



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
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PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

April 25, 2024

IN RESPONSE, PLEASE REFER TO: 03232277

Sent via e-mail only to: ameer@legalinsurrection.com

Ameer Benno
The Equal Protection Project

Dear Ameer Benno,

On September 16, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received the complaint you filed against Western Kentucky University (the University). You allege that the University discriminates on the bases of race and national origin by:

1. Operating the Athletics Minority Fellowship (the Fellowship); and
2. Operating the Distinguished Minority Fellow Program (the Program).

OCR enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. As a recipient of federal financial assistance from the Department, the University is subject to Title VI and its implementing regulations. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Allegation 1

OCR is opening allegation 1 for investigation. Please note that opening the allegation for investigation in no way implies OCR has made a determination on the merits of the allegation. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the [Case Processing Manual](http://www.ed.gov/ocr/docs/ocrcpm.pdf) (<http://www.ed.gov/ocr/docs/ocrcpm.pdf>) (CPM).

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Please note the section of the CPM on resolution of a complaint prior to the conclusion of an investigation. If the recipient expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the recipient pursuant to CPM Section 302.

Allegation 2

After carefully reviewing the information you provided, OCR has determined that we will not investigate allegation 2.

CPM Section 110(j) states that OCR will dismiss an allegation if OCR is currently addressing the same allegation involving the same recipient in an OCR complaint.

OCR is currently addressing the same allegation against the University in OCR Complaint Number 03222168. Therefore, OCR is dismissing allegation 2 pursuant to CPM Section 110(j), effective the date of this letter. For the reasons explained above, OCR is dismissing allegation 2 as of the date of this letter and will take no further action on this allegation. However, as noted above, we are opening an investigation of allegation 1.

Please be advised 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, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact the attorney assigned to your complaint: [REDACTED] at [REDACTED].

Sincerely,



Christina M. Haviland
Supervisory Attorney
Philadelphia Office