



THE EQUAL PROTECTION PROJECT
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January 28, 2025

BY EMAIL (ocr.Philadelphia@ed.gov)

U. S. Department of Education
Office for Civil Rights – Philadelphia Office
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

Re: Civil Rights Complaint Against The Keystone Louis Stokes Alliance
(East Stroudsburg University, Millersville University, Slippery Rock University,
and West Chester University)

To Whom It May Concern:

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.¹ 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 racial discrimination in any form.

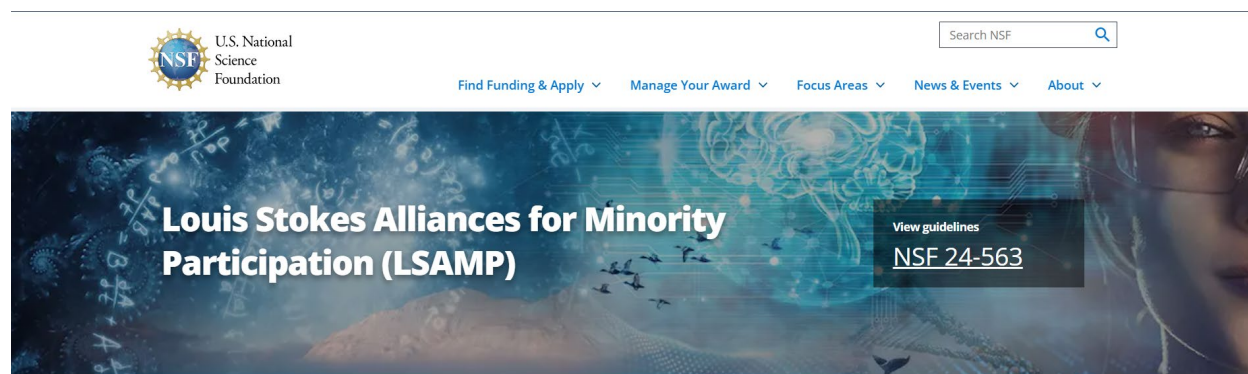
We make this civil rights complaint against the four universities that comprise the Keystone Louis Stokes Alliance for Minority Participation (“Keystone LSAMP Alliance”), East Stroudsburg University, Millersville University, Slippery Rock University, and West Chester University (“Alliance Members”), for administering and promoting a program which

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

discriminates on the basis of race, color, and/or national origin in violation of Title VI and the 14th Amendment.

NSF Louis Stokes Alliance for Minority Participation (LSAMP)

The Louis Stokes Alliances for Minority Participation (LSAMP) is a National Science Foundation (NSF) program that aims to increase the number of underrepresented minorities earning science, technology, engineering, and math (STEM) degrees.² Recipients must be part of a four-school alliance that implements strategies to improve recruitment, retention, and graduation rates in STEM fields. The federal LSAMP funding program requires Alliances to “directly address recruitment, preparation and retention of LSAMP populations” which they define as “...Blacks and African-Americans, Hispanic and Latino Americans, American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders.”³ This is an active federal grant program that has a proposal deadline of November 21, 2025.



² <https://new.nsf.gov/funding/opportunities/lisamp-louis-stokes-alliances-minority-participation> [<https://archive.is/wip/s9Ao8>] (accessed Jan. 27, 2025).

³ While the federal LSAMP program aims to increase the number of underrepresented minorities earning STEM degrees, participating members are not required to discriminate on the basis of race, color, or national origin, and at least one participant not at issue in this complaint does not discriminate. See, e.g., <https://www.csum.edu/lisamp/eligibility-application.html> [<https://archive.is/wip/GUIWK>] (last accessed January 27, 2025). (“Although the project's goals and anticipated outcomes are stated in terms of improving URM participation in STEM, it is important to emphasize that CSU-LSAMP does not limit participation to URM students”).

Keystone LSAMP Alliance

The Keystone LSAMP Alliance,⁴ received funding approval in 2023 from the National Science Foundation to initiate their program.⁵ The program includes “...a summer bridge program for entering students, Alliance specific curriculum and co-curricular activities (including mentoring, academic support, STEM career exploration, STEM research opportunities, and linking social justice with STEM), summer programs (after first year) focused on research preparation for future internship opportunities, and preparation for work or graduate school.”

Overview

The Keystone LSAMP Alliance is comprised of four of the ten PASSHE institutions: East Stroudsburg University, Millersville University, Slippery Rock University, and West Chester University.

The Keystone LSAMP Alliance will actively recruit from the Alliance members’ respective surrounding school districts. The NSF-funded grant will support students from groups historically underrepresented in Science, Technology, Engineering and Mathematics (STEM) disciplines. The Keystone LSAMP Alliance actions are intended to increase recruitment and retention of these students, and ultimately increase the number of STEM graduates from these historically underrepresented groups. Keystone Scholars will be prepared for success in the STEM workforce or graduate school.

The Keystone LSAMP Alliance plan leverages existing strengths of Alliance partners through sharing best practices, innovations and lessons learned, and creating cross institutional programming to better serve STEM students. Specific strategies include a summer bridge program for entering students, Alliance specific curriculum and co-curricular activities (including mentoring, academic support, STEM career exploration, STEM research opportunities, and linking social justice with STEM), summer programs (after first year) focused on research preparation for future internship opportunities, and preparation for work or graduate school.

[LSAMP APPLICATION – APPLY NOW!](#)

⁴ <https://blogs.millersville.edu/ksamp/> [<https://archive.ph/FtafM>] [accessed Jan. 27, 2025].

⁵ <https://www.sru.edu/news/good-news-092123c> [<https://archive.ph/wip/3gIjL>] (accessed Jan 27, 2025).

Keystone LSAMP Alliance Member Schools

The Keystone LSAMP Alliance is made up of four institutions: East Stroudsburg University, Millersville University, Slippery Rock University, and West Chester University. These institutions share one application for the program.⁶ They also share a website with information about the program, the application, and contact information.⁷

Keystone LSAMP Institutions and qualifying STEM majors

East Stroudsburg

Astronomy, Biochemistry, Biology, Biotechnology, Chemical Biotechnology, Chemistry, Computer Science, Computer Security, Earth and Space Science, Engineering, Environmental Studies, Forensic Science, Marine Science, Mathematics, Physics.

Millersville University

Applied Engineering, Safety, & Technology, Biology, Biochemistry, Chemistry, Computer Science, Earth Science, Math, Physics

Slippery Rock

Biology, Math, Physics, Engineering

West Chester

Biology, Chemistry, Biochemistry, Forensics and Toxicological Chemistry, Computer Science, Earth and Space Science, Math, Physics & Biomedical Engineering

[Contact Keystone Alliance](#) for more information.

⁶ <https://millersville.kualibuild.com/app/654a80f832976c013b9fc269/start> [<https://archive.ph/wip/RH8MQ>] (accessed Jan. 27, 2025).

⁷ <https://blogs.millersville.edu/klsamp/> [<https://archive.ph/wip/FtafM>] (access Jan. 27, 2025).

Keystone LSAMP Alliance Program Discriminatory Requirements

The application and description for this program make it clear that the program is for minorities only.⁸ The description states that the program is “...intended to support historically underrepresented students in the STEM fields.”⁹ Historically underrepresented students is defined by the program as “African Americans, Hispanic Americans, American Indians, Alaska Natives, Native Hawaiians, and Native Pacific Islanders.”¹⁰

Additionally, the application itself limits applicants to “Underrepresented Minorities,” which includes only “African American, Hispanic American, American Indian, Alaska Native, Native Hawaiian/Native Pacific Islander, or two or more from the list.” A reasonable student who did not fit one of these racial or ethnic groups likely would not apply due to the racial and ethnic barriers.

URM (Underrepresented Minorities): *

- African American
- Hispanic American
- American Indian
- Alaska Native
- Native Hawaiian/Native Pacific Islander
(Original peoples of Polynesia,
Micronesia, including Hawaii, Samoa,
Tahiti, Guam & Tonga)
- Two or more (1 must be from the list
above)

If two or more, please specify:

⁸ <https://millersville.kualibuild.com/app/654a80f832976c013b9fc269/start>
[<https://archive.is/wip/SA5Rz>] (accessed Jan. 27, 2025).

⁹ <https://blogs.millersville.edu/klsamp/about/> [<https://archive.is/wip/YBa5I>] (accessed Jan. 27, 2025).

¹⁰ <https://www.sru.edu/academics/colleges-and-departments/ces/lsamp>
[<https://archive.is/wip/4yp5w>] (accessed Jan. 27, 2025).

Keystone LSAMP Violates Title VI

The Keystone LSAMP Alliance program violates Title VI because it conditions eligibility for participation on a student’s race and ethnicity.¹¹ And, because the Alliance Members are public universities, their promotion and administration of this discriminatory program also violates the Equal Protection Clause of the Fourteenth Amendment.¹²

Title VI prohibits intentional discrimination based on race, color or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” means “all of the operations of . . . a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A). As the Alliance Members receive federal funds, including from the U.S. Department of Education, they are subject to Title VI.¹³

It is no defense that the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cnty.*, 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.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair*

¹¹ The fact that the Keystone LSAMP Alliance is federally-funded is irrelevant since no statute or regulation requires the universities to discriminate, and even if there were such a requirement, the universities subject to this complaint have an independent non-discrimination legal obligation under Title VI and the 14th Amendment. If the universities believed they were required to violate the law in order to get the funding, they should have turned down the funding.

¹² Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as at the LSAMP Alliance Member schools. 42 U.S.C. § 2000(a)(a). These programs also violate the Pennsylvania Fair Educational Opportunities Act, which prohibits discrimination based on race, color, ancestry, national origin, sex, or disability. Pennsylvania Fair Educational Opportunities Act, Act of July 17, 1961, P.L. 776, No. 341 (2025).

¹³ *See* <https://www.usaspending.gov/recipient/0dd8bf8c-49b7-6988-a373-2b8fba2484c1-C/latest> [<https://archive.ph/wip/P0uHf>] (accessed Jan. 27, 2025); *see* <https://www.usaspending.gov/recipient/5f118431-cf69-ab70-30d6-74e1a5dd493f-C/latest> [<https://archive.ph/wip/wT5Xj>] (accessed Jan. 27, 2025); *see* <https://www.usaspending.gov/recipient/57456fed-bde3-626d-466e-e4d060bf6682-C/latest> [<https://archive.ph/wip/Svf7w>] (accessed Jan. 27, 2025); *see* <https://www.usaspending.gov/recipient/83114c79-4f16-9a34-d952-9bf673d66607-C/latest> [<https://archive.ph/xa3yz>] (accessed Jan. 27, 2025).

Admissions, Inc. v. President & Fellows of Harvard Coll., 600 U.S. 181, 289-90 (2023) (Gorsuch, J., concurring).

Simply put, “Title VI prohibits a recipient of federal funds from intentionally treating any individual worse even in part because of his race, color, or national origin and without regard to any other reason or motive the recipient might assert.” *Id.* at 290 (cleaned up). Thus, regardless of the reasons why the Alliance Members sponsor and promote the Keystone LSAMP Alliance Program, they violate Title VI by doing so.

And, because the Alliance Members are public universities, their sponsorship and promotion of the program also violates the Equal Protection clause of the Fourteenth Amendment. “Any exception to the Constitution’s demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny.” *Id.* at 184 (internal quotation marks and citation omitted). The program at issue here flunks that exacting test.

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove “that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate.” *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, the Alliance Members cannot carry this burden.

A “racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.” *Shaw v. Reno*, 509 U.S. 630, 643-44 (1993). Restricting eligibility for these programs based on race and skin color serves no legitimate governmental purpose, let alone an extraordinary one. Classifications based on such immutable characteristics “are so seldom relevant to the achievement of any legitimate state interest” that government policies “grounded in such considerations are deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

Indeed, the Supreme Court has recognized only two interests compelling enough to justify racial classifications. The first is remedying the effects of past *de jure* segregation or discrimination in the specific industry and locality at issue in which the government played a role, and the second is “avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Students for Fair Admissions*, 600 U.S. at 207 (citation omitted).¹⁴ Neither applies here.

If the Alliance Members intended to advance racial and ethnic balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch.*, 551 U.S. at 726, 730 (“Accepting racial balancing as a

¹⁴ Until recently the courts represented a third interest, “the attainment of a diverse student body,” *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720-22 (2007), but that was substantively overruled by *Students for Fair Admissions*. 600 U.S. at 233 (Thomas, J. concurring).

compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class”) (cleaned up, citation omitted).

And, irrespective of whether the Keystone LSAMP Alliance program furthers a compelling interest, it is not narrowly tailored. *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) (to be narrowly tailored, a race-conscious program must be based on “individualized consideration,” and race must be used in a “nonmechanical way”). Here, the race and ethnicity selection criteria are mechanically applied. If applicants are not African American, Hispanic American, American Indian, Alaska Native, Native Hawaiian/Native Pacific Islander, they are automatically ineligible for the programs. To the extent that any individualized consideration exists, it only applies to distinguish between students who have first satisfied the threshold racial and color litmus test.

Further, a policy is not narrowly tailored if it is either overbroad or underinclusive in its use of racial classifications. *J.A. Croson Co.*, 488 U.S. at 506. Because the racial eligibility requirement applies in an undifferentiated fashion based on how a person identifies, it is overbroad and therefore not narrowly tailored. *Id.* (the “gross overinclusiveness” and undifferentiated use of racial classifications suggests that “the racial and ethnic groups favored by the [policy] were added without attention to whether their inclusion was justified”).

The ineligibility of white, Asian, and other students from the Keystone LSAMP Alliance program makes the program underinclusive, since the racial restriction is arbitrary and excludes swaths of candidates who could benefit from the programs but who are not permitted to apply due to their race and skin color.

Finally, for a policy to survive narrow-tailoring analysis, the government must show “serious, good faith consideration of workable race-neutral alternatives,” *Grutter*, 539 U.S. at 339, and that “no workable race-neutral alternative” would achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that any such alternatives were ever contemplated here.

Because the race requirement for the Keystone LSAMP Alliance program is presumptively invalid, and in the absence of any compelling government justification for such invidious discrimination, the use of such criteria violates federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

OCR has jurisdiction over this complaint. The Keystone LSAMP Alliance is made up of four public universities: East Stroudsburg University, Millersville University, Slippery Rock

University, and West Chester University, each of which receives federal funding, including from the Department of Education.¹⁵

The Complaint is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, and/or national origin, that occurred within the last 180 days and are ongoing. The application for the Keystone LSAMP Alliance program is currently active with applications reviewed on a rolling basis.¹⁶

Request for Investigation and Enforcement

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505. This is true regardless of which race suffers discrimination. Race- color- and nationality-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” *Students for Fair Admissions*, 600 U.S. at 287 (Thomas, J., concurring).

Because the discriminatory eligibility criteria of the Keystone LSAMP Alliance program are presumptively invalid, and because the Alliance Members cannot show any compelling justification for those restrictions, the limitation of this program based on race and ethnicity violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate the member school’s role in promoting and administering these programs and to 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. After all, “[t]he way to stop discrimination,” the Supreme Court has taught, “is to stop discriminating[.]” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

¹⁵ See https://www.usaspending.gov/award/ASST_NON_P425F201861_9100 [<https://archive.ph/wip/TOSJt>] (accessed Jan. 27, 2025); see https://www.usaspending.gov/award/ASST_NON_P425F200614_9100 [<https://archive.ph/wip/aldDQ>] (accessed Jan. 27, 2025); see https://www.usaspending.gov/award/ASST_NON_P425F201688_9100 [<https://archive.ph/wip/TVA30>] (accessed Jan. 27, 2025); see https://www.usaspending.gov/award/ASST_NON_P425F200783_9100 [<https://archive.is/wip/JkJG1>] (accessed Jan. 27, 2025).

¹⁶ <https://www.sru.edu/academics/colleges-and-departments/ces/lsamp> [<https://archive.ph/wip/RF1LT>] (accessed Jan. 27, 2025).

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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 the Keystone LSAMP Alliance program based on discriminatory criteria and ensure that all ongoing and future programming through the member schools comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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