



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
18 MAPLE AVE. #280
BARRINGTON, RI 02806
www.EqualProtect.org

March 4, 2025

BY EMAIL (OCR.Seattle@ed.gov)

U. S. Department of Education
Office for Civil Rights – Seattle Office
915 Second Avenue Room 3310
Seattle, WA 98174

**Re: Civil Rights Complaint Against University of Oregon 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 Oregon (“UO”) regarding four (4) scholarships that discriminate based on race, color, national origin, and/or sex. As set forth below, such discrimination violates Title VI and Title IX, respectively, and the Equal Protection Clause of the 14th Amendment to the United States Constitution.

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

UO’s Division of Equity and Inclusion lists several scholarships that are available to students.² “Scholarships are available to incoming students and to those who are already attending the UO.”³

The screenshot shows the University of Oregon website's Division of Equity and Inclusion page. The header includes the university logo and navigation links like 'One Stop', 'Apply', 'Visit', 'Give', and 'Search'. The main heading is 'Division of Equity and Inclusion'. Below this is a navigation menu with 'About', 'Events', 'Initiatives', 'Resources', and 'Learn'. A sidebar on the left lists various services and programs, including 'Scholarships' with sub-items like 'Diversity Excellence Scholarship (DES)', 'Diversity Excellence Scholars Abroad (DESA)', 'Jewel H. Bell Award', and 'Robert J. Erickson Kaiser'. The main content area is titled 'Scholarships' and contains a paragraph about academic services, followed by a grid of six scholarship links: 'Diversity Excellence Scholarship', 'Diversity Excellence Scholars Abroad', 'Jewel H Bell Award', 'Robert J. Erickson Kaiser Permanente Scholarship', 'George and Vera Fracchia & Carla Gary Scholarship', and 'Maradel Gale Pacific Islands Scholarship'. A footer note directs users to the 'Office of Financial Aid and Scholarships' for more information.

The scholarships listed below are currently offered to UO students and applicants for admission, according to the UO website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations⁴ by excluding students based on their race, skin color or national origin, and Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations⁵ by excluding students based on their sex. Because UO 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 is available for the 2025-2026 school year with the application period currently open, according to the UO website, and some are renewable annually.

² <https://inclusion.uoregon.edu/scholarships> [<https://archive.is/wip/H51mw>] (accessed March 3, 2025).

³ <https://financialaid.uoregon.edu/scholarships> [<https://archive.is/wip/1LqL4>] (accessed March 3, 2025).

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

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

Scholarships that Violate Title VI (2)

1. Robert J. Erickson Kaiser Permanente Scholarship

Link: <https://inclusion.uoregon.edu/erickson>

Archived Link: <https://archive.is/qpSu6>

Description from Oregon Website: “The Erickson Scholarship is intended to encourage the higher education of students of color who are underrepresented in the college system. Each year the student receives a portion of the money to cover tuition, room, board and books.”

Discriminatory Requirement: “Special consideration will be given to students who are Black/African-American, Hispanic/Latinx, or Native American.”

Robert J. Erickson Kaiser Permanente Scholarship

Scholarship Purpose

The Erickson Scholarship is intended to encourage the higher education of students of color who are underrepresented in the college system. Each year the student receives a portion of the money to cover tuition, room, board and books. The scholarship, which is worth \$5,000-6,000 per year, is renewable for up to four years provided the recipient continues to meet its criteria. The recipient will be required to work with the University's Center for Multicultural Academic Excellence for academic advising and support. The Erickson Scholarship applications are reviewed by an impartial selection committee, under the guidance of the University of Oregon. Your application is confidential.

Eligibility

- If you will be a first-time Freshman entering the University of Oregon in the Fall.
- Special consideration will be given to students who are Black/African-American, Hispanic/Latinx, or Native American.
- If you are able to demonstrate financial need, as determined by the University [complete FAFSA or ORSA].
- If you are interested in contributing significantly to the improvement of his/her community, as demonstrated by community service and personal career goals.
- If you are academically strong enough to graduate in four years, and maintain a minimum GPA of 3.3;
- If you are a DACA and Tuition Equity students eligible.

Deadline

Deadline: April 1, 2025

**To apply for this award, please apply to the Diversity Excellence Scholarship (DES) award; you will automatically be considered for both awards.
More information on the DES [here](#)**

Apply

Apply via the [UO scholarship Dashboard](#)

2. **Maradel Gale Pacific Islands Scholarship**

Link: <https://inclusion.uoregon.edu/maradel-gale-pacific-islands-scholarship>

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

Description from Oregon Website: “The Maradel Gale Pacific Islands Scholarship supports domestic or international students admitted to the University of Oregon, from the Pacific Island Nations (non-Hawaiian); with special preference given to those with proficiency in an indigenous language.”

Discriminatory Requirement: “You must be a Pacific Islander student (Students from the Pacific Island nations of Micronesia, Polynesia or Melanesia, including the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Cook Islands, Fiji, Kiribati, Nauru, Niue, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu).”

Maradel Gale Pacific Islands Scholarship

Scholarship Purpose

The Maradel Gale Pacific Islands Scholarship supports domestic or international students admitted to the University of Oregon, from the Pacific Island Nations (non-Hawaiian); with special preference given to those with proficiency in an indigenous language.

Award Amount

Annual award amount is up to \$5,000.

Eligibility

- You must be a Pacific Islander student (Students from the Pacific Island nations of Micronesia, Polynesia or Melanesia, including the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Cook Islands, Fiji, Kiribati, Nauru, Niue, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu)

Deadline

Opens: January 31st, 2025

Deadline: April 1st, 2025

How to Apply

Maradel Gale Pacific Islands Scholarship
Application Form

Scholarships that Violate Title IX (2)

3. **Miller Family Graduate Award in Technology & Science**

Link: <https://cas.uoregon.edu/cas-scholarships-fellowships>

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

Description from Oregon Website: “Pursuing research in technology or natural science.”

Discriminatory Requirement: “Preference to female students.”

Miller Family Graduate Award in Technology & Science

- **\$1,000 – \$2,000**
- Graduate Students
- Pursuing research in technology
or natural science
- Academic merit
- Preference to female students

4. **Andrea Gellatly Memorial Scholarship**

Link: <https://honors.uoregon.edu/financial-aid-scholarships/chc-scholarships-second-third-years>

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

Description from Oregon Website: “This scholarship is awarded to a woman beginning her final year in Clark Honors College who has demonstrated academic excellence, breadth of interest, and social concern--all of which characterized the late Ms. Andrea Gellatly in her short but influential life.”

Discriminatory Requirement: “woman beginning her final year”

Andrea Gellatly Memorial Scholarship, \$1,000

This scholarship is awarded to a woman beginning her final year in Clark Honors College who has demonstrated academic excellence, breadth of interest, and social concern—all of which characterized the late Ms. Andrea Gellatly in her short but influential life.

Additional Requirements: Applicants must submit a resumé detailing their interests and activities in the area of social concern. If applicants plan to complete their degree in three years, they must state this fact on their application.

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, or Title IX, by discriminating on the basis of sex.⁶ Furthermore, because UO is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.

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

Regardless of UO’s reasons for offering, promoting, and administering such discriminatory scholarships, it is 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

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 UO. 42 U.S.C. § 2000(a)(a). These scholarships also violate Oregon State law. Or. Rev. Stat. § 659.855 (2023). Finally, these scholarships violate UO’s own nondiscrimination policy. *See* <https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/prohibited-discrimination-and-retaliation>

[<https://archive.ph/wip/xXJ51>] (accessed on March 3, 2025).

⁷ *See* <https://www.usaspending.gov/recipient/e9ad8bff-1815-2dce-c711-ea8977ace9fe-C/latest> [<https://archive.ph/sLbrp>] (accessed on March 3, 2025).

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

As UO 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.

As OCR stated in its February 14, 2025, Civil Rights Guidance Letter⁸:

Although *SFFA* addressed admissions decisions, the Supreme Court’s holding applies more broadly. At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. Federal law thus prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.

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, UO cannot carry its burden.

⁸ See United States Department of Education Office for Civil Rights Letter (2025), <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf> [<https://archive.is/R62P1>] (“At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law.”)

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, UO 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 UO’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,⁹ 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

⁹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

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 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 apply criteria in a “nonmechanical way.” *Grutter*, 539 U.S. at 334.

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

OCR Has Jurisdiction

UO is a public entity and a recipient of federal funds,¹⁰ including from the U.S. Department of Education.¹¹ It is therefore liable for violating Title VI and Title IX and the Equal Protection Clause, and OCR 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/or sex that occurred within 180 days and that appear to be ongoing. According to the UO website, the applications for the 2025-2026 academic year are currently open.¹²

¹⁰ *See* <https://www.usaspending.gov/recipient/e9ad8bff-1815-2dce-c711-ea8977aee9fe-C/latest> [<https://archive.ph/sLbrp>] (accessed on March 3, 2025).

¹¹ *See* https://www.usaspending.gov/award/ASST_NON_P425F200370_9100 [<https://archive.ph/wip/Ic8l>] (accessed on March 3, 2025).

¹² <https://financialaid.uoregon.edu/scholarships> [<https://archive.ph/1LqL4>] (accessed on March 3, 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 UO cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, national origin, and/or sex violates federal civil rights statutes and constitutional equal protection guarantees.

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

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Respectfully submitted,

/William A. Jacobson/

William A. Jacobson, Esq.
President
Legal Insurrection Foundation
Contact@legalinsurrection.com

/Robert J. Fox/

Robert J. Fox
Attorney
Legal Insurrection Foundation
Robert.Fox@legalinsurrection.com