THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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September 16, 2025

BY EMAIL (OCR@ed.gov)

Craig Trainor, Acting Assistant Secretary
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U.S. Department of Education
400 Maryland Avenue, SW
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BY EMAIL (OCR.Denver@ed.gov)

U.S. Department of Education
Office for Civil Rights – Denver Office
U.S. Department of Education
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

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

To Whom It May Concern:

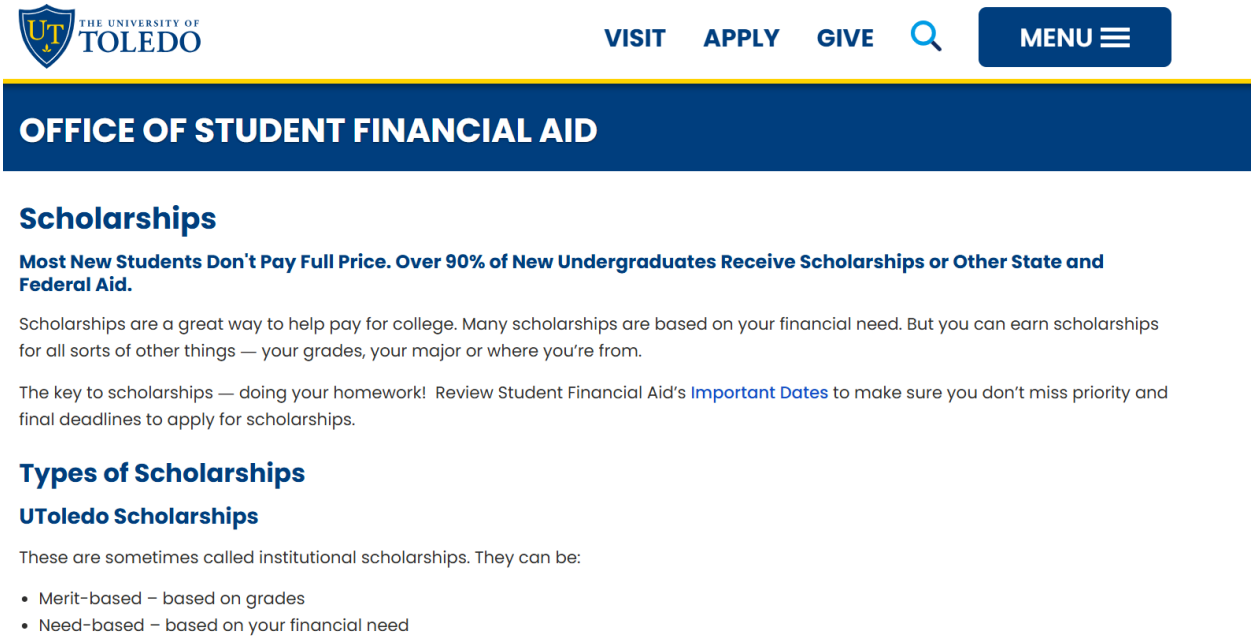
This is a federal civil rights complaint pursuant to the U.S. Department of Education's Office for Civil Rights ("OCR") discrimination complaint resolution procedures.[1] We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We bring this civil rights complaint against the University of Toledo ("UToledo"), a public university, for discrimination in eight (8) scholarships and programs, seven of which are based on sex, in violation of Title IX, and one of which is based on race, color, or national origin,

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

in violation of Title VI. Because UToledo is a public university, these discriminatory programs also violate the Equal Protection Clause of the Fourteenth Amendment.

UToledo offers a variety of scholarships to students.[2] In most cases, applicants are automatically considered for these awards based on the information provided in their admissions application. That means eligibility factors such as sex, race, or ethnicity embedded in scholarship descriptions are applied directly from the applicant's own submitted information, without requiring a separate application process.



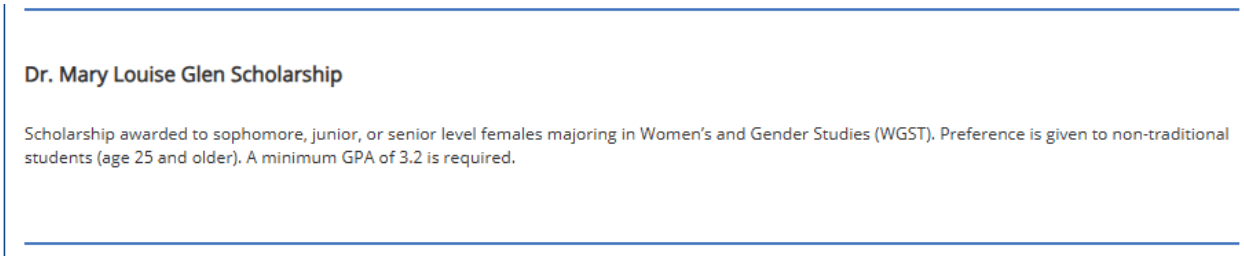
The scholarships listed below are currently offered to UToledo students and applicants for admission, according to the UToledo website, and violate Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations[3] by discriminating against students based on their sex, while others violate Title VI of the Civil Rights Act of 1964 ("Title VI") and its implementing regulations[4] by illegally discriminating against students based on their race, color or national origin. Because UToledo is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

[2] https://www.utoledo.edu/financialaid/scholarships/ [https://archive.ph/wip/reYrM] (accessed September 14, 2025).
[3] 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106.
[4] 42 U.S.C. § 2000d et seq.; 28 C.F.R. Part 100.

Each of the scholarships listed below is available for the 2025-2026 school year with the application period currently open, according to the UToledo website.[5]

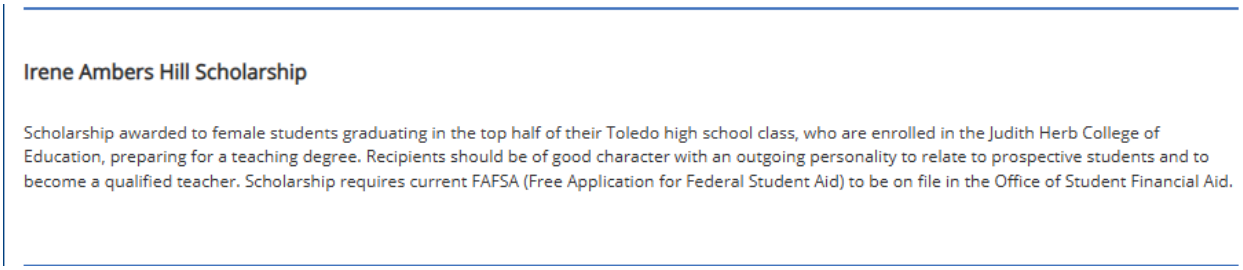
SCHOLARSHIPS THAT VIOLATE TITLE IX (7)

1. Dr. Mary Louise Glen Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Scholarship awarded to sophomore, junior, or senior level **females** majoring in Women's and Gender Studies (WGST). Preference is given to non-traditional students (age 25 and older). A minimum GPA of 3.2 is required."


Dr. Mary Louise Glen Scholarship

Scholarship awarded to sophomore, junior, or senior level females majoring in Women's and Gender Studies (WGST). Preference is given to non-traditional students (age 25 and older). A minimum GPA of 3.2 is required.

2. Irene Ambers Hill Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Scholarship awarded to **female students** graduating in the top half of their Toledo high school class, who are enrolled in the Judith Herb College of Education, preparing for a teaching degree."

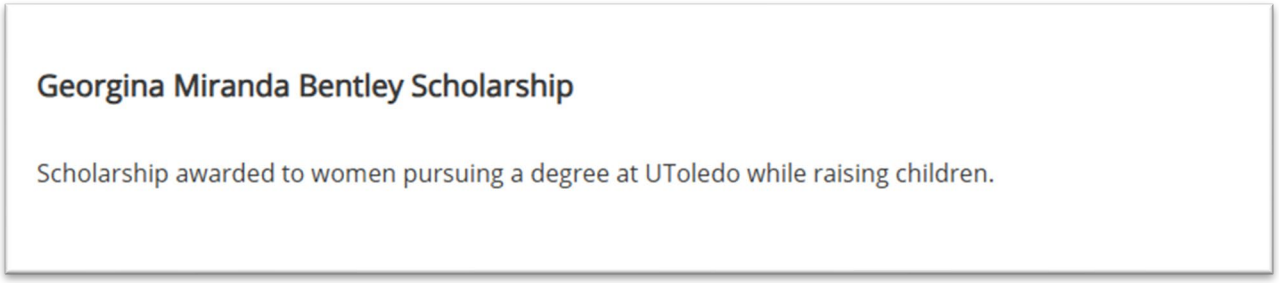

Irene Ambers Hill Scholarship

Scholarship awarded to female students graduating in the top half of their Toledo high school class, who are enrolled in the Judith Herb College of Education, preparing for a teaching degree. Recipients should be of good character with an outgoing personality to relate to prospective students and to become a qualified teacher. Scholarship requires current FAFSA (Free Application for Federal Student Aid) to be on file in the Office of Student Financial Aid.

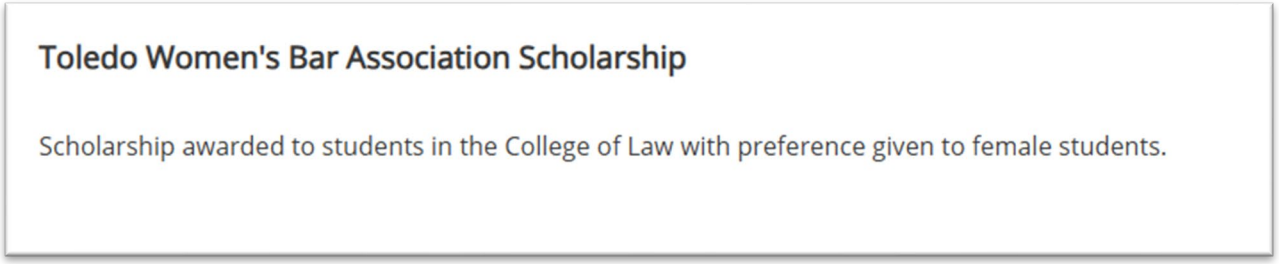
3. Georgina Miranda Bentley Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod

[5] Emphasis (bold) for the discriminatory criteria. Links 'live' and in use as of September 14, 2025.

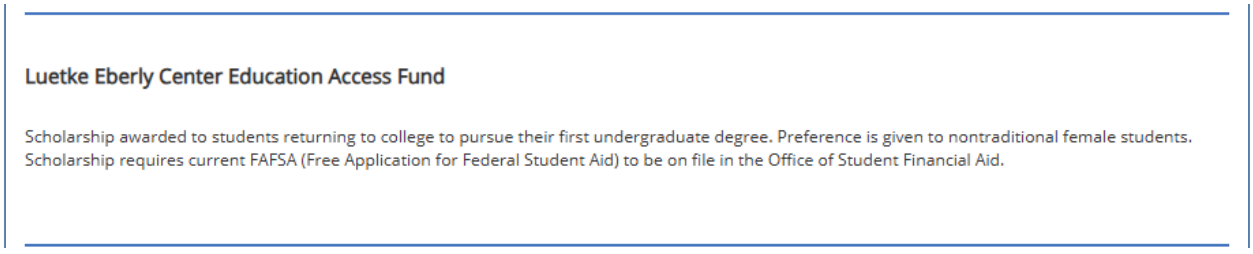
Discriminatory Requirement: "Scholarship awarded to **women** pursuing a degree at UToledo while raising children."



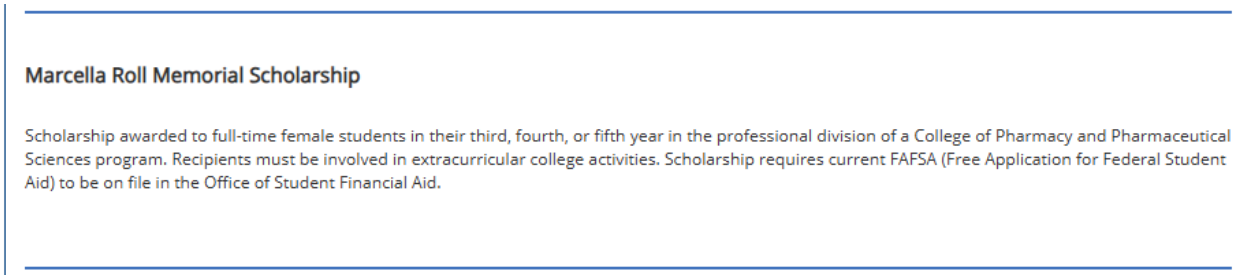
4. Toledo Women's Bar Association Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Scholarship awarded to students in the College of Law with preference given to **female students**."



5. Luetke Eberly Center Education Access Fund
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Preference is given to nontraditional **female students**."

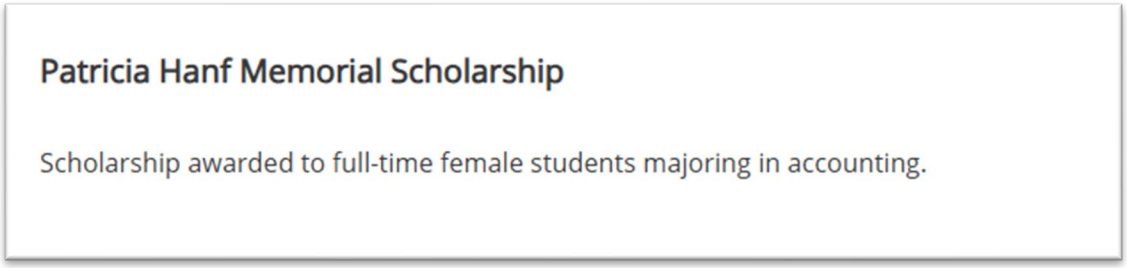


6. Marcella Roll Memorial Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Scholarship awarded to full-time **female students** in their third, fourth, or fifth year in the professional division of a College of Pharmacy and Pharmaceutical Sciences program."


Marcella Roll Memorial Scholarship

Scholarship awarded to full-time female students in their third, fourth, or fifth year in the professional division of a College of Pharmacy and Pharmaceutical Sciences program. Recipients must be involved in extracurricular college activities. Scholarship requires current FAFSA (Free Application for Federal Student Aid) to be on file in the Office of Student Financial Aid.

7. Patricia Hanf Memorial Scholarship
Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
Archived Link: https://archive.is/wip/DmCod
Discriminatory Requirement: "Scholarship awarded to full-time **female students** majoring in accounting."


Patricia Hanf Memorial Scholarship

Scholarship awarded to full-time female students majoring in accounting.

SCHOLARSHIPS THAT VIOLATE TITLE VI (1)

1. **Dr. Daniel Neusom Memorial Scholarship for Minority Students**
   Link: https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search
   Archived Link: https://archive.is/wip/DmCod
   Discriminatory Requirement: "Scholarship for **Minority** Students."[6]

[6] UToledo considers "minorities" to be non-white individuals. *See* https://www.utoledo.edu/offices/institutional-research/report-library/institutional-data-reports/docs/institutional-data-report-2021-22.pdf [https://web.archive.org/web/20240604175302/https://www.utoledo.edu/offices/institutional-research/report-library/institutional-data-reports/docs/institutional-data-report-2021-22.pdf] (accessed July 29, 2025). Courts often understand the term "minority" to mean non-white racial

> **Dr. Daniel Neusom Memorial Scholarship for Minority Students**
>
> Scholarship awarded to full-time students. Recipients must have a minimum 2.5 GPA, be involved in humanitarian endeavors, show evidence of campus or community service, and have an educational and professional commitment. First preference given to students pursuing an associate degree

The Scholarships Listed Above Violate The Law

The scholarships identified above violate either Title IX, by discriminating on the basis of sex, or Title VI, by discriminating on the basis of race, skin color, or national origin.[7] Furthermore, because UToledo is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.

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

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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).

[7] 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 UToledo. 42 U.S.C. § 2000(a)(a). These scholarships also violate Ohio state law. Ohio Rev. Code § 4112.022 (2025). Finally, these scholarships violate UToledo's own nondiscrimination policy. *See* https://www.utoledo.edu/policies/administration/diversity/pdfs/3364-50-02.pdf [https://archive.is/wip/9xuI5] (accessed September 14, 2025).

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 v. Bollinger*, 539 U.S. 306, 334 (2003).

Race- and sex-based criteria and preferences 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."

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 UToledo receives and administers federal funds, it is subject to Title VI.[8]

Regardless of UToledo'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 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 Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As UToledo 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

[8] *See* https://www.usaspending.gov/award/ASST_NON_P047M220275_091 [https://archive.ph/wip/WRjj2] (accessed on September 5, 2025).

(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. 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, UToledo 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, UToledo cannot demonstrate that restricting a scholarship 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 UToledo'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*, 539 U.S. at 339, 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.

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

OCR Has Jurisdiction

UToledo is a public entity and a recipient of federal funds, including from the U.S. Department of Education.[10] It is therefore liable for violating Title IX, 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, national origin, and/or sex that occurred within 180 days and that is ongoing. These scholarships are currently active.[11]

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).

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

[10] *See* https://www.usaspending.gov/award/ASST_NON_P047M220275_091 [https://archive.ph/wip/WRjj2] (accessed on September 14, 2025).

[11] https://utoledo.scholarships.ngwebsolutions.com/Scholarships/Search [https://archive.is/wip/DmCod] (accessed September 14, 2025).

Because the discrimination outlined above is presumptively illegal, and since UToledo 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 UToledo's role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether UToledo 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 UToledo's various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at UToledo comports with the Constitution and federal civil rights laws.

Respectfully submitted,

/William A. Jacobson/

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