://archive.is/IIH9W] (accessed on May 19, 2024).

Thus, regardless of MIT's reasons for creating, sponsoring and promoting The CRWN, it is violating federal civil rights statutes by doing so.

OCR Has Jurisdiction

OCR has jurisdiction over this complaint. Since MIT is a recipient of federal funds, it is liable for violating Title VI and Title IX.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color and sex that occurred within the last 180 days and is ongoing.

The MIT website indicates that The CRWN has been operating at MIT during spring semester 2024. The program's "Welcome Back Event" was held on the MIT campus on February 22, 2024 and was restricted "to current members of the CRWN and all women of color undergraduates."¹³

Request For Investigation And Enforcement

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that "discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society." 488 U.S. at 505 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants.

The Office for Civil Rights has the power and obligation to investigate MIT's role in participating in, sponsoring, supporting and promoting The CRWN program – and to discern whether MIT is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. After all, "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race." *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

¹³ See <https://ovc.mit.edu/news/the-crwn-inaugural-induction-ceremony/> [https://archive.is/iBIjN] (accessed May 19, 2024).

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Accordingly, we respectfully ask the Department of Education's Office for Civil Rights to impose remedial relief as the law permits for the benefit of those who have been illegally excluded from The CRWN based on racially and gender-based discriminatory criteria, and to ensure that all ongoing and future programming through MIT comport with federal civil rights laws.

Sincerely,

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President
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The Equal Protection Project
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