



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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November 17, 2025

BY EMAIL (OCR@ed.gov)

Kimberly Richey, Assistant Secretary
for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

BY EMAIL (OCR.DC@ed.gov)

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475

Re: Civil Rights Complaint Against Radford University

Dear Ms. Richey and OCR Staff:

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 opposes unlawful discrimination in any form.

We bring this civil rights complaint against Radford University (Radford), for offering, administering, and promoting two (2) scholarships that discriminate on the basis of race, color, and/or national origin in violation of Title VI.

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

Radford offers a wide range of Radford University Foundation scholarships² for both admitted and current students.³ All applicants must sign in using their OneCampus credentials to access the Foundation Scholarship Application Portal. Most scholarships use a single application that allows students to be considered for multiple donor-funded awards, while some additional “apply-to” scholarships may become available after submitting the general application.



The screenshot shows the 'All Opportunities' page of the Radford University Foundation Scholarship Application Portal. The page has a dark blue header with a 'Sign In' button. Below the header, there is a section titled 'All Opportunities' with a 'Show Filters' button. The main content area contains a welcome message, a paragraph about the 2026-27 application cycle, and a section for 'Newly Admitted Students' with a list of steps to follow.

The scholarships listed below are currently offered to Radford students and applicants for admission, according to the Radford website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations⁴ by discriminating against students based on their race and skin color. Because Radford is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

² The Radford University Foundation, Inc. is a nonprofit organization that manages donor-funded endowments, but the scholarships it finances are administered directly through Radford University’s online system—students must log in with their University credentials and complete the application process through the school’s portal. See <https://www.radford.edu/advancement/index.html> [<https://archive.is/wip/BV3Rc>] (accessed November 11, 2025).

³ <https://radford.academicworks.com/> [<https://archive.is/wip/wxq9C>] (accessed November 11, 2025).

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

SCHOLARSHIPS THAT VIOLATE TITLE VI (2)

1. Clementine Hansley-Hurt Memorial Scholarship

Link: <https://radford.academicworks.com/opportunities/15052>

Archived Link: <https://archive.is/wip/nzWyp>

Discriminatory Requirement: “Clementine Hansley-Hurt was a professor in Radford’s Psychology Department and president of the local chapter of NAACP. After her death in 1992, friends and co-workers established this scholarship to help **minority⁵ Psychology majors.**”

The screenshot shows a webpage for the Clementine Hansley-Hurt Memorial Scholarship. At the top, there is a dark blue navigation bar with a white dropdown arrow and the text "Opportunities". Below this, the title "Clementine Hansley-Hurt Memorial Scholarship" is displayed in a dark blue font, followed by the subtitle "Scholarship Information" in a smaller, lighter blue font. The main content area has a light blue background and contains the following text: "Clementine Hansley-Hurt was a professor in Radford's Psychology Department and president of the local chapter of NAACP. After her death in 1992, friends and co-workers established this scholarship to help minority Psychology majors." Below this, the section "Scholarship Criteria" is listed, followed by a bulleted list of requirements: "• Must be a full time student enrolled at Radford University, with a designated major in the Department of Psychology.", "• Must demonstrate academic success through minimum GPA of 3.2 in the major, 3.0 GPA in overall course work.", "• Must not be, nor ever have been, on 20 weeks or more of disciplinary probation or suspension from any academic institution of higher learning.", "• Scholarship may be renewable upon meeting GPA requirement.", and "• Recipient must reapply each year to be considered." At the bottom of the page, there are two sections: "Award" with the text "Varies" and "Deadline" with the date "02/05/2026".

▼ Opportunities

Clementine Hansley-Hurt Memorial Scholarship

Scholarship Information

Clementine Hansley-Hurt was a professor in Radford's Psychology Department and president of the local chapter of NAACP. After her death in 1992, friends and co-workers established this scholarship to help minority Psychology majors.

Scholarship Criteria

- Must be a full time student enrolled at Radford University, with a designated major in the Department of Psychology.
- Must demonstrate academic success through minimum GPA of 3.2 in the major, 3.0 GPA in overall course work.
- Must not be, nor ever have been, on 20 weeks or more of disciplinary probation or suspension from any academic institution of higher learning.
- Scholarship may be renewable upon meeting GPA requirement.
- Recipient must reapply each year to be considered.

Award
Varies

Deadline
02/05/2026

2. RUC-George Solonevich Scholarship

Link: <https://radford.academicworks.com/opportunities/15012>

Archived Link: <https://archive.is/wip/pzyWB>

Discriminatory Requirement: “Preference given to **minority students**”

⁵ Radford considers a minority to be someone who designates themselves as “Black, non-Hispanic; American Indian or Alaska Native; Asian, Native Hawaiian or other Pacific Islander, or Hispanic.” See <https://www.radford.edu/institutional-research/documents/cds-2021.pdf> [<https://archive.is/wip/sdipt>] (accessed November 10, 2025). 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).

RUC-George Solonevich Scholarship

George Solonevich was an accomplished book illustrator and artist who eventually moved to Roanoke after living under tyranny in other parts of the world. As a young man, Mr. Solonevich fled Stalinist Russia after being jailed several times in his young life. From Russia, he went to Germany only to live through the tortuous Nazi power. In 1993, Mr. Solonevich suffered life threatening burns in an accident and often expressed his appreciation for the paramedics who rescued him from his mountain top home. Upon, Mr. Solonevich's death in 2003 his close friend Edwin Ewing established a scholarship in memory of his late friend.

- Provides assistance for tuition, books and other related fees to students enrolled in the Bachelor of Science in Emergency Services Program at Radford University Carilion (RUC)
- Priority given to a graduate of Patrick Henry or William Fleming High Schools and students demonstrating financial need
- Preference given to minority students

Award
Varies

Deadline
02/05/2026

The Scholarships Listed Above Violate The Law

The scholarships identified above violate both Title VI and the Fourteenth Amendment, by discriminating on the basis of race, skin color, or national origin.⁶

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 Radford receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.⁷

Regardless of Radford's reasons for offering, promoting, and administering such discriminatory scholarships, they are violating Title VI by doing so. It does not 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

⁶ 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 Radford. 42 U.S.C. § 2000(a)(a). These scholarships also violate the Virginia Human Rights Act. Va. Code Ann. § 2.2-3900 et seq. (2024). Finally, these scholarships violate Radford's own nondiscrimination policy. *See* https://www.radford.edu/policies/_documents/discrimination-harassment.pdf [<https://archive.ph/wip/r0NqG>] (accessed November 11, 2025).

⁷ *See* https://www.usaspending.gov/award/ASST_NON_P063P242379_091 [<https://archive.ph/wip/Q2FHK>] (accessed November 11, 2025).

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 Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As Radford is a public university, its offering, promoting, and administering these discriminatory scholarships also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions*, the Supreme Court declared 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). “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 208 (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, Radford 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, Radford 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 Radford’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,⁸ 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.

OCR Has Jurisdiction

Radford is a public entity and a recipient of federal funds, including from the U.S. Department of Education.⁹ It is therefore liable for violating Title VI 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, and/or national origin that occurred within 180 days and that appear to be ongoing. The scholarships are running during the 2025-2026 academic year, and applications are currently active.¹⁰

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

⁸ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

⁹ See https://www.usaspending.gov/award/ASST_NON_P063P242379_091 [<https://archive.ph/wip/Q2FHK>] (accessed November 11, 2025).

¹⁰ <https://radford.academicworks.com/> [<https://archive.is/wip/wxq9C>] (accessed November 11, 2025).

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 Radford cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, and/or national origin violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate Radford’s role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether Radford 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 promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from Radford’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at Radford comports with the Constitution and federal civil rights laws.

Respectfully submitted,

/William A. Jacobson/

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