



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
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**BARRINGTON, RI 02806**  
[www.EqualProtect.org](http://www.EqualProtect.org)

July 25, 2024

**BY EMAIL** (OCR.Atlanta@ed.gov)

U.S. Department of Education  
Office for Civil Rights – Region IV  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, GA 30303

**Re: Civil Rights Complaint Against Jefferson State Community College**  
**Regarding Discrimination Based On Sex**

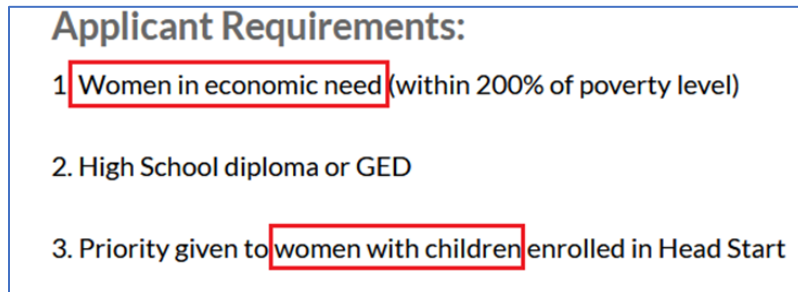
Dear Sirs or Madams:

This is a federal civil rights complaint submitted pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures.<sup>1</sup> We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit entity that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government, and that opposes unlawful discrimination in any form. This complaint concerns Jefferson State Community College in Birmingham, Alabama (“Jefferson”) for illegal sex discrimination in violation of Title IX.

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<sup>1</sup> See 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

Specifically, Jefferson is offering a new welding course this fall exclusively for women that illegally excludes and discriminates against non-female students. Jefferson's Welding Career Scholarship Program<sup>2</sup> is described by Jefferson on its website as "a comprehensive short-term training course to prepare women for careers as Welders." The application requirements for the Scholarship Program clearly confirm Jefferson's sex discrimination:



Additional evidence of Jefferson's sex discrimination provided on Jefferson's Welding Scholarships Available for Women states:

Jefferson State is offering scholarships for women in the St. Clair County area interested in training for welding careers. Leah Bigbee, Dean of Workforce Education, said the Welding Career Scholarship Program is a response to industry needs.

"Employers in St. Clair County are ready to hire out of this program and see the value of recruiting women into this career field," Bigbee said. "Welders must have great hands-on experience, critical thinking skills and keen attention to detail. Employers have noted our women graduating the programs have excellent skills in these areas."

The program is a partnership of the Women's Foundation of Alabama, St. Clair County Head Start, New Life Methodist Church, and Jefferson State. Scholarships include program fees, and a supplies and transportation stipend.

The graphic below from the website above provides additional evidence of Jefferson's sex discrimination.

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<sup>2</sup> See, <https://www.jeffersonstate.edu/women-in-welding/>; archived at <http://web.archive.org/web/20240524203335/https://www.jeffersonstate.edu/women-in-welding/>.



**WOMEN IN WELDING**  
WELDING TRAINING SCHOLARSHIPS FOR **WOMEN**  
August 7–November 22, 2024

**WELDING CAREER SCHOLARSHIP PROGRAM:**  
The Career Scholarship Program is a comprehensive short-term training course to **prepare women** for careers as Welders. This is an intensive 15 week program taught at both the Jefferson State St. Clair-Pell City campus and St. Clair County Head Start location.

**THE SCHOLARSHIP INCLUDES:**  
Program Fees, Supplies and  
Transportation Stipend

**FOR MORE INFORMATION, VISIT:**  
[jeffersonstate.edu/wiw](http://jeffersonstate.edu/wiw)

Jefferson’s sex discrimination in violation of Title IX has been the subject of a number of recent media reports, including:

1. “Jefferson State offering welding course specifically for women,” WBRC Fox 6 News, July 19, 2024.<sup>3</sup>

Jefferson State Community College will be holding a welding course this fall specifically for women. The Women in Welding scholarship program is a 15-week welding course that will cover all expenses for 12 women looking to get into welding.

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<sup>3</sup> Found at <https://www.wbrc.com/2024/07/19/jefferson-state-offering-welding-course-specifically-women/>.

Through a grant from The Women’s Foundation of Alabama, the 12 women selected for the program will have the cost of their classes covered, given a transportation stipend, and be provided with the tools for the classes.

2. “Community college announces welding course specifically for women,” WDBJ/Gray News, 7, July 22., 2024.<sup>4</sup>

A community college in Alabama is holding a new welding course this fall specifically for women. The Women in Welding scholarship program is a 15-week welding course at Jefferson State Community College for 12 women who are looking to get into welding.

Through a grant from The Women’s Foundation of Alabama, the 12 women selected for the program will have the cost of their classes covered, will be given a transportation stipend, and will be provided with the tools for the classes.

In violation of Title IX, Jefferson’s single-sex, female-only Women in Welding Scholarship Program illegally excludes and discriminates against non-females based on their sex.

### **Jefferson’s Women in Welding Scholarship Violates the Law**

In violation of Title IX, Jefferson’s Women in Welding Scholarship Program—as the program name indicates and the eligibility restrictions confirm—is offered exclusively to female students. As such, it illegally excludes and discriminates against non-female students based on their sex. By this letter, we request that OCR investigate Jefferson for sex-based discrimination in violation of Title IX’s prohibition of such discrimination.

Title IX makes it unlawful to discriminate based on sex in education. That statute provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. §1681(a). For this reason, a school may not administer scholarships, fellowships or other forms of financial assistance that impose a preference or restriction based on sex, with limited exceptions not applicable here. 34 C.F.R. § 106.37(a).

In discrimination cases, it does not matter if a recipient of federal funding discriminates to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cty.*, 590 U.S. 644, 661 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”) “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might

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<sup>4</sup> Found at <https://www.wdbj7.com/2024/07/22/community-college-announces-welding-course-specifically-women/>.

favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions*, 600 U.S. 289 (Gorsuch, J., concurring).

Irrespective of whether the scholarships’ classifications based on immutable characteristics further a compelling interest, a discriminatory program must be based on “individualized consideration,” and the criterion must be used in a “nonmechanical way.” *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003). Concerning Title IX in particular, OCR has stated that a school may not justify discrimination for purposes of addressing an “imbalance” in participation by relying on national statistics of limited participation in a discriminatory program. Rather, it “must instead clearly articulate why the particular sex-based scholarship or program was necessary to overcome the conditions in its own education program or activity which resulted in limited participation **therein.**”<sup>5</sup>

Here, the sex-based eligibility criterion is, by its terms, applied mechanically. If applicants do not meet the blunt gender requirement that they female, they are not eligible for this scholarship. No statistical information concerning Jefferson’s justification for this program based on interest, participation or past discrimination of women seeking training **at Jefferson** is set forth or suggested.

Because Jefferson’s sex requirement for this scholarship is presumptively invalid, and because there is no legal justification for such invidious discrimination, Jefferson’s use of such criteria violates federal civil rights statutes.

### **OCR Has Jurisdiction**

OCR has jurisdiction over this complaint. Discrimination based on sex in “education program[s] or activit[ies]” that receive federal financial assistance transgresses Title IX. See 20 U.S.C. §1681(a). “Title IX reaches institutions and programs that receive federal funds,” 20 U.S.C. § 1681(a). *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 257 (2009).<sup>6</sup> Jefferson is part of the Alabama Community College System, which received or administered nearly \$12 million in

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<sup>5</sup> OCR “Questions and Answers Regarding OCR’s Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs,” January 14, 2021, at 4 (found at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-single-sex-20210114.pdf>) (emphasis in original).

<sup>6</sup> OCR does not enforce constitutional violations under 42 U.S.C. § 1983, but for context, such claims, based on the Equal Protection Clause, are also available to plaintiffs alleging unconstitutional gender discrimination in schools. *Fitzgerald, supra*, 555 U.S. at 258.

federal funds in the year ending September 30, 2023;<sup>7</sup> Jefferson alone received or administered over \$24 million in federal funds during the same period.<sup>8</sup>

### **The Complaint is Timely**

This complaint is timely brought because it includes allegations of discrimination based on sex appears to be ongoing.

### **Request for Investigation and Enforcement**

Because the discriminatory scholarship eligibility criterion outlined above is presumptively invalid, Jefferson's limitation of scholarships based on sex violates federal civil rights statutes.

The Office for Civil Rights has the power and obligation to investigate Jefferson's role in creating, supporting and promoting this scholarship and impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. "The way to stop discrimination," the Supreme Court has taught, "is to stop discriminating[.]" *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

Accordingly, we respectfully ask that the Department of Education's Office for Civil Rights open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from Jefferson's Women in Welding Program based on discriminatory criteria, and ensure that all ongoing and future programming through Jefferson comports with federal civil rights laws.

Very truly yours,

Ronald D. Coleman  
*Director of Litigation*  
The Equal Protection Project  
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<sup>7</sup> Alabama Community College System Office Annual Financial Report For the year ended September 30, 2023, "Schedule [of] Expenditures of Federal Awards for the Year Ended September 30, 2023," found at <https://www.accs.edu/wp-content/uploads/2024/01/Alabama-Community-College-System.pdf>.

<sup>8</sup> Jefferson State Community College (A Component Unit of the State of Alabama) Financial Statements, September 30, 2023, "Jefferson State Community College Schedule Of Expenditures Of Federal Awards For The Year Ended September 30, 2023," found at <https://www.accs.edu/wp-content/uploads/2024/01/Jefferson-State-Community-College.pdf>.

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