



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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January 8, 2025

BY EMAIL (OCR.Chicago@ed.gov)

U. S. Department of Education
Office for Civil Rights – Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Re: Civil Rights Complaint Against University of Northern Iowa
Regarding Discriminatory Scholarship Programs

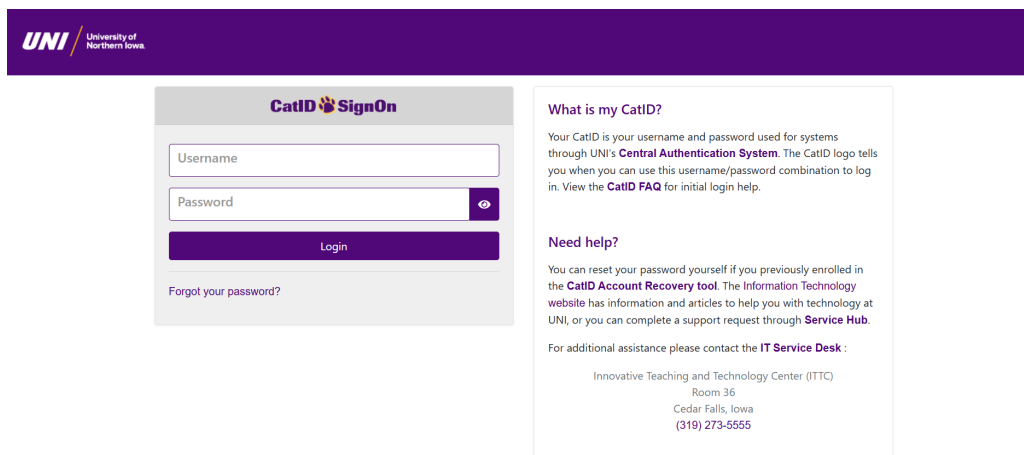
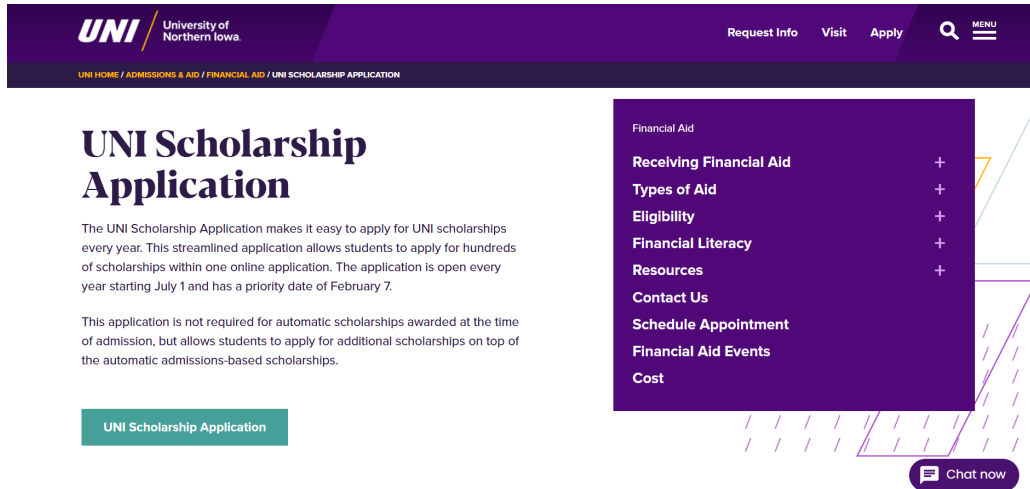
To Whom It May Concern:

This is a federal civil rights complaint 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 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 bring this civil rights complaint against the University of Northern Iowa (“UNI”) for illegal race-based and sex-based discrimination in violation of Title IX and Title VI, respectively. Specifically, UNI offers, administers, and promotes thirteen (13) scholarships that discriminate based on race, sex, or both.

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

These scholarships are listed, promoted, and administered through the UNI online scholarship system.² According to the “About” section of the UNI Scholarship Application page, it enables current and incoming students to apply for scholarships based on their specific major and university department affiliation.³ Applicants who click on the scholarship link are then required to login using their CatID, which is the UNI student’s “username and password used for systems through UNI’s Central Authentication System” as illustrated by the following screenshots.



² <https://java.access.uni.edu/ScholarshipBoard/home/search;a=1> [https://archive.is/kEaG5] (accessed on Jan. 6, 2025).

³ <https://admissions.uni.edu/financial-aid/uni-scholarship-application> [https://archive.is/UD60k] (accessed on Jan. 6, 2025).

UNI has three general categories of scholarships, as outlined on its website.⁴ The first category includes admissions-based scholarships, for which eligible students are automatically considered. The other two categories, relevant in this case, are the Financial Aid and Departmental scholarships, which require a separate application. Financial Aid scholarships are awarded by the Office of Financial Aid & Scholarships, while Departmental scholarships are awarded by specific UNI departments. UNI is therefore involved not only in promoting and administering these scholarships but also in selecting the recipients.

The scholarships listed below are currently offered to UNI students and applicants for admission, according to the UNI website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations⁵ by illegally excluding students based on their race and skin color, Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations⁶ by excluding students based on their sex, or both. Because UNI is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

Each of the scholarships listed below have a January 15, 2025, application deadline according to the UNI website, and some or all of them are renewable annually.

I. Scholarships That Violate Title VI (6)⁷

Dr. Carline Phillips Endowed Education Opportunity Fund

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1624>
(screenshot shown below).

Archived Link: <https://archive.is/4m84z>

Scholarship Type: Departmental through the UNI College of Education.

Description from UNI Website: “Elementary Education teaching. Scheduled for teaching placement. Full time student. Financial need. Cumulative GPA of 2.5 or above. **Person of color** from Black Hawk County, Iowa.”

⁴ <https://admissions.uni.edu/financial-aid/types-of-aid/scholarships>


[<https://archive.ph/wip/PcsFm>] (accessed on Jan. 6, 2025).

⁵ 42 U.S.C. § 2000d et seq.; 28 C.F.R. Part 100.

⁶ 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106.

⁷ Emphasis (bold) in the quoted UNI descriptions of the scholarships has been added throughout. Links ‘live’ and in use as of January 6, 2025.

Scholarship Information

Category(s):	New Freshmen, New Transfers, Current Undergraduates, Graduate Students
Campus Type:	On
Scholarship Account Number:	212598
Department/Organization:	College of Education
Scholarship Description:	Elementary Education teaching. Scheduled for teaching placement. Full time student. Financial need. Cumulative GPA of 2.5 or above. Person of color from Black Hawk County, Iowa.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	No
Amount of Award:	\$1000 to 1000
Deadline Date:	January 15
Active:	Yes
Comments:	One Annual Scholarship. One thousand dollar award made. Smaller amounts may also be awarded.
Last Updated:	12/02/2015

Regions Bank Endowed Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/238>

(screenshot shown below).


Archived Link: <https://archive.is/0K2up>

Scholarship Type: Financial Aid.

Description from UNI Website: “Scholarship criteria is as follows:

- Full-time
- Financial need
- **Minority**
- Graduate of area high schools in Black Hawk County, Iowa
- Renewable with maintained GPA of 2.0.”

Scholarship Information

Category(s):	New Freshmen, New Transfers, Current Undergraduates, Graduate Students
Campus Type:	On
Scholarship Account Number:	211461
Department/Organization:	Financial Aid
Scholarship Description:	Scholarship criteria is as follows: <ul style="list-style-type: none">● Full-time● Financial need● Minority● Graduate of area high schools in Black Hawk County, Iowa● Renewable with maintained GPA of 2.0
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$500 to 1000
Deadline Date:	January 15
Active:	Yes
Comments:	Renewable with completion of the UNI Scholarship Application by the priority date, maintain financial need per the FAFSA, and a cumulative 2.0 UNI GPA.
Last Updated:	06/29/2022

Lily Nina Furgerson Endowed Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1185>


(screenshot shown below).

Archived Link: <https://archive.is/ofvWb>

Scholarship Type: Departmental through the UNI College of Education.

Description from UNI Website: “1) Teaching as a career 2) **Minority student** 3) Preference to students from Black Hawk or Linn county, then to students from Iowa; 4) Demonstrates leadership skills, citizenship skills, and scholarship; 5) RENEWABLE 6) It is hoped that the recipient pursue teaching opportunities in a school where he/she can serve as a role model to other minority students.” (Capitalized in original).

Scholarship Information

Category(s):	Current Undergraduates
Campus Type:	On
Scholarship Account Number:	210989
Department/Organization:	College of Education
Scholarship Description:	1) Teaching as a career 2) Minority student 3) Preference to students from Black Hawk or Linn county, then to students from Iowa; 4) Demonstrates leadership skills, citizenship skills, and scholarship; 5) RENEWABLE 6) It is hoped that the recipient pursue teaching opportunities in a school where he/she can serve as a role model to other minority students.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar award dependent on available funding. Smaller amount may be given.
Last Updated:	07/21/2015

Janet McClain Memorial Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1357>


(screenshot shown below).

Archived Link: <https://archive.ph/jjatY>

Scholarship Type: Departmental through the UNI College of Education.

Description from UNI Website: “Pursue a career in teaching; full-time freshman, sophomore or transfer student; **preference to students of ethnic or racial status of African American/Black**; not renewable.”

Scholarship Information

Category(s):	New Freshmen, New Transfers, Current Undergraduates
Campus Type:	On
Scholarship Account Number:	212497
Department/Organization:	College of Education
Scholarship Description:	Pursue a career in teaching; full-time freshman, sophomore or transfer student; preference to students of ethnic or racial status of African American/Black; not renewable.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar award dependent on available funding. Smaller amount(s) may be given.
Last Updated:	07/21/2015

Black Hawk County Opportunities Endowed Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1483>

(screenshot shown below).

Archived Link: <https://archive.ph/64bWU>

Scholarship Type: Financial Aid.

Description from UNI Website: “Scholarship criteria is as follows:

- **African-American**
- Financial need
- Preference to Black Hawk County residents who attends Antioch Baptist or Union Baptist Church
- Preference to those who live at home and are commuting to campus
- Renewable.”

The screenshot shows a table with two columns. The left column lists various fields for the scholarship, and the right column provides the corresponding details. The fields include Category(s), Campus Type, Scholarship Account Number, Department/Organization, Scholarship Description, Scholarship Application Website, FAFSA Required, Amount of Award, Deadline Date, Active status, Comments, and Last Updated. The details include eligibility for New Freshmen, New Transfers, Current Undergraduates, and Graduate Students; a campus type of 211564; financial aid status; and a list of criteria: African-American, Financial need, Preference to Black Hawk County residents who attend Antioch Baptist or Union Baptist Church, Preference to those who live at home and are commuting to campus, and Renewable. It also notes that the scholarship is renewable with completion of the UNI Scholarship Application by the priority date, maintains financial need per the FAFSA, and a cumulative 2.0 UNI GPA. A note states that this is a UNI Foundation scholarship and renewing is subject to change based on funding. The scholarship application website is UNI Scholarship Application, FAFSA is required (Yes), the amount of award is \$500 to 1000, the deadline date is January 15, it is active (Yes), and it was last updated on 06/29/2022.

Scholarship Information	
Category(s):	New Freshmen, New Transfers, Current Undergraduates, Graduate Students
Campus Type:	On
Scholarship Account Number:	211564
Department/Organization:	Financial Aid
Scholarship Description:	Scholarship criteria is as follows: <ul style="list-style-type: none">• African-American• Financial need• Preference to Black Hawk County resident who attends Antioch Baptist or Union Baptist Church• Preference to those who live at home and are commuting to campus• Renewable
	Renewable with completion of the UNI Scholarship Application by the priority date, maintain financial need per the FAFSA, and a cumulative 2.0 UNI GPA.
	Please note this is a UNI Foundation scholarship and renewing the scholarship is subject to change based on funding.
Scholarship Application Website:	UNI Scholarship Application 🔗
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$500 to 1000
Deadline Date:	January 15
Active:	Yes
Comments:	
Last Updated:	06/29/2022

Farm Credit Services of America Business Opportunities Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1946>

(screenshot shown below).

Archived Link: <https://archive.ph/8O1qQ>

Scholarship Type: Departmental through the UNI Wilson College of Business.

Description from UNI Website: “Scholarship criteria is as follows:

- All majors in the UNI College of Business
- Undergraduate
- 3.0 GPA
- The recipient shall meet one of the following criteria:
- **Have an ethnic or racial status of African American/Black, Hispanic/Latino/Spanish, Alaskan Native or American India, Asian, Native Hawaiian or other Pacific Islander**
- Participated in TRIO
- First generation college student.”

Scholarship Information	
Category(s):	New Freshmen, New Transfers, Current Undergraduates
Campus Type:	On
Scholarship Account Number:	213925
Department/Organization:	Wilson College of Business
Scholarship Description:	Scholarship criteria is as follows: <ul style="list-style-type: none"> • All majors in the UNI College of Business • Undergraduate • 3.0 GPA • The recipient shall meet one of the following criteria: <ul style="list-style-type: none"> • Have an ethnic or racial status of African American/Black, Hispanic/Latino/Spanish, Alaskan Native or American India, Asian, Native Hawaiian or other Pacific Islander • Participated in TRIO • First generation college student
	Renewable with completion of the UNI Scholarship Application and a 3.0 cumulative GPA.
	Please note this is a UNI Foundation Scholarship and renewing the scholarship is subject to change based on funding.
Scholarship Application Website:	UNI Scholarship Application ↗
FAFSA Required:	No
Amount of Award:	\$0 to 500
Deadline Date:	January 15
Active:	Yes
Comments:	
Last Updated:	04/18/2024

II. Scholarships That Violate Both Title VI and Title IX (2)

Shirley L. Friar Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1177>(screenshot shown below).

Archived Link: <https://archive.ph/TKwdO>

Scholarship Type: Departmental through the UNI College of Education.

Description from UNI Website: “!) College of Education student with intended major in Elementary Education 2) incoming freshman eligible 3) **preference to a female of color** 4) RENEWABLE.” (Capitalized in original).

Scholarship Information	
Category(s):	New Freshmen, New Transfers, Current Undergraduates
Campus Type:	On
Scholarship Account Number:	212156
Department/Organization:	College of Education
Scholarship Description:	!) College of Education student with intended major in Elementary Education 2) incoming freshman eligible 3) preference to a female of color 4) RENEWABLE
Scholarship Application Website:	UNI Scholarship Application ↗
FAFSA Required:	No
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar award dependent on available funding. Smaller amount may be awarded.
Last Updated:	07/21/2015


Grossman-Perrine Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/989> (screenshot shown below).

Archived Link: <https://archive.ph/Azjjy>

Scholarship Type: Departmental through the UNI Physics Department.

Description from UNI Website: “Awarded to students with majors in Physics, with preference to women and minority students.”

Scholarship Information	
Category(s):	New Freshmen, Current Undergraduates
Campus Type:	On
Scholarship Account Number:	
Department/Organization:	Physics
Scholarship Description:	Awarded to students with majors in Physics, with preference to women and minority students.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	No
Amount of Award:	\$500 to 1000
Deadline Date:	January 15
Active:	Yes
Comments:	On-line student application with accessible up-to-date academic transcript (high school or college, as appropriate). ACT scores are required for students new to UNI.
Last Updated:	12/10/2019

III. Scholarships That Violate Title IX (5)

Class of 1945 - Women’s Endowed Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/187> (screenshot shown below).

Archived Link: <https://archive.is/k7Y1o>

Scholarship Type: Financial Aid.

Description from UNI Website: “Scholarship criteria is as follows:

- Financial need
- Merit
- **Half amount available to a female junior and half to a nontraditional female student**
- Renewable.”

Scholarship Information	
Category(s):	New Freshmen, New Transfers, Current Undergraduates, Graduate Students
Campus Type:	On
Scholarship Account Number:	211007
Department/Organization:	Financial Aid
Scholarship Description:	Scholarship criteria is as follows: <ul style="list-style-type: none">• Financial need• Merit• Half amount available to a female junior and half to a nontraditional female student• Renewable
Scholarship Application Website:	UNI Scholarship Application ↗
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$300 to 500
Deadline Date:	January 15
Active:	Yes
Comments:	
Last Updated:	06/22/2022

Women in Political Science Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1326> (screenshot shown below).

Archived Link: <https://archive.ph/T5JAN>

Scholarship Type: Departmental through the UNI Department of Political Science.

Description from UNI Website: “Declared political science major, junior or senior, GPA 3.0, **preference to female.**”

Scholarship Information	
Category(s):	Current Undergraduates
Campus Type:	On
Scholarship Account Number:	212473
Department/Organization:	Political Science
Scholarship Description:	Declared political science major, junior or senior, GPA 3.0, preference to female.
Scholarship Application Website:	UNI Scholarship Application ↗
FAFSA Required:	No
Amount of Award:	\$1500
Deadline Date:	January 15
Active:	Yes
Comments:	
Last Updated:	09/11/2013


Grace Van Ness Endowed Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1297> (screenshot shown below).

Archived Link: <https://archive.is/hflu7>

Scholarship Type: Departmental through the UNI College of Education.

Description from UNI Website: “**Preference given to women** majoring in physical education. Secondly, to men or women pursuing a degree in teaching. The recipient must be in need of financial assistance to complete her/his education.”

Scholarship Information	
Category(s):	Current Undergraduates
Campus Type:	On
Scholarship Account Number:	211167
Department/Organization:	College of Education
Scholarship Description:	Preference given to women majoring in physical education. Secondly, to men or women pursuing a degree in teaching. The recipient must be in need of financial assistance to complete her/his education.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar amounts dependent on available funding. Smaller amounts may be given.
Last Updated:	07/20/2015


Tillie Huismann & Jantze Huismann Scholarship

Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/981> (screenshot shown below).

Archived Link: <https://archive.ph/hLDDY>

Scholarship Type: Departmental through the UNI Health, Recreation & Community Services Department.

Description from UNI Website: “**Recipients must be Iowa women** residents preparing for career in physical education & coaching of women's sports; preference to women from Spencer High School-then surrounding area-then rest of Iowa; preference to those interested in coaching volleyball, or basketball; interest in pe/coaching shall weigh as heavily as academic achievement.”

Scholarship Information	
Category(s):	Current Undergraduates
Campus Type:	On
Scholarship Account Number:	211784
Department/Organization:	Health, Recreation & Community Services
Scholarship Description:	Recipients must be Iowa women residents preparing for career in physical education & coaching of women's sports; preference to women from Spencer High School-then surrounding area-then rest of Iowa; preference to those interested in coaching volleyball, or basketball; interest in pe/coaching shall weigh as heavily as academic achievement.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	No
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar amounts dependent on available funding. Smaller amount may be given.
Last Updated:	07/21/2015

Mabel M. Wright Scholarship


Link: <https://java.access.uni.edu/ScholarshipBoard/home/scholarship/1320> (screenshot shown below).

Archived Link: <https://archive.ph/S5FP1>

Scholarship Type: Departmental through the UNI Health, Recreation & Community Services Department.

Description from UNI Website: “**Women** of promising ability preparing to teach in physical education, financial need.”

Scholarship Information

Category(s):	Current Undergraduates
Campus Type:	On
Scholarship Account Number:	
Department/Organization:	Health, Recreation & Community Services
Scholarship Description:	Women of promising ability preparing to teach in physical education, financial need.
Scholarship Application Website:	UNI Scholarship Application 
FAFSA Required:	Yes (FAFSA Website)
Amount of Award:	\$1000
Deadline Date:	January 15
Active:	Yes
Comments:	One thousand dollar amounts dependent on available funding. Smaller amount may be given.
Last Updated:	07/21/2015

The Scholarships Listed Above Violate The Law

The scholarships identified above violate either Title VI, by discriminating on the basis of race, skin color, or national origin; Title IX, by discriminating on the basis of sex; or both.⁸ Furthermore, because UNI is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.⁹

⁸ 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 UNI. 42 U.S.C. § 2000(a)(a). These scholarships also violate the Iowa Civil Rights Act, Iowa Code § 216.9 (2025). Finally, these scholarships violate UNI’s own nondiscrimination policy. *See*

<https://policies.uni.edu/1303#:~:text=No%20person%20shall%20be%20excluded,%2C%20marital%20status%2C%20national%20origin%2C>
[<https://archive.is/KkGuM>] (accessed on Jan. 6, 2025).

⁹ With respect to those scholarships limited to or preferring “minorities” any reasonable student viewing that criteria would understand it to exclude white students, and such students would be dissuaded from even applying or attempting to participate. *See* OCR Guidance on Race and School Programming (2023),

<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20230824.pdf>
[<https://archive.is/pn9RC>] (accessed on Jan. 6, 2025) (“In determining whether an opportunity to participate is open to all students, OCR may consider, for example, whether advertisements or other communications would lead a reasonable student, or a parent or guardian, to understand that all students are welcome to participate.”). Further, the UNI defines “minorities” as “[I]ndividuals who identify as American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanic or Two or More Races. The term may mean members of these groups in the aggregate or members of an individual group.”

<https://civilrights.uni.edu/sites/default/files/inline-uploads/fall-2022-report-to-bor-.pdf>
[<https://archive.is/PPma0>] (accessed on Jan. 6, 2025), at 2. Moreover, The Iowa Board of

Title VI prohibits intentional discrimination on the basis of 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” encompasses “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A). As noted in *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th Cir. 2020), “Title VI prohibits discrimination on the basis of race in federally funded programs,” and therefore applies to universities receiving federal financial assistance. Because UNI receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.¹⁰

The term “program or activity” means “all of the operations of ... a department, agency, special purpose district, or other instrumentality of a State or of a local government” and each state government agency “to which the assistance is extended.” 42 U.S.C. § 2000d-4a(1)(A), (B). It does not matter that a particular program may be considered “extracurricular” or just a “club” or “group,” the same considerations apply, as OCR noted in its 2023 Guidance on Race and School Programming.¹¹

In this case, the explicit use of race-, skin color-, and sex-based criteria constitutes unlawful discrimination. Additionally, such criteria serve as “signals” of racial and sex-based preferences. As the Second Circuit recognized in *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991), even subtle messaging can convey discriminatory preferences: “Ordinary readers may reasonably infer a racial message from advertisements that are more subtle than the hypothetical swastika or burning cross, and we read the word ‘preference’ to describe any ad that would discourage an ordinary reader of a particular race from answering it.”

Regardless of UNI’s reasons for offering, promoting, and administering such discriminatory scholarships, UNI is violating Title VI and Title IX by doing so. It does not

Regents and Iowa Legislature define “Minority person” as “an individual who is Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan Native.” Iowa Code § 256.214(5) (2025); Iowa Code § 15.102(12)(b)(3) (2025). Further, courts often understand the term “minority” to mean non-white racial and ethnic groups. *See Boston Chapter, NAACP, Inc. v. Beecher*, 295 F. Supp. 3d 26, 28 (D. Mass. 2018); *see also Kirkland v. N.Y. State Dep’t of Corr. Servs.*, 552 F. Supp. 667, 674, 677 (S.D.N.Y. 1982); *Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany*, 281 F. Supp. 2d 436, 455 (N.D.N.Y. 2003); *Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by Any Means Necessary v. Regents of Univ. of Mich.*, 701 F.3d 466, 493 (6th Cir. 2012).

¹⁰ *See* <https://www.usaspending.gov/recipient/dc75bf54-8d3d-b865-9d9a-6301c2eae160-C/latest> (accessed on Jan. 6, 2025).

¹¹ <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20230824.pdf> (accessed on Jan. 6, 2025), at 3 (recognizing that “[s]chool programs – including the ... establishment, recognition, or support of a school group, club, or other extracurricular organization” are covered by Title VI).

matter if 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 Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As UNI is a public university, its offering, promoting, and administrating these discriminatory scholarships also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), the Supreme Court emphasized that “[e]liminating racial discrimination means eliminating all of it The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal.” *Id.* at 206 (cleaned up). The Court further declared, “Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208. Consequently, “[a]ny exception to the Constitution’s demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny.” *Id.* at 206 (internal quotation marks and citation omitted). The scholarships at issue here cannot withstand that exacting standard.

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Peña*, 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, UNI cannot carry its 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) (citation omitted). Here, UNI cannot demonstrate that restricting scholarships based on race, color, or national origin serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on 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).

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, where the government played a role.

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). Neither applies here.

If the scholarships are intended to achieve racial balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 726, 730 (2007) (“Accepting racial balancing as a 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).

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. Indeed, in *Students for Fair Admissions*, the Supreme Court found that similar categories as those used to determine eligibility for UNI’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,¹² and declared that “it is far from evident ... how assigning students to these ... categories and making admissions decisions based on them furthers the educational benefits that the universities claim to pursue.” *Id.* at 216.

For a policy to satisfy narrow tailoring, the government must demonstrate “serious, good faith consideration of workable race-neutral alternatives,” *Grutter v. Bollinger*, 539 U.S. 306, 339 (2003), and show that “no workable race-neutral alternative” could achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that such alternatives were ever considered here.

Title IX prohibits discrimination on the basis of sex in education. The statute provides: “[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). Accordingly, a school receiving federal funding may not administer scholarships, fellowships, or other forms of financial assistance that impose preferences or restrictions based on sex, except in limited exceptions that are not applicable here. *See* 34 C.F.R. § 106.37(a).

Restrictions that limit eligibility for scholarships based on sex are underinclusive, as they arbitrarily exclude students who would otherwise qualify. While sex-based classifications are subject to “heightened” scrutiny, *Sessions v. Morales-Santana*, 582 U.S. 47, 57 (2017); *United States v. Virginia*, 518 U.S. 515, 532–34 (1996), this standard—though less exacting than the strict scrutiny applied to race-based classifications—still requires an “exceedingly persuasive justification.” *Virginia*, 518 U.S. at 531. To meet this burden, the government must demonstrate “at least that the [challenged] classification serves important governmental objectives and that

¹² In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

the discriminatory means employed are substantially related to the achievement of those objectives.” *Id.* at 533.

Even if the classifications based on sex or other immutable characteristics were intended to further a compelling interest, discriminatory programs must involve “individualized consideration” and must not apply criteria in a “nonmechanical way.” *Grutter*, 539 U.S. at 334. Office for Civil Rights (OCR) has clarified that schools cannot justify discrimination by citing national statistics about limited participation in a program. Instead, the institution “must 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.”¹³

UNI’s explicit race- and sex-based scholarships are presumptively invalid, and since there is no compelling government justification for such invidious discrimination, UNI’s offering, promotion, and administration of these programs violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

UNI is a public entity and a recipient of federal funds,¹⁴ including from the U.S. Department of Education.¹⁵ It is therefore liable for violating Title VI, Title IX and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, national origin and sex that occurred within 180 days and that appear to be ongoing. The scholarships are running during the 2024-2025 academic year, and application period for the 2025-2026 academic year takes place this month. Further, the “About” section of the UNI online application provides that “Consideration of late applications will be done in the event that scholarships are still available.”¹⁶

¹³ 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://www.ed.gov/media/document/qa-single-sex-20210114pdf> (emphasis in original)).

¹⁴ See <https://www.usaspending.gov/recipient/dc75bf54-8d3d-b865-9d9a-6301c2eae160-C/latest> [<https://archive.is/DDdMy>] (accessed on Jan. 6, 2025).

¹⁵ See https://www.usaspending.gov/award/ASST_NON_P425F201841_9100 [<https://archive.ph/pBEis>] (accessed on Jan. 6, 2025).

¹⁶ <https://admissions.uni.edu/financial-aid/uni-scholarship-application> (accessed on Jan. 5, 2025).

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 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants. As Justice Thomas correctly noted in *Students for Fair Admissions*, race-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” 600 U.S. at 287 (Thomas, J., concurring).

Because the discrimination outlined above is presumptively illegal, and since UNI cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, national origin and sex violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate UNI’s role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether UNI is engaging in such discrimination in its other activities – 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 ... 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 prioritize and expedite this complaint given the sheer number of discriminatory scholarships at UNI reflecting a systematic disregard for Titles VI and IX, promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from UNI’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at UNI comports with the Constitution and federal civil rights laws.

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Respectfully submitted,

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