



The U.S. Department of Energy
TITLE IX COMPLIANCE REVIEW REPORT
Department of Bioengineering
Department of Electrical and Computer Engineering
University of Pittsburgh
Fiscal Year 2019



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TITLE IX COMPLIANCE REVIEW REPORT

Department of Bioengineering Department of Electrical and Computer Engineering University of Pittsburgh

I. INTRODUCTION

The Office of Civil Rights (OCR) of the U.S. Department of Energy (DOE), conducted a Title IX compliance review of the University of Pittsburgh's (University or Pittsburgh) Department of Bioengineering (Bioengineering) and the University's Department of Electrical and Computer Engineering (ECE), from academic year (AY) 2014-2015 to AY 2018-2019. OCR conducted an onsite review on May 30-31, 2019, pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and DOE's implementing regulations at 10 C.F.R. Parts 1040 and 1042. This document constitutes a report of findings and is based on a review of records provided by the University, information obtained from the University's websites, and information obtained through interviews of students, faculty, and administrators of Bioengineering's and ECE's graduate programs, the University's Title IX Coordinator, and other University administrative officials.

A. Background

DOE supports a diverse Research and Development (R&D) portfolio at colleges, universities, and research institutions across the United States, providing funding to more than 300 institutions each year. The funding provided by DOE supports the work of thousands of principal investigators, graduate students, and post-doctoral researchers. During the three-year period preceding this review, DOE provided approximately \$42,877,196 in financial assistance to Pittsburgh, for the period Fiscal Year (FY) 2016 through FY 2018.

Title IX and DOE's Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100. In addition, DOE regulations require DOE to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with Title IX's nondiscrimination requirements. 10 C.F.R. §§ 1040.101(a), 1042.605.

Additional statutory authority requiring DOE to conduct compliance reviews is found in the American COMPETES Act, Pub. L. No. 110-69, § 50101, 121 Stat. 572, 620 (2007), first enacted in 2007 and reauthorized in 2011. The Act states that DOE should: (1) implement the recommendations contained in a July 2004 Government Accountability Office (GAO) report titled, *Gender Issues: Women's Participation in Sciences has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX*,¹ and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

B. Objective

The objective of the Title IX compliance review conducted at the University of Pittsburgh's Department of Bioengineering and Department of Electrical and Computer Engineering was three-fold: (1) to determine whether male and female applicants and students have equal access to the opportunities and benefits of the Departments' graduate programs; (2) to determine whether Bioengineering and ECE are in compliance with the requirements of Title IX and DOE's Title IX implementing regulations; and (3) to identify and document

¹ The GAO report's primary recommendation was for the science agencies to ensure that compliance reviews of their grantees are periodically conducted.

promising practices and governance pursued by the University, Bioengineering, and ECE, with the goal of promoting equality among male and female students and applicants.

C. Scope

OCR elected to review Bioengineering's and ECE's graduate programs from AY 2014-2015 to AY 2018-2019. To determine whether graduate applicants and students, regardless of their sex, had equal access to the Departments' opportunities and benefits, OCR evaluated the following areas and/or practices of Bioengineering's and ECE's graduate programs: (1) recruitment and outreach efforts; (2) admissions data and policies, including student enrollment; (3) requirements for degree completion; (4) financial assistance opportunities and distributions; (5) leave of absence and re-admission policies; (6) academic climate and environment, including campus safety; and (7) family-friendly initiatives.

To determine whether the University was in compliance with Title IX requirements, as well as DOE Title IX implementing regulations, OCR evaluated the following: (1) whether the University has properly designated a Title IX Coordinator; (2) whether the University has taken proactive steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures that provide for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

To identify the University's potential promising practices, OCR evaluated the following: (1) any Title IX-related programs that exceeded the minimum requirements of Title IX and (2) areas where the University's efforts to promote gender equality were effective.

D. The Review Process

The University of Pittsburgh was selected using neutral criteria, with the baseline criteria being that Pittsburgh is one of many higher education institutions receiving financial assistance from DOE. Additionally, DOE narrowed the institutions to be considered for review geographically to northeastern United States and eliminated institutions that had undergone a Title IX review in the past five years. An initial data request was sent to the University, and arrangements were made with the University's Title IX Coordinator for DOE's onsite visit.

OCR's onsite-visit team conducted its Title IX review on the University's campus on May 30-31, 2019. OCR held an opening session with the following University administrators and representatives: the Title IX Coordinator, the Vice Chancellor for Diversity and Inclusion, and the Chair of the Bioengineering Department. At the opening session, OCR explained the purpose of and the process to be followed during the visit, as well as the legal and historical background of DOE's Title IX compliance reviews.

Over the course of the two-day compliance review, OCR interviewed eleven University administrators, including the Title IX Coordinator. In addition, OCR interviewed a total of twelve faculty members, seven males and five females. The team also interviewed thirty-two graduate students, seventeen males and fifteen females.

II. BIOENGINEERING DEPARTMENT AND ELECTRICAL AND COMPUTER ENGINEERING DEPARTMENT

A. Bioengineering Department

The Bioengineering Department offers a Master of Science, a PhD, and a joint M.D./PhD² in the following areas: Biomechanics, Bioimaging and signals, Molecular, Cellular, and Systems Engineering, Tissue Engineer and Regenerative Medicine, Neural Engineering, Medical Product Engineering, and Medical Product Engineering. In AY 2018-2019, Bioengineering had an enrollment of approximately 176 graduate students, which includes approximately 136 doctoral students. Bioengineering has approximately 100 faculty members, as well as several adjunct faculty and research associates.

B. Electrical and Computer Engineering Department

ECE's graduate program offers a Master of Science, a PhD, and a joint M.B.A./Master of Science in Engineering.³ In AY 2018-2019, ECE had an enrollment of approximately 185 graduate students.

III. RECRUITMENT, OUTREACH, AND RETENTION

Title IX and DOE implementing regulations prohibit recipients from discriminating based on sex in their recruitment efforts. 10 C.F.R. § 1042.310. However, recipients may choose to undertake affirmative action pursuant to 10 C.F.R. § 1042.110(b), which states that in the absence of a finding of discrimination based on sex, a recipient may take affirmative action consistent with law to overcome the effects of conditions that resulted in limited participation by persons of a particular sex.

A. Joint Response for Bioengineering and ECE

The Swanson School of Engineering recruits women and underrepresented minority students to all the Engineering Departments' graduate programs, including the departments of Bioengineering and Electrical and Computer Engineering. The Swanson School of Engineering recruits annually at the following universities, conferences, and events: University of Maryland-Baltimore County, Society of Hispanic and Professional Engineers, National Society of Black Engineers, Graduate Education for Minorities National Consortium, American Indian Science and Engineering Society, and Society of Asian Scientists and Engineers. Recruitment of women takes place annually at the following events: Society of Women Engineers, Pitt Women in STEM Presentation, and WE Local (Women in Engineering through the SWE) events in Pittsburgh, PA; Providence, RI; Baltimore, MD; Tampa FL; Raleigh, NC; and Buffalo, NY.

B. Bioengineering's Recruitment, Outreach, and Retention Efforts

In addition to the above-referenced recruitment efforts, during AY 2014-2015 to AY 2015-2016, the Department of Bioengineering has engaged with students at the following events: Biomedical Engineering Society Annual Meeting; Summer Biomechanics, Bioengineering, Biotransport Conference; and McGowan Institute for Regenerative Medicine Scientific Retreat.

² OCR did not evaluate data regarding Bioengineering's joint M.D./PhD program.

³ OCR did not evaluate data regarding ECE's joint M.B.A./MSE program.

Bioengineering also hosts a PhD Recruitment Weekend Event, which is a two-and-a-half day event each February, attended by forty to fifty invited applicants. Bioengineering bases its invitations on a review of applicants' materials, focusing on applicants' academic performance, independent research experience, personal statement, and recommendation letters. Faculty members also express their interest in specific applicants to attend the recruitment weekend. Additionally, Bioengineering hosts a Master in Science in Medical Product Engineering Recruitment Event, which is a one-day recruitment event each February, attended by approximately twenty invited applicants.

Bioengineering does not track student participation in outreach and recruitment events based on sex, but the Department did provide the following chart regarding the number of males and females who were invited to and attended Bioengineering's Recruitment Weekend events:

Degree Sought	2014-2015		2015-2016		2016-2017		2017-2018		2018-2019	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
MS	N/A	N/A	N/A	N/A	N/A	N/A	7	5	5	9
PhD	18	19	18	22	20	15	26	19	25	16
Total	18	19	18	22	20	15	33	24	30	25
Percentage	48.6%	51.4%	45%	55%	57.1%	42.9%	57.9%	42.1%	54.5%	45.5%

Bioengineering also recruits through its Department newsletter, which is an email to bioengineering faculty and department chairs across the country.

C. Finding for Bioengineering

OCR finds that Bioengineering's recruitment and outreach efforts comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although DOE found no direct evidence of discrimination based on sex in Bioengineering's recruitment and outreach efforts, OCR notes the disparity between male and female applicants invited to attend Bioengineering's Recruitment Weekend Events from AY 2016-2017 to AY 2018-2019. However, because Bioengineering generally does not track the sex of the students it encounters during its recruitment and outreach efforts, OCR cannot assess whether there are any gender-related barriers in Bioengineering's recruitment and outreach efforts.

D. Recommendations for Bioengineering

- OCR strongly recommends that Bioengineering consider tracking the gender of the students who participate in its outreach and recruitment programs to ensure that there are no gender-related barriers in its outreach and recruitment efforts.

E. ECE's Outreach, Recruitment, and Retention Efforts

In addition to Swanson School of Engineering's general efforts referenced above, the Department of Electrical and Computer Engineering has engaged in the recruitment efforts outlined below during AY 2014-2015 to AY 2015-2016:

During AY 2014-2015 to AY 2015-2016, the Graduate Program Director at that the time visited France to recruit graduate students. The Graduate Program Director visited INSA Lyon, ENSEA Paris and ESIGELEC in Rouen, and at each of these institutions, he delivered a seminar to the senior class and met with students who expressed interest in learning more about ECE's graduate program. The Director's visits were part of an initiative to diversify the graduate student population in the Department. The Director also

used his knowledge of the Egyptian education system to recruit Egyptian PhD students, both male and female, many of whom have joined the Department.

Since 2017, upon the initiative of ECE’s Department Chair, the School of Engineering has joined the Engineering National Graduate Institutional Name Exchange (ENGINE) program, which is a national consortium open to any U.S. institution offering Bachelors of Engineering degrees with interest in recruiting outstanding students for graduate school or other academic endeavors. Since 2017, ECE has been conducting annual recruitment events in early March. In the past three academic years, an average of fifteen students were invited to visit the University for an all-expense-paid trip.

ECE does not track student participation in outreach events based on sex, but the Department did provide the following chart regarding the number of males and females who were invited to and attended ECE’s Recruitment Weekend Events:

	2014-2015		2015-2016		2016-2017		2017-2018		2018-2019	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
No. of Graduate Students	4	2	4	2	14	2	8	2	20	2
Percentage	66.7%	33.3%	66.7%	33.3%	87.5%	12.5%	80%	20%	90.9%	9.1%

F. Finding for ECE

DOE finds that ECE’s recruitment and outreach and recruitment efforts comply with the nondiscrimination requirements of Title IX and DOE’s Title IX implementing regulations. Although DOE found no direct evidence of discrimination based on sex in ECE’s recruitment and outreach efforts, OCR notes the large disparity between male and female applicants invited to attend ECE’s Recruitment Weekend Events. Because ECE generally does not track the sex of students it encounters during its recruitment and outreach efforts, OCR cannot assess whether there are any gender-related barriers in ECE’s recruitment efforts.

G. Recommendation for ECE

- OCR strongly recommends that ECE consider tracking the gender of the students who participate in ECE’s outreach and recruitment programs to ensure that there are no gender-related barriers in its domestic or international outreach and recruitment efforts.

IV. ADMISSIONS

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300. In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex, applying numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treating one individual differently from another on the basis of sex. 10 C.F.R. § 1042.300(b)(1)(i)-(iii). Moreover, recipients are prohibited from administering any test or other criterion for admission that has a disproportionately adverse effect on persons on the basis of sex, unless the use of such test or criterion is shown to validly predict success in the education program or activity in question and alternative tests or criteria that do not have such a disproportionately adverse effect are shown to be unavailable. 10 C.F.R. § 1042.300(b)(2).

A. Admissions Process

Under the Swanson School of Engineering policy, Bioengineering and ECE each expect an applicant to possess a minimum undergraduate GPA of 3.0 to qualify for full admission to the graduate programs. Exceptions to this requirement require the submission of a justification letter and approval from the Swanson School of Engineering. Most graduate programs require the Graduate Record Examination (GRE).

Applicants complete an electronic application, which requires the submission of letters of reference, transcripts, GRE scores, and scores for the Test of English as a Foreign Language (TOEFL) for international applicants.

i. Bioengineering

For applicants with sufficient GPAs, the most important criterion for admission to Bioengineering's PhD program is the match between student-faculty academic interests. To ascertain the student-faculty match, the Bioengineering Graduate Admissions Committee provides all Bioengineering faculty with access to the application database after the admission deadline. Student interest is primarily assessed by the applicants' selected research track and personal statement, as well as any known correspondence an applicant has had with faculty members. The Admissions Committee polls faculty to obtain faculty interest in applicants. Faculty who are interested in recruiting particular students provide that information via this poll to the Admissions Committee.

Criteria used by faculty to assess and rank applicants include evaluation of the applicants' (1) prior undergraduate research experience; (2) personal statement; (3) undergraduate major; and (4) overall academic achievement. Applicants for whom no faculty member has expressed any interest in recruiting are not considered further for admission. Those applicants who are of interest to faculty are rated according to the level of interest (e.g., "my first choice," "my second choice") and the number of faculty interested in recruiting the applicant. Applicants for whom multiple faculty have expressed interest, and applicants ranked highly by individual faculty, are then prioritized for invitation to Bioengineering's Recruitment Weekend event, after which admission & aid decisions are made based upon continued mutual student-faculty interest and funding availability.

From AY 2014-2015 to 2015-2016, Bioengineering's Graduate Admissions Committee was comprised of five professors, one of whom was female. From AY 2016-2017 to AY 2018-2019, the Graduate Admissions Committee was comprised of seven professors, six of whom were male and one of whom was female.

ii. ECE

The factors considered in ranking applicants include: GPA (generally, but not always, 3.5 or above) and an accredited BS degree; GRE scores (verbal, quantitative, and analytical); three reference letters; statement of purpose; TOEFL (for international students). ECE does not utilize a particular formula or standard form for determining admission.

From AY 2014-2015 to AY 2018-2019, ECE rotated who served as the Graduate Program Director.⁴ Of the four professors who served as the Graduate Program Director at this time, three were male and one was female.

B. Admissions Data

i. Bioengineering's Admissions Data

a. Bioengineering's Master's Program

Master's Program		Total	Male		Female	
2014-2015	No. of Applicants	120	80	66.7%	40	33.3%
	No. Admitted	61	41	67.2%	20	32.8%
	No. Enrolled	19	12	63.2%	7	36.8%
2015-2016	No. of Applicants	114	72	63.2%	42	36.8%
	No. Admitted	54	37	68.5%	17	31.5%
	No. Enrolled	26	19	73.1%	7	26.9%
2016-2017	No. of Applicants	107	62	57.9%	45	42.1%
	No. Admitted	50	26	52%	24	48%
	No. Enrolled	20	10	50%	10	50%
2017-2018	No. of Applicants	108	59	54.6%	49	45.4%
	No. Admitted	39	20	51.3%	19	48.7%
	No. Enrolled	13	6	46.2%	7	53.8%
2018-2019	No. of Applicants	81	51	63%	30	37%
	No. Admitted	40	23	57.5%	17	42.5%
	No. Enrolled	16	10	62.5%	6	37.5%

⁴ Other than providing the names of professors who served as the Graduate Program Director, the University did not provide information regarding the professors who participated in ECE's Graduate Program Committee.

b. Bioengineering’s Doctoral Program

Doctoral Program		Total	Male		Female	
2014-2015	No. of Applicants	196	128	65.3%	68	34.7%
	No. Admitted	43	25	58.1%	18	41.9%
	No. Enrolled	29	17	58.6%	12	41.4%
2015-2016	No. of Applicants	183	115	62.8%	68	37.2%
	No. Admitted	45	30	66.7%	15	33.3%
	No. Enrolled	24	11	45.8%	13	54.2%
2016-2017	No. of Applicants	202	104	51.5%	98	48.5%
	No. Admitted	49	30	61.2%	19	38.8%
	No. Enrolled	25	18	72%	7	28%
2017-2018	No. of Applicants	223	124	55.6%	99	44.4%
	No. Admitted	43	22	51.2%	21	48.8%
	No. Enrolled	18	11	61.1%	7	38.9%
2018-2019	No. of Applicants	208	113	54.3%	95	45.7%
	No. Admitted	44	18	40.9%	26	59.1%
	No. Enrolled	21	9	42.9%	12	57.1%

Analytical Overview of Bioengineering’s Admission Data from AY 2014-2015 to AY 2018-2019:

Master’s Program

As to Bioengineering’s Master’s program, from AY 2014-2015 to AY 2015-2016, there was a large disparity between the absolute number of admitted male and female applicants, as females constituted about one-third of admitted students. However, from AY 2016-2017 to AY 2017-2018, females were close to half of admitted students, but that rate decreased to 42.5% in AY 2018-2019. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in Bioengineering’s Master’s program. For every year except AY 2015-2016, females were admitted at similar or higher rates than their percentage of the total applicant pool. In AY 2014-2015, females were 33.3% of the applicant pool and 32.8% of those admitted; in AY 2015-2016, females were 36.8% of the applicant pool and 31.5% of those admitted; in AY 2016-2017, females were 42.1% of the applicant pool and 48% of those admitted; in AY 2017-2018, females

were 45.4% of the applicant pool and 48.7% of those admitted; and in AY 2018-2019, females were 37% of the applicant pool and 42.5% of those admitted. Male admission rates followed the reverse trend.

PhD Program

As to Bioengineering’s PhD program, from AY 2014-2015 to AY 2016-2017, there was a large disparity between the absolute number of admitted male and female applicants, as females’ percentage of admitted students ranged from 33.3% to 41.9% during that period. However, in AY 2017-2018, females were close to half of admitted students, and that rate increased to 59.1% in AY 2018-2019. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in Bioengineering’s PhD program. In AY 2015-2016 and AY 2016-2017, females were admitted at lower rates than their percentage of the applicant pool, but in AY 2014-2015, AY 2017-2018, and AY 2018-2019, females were admitted at higher rates than their percentage of the applicant pool. In AY 2014-2015, females were 34.7% of the applicant pool and 41.9% of those admitted; in AY 2015-2016, females were 37.2% of the applicant pool and 33.3% of those admitted; in AY 2016-2017, females were 48.5% of the applicant pool and 38.8% of those admitted; in AY 2017-2018, females were 44.4% of the applicant pool and 48.8% of those admitted; in AY 2018-2019, females were 45.7% of the applicant pool and 59.1% of those admitted. Male admission rates followed the reverse trend.

Bioengineering’s Part- and Full-Time Graduate Student Enrollment (Master’s and PhD)

Academic Year	Number of Part- and Full-Time Graduate Enrollees				
	Male		Female		Total
2014-2015	114	64%	64	36%	178
2015-2016	130	66.3%	66	33.7%	196
2016-2017	122	63.9%	69	36.1%	191
2017-2018	103	62.8%	61	37.2%	164
2018-2019	87	58.8%	61	41.2%	148

Highlights:

In AY 2014-2015, males were 64% of graduate enrollees, and females were 36%.

In AY 2015-2016, males were 66.3% of graduate enrollees, and females were 33.7%.

In AY 2016-2017, males were 63.9% of graduate enrollees, and females were 36.1%.

In AY 2017-2018, males were 62.8% of graduate enrollees, and females were 37.2%.

In AY 2018-2019, males were 58.8% of graduate enrollees, and females were 41.2%.

Analytical Overview of Bioengineering's Enrollment Data from AY 2014-2015 to AY 2018-2019:

Master's Program

As to Bioengineering's Master's program, in AY 2014-2015, AY 2015-2016, and AY 2018-2019, there was a large disparity between the absolute number of male and female admitted students who enrolled, as females were 36.8%, 26.9%, and 37.5% of enrollees, respectively, during those academic years. In AY 2016-2017 and AY 2017-2018, females constituted about half of enrollees, as they were 50% and 53.8% of enrollees, respectively, during those academic years. Male enrollment in the Master's program followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in Bioengineering's Master's program. Females generally enrolled at slightly higher rates than they were admitted, save for AY 2015-2016 and AY 2018-2019. In AY 2014-2015, females were 32.8% of those admitted and 36.8% of those enrolled; in AY 2015-2016, females were 31.5% of those admitted and 26.9% of those enrolled; in AY 2016-2017, females were 48% of those admitted and 50% of those enrolled; in AY 2017-2018, females were 48.7% of those admitted and 53.8% of those enrolled; and in AY 2018-2019, females were 42.5% of those admitted and 37.5% of those enrolled. Male enrollment in the Master's program followed the reverse trend.

Doctoral Program

As to Bioengineering's PhD program, from AY 2014-2015, AY 2016-2017, and AY 2017-2018, there was a large disparity between the absolute number of admitted male and female enrollees, as females' percentage of enrolled students ranged from 28% to 41.4% during that period. However, in AY 2015-2016 and AY 2018-2019, females were respectively 54.2% and 57.1% of those enrolled. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in Bioengineering's PhD program. In every academic year, save for AY 2015-2016, females enrolled at lower rates than they were admitted. In AY 2014-2015, females were 41.9% of those admitted and 41.4% of those enrolled; in AY 2015-2016, females were 33.3% of those admitted and 54.2% of those enrolled; in AY 2016-2017, females were 38.8% of those admitted and 28% of those enrolled; in AY 2017-2018, females were 48.8% of those admitted and 38.9% of those enrolled; and in AY 2018-2019, females were 59.1% of those admitted and 57.1% of those enrolled. Male enrollment in the PhD program followed the reverse trend.

ii. Findings for Bioengineering

DOE finds that Bioengineering's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. OCR notes that during many academic years there was no disparity between the absolute number of male and female students who were admitted and enrolled in Bioengineering's graduate programs, and during those academic years, females were admitted and enrolled at higher rates than their percentage of the applicant pool.

To the extent any disparities did exist between females and males in terms of absolute or relative numbers of admitted and enrolled students, OCR did not observe a distinct pattern, such as a downward trend of female admission. While OCR found no distinct disparities, OCR maintains Bioengineering should track the gender of students who participate in its outreach and recruitment efforts, as the University will be better able to assess their outreach practices. OCR makes and reiterates the following recommendations.

iii. Recommendation for Bioengineering

- OCR recommends that Bioengineering consider tracking the gender of the students who participate in its outreach and recruitment programs to ensure that there are no gender-related barriers in its outreach and recruitment efforts.

v. ECE's Admission Data

a. ECE's Master's Program

Master's Program		Total	Male		Female	
2014-2015	No. of Applicants	849	639	75.3%	210	24.7%
	No. Admitted	100	79	79%	21	21%
	No. Enrolled	32	28	87.5%	4	12.5%
2015-2016	No. of Applicants	861	636	73.9%	225	26.1%
	No. Admitted	97	77	79.4%	20	20.6%
	No. Enrolled	29	22	75.9%	7	24.1%
2016-2017	No. of Applicants	783	580	74.1%	203	25.9%
	No. Admitted	168	128	76.2%	40	23.8%
	No. Enrolled	48	38	79.2%	10	20.8%
2017-2018	No. of Applicants	753	571	75.8%	182	24.2%
	No. Admitted	189	141	74.6%	48	25.4%
	No. Enrolled	43	36	83.7%	7	16.3%
2018-2019	No. of Applicants	603	468	77.6%	135	22.4%
	No. Admitted	222	174	78.4%	48	21.6%
	No. Enrolled	34	29	85.3%	5	14.7%

b. ECE's Doctoral Program

Doctoral Program		Total	Male		Female	
2014-2015	No. of Applicants	145	114	78.6%	31	21.4%
	No. Admitted	21	18	85.7%	3	14.3%
	No. Enrolled	13	12	92.3%	1	7.7%
2015-2016	No. of Applicants	184	146	79.3%	38	20.7%
	No. Admitted	26	22	84.6%	4	15.4%
	No. Enrolled	13	11	84.6%	2	15.4%
2016-2017	No. of Applicants	105	67	63.8%	38	36.2%
	No. Admitted	13	9	69.2%	4	30.8%
	No. Enrolled	7	5	71.4%	2	28.6%
2017-2018	No. of Applicants	111	96	86.5%	15	13.5%
	No. Admitted	34	30	88.2%	4	11.8%
	No. Enrolled	20	18	90%	2	10%
2018-2019	No. of Applicants	141	107	75.9%	34	24.1%
	No. Admitted	31	24	77.4%	7	22.6%
	No. Enrolled	15	13	86.7%	2	13.3%

Analytical Overview of ECE's Admission Data from AY 2014-2015 to AY 2018-2019:

Master's Program

As to ECE's Master's program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of admitted male and female applicants, as females generally constituted less than one quarter of admitted students. During this time period, female admission rates ranged from 20.6% to 25.4%. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in ECE's Master's program. For every year except AY 2017-2018, females were admitted at lower rates than their percentage of the total applicant pool. In AY 2014-2015, females were 24.7% of the applicant pool and 21% of those admitted; in AY 2015-2016, females were 26.1% of the applicant pool and 20.6% of those admitted; in AY 2016-2017, females were 25.9% of the applicant pool and 23.8% of those admitted; in AY 2017-2018, females were 24.2% of the

applicant pool and 25.4% of those admitted; and in AY 2018-2019, females were 22.4% of the applicant pool and 21.6% of those admitted. Male admission rates followed the reverse trend.

PhD Program

As to ECE’s PhD program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of admitted male and female applicants, as females constituted well below one quarter of admitted students, save for AY 2016-2017. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in ECE’s PhD program. From AY 2014-2015 to AY 2018-2019, females were admitted at lower rates than their percentage of the applicant pool. In AY 2014-2015, females were 21.4% of the applicant pool and 14.3% of those admitted; in AY 2015-2016, females were 20.7% of the applicant pool and 15.4% of those admitted; in AY 2016-2017, females were 36.2% of the applicant pool and 30.8% of those admitted; in AY 2017-2018, females were 13.5% of the applicant pool and 11.8% of those admitted; in AY 2018-2019, females were 24.1% of the applicant pool and 22.6% of those admitted. Male admission rates followed the reverse trend.

ECE’s Part- and Full-Time Graduate Student Enrollment (Master’s and PhD)

Academic Year	Number of Part- and Full-Time Graduate Enrollees				
	Male		Female		Total
2014-2015	129	81.1%	30	18.9%	159
2015-2016	129	81.6%	29	18.4%	158
2016-2017	138	85.7%	23	14.3%	161
2017-2018	163	83.6%	32	16.4%	195
2018-2019	154	83.2%	31	16.8%	185

Highlights:

In AY 2014-2015, males were 81.1% of graduate enrollees, and females were 18.9%.

In AY 2015-2016, males were 81.6% of graduate enrollees and females were 18.4%

In AY 2016-2017, males were 85.7% of graduate enrollees and females were 14.3%.

In AY 2017-2018 males were 83.6% of graduate enrollees and females were 16.4%.

Analytical Overview of ECE’s Enrollment Data from AY 2014-2015 to AY 2018-2019:

Master’s Program

As to ECE’s Master’s program, from AY 2014-2015 to AY 2018-2019, there was disparity between the absolute number of male and female admitted students who enrolled, as female enrollment rates ranged from 12.5% to 24.1% during this time period. Male enrollment in the Master’s program followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in ECE's Master's program. Females generally enrolled at significantly lower rates than they were admitted, save for AY 2015-2016. In AY 2014-2015, females were 21% of those admitted and 12.5% of those enrolled; in AY 2015-2016, females were 20.6% of those admitted and 24.1% of those enrolled; in AY 2016-2017, females were 23.8% of those admitted and 20.8% of those enrolled; in AY 2017-2018, females were 25.4% of those admitted and 16.3% of those enrolled; and in AY 2018-2019, females were 21.6% of those admitted and 14.7% of those enrolled. Notably, starting in AY 2016-2017, female enrollment rates steadily declined. Male enrollment in the Master's program followed the reverse trend.

Doctoral Program

As to ECE's PhD program, from AY 2014-2015 to AY 2018-2019, there was disparity between the absolute number of admitted males and females who enrolled, as females' percentage of enrolled students was generally well below one-fifth of enrolled students, save for AY 2016-2017. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in ECE's PhD program. In every academic year observed, females enrolled at lower rates than they were admitted, save for AY 2015-2016, in which females enrolled at the same rate they were admitted. In AY 2014-2015, females were 14.3% of those admitted and 7.7% of those enrolled; in AY 2015-2016, females were 15.4% of those admitted and 15.4% of those enrolled; in AY 2016-2017, females were 30.8% of those admitted and 28.6% of those enrolled; in AY 2017-2018, females were 11.8% of those admitted and 10% of those enrolled; and in AY 2018-2019, females were 22.6% of those admitted and 13.3% of those enrolled. Male enrollment in the PhD program followed the reverse trend.

v. Finding for ECE

DOE finds that ECE's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although OCR found no direct evidence of discrimination based on sex in ECE's admission and enrollment rates, OCR notes the disparity between the absolute number of male and female students who were admitted to and enrolled in ECE's graduate programs. OCR finds it concerning that, generally, females were admitted and enrolled in the Master's and PhD programs at lower rates than their percentage of the applicant pool and admitted students, respectively. While OCR did not assess all factors of admission, such as applicants' qualifications, such stark disparities may indicate that gender-based barriers exist in ECE's admission process. Accordingly, OCR makes the following recommendations.

vi. Recommendations for ECE

- ECE should consider evaluating whether any gender-related barriers exist in the admissions process.
- ECE should consider evaluating why females enroll in the Master's and PhD programs at lower rates than they are admitted, such as evaluating how females are treated once admitted to ECE's graduate programs (e.g. sending surveys to students who were admitted but declined enrollment may assist the University in evaluating this trend).

V. REQUIREMENTS FOR DEGREE COMPLETION

DOE Title IX implementing regulations state 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 financial assistance. 10 C.F.R. § 1042.400. DOE evaluated Bioengineering's and ECE's requirements for obtaining Master's and doctoral degrees by reviewing degree completion requirements to determine whether Bioengineering and ECE comply with this general provision of nondiscrimination on the basis of sex.

A. Bioengineering's Degree Completion Requirements

i. Master's

Bioengineering offers the following degrees: Master of Science in Bioengineering and a Professional Masters in Medical Product Engineering. The research Master of Science requires the completion of at least thirty-one credits and a Master's thesis. Typically, the research Master's requires two years of study. During the first year, the MS candidate finalizes the general area in which he or she will write a thesis. By the third semester, the student is to prepare a Master's thesis, which is guided by the student's thesis committee consisting of the student's advisor, at least one additional faculty member from within the Department, and at least one faculty member from outside the Department. The Committee meets at least once a year and oversees the student's thesis defense. The professional Master's does not require a thesis.

Most of the Master's students in Bioengineering are in the professional Master's program and do not require a thesis. From AY 2014-2015 to AY 2018-2019, no male or female Master's students failed the thesis requirement.

ii. PhD

Bioengineering's PhD requires the completion of at least seventy-two credits. Students typically take the PhD preliminary examination after their first year in the program, and the PhD proposal, which is the comprehensive examination, is generally presented at the end of the student's second year. Each PhD candidate makes a final, public PhD defense based on the student's research work. All students must maintain a 3.0 GPA at all times to remain in good standing in the program. Committees for PhD students should consist of the student's advisor, at least two additional faculty members from the Department and at least one faculty member from outside the Department.

The Faculty Graduate Coordinator of the PhD student's committee must determine whether to approve the student's proposal defense, and after this takes place, the student formally applies to candidacy for the PhD, typically in the third year. To qualify for PhD candidacy, the student must have obtained full graduate status and passed the preliminary examination. Once the PhD student passes the Comprehensive Examination, which consists of approval of the student's proposal and defense, he or she may register for "post proposal" research credits. Once the research credits are completed, the student can register for full-time dissertation hours, up to and including the semester in which he or she graduates.

In AY 2014-2015, three males failed the preliminary examination, and no females did so. In AY 2015-2016, four males failed the preliminary examination, and two females did so. In AY 2016-2017, one male failed the preliminary examination and two females did so. In AY 2017-2018, three males failed the preliminary examination and no females did so. The results for AY 2018-2019 preliminary examination

were not available at the time OCR obtained Pittsburgh's data. No male or female PhD students ultimately failed the dissertation defense requirement.

B. Findings for Bioengineering

DOE finds that Bioengineering's graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.

C. ECE's Degree Completion Requirements

i. Master's

ECE's Master's program offers the following degrees: the Master of Science in Electrical Engineering and the Master of Science in Computer Engineering.

The Master's in Computer Engineering requires the completion of at least thirty credits. Each student must also write and defend a Master's thesis, which must be submitted to a refereed conference or journal.

The Master's of Electrical and Computer Engineering has both research and professional tracks, the former of which requires a thesis. The research track requires the completion of at least twenty-four credits of graduate course work and six credits of thesis preparation and defense. The professional option requires the completion of at least thirty credits of graduate course work.

From AY 2014-2015 to AY 2018-2019, no male or female Master's students failed the thesis requirement.

ii. PhD

ECE's PhD program offers the following degrees: a PhD in Electrical Engineering, a PhD in Computer Engineering, and a joint Electrical and Computer Engineering PhD.

Both the PhD in Electrical Engineering and the PhD in Computer Engineering require the completion of a minimum of seventy-two credits. Each degree program requires that students pass a preliminary examination and a comprehensive examination. For the Computer Engineering PhD, the preliminary examination consists of an oral examination conducted by the student's research committee, and the comprehensive examination consists of the following: completion of five courses with a grade of A or better, and completion of four courses that satisfy the core requirements with a grade of B or better. For the Electrical Engineering PhD, the preliminary examination consists of an oral and written presentation on a subject mutually agreed upon by the student and his or her advisor, and the comprehensive examination consists of obtaining a minimum GPA of 3.3 in four courses assigned by the PhD program conference committee within the first two years of enrollment. If the student fails this requirement, she or she must pass an oral examination that takes place at the same time as the PhD proposal examination and answer general questions related to his or her research area. After an initial failure, the student may only take the oral examination once more, within three months of an initial failure.

For the Computer Engineering PhD, the student, within five years, must present his or her plan for dissertation research to be approved by the Student's Research Committee, and the student must orally defend his or her dissertation research. The time between the student's dissertation proposal and defense must be at least eight months. For the Electrical Engineering PhD, the student must pass a PhD proposal examination, which consists of the student's presenting and defending a proposal for dissertation to a

doctoral committee consisting of at least five members. The student must also pass a final oral examination, which is administered by the doctoral committee.

From AY 2014-2015 to AY 2018-2019, no male or female PhD students failed the preliminary examination or dissertation defense.

D. Findings for ECE

DOE finds that ECE’s graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE’s Title IX implementing regulations.

VI. FINANCIAL ASSISTANCE

A. Assistance in General

Graduate assistants generally may teach, conduct research, or have other responsibilities that contribute to their professional development. Graduate assistants are classified as Graduate Student Researchers (GSR), Teaching Assistants (TAs), or Research Assistants (RAs) and receive a stipend, tuition waiver, and health insurance.

B. Selection Process

All Bioengineering Master’s and PhD students on the research track are classified as GSRs and are required to conduct research and teaching as part of their curriculum. In Bioengineering, there are no separate classifications between research and teaching assistants. Master’s students must complete one teaching practicum (TP) and PhD students must complete two TPs. Students fill out a TP assignment form, which collects information about students’ educational background and preferences, and TPs are assigned based on the form.

In ECE, RAs are selected primarily based on interactions between faculty members and prospective students at the admission stage. Students and faculty approach each other based on research interests. TAs receive a “mixed mode of support” that consists of a half TA and a half RA and are selected in a similar manner as RAs.

C. Distribution of Assistantships and Fellowships

i. Bioengineering’s Distribution of Assistantships and Fellowships

Below is the number of graduate students, by sex, who served or are serving as RAs and/or TAs in Bioengineering.

Academic Year	Degree Program	Number of graduate students serving as RA or TA			Number of Part- and Full-Time Enrollees		
		Male	Female	Total	Male	Female	Total
2014-2015	Master’s	2	1	3	14	13	27
	PhD	100	51	151	102	51	153

2015-2016	Master's	2	2	4	27	14	41
	PhD	103	52	155	103	52	155
2016-2017	Master's	2	1	3	25	16	41
	PhD	97	53	150	97	53	150
2017-2018	Master's	2	1	3	15	16	31
	PhD	88	45	133	88	45	133
2018-2019	Master's	2	0	2	15	12	27
	PhD	72	49	121	72	49	121

Highlights:

In AY 2014-2015, in the Master's program, males were 51.9% of enrollees and 66.7% of financial assistance recipients, and females were 48.1% of enrollees and 33.3% of financial assistance recipients. In the PhD program, males were 66.7% of enrollees and 66.2% of financial assistance recipients, and females were 33.3% of enrollees and 33.8% of financial assistance recipients.

In AY 2015-2016, in the Master's program, males were 65.9% of enrollees and 50% of financial assistance recipients, and females were 34.1% of enrollees and 50% of financial assistance recipients. In the PhD program, males were 66.5% of enrollees and 66.5% of financial assistance recipients, and females were 33.5% of enrollees and 33.5% financial assistance recipients.

In AY 2016-2017, in the Master's program, males were 61% of enrollees and 66.7% of financial assistance recipients, and females were 39% of enrollees and 33.3% of financial assistance recipients. In the PhD program, males were 64.7% of enrollees and 64.7% of financial assistance recipients, and females were 35.3% of enrollees and 35.3% of financial assistance recipients.

In AY 2017-2018, in the Master's program, males were 48.4% of enrollees and 66.7% of financial assistance recipients, and females were 51.6% of enrollees and 33.3% of financial assistance recipients. In the PhD program, males were 66.2% of enrollees and 66.2% of financial assistance recipients, and females were 33.8% of enrollees and 33.8% of financial assistance recipients.

In AY 2018-2019, in the Master's program, males were 55.6% of enrollees and 100% of financial assistance recipients, and females were 44.4% of enrollees and 0% of financial assistance recipients. In the PhD program, males were 59.5% of enrollees and 59.5% of financial assistance recipients, and females were 40.5% of enrollees and 40.5% of financial assistance recipients.

Analytical Overview of Bioengineering's Financial Assistance Data from AY 2014-2015 to AY 2018-2019:

In the Master's program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, females received financial assistance at lower rates relative to their percentage of enrollment for all academic years, save for AY 2015-2016. While the rates for females receiving financial assistance are lower, the University provided additional context to the finding. The University noted to OCR that majority of the Bioengineering's MS students are enrolled in the Professional Master's Program (MS in Medical Project Engineering, MS-MPE). The MS-MPE students are self-paying students and do not receive financial aid. The University also clarified that Bioengineering does occasionally admit research track MS

students, but that the enrollment averages about three students per academic year. Research track MS students are classified as GSRs and all receive financial aid; thus, the absolute number of female MS students serving as a RA or TA in a year is equal to the female enrollment in the research track MS in that year.

In Bioengineering, all PhD program students are classified as GSRs throughout their tenure in the program and receive financial aid. Every GSR is required to conduct research and teach as part of their curriculum. When analyzing rates of financial assistance based on the number of current enrollees, females received financial assistance at the same rate as their percentage of enrollment for all academic years.

ii. ECE’s Distribution of Assistantships and Fellowships

Below is the number of graduate students, by sex, who served or are serving as RAs and/or TAs in ECE.

Academic Year	Degree Program	Number of graduate students serving as RA or TA			Number of Part- and Full-Time Enrollees		
		Male	Female	Total	Male	Female	Total
2014-2015	Master’s	16	4	20	69	17	86
	PhD	34	2	36	60	13	73
2015-2016	Master’s	10	5	15	68	15	83
	PhD	41	9	50	61	14	75
2016-2017	Master’s	16	6	22	78	6	84
	PhD	31	12	43	60	17	77
2017-2018	Master’s	24	6	30	95	19	114
	PhD	35	13	48	68	13	81
2018-2019	Master’s	22	4	26	88	14	102
	PhD	45	12	57	66	17	83

Highlights:

In AY 2014-2015, in the Master’s program, males were 80.2% of enrollees and 80% of financial assistance recipients, and females were 19.8% of enrollees and 20% of financial assistance recipients. In the PhD program, males were 82.2% of enrollees and 94.4% of financial assistance recipients, and females were 17.8% of enrollees and 5.6% of financial assistance recipients.

In AY 2015-2016, in the Master’s program, males were 81.9% of enrollees and 66.7% of financial assistance recipients, and females were 18.1% of enrollees and 33.3% of financial assistance recipients. In the PhD program, males were 81.3% of enrollees and 82% of financial assistance recipients, and females were 18.7% of enrollees and 18% of financial assistance recipients.

In AY 2016-2017, in the Master’s program, males were 92.9% of enrollees and 72.7% of financial assistance recipients, and females were 7.1% of enrollees and 27.3% of financial assistance recipients. In

the PhD program, males were 77.9% of enrollees and 72.1% of financial assistance recipients, and females were 22.1% of enrollees and 27.9% of financial assistance recipients.

In AY 2017-2018, in the Master's program, males were 83.3% of enrollees and 80% of financial assistance recipients, and females were 16.7% of enrollees and 20% of financial assistance recipients. In the PhD program, males were 84% of enrollees and 72.9% of financial assistance recipients, and females were 16% of enrollees and 27.1% of financial assistance recipients.

In AY 2018-2019, in the Master's program, males were 86.3% of enrollees and 84.6% of financial assistance recipients, and females were 13.7% of enrollees and 15.4% of financial assistance recipients. In the PhD program, males were 79.5% of enrollees and 78.9% of financial assistance recipients, and females were 20.5% of enrollees and 21.1% of financial assistance recipients.

Analytical Overview of ECE's Financial Assistance Data from AY 2014-2015 to AY 2018-2019:

In the Master's program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, females received financial assistance at a higher rate than their percentage of enrolled students in all academic years observed.

In the PhD program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, females received financial assistance at lower rates than their percentage of enrolled students in AY 2014-2015 and AY 2015-2016, but they received financial assistance at higher rates than their percentage of enrolled students from AY 2016-2017 to AY 2018-2019. In AY 2014-2015, females received financial assistance at a significantly lower rate than their percentage of enrolled students; in AY 2014-2015, females were 17.8% of enrollees but only 5.6% of financial assistance recipients.

D. Findings for Bioengineering and ECE

DOE finds that Bioengineering's and ECE's financial assistance programs comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although there is no direct evidence of discrimination, OCR notes that females generally received significantly less financial assistance than males in Bioengineering's PhD program in terms of the relative number of females enrolled in the program, save for one academic year. As to ECE, AY 2014-2015 stands out, in that only 5.6% of females received financial assistance, even though they constituted 17.8% of enrollees.

OCR's analysis of ECE financial assistance data from AY 2014-2015 to AY 2018-2019 was limited to the number of enrollees per Program by gender, without additional disaggregation by within-Program enrollment (i.e., without controlling for self-paying MS-MPE enrollees, for example). OCR's analysis also did not control for the forms by which financial assistance was established for each Program (i.e., whether by trust, will, scholarship, sex-restricted bequest, or other instrument). Therefore, DOE draws no inference as to the probability that an analysis of Bioengineering and ECE financial assistance would yield results at least as extreme as the results observed for an academic year *after* controlling for within-Program factors.

Accordingly, OCR makes the following recommendations:

E. Recommendations for Bioengineering and ECE

- The Bioengineering's Master's program should consider evaluating whether there is a statistically significant difference in financial assistance by gender after controlling for within Master's Program enrollment (e.g., controlling for self-paying MS-MPE enrollees).

VII. TITLE IX STATUTORY AND REGULATORY REQUIREMENTS

Title IX and DOE regulations require each recipient of Federal financial assistance to designate at least one employee to coordinate and carry out its Title IX compliance responsibilities, and to notify its students and employees of the name, office address, and telephone number of the designated employee (or employees) appointed to administer its Title IX grievance process. 10 C.F.R. § 1042.135(a).

DOE implementing regulations require recipients to provide applicants for admission and employment, students, and employees notification of (1) Title IX protections, (2) the University's policy of nondiscrimination on the basis of sex, (3) and how to contact the Title IX coordinator. Recipients must also include such information in each announcement, catalog, or application form that it makes available to students and employees, or which is otherwise used in connection with the recruitment of students and employees. 10 C.F.R. §1042.140(a)-(b).

A. Pittsburgh's Title IX Coordinator

OCR interviewed the University's Title IX Coordinator regarding a variety of topics, including Pittsburgh's Title IX program, the University's Title IX complaint process, and the University's Title IX training for students and faculty.

The position description that Pittsburgh submitted for the Title IX Coordinator, whose official title is "Title IX Coordinator (Manager)," states that the Title IX Coordinator reports to the Director of the Office of Diversity and Inclusion, Office of Human Resources, and provides "leadership, oversight, and direction to the University of Pittsburgh's Title IX commitment." The Title IX Coordinator's primary job duties include administering the University's compliance with Title IX; enhancing the University's Title IX Program; implementing training and education programs to prevent gender inequity, sex discrimination, and sexual violence; and ensuring a "responsive, sensitive, and safe" complaint and investigation process. The Title IX Coordinator's job duties are categorized as follows: Title IX Strategy (30% time commitment); Management (30% time commitment); Training and Education (20% time commitment); Personnel Oversight (10% time commitment); and Data Collection, Reporting, and Analysis (10% time commitment).

B. University of Pittsburgh's Nondiscrimination and Sexual Harassment Policies

The University has several non-discrimination policies: the Sexual Misconduct and Discrimination policy,⁵ the Nondiscrimination, Equal Opportunity, and Affirmative Action policy,⁶ and the Consensual Relationships policy.⁷

Sexual Misconduct and Discrimination policy

The University's Sexual Misconduct and Discrimination policy, University of Pittsburgh Policy 6-05-01, prohibits discrimination on the basis of sex in employment and educational programs and activities and defines sexual misconduct as a form of "sexual discrimination." The policy relates specifically to sexual misconduct, which is defined under the broad categories of "sexual harassment," "sexual violence," "other sexual misconduct," and "sexual misconduct when constitutionally protected speech is implicated in the

⁵ Available at <http://www.cfo.pitt.edu/policies/documents/policy06-05-01web.pdf>.

⁶ Available at <http://cfo.pitt.edu/policies/documents/policy07-01-03web.pdf>.

⁷ Available at <https://www.diversity.pitt.edu/sites/default/files/event-image/Pitt%20Policy%202007-14-01.pdf>.

academic setting.” Sexual harassment is defined as “any unwelcome verbal or non-verbal sexual advances, requests for sexual favors, other verbal, virtual or physical conduct of a sexual nature and/or conduct directed at an individual(s) because of gender or gender stereotypes.” Sexual violence is defined as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.” Other sexual misconduct is defined as “stalking and sexual exploitation and any other similar form of misconduct prohibited by Title IX, the Campus Sexual Violence Act, or the Violence Against Women Act.” The University explains under the heading, “sexual misconduct when constitutionally protected speech is implicated,” that “[the instant] Policy does not prohibit legitimate academic activities, such as lectures, classroom debates, reading assignments, presentations, coursework and publications, involving content of a sexual or gender-related nature that is reasonably related to the academic topic.”

The policy does not address forms of discrimination that fall outside the University’s definition of sexual misconduct, which are covered by the University’s Nondiscrimination, Equal Opportunity, and Affirmative Action policy. The policy explicitly states that the Title IX Coordinator, in conjunction with the appropriate “responsible center head” or designee, is responsible for overseeing allegations of sexual misconduct.

All University employees are considered “responsible employees” who have a duty to report sexual misconduct to the Title IX Coordinator and/or address incidents of sexual misconduct. The policy also prohibits retaliation against complainants, respondents, or other participants in processes governed by the policy, such as investigations. Allegations of retaliation are investigated by the Title IX Office, and if evidence exists supporting retaliation, the Title IX Office usually refers the retaliation concerns to another University process for resolution, unless additional sexual misconduct is involved.

Nondiscrimination, Equal Opportunity, and Affirmative Action policy

The University’s Nondiscrimination, Equal Opportunity, and Affirmative Action policy prohibits discrimination and harassment based on race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran, as well as retaliation. The policy defines harassment and states that the University is engaged in affirmative steps to support and advance the University’s non-discrimination policy, which applies to employment and University programs and activities.

Consensual Relationships

Pittsburgh’s Consensual Relationships policy states that “[c]onsensual relationships between faculty/staff and students that commence after the student has enrolled,” as well as consensual relationship between faculty/staff members who work closely together at the University “are strongly discouraged and in certain situations . . . not permitted.” The policy defines a consensual relationship as, “[a]ny intimate, romantic, sexual, or marriage relationship willingly undertaken by the parties.” The policy prohibits consensual relationships between faculty and staff members and students, when the faculty and/or staff member has direct supervision over the student, or there is reasonable likelihood of direct supervision. In the absence of direct supervision, the University discourages faculty and staff from having consensual relationships with undergraduate and graduate students, and “significant disruption” caused by such a relationship is considered a violation of the instant policy. Moreover, supervisors are prohibited from engaging in or soliciting consensual relationships with employees over whom they have direct supervision.

C. Notification Requirements of Title IX

Pittsburgh provided highlights of its efforts to notify students, faculty, and staff of Title IX requirements.

In AY 2014-2015, the University took the following actions: conducted an Association of American Universities climate survey for the first time, promoted monthly sexual assault prevention efforts on campus through the Sexual Assault Task Force, and hosted a regional Title IX conference with the Office on Civil Rights on colleges' efforts to address sexual harassment and sexual violence. In AY 2015-2016, the University hosted Vice President Biden at an "It's on Us" campaign for the campus, provided quarterly training on Title IX topics for faculty and staff, and launched a Title IX website with clear resources and reporting mechanisms, discussed below. In AY 2016-2017, the University revised and launched an education program on the campus's new Sexual Misconduct and Procedures, launched the Peer Education Program on Consent and Healthy Relationships, and provided quarterly training on Title IX topics for faculty and staff. In AY 2017-2018, the University began instituting mandatory training for faculty and staff every four years, launched a Peer Education Program on Bystander Intervention, and hosted Sexual Assault Awareness Month for the campus. In AY 2018-2019, the University hosted Sexual Assault Awareness Month for the campus; facilitated over eight five-hour trainings conducted by peer educators on consent, healthy relationships, and communication; and launched Bystander Training for faculty and staff.

i. Training

Students

Title IX training is mandatory for all first-year undergraduate and transfer students and international students. Title IX training is part of mandatory annual training for TAs and RAs.

Most students whom OCR interviewed knew there was a Title IX Coordinator, but the majority of students could not identify the Title IX Coordinator by name. In fact, several students believed that the Graduate Student Ombudsperson was the Title IX Coordinator. Many students admitted to having recently attended a briefing on Title IX in anticipation of OCR's on-site visit.

Most students were unable to state when they last took Title IX training. Many students stated they received Title IX training several years ago, and many students' answers diverged on how long ago they took such training, giving the impression that such training is sporadic and unpredictable.

Faculty and Staff

Faculty and staff receive mandatory Title IX training once every four years, at minimum. Title IX training is also mandatory for all new employees.

Like the students whom OCR interviewed, many faculty whom OCR interviewed gave diverging answers on how often they received Title IX training, which suggests that training is sporadic. Many professors' answers to the question of what they would do if a student approached them with a Title IX complaint reflected that they did not know the proper steps to take to report a Title IX complaint.

Notably, the Graduate Student Ombudsperson stated she was essentially the Title IX contact for the Bioengineering Department, yet she had trouble defining Title IX.

Many faculty admitted to having recently attending a briefing on Title IX in anticipation of OCR's on-site visit.

ii. University of Pittsburgh's Websites

Pittsburgh's primary website that notifies and educates students, staff, faculty, and the public about Title IX is titled, "Title IX."⁸ The website contains individual webpages categorized under the tabs, "resources," "education and training," "policies and procedures," "contact," and "report." Under, the "about" tab, the webpage defines Title IX as follows:

Title IX is landmark federal civil rights legislation that prohibits sex discrimination in education. Title IX includes sexual harassment, gender-based discrimination, and sexual violence. It encompasses attempted or completed rape or sexual assault, as well as sexual harassment, stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, and intimate partner violence. The Title IX Office at Pitt is here to answer questions and assist any member of the campus community.

The webpage then states, "If you are dealing with sexual harassment or misconduct, here's how we can help," then lists resources and ways to file a formal complaint.

Under the "resources" tab, the webpage describes what one can expect when reporting "sexual misconduct." The webpage does not address the process one can expect when reporting other forms of sex discrimination. The "policies and procedures" webpage contains all of the University's non-discrimination policies that implicate Title IX: sexual misconduct policy; non-discrimination and anti-harassment procedures; non-discrimination, equal opportunity, and affirmative action policy; and consensual relationships policy. The webpage also lists the University's Notice of Nondiscrimination website, which is a standalone website that provides an overview of all the University's general non-discrimination policies, including those that address sex discrimination.⁹

iii. The University's Applications and Publications

a. University of Pittsburgh's Admissions Application and Websites

Pittsburgh's Swanson School of Engineering's online application portal does not contain the University's nondiscrimination policy.¹⁰ However, Pittsburgh's Swanson School of Engineering Graduate Admissions website¹¹ contains a hyperlink under the heading "Quick Links," titled, "Legal Information," which leads to a webpage that contains various legal disclosures, including the University's nondiscrimination policy.¹² The same hyperlink appears on Bioengineering's and ECE's individual graduate admissions websites.¹³

b. University of Pittsburgh's Recruitment Literature

OCR reviewed Bioengineering's and ECE's recruitment literature that the University submitted. The recruitment literature reviewed for Bioengineering states in fine print, "The University of Pittsburgh is an

⁸ Available at <https://www.titleix.pitt.edu>.

⁹ Available at <https://www.diversity.pitt.edu/about/notice-non-discrimination>.

¹⁰ Available at https://app.applyyourself.com/AYApplicantLogin/fl_ApplicantLogin.asp?id=up-e.

¹¹ Available at <https://www.engineering.pitt.edu/Admissions-Academics/Admissions/Graduate/Admissions/>.

¹² Available at <https://www.engineering.pitt.edu/Legal/Legal-Information/>.

¹³ Available at <https://www.engineering.pitt.edu/Admissions-Academics/Admissions/Graduate/Admissions/>; <https://www.engineering.pitt.edu/eagr/>.

affirmative action, equal opportunity institution.” The recruitment literature reviewed for ECE contains a detailed paragraph regarding the University’s nondiscrimination policy, as well as contact information for the Title IX Coordinator.

c. Student Code of Conduct

The Student Code of Conduct¹⁴ prohibits any behavior that involves sexual misconduct or harassment, relationship violence, or stalking of another person. The Student Code of Conduct also explains what Title IX is and provides examples of unlawful practices under Title IX.

d. Other Brochures

OCR reviewed a variety of brochures utilized and distributed by the Title IX Office. When discussing Title IX and the Title IX’s Office’s ability to assist students, the vast majority of the brochures focused exclusively on sexual misconduct and sexual violence, rather than also discussing Title IX’s broader protections, including the prohibition of any discrimination based on sex, which does not necessarily involve sexual misconduct or sexual violence. For instance, one brochure narrowly characterizes “Title IX complaints” as follows. The brochure states, “How do I file a Title IX Complaint?” and the answer is “Members of the University community may report sexual harassment, sexual misconduct, stalking, or relationship violence in several places,” then the Title IX Office is listed, as is the office of Student Conduct, University of Pitt Police, Office of Human Resources, and a Bias Form found online. But the brochure does not address how one may file a complaint based on broader allegations of sex discrimination that do not involve sexual misconduct. Based on the brochure, a reasonable person might believe Title IX only covers complaints related to sexual misconduct.

D. Findings

OCR finds that the University has complied with the requirement to designate a Title IX Coordinator and inform students and faculty of the name, address, and other contact information of the responsible employee. OCR also finds that the University has adopted nondiscrimination policies, including anti-harassment and sexual harassment policies, and has complied with the notification and publication requirements of Title IX. The University is also in compliance with 10 C.F.R. §1042.140(a)-(b), which require that application forms and recruitment materials for students and employees contain (1) Title IX protections, (2) the University’s policy of nondiscrimination on the basis of sex, (3) and how to contact the Title IX coordinator.

However, OCR notes that many students whom OCR interviewed could not recall when they last took Title IX training and students’ answers regarding when they last took such training diverged greatly. OCR also notes that faculty also gave diverging answers regarding when they last received Title IX training, and many of them did not know the proper course of action to take if a student approached them with a Title IX complaint.

OCR also observed that the University’s Title IX websites and literature appear to narrowly characterize Title IX as only covering sexual misconduct and sexual violence, rather than also informing the campus about Title IX’s broader protections against sex discrimination generally.

¹⁴ Available at <http://online.fliphtml5.com/qsbj/owng/>.

E. Recommendations

- The University may want to require mandatory Title IX training for graduate students and make mandatory Title IX training an annual requirement for undergraduates.
- The University may want to consider expanding mandatory Title IX training for faculty by making it a biennial training requirement. Such training should clarify the proper course of action for reporting Title IX complaints.
- The University may want to consider adding its nondiscrimination policy to the Swanson School of Engineering's online application portal.
- The Title IX Office may want to consider reviewing its Title IX literature to ensure that students, faculty, and staff are being properly notified about Title IX's broad protections against sex discrimination, rather than only being informed about Title IX's protections against sexual misconduct.¹⁵
- The University may want to consider reviewing its primary Title IX website to ensure that students, faculty, and staff are being properly notified about Title IX's broad protections against sex discrimination, rather than only being informed about Title IX's protections against sexual misconduct.
- The University may want to consider providing in-depth Title IX training for the Graduate Student Ombudsperson, to the extent this individual serves as the Title IX contact for the Bioengineering Department and several students believe this person to be the Title IX Coordinator.
- While Bioengineering's recruitment literature states, "The University of Pittsburgh is an affirmative action, equal opportunity institution," the Department may want to consider elaborating on its nondiscrimination policy and/or adding a hyperlink to the University's nondiscrimination policy website. Recommended language includes, "The University of Pittsburgh is an affirmative action, equal opportunity institution. More information about the University's nondiscrimination policies can be found here: <https://www.diversity.pitt.edu/about/notice-non-discrimination>."

¹⁵ Notably, the National Academies of Sciences, Engineering, and Medicine report on Sexual Harassment, *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine (2018)* [*Sexual Harassment of Women*], found that work and learning environments that promoted or tolerated unequal treatment of women, or "gender harassment," actually increased the likelihood of sexually harassing behavior toward women. See *Sexual Harassment of Women* at 15-16, 18 (defining "gender harassment" as "verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender."), 47 ("Social situations in which sexist views and sexually harassing behavior are modeled can enable, facilitate, or even encourage sexually harassing behaviors . . ."), available at <https://doi.org/10.17226/24994>. In fact, the report found that "gender harassment," which does not necessarily involve sexual misconduct, was the most common form of harassment based on sex. *Id.* at 5.

VIII. UNIVERSITY OF PITTSBURGH'S TITLE IX GRIEVANCE PROCEDURES AND PENDING TITLE IX COMPLAINTS

Recipients are required to adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX. 10 C.F.R. Section 1042.135(b).

A. Pittsburgh's Title IX Grievance Procedures

The University's Title IX Grievance Procedures are found in the following policies: Sexual Misconduct and Discrimination, University of Pittsburgh Procedure 06-05-01,¹⁶ Nondiscrimination and Anti-Harassment, University of Pittsburgh Procedure 07-01-03,¹⁷ and the University of Pittsburgh Student Code Of Conduct. "Title IX complaints" encompass complaints based on sexual misconduct and discrimination based on sex, and the University has two distinct policies that address each type of complaint.

The following seven individuals are designated by the University to receive, investigate, and process Title IX complaints: Title IX Coordinator in the Office of Diversity and Conclusion; Vice Chancellor for Diversity and Inclusion; the Inclusion and Interim Measures Specialist in the Office of Diversity and Inclusion; the Title IX/Equity Investigator in the Office of Diversity and Inclusion; Senior Title IX/Diversity Specialist in Office of Diversity and Inclusion; Title IX/Equity Specialist in the Office of Diversity of Inclusion; and the Student Conduct Officer of the Office of Student Conduct.

Employee Respondents

Sexual Misconduct

Upon receiving notice of a sexual misconduct complaint, the Title IX Office assigns an investigator to conduct an initial inquiry, which is coordinated with the appropriate chair, dean, director, supervisor, responsibility center head, or designee. During this time, the investigator also reviews any relevant documents. The investigator then determines whether the complaint states a claim under the University's policy, and, if so, whether the complaint should be processed through the informal process, the formal process, or another University process. The complainant and respondent are promptly notified of the investigator's determination.

In addition to conducting the initial inquiry, the investigator may institute interim measures to protect the safety and well-being of the individuals involved in the sexual misconduct complaint.

If the complaint proceeds to an investigation, the investigator will identify and interview witnesses, gather relevant documentation, and identify other relevant information.

The informal process, which may only be used for allegations that are not based on sexual assault or violence, attempts to resolve the complaint through "awareness, education, and/or a facilitated discussion"—no formal investigation is conducted to determine whether University policy has been violated. The informal complaint process consists of two steps: facilitating resolution and documenting any informal resolution reached. If the matter is not resolved to the satisfaction of complainant or respondent, or the Title IX Office determines the matter should be resolved through the formal process, the

¹⁶ Available at <https://www.cfo.pitt.edu/policies/documents/procedure06-05-01web.pdf>.

¹⁷ Available at <http://cfo.pitt.edu/policies/documents/procedure07-01-03web.pdf>.

formal process may be pursued. Any party may submit a written request to utilize the formal process within five business days of the receipt of the informal outcome letter.

As to the formal process, for respondents who are faculty, staff, post-doctoral associates/scholars, research associates, contract employees, or members of the Board of Trustees, the Title IX Office, in conjunction with the Student Conduct Officer, a chair, dean, director, supervisor, responsibility center head, or designee, will conduct an investigation, to include witness interviews and review of other evidence. The function of the investigation is to determine whether University policy has been violated and/or to recommend an appropriate sanction. A copy of the report is kept on file in the Title IX Office, and the investigator notifies the parties of their right to appeal the determination and/or sanction.

The Provost or Senior Vice Chancellor for Business and Operations handles appeals for faculty and/or staff. However, when the recommended discipline is early termination of appointment for cause, the University Bylaws, not the instant appeals process, applies. Generally, an Appeals Board consisting of three individuals will reach a determination within thirty days. Generally within thirty days, the Provost or Senior Vice Chancellor shall review the recommendation of the Appeals Board and make a final determination, which is communicated in writing to the parties.

The University's Sexual Misconduct policy states that "responsible employees" should take the following action: "Early in the conversation with the victim, explain that you are obligated to report the incident to the Title IX Office and that you cannot maintain complete confidentiality."

Discrimination and/or Harassment Based on Sex

University of Pittsburgh Procedure 07-01-03, last revised on November 4, 2016, governs discrimination and harassment claims, including those based on sex, save for complaints based on sexual misconduct, which are governed exclusively by University of Pittsburgh Procedure 06-05-01.

Any faculty, staff, or student who believe they have been a victim of discrimination or harassment in violation of the University's policy should contact "his or her department chair, dean, director, immediate supervisor, or one of the persons identified at the end of this document." Notably, the Title IX Coordinator is not listed anywhere in the University of Pittsburgh Procedure 07-01-03 as receiving complaints of discrimination or harassment based on sex.

Informal or formal complaints are accepted, and if the matter is not resolved informally, the "appropriate office" undertakes a prompt investigation. If the investigation concludes that a violation of University policy has occurred, a chair, dean, director, supervisor, or head of a responsibility center should initiate action within thirty days of receiving the findings and recommendations of the investigating office. If a violation is found, prompt steps are taken that are reasonably calculated to stop the discriminatory conduct or harassment, and, depending on the seriousness of the violation, the violator may be subject to disciplinary sanctions, including termination of employment or expulsion from the University.

Appeals must be submitted in writing to the Senior Vice Chancellor and Provost or Senior Vice Chancellor for the Health Sciences, where a faculty member is the accused, or the Senior Vice Chancellor for Business and Operations, where a staff member is the accused. The senior officer has thirty days to issue a final decision in response to the appeal.

Procedure 07-01-03 states, "While every effort will be made to protect the privacy of all parties, confidentiality cannot be guaranteed."

Student Respondents

When the student is a respondent, the formal process is governed by the Student Code of Conduct. Chapter Six of the Student Code of Conduct is titled, “Sexual Misconduct Process and Procedures: Reporting Sexual Misconduct and University Response.”

Students may file a complaint with the Title IX Coordinator or any member of the Title IX Office, which generally investigates complaints of sexual misconduct against faculty, teaching assistants, graduate student assistants, and staff, as well as students. Students may also file a complaint through the Bias Report System on the Office of Diversity and Inclusion website.¹⁸

To quickly address a situation, the University may take interim measures, which may include but are not limited to a no contact order, a change in University-related class or work schedules or job assignments, a change in University-owned housing, restricting a student’s access to certain University facilities, access to academic support services, rescheduling of exam assignments, and access to and assistance with obtaining necessary medical services.

Both complainants and respondents are entitled to one advisor or support person of their choice, who may accompany them to any meeting or proceeding under the applicable procedures. However, the student’s advisor or support person, including an attorney, is not permitted to directly participate in the informal and/or formal resolution processes.

The informal resolution process is voluntary and available to complainants who wish to reach a resolution without, or before, initiating the formal complaint process. A Title IX Specialist reviews the facts and circumstances of a complaint, and, based on the severity of the allegations, makes a determination whether the informal resolution process is an appropriate course of action. The informal resolution process does not result in a specific finding of a policy or code violation and can include the application of certain interim measures. In the informal resolution process, no disciplinary action is taken. A complainant may initiate the informal resolution process and later move to the formal complaint process if desired.

The formal complaint process is initiated when the complainant files a complaint, which consists of a signed statement that includes a brief description of the allegations, the respondent’s name(s), and the date, time, and location of the incident. Under the formal complaint process, a Title IX Specialist or University Investigator conducts a “prompt and equitable” investigation that gives all parties notice and opportunity to be heard and to identify witnesses and offer evidence.¹⁹ Rules of evidence applied in traditional court proceedings are not applied during the investigation, nor are legal rules regarding the wording of questions, hearsay, and opinions.

At the completion of the investigation, both parties are permitted the opportunity to review the investigative summary in the Title IX Office and submit comments regarding the summary within five business days. The investigator then prepares a final written report, which includes a determination of whether a violation has occurred and a recommendation of a sanction to be imposed, if any. The Title IX Coordinator reviews the report and forwards it to the Dean of Students to approve any recommended sanctions. Both parties may submit an appeal to the University Review Board within five business days from the date of the decision letter.

¹⁸ Available at <https://www.diversity.pitt.edu/make-report/report-form>.

¹⁹ Whether the University’s grievance procedures actually provide for prompt and equitable resolution of complaints is discussed below in the section, *Title IX Complaints Filed From AY 2014-2015 to AY 2018-2019*.

The Student Code of Conduct also informs students that they may also file a complaint with the U.S. Equal Employment Opportunity Commission or the Department of Education’s Office of Civil Rights.

B. Title IX Complaints Filed From AY 2014-2015 to AY 2018-2019

The Title IX complaint data in this section was supplemented by the University after the on-site compliance review, and in response to an issue regarding investigation timelines noted by the Department in January, 2020. The data initially submitted made it appear as though there were very lengthy timelines to resolve Title IX complaints.

Specifically, based on the University’s initial data submission, it appeared that the average time it took Pittsburgh to resolve and close a case during AY 2016-2017 to AY 2018-2019 was 235 days. This resolution time was far beyond sixty to ninety days, which is the length of time, on average, that Pittsburgh stated it took the University to resolve Title IX complaints.²⁰

When the Department brought this concern to the University’s attention, Pittsburgh provided a memorandum and updated complaint data for AY 2016-17, AY 2018-2018, and AY 2018-2019. In this memorandum, Pittsburgh explained that:

...the “Date Closed” provided in our original submission was not a reflection of the dates upon which investigations were completed (for formal complaints) or interim measures and/or other remedies were implemented (for informal complaints). Rather, “Date Closed” was a reference to the closure of the actual file (which often would not close out until a student graduated and left the University). As such, in order to provide a more accurate picture of these timelines, we have specifically provided the dates investigations were completed (for formal complaints) and dates on which the initial remedy was enacted (for informal complaints).

Based on the updated data provided, from FY 2014-2015 to FY 2018-2019, Pittsburgh received 720 total Title IX complaints, 81 of which were against University faculty and/or staff, 330 of which were against students, 152 of which were against “other,”²¹ and 157 of which were against “unknown.”²² In AY 2016-2017,²³ the average amount of time it took Pittsburgh to resolve and close a formal case from the filing of the complaint was 81 days and for an informal complaint was 5 days. In AY 2017-2018, the average amount of time it took Pittsburgh to resolve and close a formal case from the filing of the complaint was 87 days and informal complaint was 1 day. In AY 2018-2019, the average amount of time it took Pittsburgh to resolve and close a formal case from the filing of the complaint was 85 days and an informal complaint was 3 days.

From AY 2015-2016 to AY 2018-2019, one Title IX complaint was filed each academic year in Bioengineering and ECE.²⁴ Each case has been closed.

²⁰ In its data request response to DOE, Pittsburgh stated, “Typical time to completion for a formal investigation is between 60 & 90 days, based on averages of investigations conducted over the relevant time period. The typical time for a report that does not result in a formal investigation to close is much shorter.”

²¹ “Other” means a non-affiliate of the University, or a third party contact.

²² “Unknown” means the complainant did not report who the respondent was or did not know this information.

²³ According to the Title IX Coordinator, in AY 2014-2015 and AY 2015-2016, Pittsburgh’s complaint database did not have the capability of capturing closing dates. Therefore, this information was not provided for those academic years, which are excluded from OCR’s calculation of average case-processing times.

²⁴ The University’s data does not make clear which department the Title IX complaint arose in.

C. Findings

OCR finds that the University has complied with the requirement to adopt and publish Title IX grievance procedures.

Additionally, based on an average case processing time of 85 days for formal Title IX complaints between AY 2016-2017 and AY 2018-2019, OCR finds that the University has complied with the requirement for prompt and equitable resolution of complaints pursuant to 10 CFR Section 1042.135(b).

D. Recommendations

- The University may want to consider amending its anti-discrimination and harassment policy procedure, University of Pittsburgh Procedure 07-01-03, to state that all complaints of discrimination and/or harassment based on sex (including those that do not involve sexual misconduct) should be reported to the Title IX Office, which will exclusively handle those cases.²⁵
- The University may want to consider amending its sexual misconduct policy, University of Pittsburgh Procedure 06-05-01, which states that responsible employees should inform victims that they “cannot maintain complete confidentiality,” as well as its anti-discrimination and harassment policy procedure, University of Pittsburgh Procedure 07-01-03, which states, “While every effort will be made to protect the privacy of all parties, confidentiality cannot be guaranteed,” as the language found in both policies may have a chilling effect on Title IX reporting.²⁶ To avoid such a chilling effect, the University could include clarifying language that it uses in its literature regarding confidentiality during investigations.²⁷ Recommended language includes, “All responsible employees shall inform a complainant that the incident must be reported to the Title IX Office, which will do its best to keep information confidential and ensure that it is only shared with those who have a need to know.” All responsible employees should be updated on the proper language to use regarding confidentiality.

IX. Leave of Absence, Readmission, and Parental Leave Policies and Procedures

DOE’s Title IX implementing regulations state 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.” 10 C.F.R. §1042.400. Consistent with this provision, OCR evaluated the University’s leave of absence, readmission, and parental leave policies, to determine whether any aspect of these policies had the effect of denying benefits to, discriminating against, and/or excluding students from participating in Bioengineering and ECE programs.

²⁵ As the University concedes, to allow individual departments to investigate sex discrimination claims could create conflicts of interest. Moreover, the Title IX Office, which specializes in Title IX’s broad protections, would be best equipped to investigate all sex discrimination claims, including those that do not involve sexual misconduct.

²⁶ See *supra* *Sexual Harassment of Women*, 106-07 (warning that a perceived lack of confidentiality in mandatory reporting environments may deter complainants from reporting Title IX complaints).

²⁷ The University submitted a document titled, *University of Pittsburgh Affirmative Action Statement on Confidentiality and Non-Retaliation in Connection with Investigations*, which states, “In the course of investigating such allegations, the University maintains the confidentiality of witness statements to the extent possible. The Office of Diversity and Inclusion will maintain this information as confidentially as possible, but it is necessary to discuss some or all details with faculty, students or staff who have a need to know or who are material witnesses.”

A. General Leave of Absence Policies

The University's leave of absence policy states that under "special conditions, graduate students may be granted one leave of absence." Doctoral students may take a leave of absence for a maximum of two years, and Master's students may take one leave of absence for a maximum of one year. Students must submit their requests for a leave of absence to the appropriate dean, stating the length and rationale for the leave of absence, and the dean must recommend and approve the leave of absence. If approved, the amount of leave shall not count against the total amount of time permissible for degree completion.²⁸

B. Readmission Policy

Students are subject to readmission if they do not register for at least one credit during a twelve-month period, in which case they are automatically transferred to inactive status. While on inactive status, students are not eligible to use University facilities and resources. If readmission is granted, it does not necessarily reinstate the student to the academic status enjoyed prior to becoming inactive.

C. Parental Leave Policies

The University has adopted guidelines, titled Graduate Student Parental Accommodation Guidelines, that assist graduate students immediately following the birth or adoption of a child.²⁹ All eligible students are granted a parental accommodation period of six weeks immediately following the birth or adoption of a child.

During the accommodation period, students remain enrolled as full-time students, and the leave period is not considered a formal leave of absence. During the six-week period, the student is able to postpone completion of course assignments, examinations, academic milestones, and other requirements. The six-week period, however, does not extend the University's academic Statute of Limitations. At the end of the accommodation period, students are expected to return to their graduate studies and resume progress toward completing their degrees. Students with TAs and RAs continue to receive their stipend, benefits, and associated tuition support during the accommodation period. Birth mothers who experience "health consequences of pregnancy" will be excused from their regular duties for a period of time, as determined by a health care provider, not to exceed the student's appointment period, and will continue to receive their stipend, benefits, and associated tuition support during the accommodation period. Notably, if the funding agency has terms and conditions which do not permit funding pursuant to this guideline, the department or University will fund the parental accommodation period.

As to faculty interviewed by OCR, three female professors stated they utilized the University's stop-the-clock policy and found it was a valuable resource to them.

D. Finding

OCR finds that the University's leave of absence, readmission, and parental leave policies comply with Title IX and DOE's Title IX implementing regulations. However, students and faculty had limited awareness of the University's leave of absence policy.

While OCR considers the University's parental leave accommodations a promising practice, as discussed below, the language in the Guidelines regarding the absence of birth mothers—"Birth mothers . . . will be

²⁸ PhDs must be completed in ten years, and Master's degrees must be completed in five years.

²⁹ Available at https://www.gradstudents.pitt.edu/sites/default/files/Grad_Parental_Accommodation_Guidelines.pdf.

excused from their regular duties . . . *not to exceed the student's appointment period . . .*" (emphasis added)—might appear to conflict with Title IX. Therefore, OCR makes the following recommendations.

E. Recommendations

- The University may want to devise a plan to educate students about the University's leave of absence policy.
- The University may want to amend its Parental Accommodation Guidelines to clarify that the Guidelines do not alter or replace Title IX protections regarding leaves of absences due to pregnancy, childbirth, termination of pregnancy, or recovery therefrom.³⁰

F. Promising Practices

OCR commends Pittsburgh for adopting the Graduate Student Parental Accommodation Guidelines and highlights this decision as a promising practice.

X. Academic Environment and Climate: Perception of Gender Bias, Campus Safety, and Family Friendly Initiatives

DOE's Title IX implementing regulations state 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." 10 C.F.R. §1042.400. Consistent with this provision, OCR evaluated the academic climate within Bioengineering and ECE, as well as campus safety, gender bias and sexual harassment, and availability of child care and lactation rooms, to determine whether either of these aspects had the effect of denying benefits to, discriminating against, and/or excluding students from participating in Bioengineering and ECE programs.

A. Perceptions of Gender Bias

Students

Most students whom OCR interviewed stated they had not heard of discrimination occurring in their departments. However, one student in the Bioengineering Department heard of discrimination in her department, including two specific allegations of professors' inappropriate conduct toward students.

Most students whom OCR interviewed stated they had not personally experienced discrimination based on their gender or heard of other students who faced such discrimination. However, two female students in

³⁰ Title IX prohibits discrimination based on pregnancy, childbirth, termination of pregnancy, or recovery therefrom, 10 C.F.R. § 1042.300(c)(2). Moreover, Title IX states that:

[A] recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence *for as long a period of time as is deemed medically necessary by the student's physician*, at the conclusion of which the student shall be *reinstated to the status that she held when the leave began*.

Id. (emphasis added).

the Bioengineering Department personally felt like they had encountered barriers in the Department based on their gender and had heard of other females facing the same problems. For instance, one student stated specifically that she felt she had to work harder in order to gain others' trust and that males were generally given more leeway. The other student eluded to problems of systemic discrimination, as well as emotional abuse by her advisor. Four additional students in the Bioengineering Department, three females and one male, had heard of females facing discrimination in the Department based on their gender. Two male students in ECE stated they had heard about sexual harassment on campus. For instance, one male ECE student could not articulate a specific incident but stated that "things have occurred." The other ECE male student stated that female friends have "vented" to him about events that occurred at off-campus parties.

Faculty & Staff

The majority of faculty stated the tenure process was fair and transparent. However, a few professors in both Bioengineering and ECE stated they were concerned by the low number of tenured female faculty in their Departments.

One Bioengineering staff member, who wished to remain anonymous, stated that women in the Department were not treated equally. The staff member stated that "gender tasking," such as female faculty being asked to take notes during meetings, occurred in the Department. The staff member stated that male faculty have been allowed to "behave badly." The staff member named three different individual faculty who were alleged to have engaged in inappropriate behavior toward women.

Notably, several Bioengineering administrators and faculty proudly indicated that females comprised half of the student population in the Department, but OCR's statistical analysis reflects that females are less than half of enrollees.

One professor in ECE stated that older faculty frequently ask faculty applicants if they are married or have children.

B. Campus Safety

Nearly all of the students and faculty whom OCR interviewed stated they felt safe on campus and in labs.

C. Family Friendly Initiatives

i. Childcare

The University offers childcare to the children of staff, faculty, and students through the University Child Development Center (UCDC).³¹ The UCDC uses a sliding scale based on income to determine enrollment fees. Most students and faculty whom OCR interviewed were aware that the University provided on-campus childcare, but many respondents stated they were aware of a long waiting list, which most people believed to be several years.

ii. Lactation rooms

According to the University's website, *Lactation Rooms*, the University has eighteen lactation rooms on its

³¹ See <http://www.childdevelopment.pitt.edu/>.

Oakland campus.³² The website contains a list of lactation room locations, which includes the address, room location, and room details of the lactation room, as well as the contact name for the room and instructions for its use. The website also contains a map on which all lactation room locations are marked.

During its onsite visit, OCR toured several lactation rooms while on campus and made the following observations. The lactation room in the Bioengineering Department consisted of a public kitchen, with a door that could be locked. OCR spoke with a staff member who happened to have just used Bioengineering's lactation room, and she stated that since she started using the room she had been interrupted several times while pumping and would ideally prefer a more private space. Another lactation room that OCR toured was in an entryway to the women's restroom. The space consisted of a small bench, an outlet, and a curtain.³³

Most students whom OCR interviewed were not aware that the University provided lactation rooms.

D. Finding

OCR finds that Bioengineering's and ECE's academic environment and climate, including perceptions of gender bias and campus safety, and family friendly initiatives are in compliance with Title IX and DOE Title IX implementing regulations. While OCR found no direct evidence of discrimination on the basis of sex with respect to Bioengineering's and ECE's academic climate and environment, OCR notes with concern that following: several female Bioengineering students raised issues of potential gender bias, one Bioengineering staff member raised several issues of potential gender bias in the Department, and faculty in ECE are alleged to be asking prohibited questions during faculty interviews.

Moreover, while OCR commends the University for its useful website regarding lactation rooms, it notes that the two lactation rooms it toured likely do not meet the minimum requirements of the law. One lactation room, which primarily functioned as a public kitchen, subjected nursing mothers to potentially frequent interruptions, and another lactation room, which was located in the entrance to the women's restroom, was arguably in the restroom area itself, as prohibited by the law. Accordingly, OCR makes the following recommendations.

E. Recommendations

- In light of the issues concerning potential gender bias raised by female students and faculty in the Bioengineering Department, OCR recommends that the Department conduct a student and faculty climate survey on gender equality issues in the Department to address and resolve the concerns raised.
- In light of ECE professors' potentially asking prohibited questions during faculty interviews and female faculty being relegated as note takers in meetings, OCR recommends that the Title IX Office

³² Available at <https://www.diversity.pitt.edu/resources/resources-diverse-populations/title-ix-resources/lactation-rooms>.

³³ OCR notes that the Patient Protection and Affordable Care Act (P.L. 111-148, known as the "Affordable Care Act") amended section 7 of the Fair Labor Standards Act ("FLSA") to require employers to provide "reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk." Employers are also required to provide "a place, *other than a bathroom*, that is shielded from view and *free from intrusion from coworkers and the public*, which may be used by an employee to express breast milk." See 29 U.S.C. 207(r) (emphasis added).

provide Title IX training to ECE faculty focused on gender stereotyping in the workplace and family status in the hiring process.

- The University should consider conducting an in-depth audit of all eighteen lactation rooms on campus to ensure that the rooms meet the basic requirements of the law. The University should also consider sending out a survey on whether those who use lactation rooms find them acceptable. To the extent that women express negative views of lactation rooms and hesitancy or unwillingness to use them, the University should be aware that if women are deterred from participating in University programs because they cannot find an adequate space to pump on campus, this could lead to a violation of Title IX.

F. Promising Practice

OCR commends Pittsburgh for its lactation room website, which appears to be a valuable resource for nursing mothers on campus. The detailed descriptions of the rooms and the map are particularly useful features.

XI. Other Initiatives and Promising Practices

Pittsburgh's use of surveys appears to be an effective tool to address Title IX issues on campus. For instance, in 2019, the University voluntarily participated in the second Association of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct.³⁴ Moreover, in AY 2018-2019, the Title IX Office created a survey and distributed it to those who had used its services to gauge the office's effectiveness. Based on the survey results, the Title IX Office made significant changes to Title IX online forms, including improving the readability and entry questions to make them clearer (e.g. limiting opened questions, providing more drop-down options, and reordering questions).

In response to anecdotal information that engineering students were unfamiliar with Title IX, in AY 2016-2017, the Title IX Office hosted a focus group in the Engineering Department, which consisted of twenty students, to increase Title IX awareness among students and address students' questions. As a result of the focus groups, the Title IX Office updated its training materials and hosted office hours in the Engineering Department. To the extent this example of proactive outreach is a practice of the Title IX Office, the University's approach to educating the student population on Title IX and addressing a perceived lack of knowledge on this topic is a promising practice.

XII. Findings, Recommendations, and Suggested Actions

A. Findings: In Compliance

OCR finds that the University and the ECE Department have met the basic requirements of Title IX and DOE Title IX implementing regulations as follows:

1. Bioengineering's and ECE's recruitment and outreach efforts comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
2. Bioengineering's and ECE's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.

³⁴ See <https://www.pitt.edu/aaui-survey>.

3. Bioengineering's and ECE's graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
4. Bioengineering's and ECE's financial assistance programs comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
5. The University has complied with the requirement to designate a Title IX Coordinator and to inform students and faculty of the name, address, and other contact information of the responsible employee.
6. The University has complied with Title IX's requirement for prompt and equitable resolution of complaints, as the average case processing times for formal complaints for AY 2016-2017 to AY 2018-2019 was 85 days.
7. The University has complied with the requirement to adopt and publish Title IX grievance procedures.
8. The University's leave of absence, readmission, and parental leave policies comply with Title IX and DOE's Title IX implementing regulations.
9. Bioengineering's and ECE's academic environment and climate, including perceptions of gender bias and campus safety, and family friendly initiatives are in compliance with Title IX and DOE Title IX implementing regulations.

B. Recommendations

While in overall compliance, the Title IX compliance review team has identified some areas in which further action could yield an even stronger level of compliance. The Department recommends the following:

1. OCR recommends that Bioengineering and ECE consider tracking the gender of the students who participate in their outreach and recruitment programs to ensure that there are no gender-related barriers in their outreach and recruitment efforts.
2. ECE should consider evaluating whether any gender-related barriers exist in the admissions process.
3. ECE should consider evaluating why females enroll in the Master's and PhD programs at lower rates than they are admitted, such as evaluating how females are treated once admitted to ECE's graduate programs (e.g. sending surveys to students who were admitted but declined enrollment may assist the University in evaluating this trend).
4. The Bioengineering's Master's program should consider evaluating whether there is a statistically significant difference in financial assistance by gender after controlling for within Master's Program enrollment (e.g., controlling for self-paying MS-MPE enrollees).
5. The University may want to require mandatory Title IX training for graduate students and make mandatory Title IX training an annual requirement for undergraduates.
6. The University may want to consider expanding mandatory Title IX training for faculty by making it a biennial training requirement. Such training should clarify the proper course of action for reporting Title IX complaints.
7. The University may want to consider adding its nondiscrimination policy to the Swanson School of Engineering's online application portal.

8. The Title IX Office may want to consider reviewing its Title IX literature to ensure that students, faculty, and staff are being properly notified about Title IX's broad protections against sex discrimination, rather than only being informed about Title IX's protections against sexual misconduct.
9. The University may want to consider reviewing its primary Title IX website to ensure that students, faculty, and staff are being properly notified about Title IX's broad protections against sex discrimination, rather than only being informed about Title IX's protections against sexual misconduct.
10. The University may want to consider providing in-depth Title IX training for the Graduate Student Ombudsperson, to the extent this individual serves as the Title IX contact for the Bioengineering Department and several students believe this person to be the Title IX Coordinator.
11. While Bioengineering's recruitment literature states, "The University of Pittsburgh is an affirmative action, equal opportunity institution," the Department may want to consider elaborating on its nondiscrimination policy and/or adding a hyperlink to the University's nondiscrimination policy website. Recommended language includes, "The University of Pittsburgh is an affirmative action, equal opportunity institution. More information about the University's nondiscrimination policies can be found here: <https://www.diversity.pitt.edu/about/notice-non-discrimination>."
12. The University may want to consider amending its anti-discrimination and harassment policy procedure, University of Pittsburgh Procedure 07-01-03, to state that all complaints of discrimination and/or harassment based on sex (including those that do not involve sexual misconduct) should be reported to the Title IX Office, which will exclusively handle those cases.
13. The University may want to consider amending its sexual misconduct policy, University of Pittsburgh Procedure 06-05-01, which states that responsible employees should inform victims that they "cannot maintain complete confidentiality," as well as its anti-discrimination and harassment policy procedure, University of Pittsburgh Procedure 07-01-03, which states, "While every effort will be made to protect the privacy of all parties, confidentiality cannot be guaranteed," as the language found in both policies may have a chilling effect on Title IX reporting. To avoid such a chilling effect, the University could include clarifying language that it uses in its literature regarding confidentiality during investigations. Recommended language includes, "All responsible employees shall inform a complainant that the incident must be reported to the Title IX Office, which will do its best to keep information confidential and ensure that it is only shared with those who have a need to know." All responsible employees should be updated on the proper language to use regarding confidentiality.
14. The University may want to devise a plan to educate students about the University's leave of absence policy.
15. The University may want to amend its Parental Accommodation Guidelines to clarify that the Guidelines do not alter or replace Title IX protections regarding leaves of absences due to pregnancy, childbirth, termination of pregnancy, or recovery therefrom.
16. In light of the issues concerning potential gender bias raised by female students and faculty in the Bioengineering Department, OCR recommends that the Department conduct a student and faculty climate survey on gender equality issues in the Department to address and resolve the concerns raised.
17. In light of ECE professors' potentially asking prohibited questions during faculty interviews and female faculty being relegated as note takers in meetings, OCR recommends that the Title IX Office provide Title IX training to ECE faculty focused on gender stereotyping in the workplace and family status in the hiring process.

18. The University should consider conducting an in-depth audit of all eighteen lactation rooms on campus to ensure that the rooms meet the basic requirements of the law. The University should also consider sending out a survey on whether those who use lactation rooms find them acceptable.