



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31-100
NEW YORK, NEW YORK 10278

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

December 21, 2023

Sent by email only to ameer@legalinsurrection.com

Ameer Benno
The Equal Protection Project
18 Maple Avenue, Suite 280
Barrington, Rhode Island 02806

Re: Case No. 02-23-2221 – State University of New York – University at Buffalo

Dear Mr. Benno:

On June 27, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the State University of New York – University at Buffalo. You alleged that the University’s law school discriminates based on race and/or color by creating, supporting, and promoting the Discovery Law Undergraduate Scholars Program (the Program). Based on the information you provided in your complaint, information the University provided to OCR through its Rapid Resolution Process (RRP) under Section 203 of OCR’s [Case Processing Manual](#) (CPM) (July 18, 2022), and publicly available information online, OCR is dismissing your complaint as resolved, as explained below.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin in activities and programs that receive federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the University is subject to Title VI and its implementing regulations.

The regulation implementing Title VI, at 34 C.F.R. § 100.3(a), provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies.

In support of your allegation, you provided several links to the University’s webpages for the Program, which indicated that preference would be given to students of color. On November 21, 2023, the University informed OCR that the University had revised the Program’s eligibility criteria so that they no longer grant a preference based on race or color and that the University had revised its webpages about the Program to reflect the new race-neutral eligibility criteria. OCR confirmed these representations by reviewing the University’s webpages about the Program. OCR determined that the University modified the Program’s [About the Program](#)

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

webpage to state that the Program is open to “academically promising college students who have completed their freshman or sophomore year, but who will not begin their junior year before the end of the program.” The Program’s [Frequently Asked Questions](#) webpage now states that students are eligible for the Program if they are a historically underrepresented student or a student who is in the first generation of their family to attend college; have completed their first year (freshman) prior to the commencement of the Program; have an interest in law; and have a record of achievement. The Program’s [Apply Now](#) webpage notes that as a regional program, primary consideration will be given to western and central New York residents as well as students in northeastern Pennsylvania and eastern New York.

Under Section 110(d) of OCR’s CPM, OCR will dismiss an allegation where OCR obtains credible information indicating that the allegation raised by the complainant has been resolved, and there is no systemic allegation. Based on the evidence discussed above, OCR determined that the allegation raised in your complaint is resolved. Accordingly, OCR has dismissed the allegation under Section 110(d) of OCR’s CPM, and the complaint as of the date of this letter.

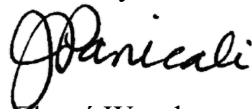
This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or Yolanda.Garcia@ed.gov; or Sandy Araj, Compliance Team Attorney, at (646) 428-3879 or Sandy.Araj@ed.gov.

Sincerely,



for Eboné Woods
Compliance Team Leader