



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

June 20, 2025

United States Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Via Email: OCR@ed.gov

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Defending Education (DE) brings this complaint against Smith College (Smith) for discrimination on the basis of sex in programs or activities that receive federal financial assistance in violation of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et. seq.*

DE brings this complaint as an interested third-party organization with members who are parents and students throughout the country. DE and its members oppose, among other things, discrimination on the basis of sex in America's K-12 schools and institutions of higher education. Title IX prohibits discrimination based on sex in any education program or activity receiving federal financial assistance. At the same time, Title IX also protects single-sex spaces: for example, female students are entitled to sex-segregated intimate spaces, single-sex membership in sororities, single-sex athletic teams, and single-sex admissions where an institution has held itself out to be single-sex and provides substantially equivalent educational opportunities.

Smith College is among the largest all-women's colleges in the country.¹ The college's Equal Education Opportunity Policy indicates that it will follow Title IX and prohibit discrimination on the basis of sex in its federally funded programs. The very same policy, however, indicates that

¹ *Smith at a Glance* (archived June 19, 2025), perma.cc/U2YB-YSQF.

Smith interprets Title IX to prohibit “gender identity” discrimination,² despite federal case law and this Department’s guidance to the contrary. Discrimination based on gender identity is not the same as discrimination based on sex under Title IX, as this Department well knows, and the Supreme Court has never held it is.³ In other words, to the extent Smith’s accommodations for so-called gender identity encroach upon sex-specific programs and spaces, it is in violation of Title IX.

The college’s admission policy appears to violate Title IX for the same reason. It also violates various Presidential Executive Orders on policies related to sex discrimination in federally funded programs and this Department’s stakeholder guidance on Title IX and the prevention of sex discrimination in federally funded programs.⁴ According to Smith, its supposedly women-only admission policy “include[s] self-identified transgender women.”⁵

The admissions policy provision on “Gender Identity and Expression” confirms that the college gives spots to “self-identifi[ed]” transgender women that would have otherwise gone to biological women:

Who is eligible to apply to Smith?

People who identify as women—cis, trans and nonbinary women—are eligible to apply to Smith.

What is required of trans and nonbinary women applicants to be considered for admission?

*Smith’s policy is one of self-identification. The applicant’s affirmation of identity is sufficient.*⁶

² *Equal Educational Opportunity Policy* (archived June 19, 2025), perma.cc/G7Q4-RGK2; see also *Title IX and Smith College* (archived June 19, 2025), perma.cc/UY8Z-AH5G; *Sexual Misconduct Policy: Notice of Nondiscrimination* (archived June 19, 2025), perma.cc/MTQ6-FYLR.

³ See, e.g., *United States v. Skrmetti*, 2025 WL 1698785, at *9-10 (S. Ct. June 18). *Bostock v. Clayton County*, 590 U.S. 644 (2020), does not hold otherwise. Quite the opposite, in fact. *Bostock* confirms that “sex” refers “only to biological distinctions between male and female.” *Id.* at 655. And to the extent *Bostock* could be read to confuse gender identity with biological sex, its logic is confined to Title VII. See, e.g., *Skrmetti*, 2025 WL 1698785 at *12 (explaining that *Bostock*’s rationale does not necessarily “reac[h] beyond the Title VII context”); *Department of Education v. Louisiana*, 603 U.S. 866, 867 (2024) (“all Members of the Court” agreed to enjoin a federal rule that extended *Bostock*’s reasoning to Title IX).

⁴ See Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>; Executive Order 14201, *Keeping Men Out of Women’s Sports* (Feb. 5, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/keeping-men-out-of-womens-sports/>; U.S. Department of Education to Enforce 2020 Title IX Rule Protecting Women, U.S. Dep’t of Educ. (Jan. 31, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-enforce-2020-title-ix-rule-protecting-women>.

⁵ *Admission Policy Announcement* (archived June 19, 2025), perma.cc/2PGP-CGJP.

⁶ *Gender Identity and Expression – Admission to Smith* (archived June 19, 2025), perma.cc/7XHR-URNR.

Ironically, in what appears to be yet another exercise in sex discrimination, Smith admits natal men who identify as women but does not admit natal women who identify as men.⁷

In addition, Smith's policies on "Gender Identity and Expression" indicate that "[e]very single-occupancy restroom on campus is designated all-gender, and more and more multi-stall bathrooms are as well."⁸ The college also advertises "[a]n all-gender locker room in the athletic facilities," and the college's Health & Wellness Center "provides trans-affirming primary care, including hormone therapy."⁹

Smith's independent student newspaper also indicates that the Health & Wellness Center will hew to Massachusetts law instead of federal directives on the provision of so-called "gender affirming" care and continue in the provision of "trans-affirming primary care."¹⁰

Making matters worse, Smith threatens to investigate and/or punish students who disagree with the college's unlawful policies on gender identity and sex. The school maintains a "Bias Response Team" dedicated to the investigation of:

*Incidents ... includ[ing] an act of **bigotry, harassment or intimidation** based on age, color, creed, disability, **gender identity, gender expression**, race, religion, nation/ethnic origin, sex, sexual orientation or veteran status committed on campus for which the respondent cannot be identified. This includes, but is not limited to, **slurs, graffiti, written messages, or images that harass or intimidate individuals or groups because of their membership in the above listed protected classes.***¹¹

In *United States v. Virginia*, the Supreme Court explained that sex discrimination—which includes policies, like Smith's, that fail to respect sex-specific programs and spaces—is presumptively unlawful.¹² Smith's gender identity policies cannot possibly satisfy that standard because the entire purpose of Title IX is to "protec[t] biological women in education."¹³ That purpose is directly undermined by policies that "subordinate the fears, concerns, and privacy interests of biological women to the desires of transgender biological men" who want to intrude upon spaces normally

⁷ Elizabeth Wolf, *Trans and nonbinary students have long had a place at women's colleges. Here's what they want you to know*, CNN (May 7, 2023), <https://edition.cnn.com/2023/04/30/us/transgender-womens-colleges-admissions-experiences/index.html>.

⁸ *Gender Identity and Expression: Gender Diversity on Campus* (archived June 19, 2025), perma.cc/7XHR-URNR.

⁹ *Id.* This Department may be interested in the continued provision of "trans-affirming" primary care at the Health & Wellness Center, which appears to violate Executive Order 14187, *Protecting Children from Chemical and Surgical Mutilation* (Jan. 28, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-children-from-chemical-and-surgical-mutilation/>.

¹⁰ Catherine Nichols, *Gender-Affirming Care at the Schacht Center Amid Trump Bans*, The Sophian (Feb. 26, 2025) <https://thesophian.com/gender-affirming-care-at-the-schacht-center-amid-trump-bans/>.

¹¹ *Bias Response Team* (archived June 19, 2025), perma.cc/985Q-5J6X.

¹² *United States v. Virginia*, 518 U.S. 515, 531 (1996) (such policies are unlawful absent "exceedingly persuasive justification").

¹³ *Kansas v. U.S. Dep't of Educ.*, 739 F. Supp. 3d 902, 923 (D. Kan. 2024).

reserved for “their female peers.”¹⁴ Smith’s preference for gender identity over biological sex, in other words, “subvert[s] the original purpose of Title IX.”¹⁵

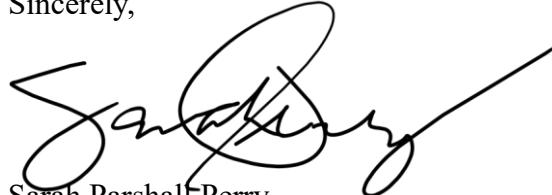
The Department’s own guidance on Title IX clarifies that covered educational programs and activities include: “[A]ll the operations of a school that receives financial assistance including academics, extracurricular activities, athletics, and other programs. Title IX applies to all operations of a school, including those that take place in the facilities of the school, on a school bus, or in a class or training program sponsored by the school at another location.”¹⁶

At a minimum, then, Smith’s gender-identity-based Equal Opportunity Policy; its admissions policy, which accepts natal men in lieu of similarly situated female applicants; and its all-gender restroom and locker room policies, which divest female students of their privacy, safety, and equal educational opportunity, all appear to violate Title IX.

Accordingly, we ask that the Department promptly investigate all the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution. Please contact me for further information.

Sincerely,



Sarah Parshall-Perry
Vice President and Legal Fellow
Parents Defending Education

Encl. Exhibits pp.5-13

¹⁴ *Id.*

¹⁵ *Louisiana v. U.S. Dep’t of Educ.*, 737 F. Supp. 3d 377, 399 (W.D. La. 2024).

¹⁶ *Frequently Asked Questions: Sex Discrimination*, U.S. Dep’t of Educ. (accessed June 19. 2025), <https://www.ed.gov/laws-and-policy/civil-rights-laws/frequently-asked-questions-sex-discrimination>.



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NEWS OF NOTE

Four Honorands To Speak at Commencement

The names of four distinguished honorary degree recipients were announced at Rally Day on Feb. 20

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BY CAROLYN MCDANIEL

Published February 20, 2025

Four distinguished leaders in the arts, academia, health and wellness, social justice, and innovation will be awarded honorary degrees at Smith's 147th Commencement on Sunday, May 18. In a tradition begun last year by President Sarah Willie-LeBreton, each honorand will offer a few words of wisdom and congratulations to the graduates.

Honorary degrees will be awarded in May to:

- [Danielle Allen](#), professor of political philosophy, public policy, and ethics at Harvard University and founder and chairperson of Partners In Democracy.
- [Evelyn M. Harris](#), vocal teacher, former member of the world-renowned a cappella group Sweet Honey in the Rock, and a global performer for more than 50 years.
- [Admiral Rachel L. Levine](#), 17th assistant secretary for health for the U.S. Department of Health and Human Services, accomplished physician, public health expert, and LGBTQ+ advocate.
- [Preeti Simran Sethi '92](#), Emmy-award winning writer, academic, and mental health coach dedicated to advancing social, environmental, and personal change.



By —
Joshua
Barajas

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Smith College changes admission policy to allow transgender applicants

[Education](#) May 4, 2015 1:28 PM EDT

Smith College, the largest of the [Seven Sisters schools](#), voted to change its admission policy Saturday to allow [transgender students](#) at the all-female institution.

The policy change, which goes into effect in the upcoming fall semester, was the result of a year of "formal study," college President Kathleen McCartney and board Chairwoman Elizabeth Mugar Eveillard said [in an announcement](#) on the Northampton, Massachusetts school's website.

"In the years since Smith's founding, concepts of female identity have evolved," the school's announcement read. GLAAD said [in a statement](#) Saturday that it worked with Smith since 2013 "to urge the college to open its doors to all women."

In a separate FAQ online, the school clarified its policy change, adding that "those assigned female at birth, but who now identify as male are not eligible for admission." Nor would the school accept applicants who identify as "[genderqueer](#)," or those who identify beyond the gender binary roles of male or female.



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Monday, Jun 16

Admission Policy Announcement

About Us Training Toward Racial Justice Policies & Resources

Smith's mission and legal status, Smith is a women's college. Smith is also a place where students are able to explore who they are in an open and respectful environment.

Does Smith have transgender students?

Absolutely. Smith has students, faculty and staff who are trans, nonbinary, and gender nonconforming. Smith students are here to engage with each other socially and academically in respectful ways, and our community values the range of identities that the student body represents.



Who is eligible to apply to Smith?

People who identify as women—cis, trans and nonbinary women—are eligible to apply to Smith.

What is required of trans and nonbinary women applicants to be considered for admission?

Smith's policy is one of self-identification. The applicant's affirmation of identity is sufficient.



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Smith College affirms that diversity in all aspects of the educational environment is necessary to achieve the highest level of academic excellence. As a central element of its commitment to this excellence, the college seeks to maintain an environment that is free of conduct that unreasonably interferes with the academic and professional experience of any member of its community.

Consistent with this commitment, the college complies with all relevant federal and state laws that prohibit discrimination in education, including Title VI of the Civil Rights Act of 1964 ("Title VI"), which prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance; Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination on the basis of sex in educational programs and activities; and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), which prohibits discrimination on the basis of disability in programs.

The college is committed to creating an educational environment that is open to all individuals without discrimination on the basis of age, race, color, national origin/ancestry, religion, sex or gender, gender identity, sexual orientation, mental or physical disability, genetic information, or veteran status/membership in the uniformed services. With regards to athletic participation, the College complies with the laws, rules, and regulations governing its conference and the organization that administers intercollegiate athletics.



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All-female Smith College to accept transgender applicants

Updated 6:02 PM EDT, May 3, 2015

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NORTHAMPTON, Mass. (AP) — Smith College, the largest of the all-female Seven Sisters schools, is changing its policy to accept transgender women.

The new policy, which takes effect for those applying this fall, followed a year of study. The women's college had previously asked undergraduates to have consistently identified as female since birth.

Smith President Kathleen McCartney and board Chair Elizabeth Mugar Eveillard said in announcing the change on Saturday since Smith's founding, "concepts of female identity have evolved."

Smith will not admit students who were born female but identify as male.

Other women's colleges, including Mount Holyoke and Wellesley, also have changed their policies to admit transgender women.





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Smith College is committed to meeting its obligations under Title IX and maintaining an environment that is free of sex discrimination, including harassment. Such conduct is detrimental to the well-being of our community.

Accordingly, the college will act to prevent, address and eliminate all forms of sex discrimination, which include sexual assault, sexual harassment, intimate partner violence, stalking and sexual exploitation. Through its policies, procedures and practices the college will facilitate prompt, thorough and fair investigations and adjudication of complaints of sexual misconduct. The college raises awareness of the culture that enables such misconduct and provides a supportive environment for those who experience sexual harassment.



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Gender Identity & Expression

About Us Training Toward Racial Justice **Policies & Resources**

Smith is a community that includes and celebrates people with a wide range of gender identities and expressions. This page includes resources for transgender and nonbinary students, staff, and faculty, as well as educational resources about policies, practices, and procedures for anyone who would like to learn more about how to support transgender and nonbinary colleagues and classmates.

Gender Diversity on Campus

Transgender students, staff, and faculty often have specific questions about gender diversity on campus, some of which are addressed below.

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Support for Transgender Students **Support for Transgender Employees**

Smith is actively working to expand support for transgender students. Some of the resources currently available include:

The Office for Equity & Inclusion

- The OEI has a Trans/Nonbinary Working Group; contact the group at transnb@smith.edu
- Raven Fowkes-Witten and Toby Davis serve as OEI point people for trans and nonbinary students, which means they are available for individual support and also advocate for policy and infrastructure change
- OEI offers both synchronous and asynchronous trainings to the Smith community on trans inclusion

The Schacht Center for Health & Wellness

- The Schacht Center provides trans-affirming primary care, including hormone therapy
- They have a point person who can help students and their families navigate insurance coverage
- The Wellness Office—which serves as a resource for trans students—has a binder library, where students can try on binders to find the right size and

Accessibility Resource Center

- ARC provides support around gender/sexuality and disability, including accommodations for those pursuing gender-affirming surgeries.

Campus Facilities

- Every single-occupancy restroom on campus is designated all-gender, and more and more multi-stall bathrooms are as well (such as in the new Neilson)
- An all-gender locker room in the athletic facilities, with private showering and changing areas

Student Life

- Students can apply to the emergency medical fund for copays, deductibles and other non-insurance covered trans-related health care, including binders
- There is a student organization, Trans and Nonbinary Alliance of Smith College, whose membership includes trans men, trans women, transmasc and transfem people and nonbinary people. They offer peer-to-peer support and also run a lot of social and educational programming. Check them out on [Instagram](#)

Bias Incidents

Bias incidents covered under the Bias Response Team mechanism include an act of bigotry, harassment or intimidation based on age, color, creed, disability, gender identity, gender expression, race, religion, nation/ethnic origin, sex, sexual orientation or veteran status committed on campus **for which the respondent cannot be identified.**

This includes, but is not limited to, slurs, graffiti, written messages, or images that harass or intimidate individuals or groups because of their membership in the above listed protected classes.

Cases where the respondent can be identified complainants may use:

- The [Discriminatory Harassment Policy](#) (where both parties are students)
- The [Equal Educational Opportunity Policy](#) (where the complainant is a student and the respondent is a faculty or staff member)
- The [Equal Employment Opportunity/Affirmative Action Policy](#) (where both parties are employees)

