



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
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REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

December 10, 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,

This is to notify you of the dismissal of the complaint you filed on September 16, 2023 with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Western Kentucky University (the University). You alleged that the University discriminates on the bases of race and national origin by operating the Athletics Minority Fellowship (the Fellowship).

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.

OCR will dismiss an allegation pursuant to Section 110(d) of OCR's *Case Processing Manual* (CPM) (July 18, 2022) when OCR obtains credible information indicating that the allegation has been resolved.

At the time this complaint was filed, the University listed the Fellowship on its website with a description that indicated a preference for applicants based on race and national origin. On April 30, 2024, the University informed OCR that it has discontinued the Fellowship and removed any reference to this Fellowship throughout its website. OCR reviewed the University's website and confirmed that there are no references to the Fellowship. Based on this information, OCR has determined that the allegation is resolved, and we are dismissing it consistent with Section 110(d) of the CPM.

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 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 Spencer Plante at 202-987-1068;
spencer.plante@ed.gov.

Sincerely,



Christina M. Haviland
Supervisory Attorney
Philadelphia Office