



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

June 25, 2026

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](mailto: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 Wellesley College 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. This includes female students' rights to sex-segregated intimate spaces.<sup>1</sup>

Located in Massachusetts, Wellesley College was founded in 1870 to pioneer "educational opportunit[ies] for women" and to "prepare them" for "great conflicts, for vast reforms in social life."<sup>2</sup> The all-women college's website boasts: "For 150 years, Wellesley has remained true to its founding mission: to educate *women* who will make a difference."<sup>3</sup> But, unfortunately, that is not actually the case.

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<sup>1</sup> In *United States v. Virginia*, 518 U.S. 515 (1996), the Supreme Court held that parties who seek to defend sex-based government action must demonstrate an "exceedingly persuasive justification" for that action.

<sup>2</sup> *About Us*, Wellesley College (accessed June 11, 2026), <https://www.wellesley.edu/about-us>.

<sup>3</sup> *About Us: 150th Anniversary*, Wellesley College (accessed June 11, 2026), <https://www.wellesley.edu/about-us/150> (emphasis added).

Although Title IX prohibits discrimination “on the basis of sex,”<sup>4</sup> Wellesley instead prohibits discrimination on the basis of *gender identity*,<sup>5</sup> even though the Department rejected such an interpretation many months ago.<sup>6</sup> Gender identity discrimination is not the same as sex discrimination under Title IX, and the Supreme Court has never held otherwise.<sup>7</sup>

In 2015, Wellesley updated its admissions policies “to make anyone who identifies and lives as a woman—including trans and nonbinary people—eligible for admission.”<sup>8</sup> The college made this change while “recogniz[ing] that the gender identity of some of our students could evolve during their time at Wellesley, and they might no longer identify as women.”<sup>9</sup>

In 2024, Wellesley doubled down on this position and published its Gender Policy (Exhibit A), which reads: “Wellesley will consider for admission any applicant who *lives* as a woman and consistently *identifies* as a woman.”<sup>10</sup> According to US News, Wellesley’s student body consisted of “1.7% male students and 98.3% female students” in Fall 2024,<sup>11</sup> yet it continues to hold itself out as an “all-female” institution of higher education.

By holding itself out as an all-women college, Wellesley promises to give young women the opportunity to study and learn in a female-only environment. But the college actively undermines this promise by admitting male applicants who merely claim a female “identity.” The college does not even require male students to maintain their female “identities” throughout their time at Wellesley College and allows students to transition back and forth without any impact on their status as admitted students.<sup>12</sup>

This is important for Title IX purposes because Wellesley College dorms feature communal bathrooms rather than separate male and female bathrooms.<sup>13</sup> By admitting male students and housing them with female students in dorms that only have communal bathrooms, Wellesley has effectively eliminated female-only intimate spaces in these campus dorms. This practice clearly violates Title IX, as this Department stated in August 2025, when it determined that Denver Public Schools violated Title IX by

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<sup>4</sup> 20 U.S.C.A. § 1681

<sup>5</sup> *Policy Against Unlawful Discrimination, Harassment, and Retaliation*, Wellesley College Title IX Dep’t (updated Apr. 2024), <https://www.wellesley.edu/about-us/offices-departments/title-ix/unlawful-discrimination-harassment-and-retaliation>.

<sup>6</sup> *U.S. Dep’t of Educ. to Enforce 2020 Title IX Rule Protecting Women*, U.S. Dep’t of Educ. (accessed Sept. 15, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-enforce-2020-title-ix-rule-protecting-women>.

<sup>7</sup> See *United States v. Skrametti*, 605 U.S. 495, 516 (2025). The Court’s decision in *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 *Skrametti*, 605 U.S. at 520 (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).

<sup>8</sup> *A Women’s College and an Inclusive Community*, Wellesley Magazine (Summer 2023), <https://magazine.wellesley.edu/issues/summer-2023/a-womens-college-and-an-inclusive-community>.

<sup>9</sup> *Id.*

<sup>10</sup> *Gender Policy*, Wellesley College (accessed June 11, 2026), <https://www.wellesley.edu/about-us/policies-procedures/gender-policy> (archived at <https://tinyurl.com/4ypwx8wv>).

<sup>11</sup> *Wellesley College Student life*, US News (accessed June 11, 2026), <https://www.usnews.com/best-colleges/wellesley-college-2224/student-life>.

<sup>12</sup> *A Women’s College and an Inclusive Community*, Wellesley Magazine (Summer 2023), <https://magazine.wellesley.edu/issues/summer-2023/a-womens-college-and-an-inclusive-community>.

<sup>13</sup> Yelyzaveta Zablotska, *Tragedy of Communal Bathrooms*, The Wellesley News (Oct. 1, 2025), <https://thewellesleynews.com/21619/opinions/tragedy-of-the-communal-bathrooms/>.

giving male students access to female students' bathrooms.<sup>14</sup> And in May 2026, this Department opened a Title IX investigation into Smith College for policies identical to Wellesley's.<sup>15</sup> Indeed, Wellesley was all too eager to comment on the Smith investigation to the *Chronicle of Higher Education* (article attached as Exhibit B). The school conceded that it admits "any applicant who lives as a woman and consistently identifies as a woman" even though it "use[s] language reflective of its identity as a women's college, i.e., female pronouns and other gendered language, in all institutional communications."<sup>16</sup> Somehow, though, the school argued that its admissions policies "are consistent with civil rights law and uphold" the school's women-centered "mission."<sup>17</sup>

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." It "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."<sup>18</sup> And Wellesley's policies violate the spirit of the 14th Amendment as well: "Like Title IX, the Equal Protection Clause prohibits invidious discrimination on the basis of gender." *Doe v. Univ. of Oregon*, 2018 WL 1474531, at \*14 (D. Or. Mar. 26, 2018) (citing *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 451 (1982)); see also *Craig v. Boren*, 429 U.S. 190, 197 (1976) (explaining that policies disadvantaging one sex survive scrutiny only if they "serve important ... objectives and must be substantially related to achievement of those objectives").

In light of the above, Wellesley College appears to be violating Title IX and running afoul of the Equal Protection Clause's admonition against sex-based discrimination. It is also violating 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.<sup>19</sup>

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.

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<sup>14</sup> U.S. Department of Education's Office for Civil Rights Finds Denver Public Schools Violated Title IX, U.S. Dep't of Educ. (Aug. 28, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-denver-public-schools-violated-title-ix>.

<sup>15</sup> U.S. Department of Education Opens Title IX Investigation into All-Women's Smith College for Admitting Men, U.S. Dep't of Educ. (May 4, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-education-opens-title-ix-investigation-all-womens-smith-college-admitting-men>.

<sup>16</sup> Katherine Mangan, *The Law Allows Smith College to Admit Transgender Students. Could Trump's Attack Work Anyway?*, *The Chronicle of Higher Education* (May 6, 2026), <https://www.chronicle.com/article/the-law-allows-smith-college-to-admit-transgender-students-could-trumps-attack-work-anyway> (attached hereto as Exhibit B).

<sup>17</sup> *Id.*

<sup>18</sup> *Frequently Asked Questions: Sex Discrimination*, U.S. Dep't of Educ. (accessed Sept. 16, 2025), <https://www.ed.gov/laws-and-policy/civil-rights-laws/frequently-asked-questions-sex-discrimination>.

<sup>19</sup> 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. (accessed Sept. 15, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-enforce-2020-title-ix-rule-protecting-women>.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Parshall Perry', with a long horizontal flourish extending to the right.

Sarah Parshall Perry  
Vice President and Senior Legal Fellow  
Defending Education  
Encl. Exhibits A & B

# **EXHIBIT A**

# Gender Policy

## Reaffirmation of Mission and Announcing Gender Policy

Wellesley College is, and always has been, a women's college that provides an excellent liberal arts education for women who will make a difference in the world. Wellesley's founders recognized that the education of women confers powerful benefits on society, as well as on individuals. Since 1875, Wellesley has been educating fearless and inspiring pioneers who demonstrate the power of women's leadership. This work is important, never more so than today.

Wellesley College will continue to educate, support, and inspire new generations of women. Every aspect of Wellesley's educational program is, and will continue to be, designed and implemented to serve women, and to prepare them well to thrive in a complex world.

Steadfast in our commitment to the College's mission of educating women, Wellesley will admit women who are prepared for a rigorous academic environment that challenges them to achieve at their highest potential. Wellesley will consider for admission any applicant who lives as a woman and consistently identifies as a woman.

Wellesley will use language reflective of its identity as a women's college, i.e., female pronouns and other gendered language, in all institutional communications.

Wellesley provides individualized support to every student as a valued part of the College's culture. Once accepted to Wellesley, every student receives the full support and mentorship of College faculty, staff, and administrators through graduation.

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Wellesley College  
106 Central Street  
Wellesley, MA 02481  
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LAW & POLICY

# The Law Allows Smith College to Admit Transgender Students. Could Trump's Attack Work Anyway?



By [Katherine Mangan](#)

May 6, 2026



ILLUSTRATION BY THE CHRONICLE; GETTY

The Trump administration's [investigation](#) into Smith College is based on a flawed interpretation of Title IX, but it could still have a chilling effect on women's colleges that have opened their doors to transgender students for over a decade, several civil-rights experts told *The Chronicle*.

The Department of Education [announced](#) on Monday that it's investigating whether Smith, one of the nation's largest and best-known

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women's colleges, violated federal law by "admitting men" and providing them access to "women's intimate spaces."

It was the administration's latest salvo in its battle against transgender college students, which until now had focused on the use of women's bathrooms and participation in women's sports.



20%

The administration contends that Smith's admissions practices violate Title IX, the federal civil-rights law banning sex-based discrimination at colleges and schools that receive federal funding.

Several higher-ed lawyers told *The Chronicle* that the federal law does not apply to the admissions policies of private colleges.

Mary Rohmiller, a civil-rights lawyer, decried, on [LinkedIn](#), what she called "a politically motivated, nonsense investigation" into Smith's admissions practices.

In an interview, she added that the investigation "demonstrates blatant disregard for the clear statutory language" that says Title IX does not

regulate private undergraduate admissions. [That statute](#) states that "Title IX applies only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education."

The Education Department said in its statement that Title IX has a single-sex exception that allows colleges to enroll all-male or all-female student bodies, but said that the exception is based on "biological sex difference, not subjective gender identity." It added that an "all-girls college that enrolls male students professing a female identity" would no longer qualify as single sex under Title IX.

30%

"They're acting like their interpretation of sex as biological sex is law," said Brett A. Sokolow, chair of the boards of TNG, a higher-education consulting firm, and the Association of Title IX Administrators. In fact, the Trump administration's executive orders on gender, including the president's [day-one statement](#) ordering federal departments to recognize gender as an immutable male-female binary, don't carry the force of law. The orders have also faced legal challenges.

While their specific policies differ, nearly two dozen historically women's colleges now have policies that admit at least some trans students, according to a [list](#) compiled by Genny Beemyn, an educator and consultant who directs the Stonewall Center for LGBTQ studentsfaculty, and staff at the University of Massachusetts at Amherst.



The Smith College investigation “is part of a larger plan to marginalize, exclude, and erase trans people from any sort of recognition or institutional inclusion,” Beemyn said.

Smith, a 155-year-old college in western Massachusetts with around 2,500 undergraduate students, began accepting transgender students in 2015 after a public battle involving a transgender applicant who was rejected two years prior because her financial-aid forms didn’t match her gender identity.

Its current [policy](#) says the college considers for admission “any applicants who self-identify as women,” including “cis, trans, and nonbinary women.”

A Smith spokesperson told *The Chronicle* that it doesn’t comment on pending government investigations but is “fully committed to its institutional values, including compliance with civil rights law.”

### Internal Debate

The question of whether to admit people who were assigned male at birth but identify as women has provoked intense debate among women’s colleges. Some feminists who graduated from the colleges decades ago argue that the inclusion of transgender women threatens the sense of safety and identity they’ve long associated with their campuses. Other alums argue that welcoming transgender students is in keeping with the colleges’ missions to serve people who have been marginalized because of their gender. The [debate continues](#) in some corners on those campuses today.

Wellesley College’s [gender policy](#) says it will consider for admission “any applicant who lives as a woman and consistently identifies as a woman.” It will also “use language reflective of its identity as a women’s college, i.e., female pronouns and other gendered language, in all institutional communications.”

In a statement to *The Chronicle*, Wellesley said its admissions policies “are consistent with civil rights law and uphold our mission.”

*The Chronicle* reached out to 10 women’s colleges Tuesday for clarification on their admissions policies and comment on the Smith investigation. Wellesley was the only college that responded.

The Education Department’s investigation is a response to a [civil-rights complaint](#) filed in June by Defending Education, a conservative

nonprofit whose stated mission is to safeguard colleges and schools from “activists imposing harmful agendas.”

Defending Education contends that Smith’s “preference for gender identity over biological sex” allows men to “intrude on spaces reserved for women” and subverts the original purpose of Title IX.

In a statement attributed to Kimberly Richey, the Education Department’s assistant secretary for civil rights, the department said an all-woman’s college “loses all meaning if it is admitting biological males.” (That term is often used by anti-transgender activists and conservative politicians.) “Allowing biological males into spaces designed for women raises serious concerns about privacy, fairness, and compliance under federal law,” Richey said.

### Questions of Strategy

Sokolow said it was hard to know whether the investigation will lead to enforcement actions against other women’s colleges. That could prompt those colleges to join forces and raise money to fight back.

The

administration might decide, Sokolow said, that it’s “more strategic” to go after just one.

“I know the Smith community well enough to know this is very personal to them,” Sokolow added. “They take the admission of all women seriously. I expect they’re not going to take this lying down.”

A prominent Title IX attorney, who is actively involved in several cases against the Education Department and requested anonymity, said the Trump administration might see the Smith investigation as “a win-win.

If they are able to coerce institutions into changing behavior, that’s a win. If they go to court and the ‘liberal judiciary’ blocks them, that’s a talking point.”

Asked whether women’s colleges might be expected to change their admissions policies to avoid being targeted by the Trump administration, the attorney said some colleges are financially better positioned to withstand a legal challenge than others. “It can cost a lot of money to prove that you’re right.”

Last year many colleges, fearing they might end up on a federal government’s hit list, [preemptively shuttered](#) diversity, equity, and inclusion offices and programs. Those actions were also based on executive orders that lack any legal teeth. That pattern, some fear, could be repeated, with transgender students on the losing end.

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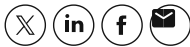
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About the Author

### Katherine Mangan

Katherine Mangan writes about campus diversity, student activism, government efforts to shape higher education, and how colleges are responding and sometimes resisting. Follow her [@KatherineMangan](#), or email her at [katie.mangan@chronicle.com](mailto:katie.mangan@chronicle.com)

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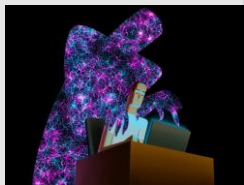
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