

**THE EQUAL PROTECTION PROJECT  
A Project of the Legal Insurrection Foundation  
18 MAPLE AVE. #280  
BARRINGTON, RI 02806  
[www.EqualProtect.org](http://www.EqualProtect.org)**

January 18, 2026

**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.Seattle@ed.gov)**

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-1099

**Re: Complaint Against U. California Office of the President and California Community College Chancellor's Office Regarding the "Puente Project"**

Dear Assistant Secretary Richey and OCR Staff,

This is a federal civil rights complaint submitted pursuant to the U.S. Department of Education's Office for Civil Rights ("OCR") discrimination complaint resolution procedures.<sup>1</sup> 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 regarding California's "Puente Project," which operates at sixty five (65) California community colleges, according to its website.<sup>2</sup> With annual

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

<sup>2</sup> Though it has multiple points of recruitment (e.g., middle school, high school, and community college), see *About Puente* <https://www.thepuenteproject.org/about> [https://archive.is/sS4B8]

funding of \$13 million,<sup>3</sup> the Puente Project is administered through the University of California Office of the President and California Community College Chancellor's Office (collectively, the "Statewide Offices").<sup>4</sup>

The Puente Project operates as a year-long transitional program aimed at fostering academic success and increasing the number of "disadvantaged" and "underrepresented" students who transfer from a community college to a four-year institution.<sup>5</sup> The Puente Project's goals are achieved through exclusive access to counselling, mentoring, academic courses, and priority registration.<sup>6</sup> Puente Project students received an advantage, among other ways, by receiving a "second read" on their UC college applications, effectively getting an automatic second chance at admission,<sup>7</sup> and "special consideration" for admission to California State Universities.<sup>8</sup>

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(accessed January 12, 2026) ("About Puente"), this complaint is focused on the community college system.

<sup>3</sup> California SB-101, *Budget Act of 2025*

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202520260SB101](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB101) [https://archive.ph/TDJUc] (accessed Jan. 12, 2026) ("Budget Act of 2025").

<sup>4</sup> *Feasibility of Implementing Puente Program*, 2, [https://sdmiramar.edu/sites/default/files/2025-09/puente\\_program\\_implementation\\_-\\_exec\\_summary\\_-\\_fa\\_25.pdf](https://sdmiramar.edu/sites/default/files/2025-09/puente_program_implementation_-_exec_summary_-_fa_25.pdf) [/web/20260112192620/https://sdmiramar.edu/sites/default/files/2025-09/puente\_program\_implementation\_-\_exec\_summary\_-\_fa\_25.pdf] (accessed Jan. 12, 2026); see also *About Puente*.

<sup>5</sup> Nelly F. Brashear, *The Puente Project: Bridging the Achievement Gap for Latinx Students* (2021), 2, [https://digitalcommons.odu.edu/cgi/viewcontent.cgi?article=1263&context=efl\\_etds](https://digitalcommons.odu.edu/cgi/viewcontent.cgi?article=1263&context=efl_etds) [web/20260112193033/https://digitalcommons.odu.edu/cgi/viewcontent.cgi?article=1263&context=efl\_etds] (accessed Jan. 12, 2025) ("Brashear").

<sup>6</sup> *Community College Programs*, <https://www.thepuenteproject.org/community-college-programs> [https://archive.is/dDOWf] (accessed Dec. 24, 2025); *Puente: Canada College*, <https://canadacollege.edu/puente/#:~:text=Benefits%20of%20joining%20the%20Puente,One%20big%2C%20supportive%20Puente%20familia> [https://archive.ph/pyiVR] (accessed Jan. 12, 2025).

<sup>7</sup> Brashear at 4.

<sup>8</sup> *Cuyamaca College Puente Project*, <https://www.cuyamaca.edu/student-support/counseling-center/puente.php#:~:text=Puente%20Perks%20/%208%20Reasons%20to,cultural%20identity%20in%20the%20classroom> [https://archive.ph/Ap7UM] (accessed Jan. 12, 2026) ("Cuyamaca College Puente Project").

As shown below, the Puente Project's purpose is to benefit Hispanic/Latinx students to the exclusion of non-Hispanic/Latinx students,<sup>9</sup> and it in fact does so.<sup>10</sup> But by discriminating against non-Hispanic/Latinx students, both overtly and through strong racial signaling, the Puente Project violates Title VI of the Civil Rights Act of 1964, and the Equal Protection Clause of the Fourteenth Amendment.

### **I. The Puente Project is racially discriminatory.**

The purpose of the Puente Project,<sup>11</sup> the way it is administered, the benefits, and the admissions data, all show evidence of unlawful discrimination.



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First, the “Puente” Project (Spanish for “bridge”), was founded in 1981 by Felix Galaviz and Patricia McGrath at Chabot College to benefit Hispanic/Latinx students and address their academic challenges.<sup>13</sup> Specifically, the program was launched as a grassroots initiative to address the low rate of academic achievement among Mexican American and Latino students.

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<sup>9</sup> While the participating community colleges using racial language to describe the goal of the Puente Project are not consistent in the terms used, the variations are consistently descriptive of non-white Hispanic/Latinx students.

<sup>10</sup> *Infra* at pages 5-8.

<sup>11</sup> As described in a comprehensive doctoral dissertation focused on the Puente Project, the “program aims to increase the number of Latinx student transfers from community colleges to four-year institutions thereby increasing the number of bachelor’s degrees earned by this underserved population of students.” Brashear at ii.

<sup>12</sup> *About Puente.*

<sup>13</sup> *Id.*

Galaviz and McGrath discovered three key patterns among Latino students: students were avoiding academic counseling, students were not enrolling in college-level writing courses, and students were the first in their families to attend college. The Puente Project model that emerged in response to these patterns comprises three components: providing support through writing, mentoring, and counseling. These remain the bedrock components of the program today.<sup>14</sup>

Second, the Statewide Offices that administer the Puente Project, who “signal” racial preferences for Hispanic/Latinx students (more on this below),<sup>15</sup> and the college administrators on individual community college campuses, know exactly who the intended beneficiaries are. Cerritos College’s description of the Puente Project is reflective of the overall system: the goal of the Puente Project is to increase retention of “Latinx” students, increase degree completion for “Latinx” students, and increase transfer rates for “Latinx” students.<sup>16</sup>

The program instills a sense of belonging, and guarantees students four transfer level courses. These courses help students become familiar with the transfer process, major and career decision process, and build leadership skills. The most unique aspect of the Puente program is that the professors approach these four subjects through a Latinx perspective. Including Latinx authors, historical and contemporary issues in the Latinx community, and different themes pertaining to the Latinx community.

#### **INTENDED GOALS/OUTCOMES:**

- Create a sense of belonging for students that are in the Puente program
- Increase retention for Latinx student population
- Increase degree completion for Latinx student population
- Increase transfer rates for Latinx student population

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As stated by Foothill College, “The Puente Program validates and focuses on the Latinx culture, history, and experience. For this reason, the program attracts a majority of Latinx students. In addition, this program has been branded to attract Latinx students, hence the name of the program, ‘Puente,’ which means bridge in Spanish.”<sup>18</sup>

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<sup>14</sup> *Cuyamaca College Puente Project.*

<sup>15</sup> *About Puente.*

<sup>16</sup> *Puente Project*, <https://www.cerritos.edu/student-equity/programs/puente-project.htm> [/web/20251224192025/https://www.cerritos.edu/student-equity/programs/puente-project.htm] (accessed Jan. 12, 2025).

<sup>17</sup> *Id.*

<sup>18</sup> *Puente Program Review 2020*, 5, [https://foothill.edu/accreditation/iser-2023-evidence/II.C.2\\_03-Puente-Program-Review.pdf](https://foothill.edu/accreditation/iser-2023-evidence/II.C.2_03-Puente-Program-Review.pdf) [/web/20260112200359/https://foothill.edu/accreditation/iser-2023-evidence/II.C.2\_03-Puente-Program-Review.pdf] (accessed Jan. 12, 2026).

Latinx students. The Puente Program validates and focuses on the Latinx culture, history, and experience. For this reason, the program attracts a majority of Latinx students. In addition, this program has been branded to attract Latinx students, hence the name of the program, "Puente," which means bridge in Spanish. It is a bridge program to prepare students to transfer from community college to a 4 year college. Therefore, this

In fact, the Puente Project is openly acknowledged by the same school to arise directly from Critical Race Theory.<sup>19</sup> The Statewide Offices that administer the Puente Project also acknowledge that it is driven by an "Equity Framework" first developed in 2022 that prioritizes "racial and immigrant justice" for students affected by "systemic oppression."<sup>20</sup> As discussed below, the demographics of student admission to the Puente Project reflect these goals.

Third, the classes and programming offered by the Puente Project are tailored to Hispanic/Latinx students. Detailing the ideal Puente Project student, Mt. San Jacinto College states that Puente Project students should be "interested in learning and discussing issues that deal with multiculturalism specifically the Mexican-American, Latino/a, Chicano/a experience," and "are looking for a classroom environment which challenges and motivates them to think critically, write, and enjoy reading literature written by Mexican-American, Latino/a, Chicana/a writers."<sup>21</sup> Puente Project students are also encouraged, and are at times required, to attend programming tailored to Hispanic/Latinx students, including Noche de la Familia (Family Night), a Puente Project motivational transfer conference (usually held at a University of California institution), a Northern California university tour, Dia de los Muertos events (Day of the Dead), cultural plays and/or concerts, biannual visits to the Chicano Park in San Diego, the annual Chicano poetry slam, and annual visits to the Museum of Latin American Art (MOLA) in Long Beach.<sup>22</sup>

Fourth, the demographics of admission to the Program reflect its unlawful discriminatory purpose.<sup>23</sup> For example, at DeAnza College in 2017 approximately 97% of the Puente Project cohort were "Latino/a."<sup>24</sup>

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<sup>19</sup> *Id.* at 8.

<sup>20</sup> *Puente Equity Framework*, <https://www.thepuenteproject.org/framework> [/web/20251224193320/https://www.thepuenteproject.org/framework] (accessed Dec. 24, 2025).

<sup>21</sup> *Who is Eligible for Puente*, <https://msjc.edu/puente/criteria-for-participation.html> [/web/20251224193718/https://msjc.edu/puente/criteria-for-participation.html] (accessed Dec. 24, 2025).

<sup>22</sup> *PUENTE Program Report*, 1, [https://www.goldenwestcollege.edu/Links/pdf/research/Spring%202023\\_PUENTE%20Program%20Report.pdf](https://www.goldenwestcollege.edu/Links/pdf/research/Spring%202023_PUENTE%20Program%20Report.pdf) [https://archive.ph/ABryT] (accessed Dec. 24, 2025); *supra* at n.5.

<sup>23</sup> While statewide data on Puente Project participant demographics appears to be publicly unavailable, it appears the trend at individual community colleges cited here is reflective of the larger system.

<sup>24</sup> *Puente Participation on Students' Academic Outcomes – Spring 2017*, 4, <https://www.deanza.edu/accreditation/2023-iser-documents/II-A-7-09-Puente-Outcomes.pdf>

	<u>Puente</u>
Sample Size	<u>130</u>
<b>Demographics</b>	
Age	18.5
Asian	0.0%
Black	0.8%
Latino/a	96.9%
White	0.8%
Female	56.2%
Low-income	16.9%
Highest Ed. Level: HS/Equivalent	98.5%
First-generation	63.8%

At Foothill College in 2020, 93%, or 26/28 of Puente Project students self-identified as “Latinx.”<sup>25</sup>

#### **Enrollment Distribution**

Enrollment Distribution within Puente Sections by Student Demographics								
Foothill College > Puente Cohort by Year								
by Ethnicity								
	2016-17	2017-18	2018-19	2019-20				
	HC	Percent	HC	Percent	HC	Percent	HC	Percent
African American	0	0%	1	4%	0	0%	0	0%
Asian	0	0%	0	0%	0	0%	1	3%
Filipinx	1	4%	4	14%	0	0%	0	0%
Latinx	26	93%	23	82%	27	100%	29	97%
Native American	0	0%	0	0%	0	0%	0	0%
Pacific Islander	1	4%	0	0%	0	0%	0	0%
White	0	0%	0	0%	0	0%	0	0%
Decline to State	0	0%	0	0%	0	0%	0	0%
Total	28	100%	28	100%	27	100%	30	100%

<sup>25</sup> [/web/20260112200916/https://www.deanza.edu/accreditation/2023-iser-documents/II-A-7-09-Puente-Outcomes.pdf] (accessed Jan. 12, 2026).

<sup>25</sup> *Puente Program Review 2020*, 4, [https://foothill.edu/accreditation/iser-2023-evidence/II.C.2\\_03-Puente-Program-Review.pdf](https://foothill.edu/accreditation/iser-2023-evidence/II.C.2_03-Puente-Program-Review.pdf)

[/web/20260112200359/https://foothill.edu/accreditation/iser-2023-evidence/II.C.2\_03-Puente-Program-Review.pdf] (accessed Jan. 12, 2026).

At Napa Valley College, the Puente Project cohort hover arounds 100% “Latinx/Hispanic” students, with the remainder identifying as non-white.<sup>26</sup>

				of the Program
<b>Number of Students</b>	27	22	22	71
<b>Gender</b>				
Male	22.2%	--	13.6%	<b>13.2%</b>
Female	<b>77.8%</b>	100%	86.4%	86.9%
<b>Race/Ethnicity</b>				
Asian	--	--	--	--
African-American Black	--	--	--	--
Filipino	--	--	--	--
Latinx/Hispanic	<b>100%</b>	95.5%	100%	98.6%
Multiple Race/Other	--	--	--	--
Native American	--	--	--	--
Other	--	4.5%	--	1.4%
Pacific Islander	--	--	--	--
White	--	--	--	--

And as openly admitted by Golden West College, “most PUENTE students [are] Hispanic/Latinx.”<sup>27</sup> From 2029 to 2020, this number was 100%.

**PUENTE Student Demographics**

For the last six program years, most PUENTE students were Hispanic/Latinx, female, and/or 18 to 19 B for a demographic breakdown of all GWC students from 2016-17 to 2021-22.

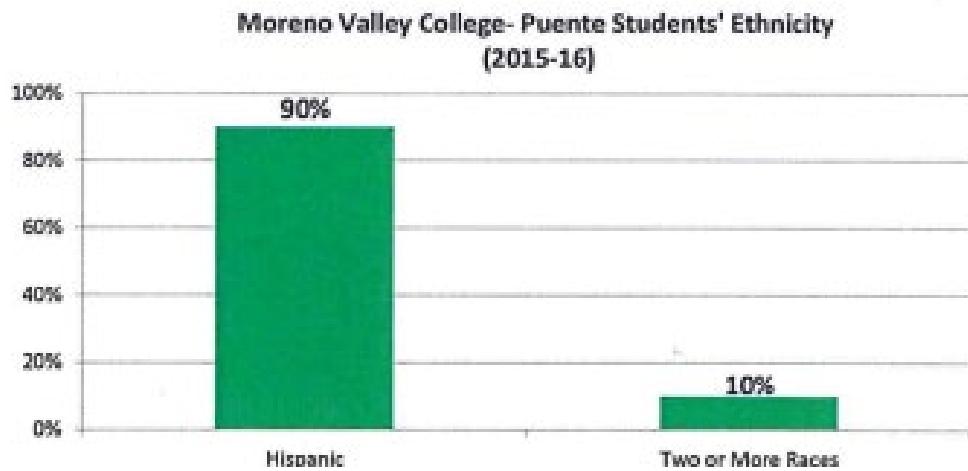
**Table 5. PUENTE Student Demographics**

	2016-17		2017-18		2018-19		2019-20	
	N	%	N	%	N	%	N	%
<b>Race/Ethnicity</b>								
Asian	0	0.0%	1	2.9%	0	0.0%	0	0.0%
Hispanic/Latinx	30	96.8%	32	94.1%	31	96.9%	33	100.0%
Two or more races	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Unknown	0	0.0%	0	0.0%	1	3.1%	0	0.0%
White	1	3.2%	1	2.9%	0	0.0%	0	0.0%
<b>Gender</b>								

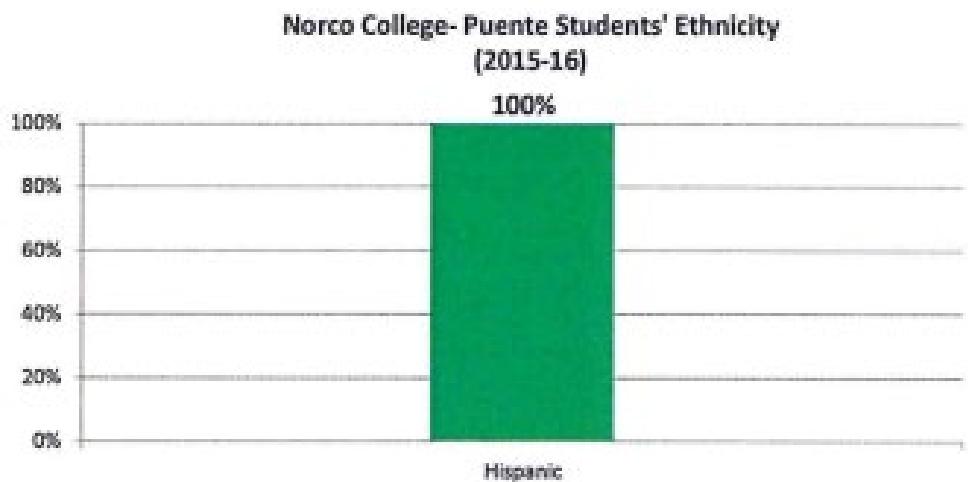
<sup>26</sup> Program Review Summary Page, 5, <https://www.napavalley.edu/about/institutional-planning/documents/Puente%20Fall%202021%20Program%20Review%20-%20%20Villagomez.pdf#:~:text=Number%20of%20Students%20Served%20by%20Program.%20RPIE,increased%20by%207.8%25%20over%20the%20same%20period> [/web/20260112210250/https://www.napavalley.edu/about/institutional-planning/documents/Puente%20Fall%202021%20Program%20Review%20-%20%20Villagomez.pdf#:~:text=Number%20of%20Students%20Served%20by%20Program.%20RPIE,increased%20by%207.8%25%20over%20the%20same%20period] (accessed Jan. 12, 2026).

<sup>27</sup> PUENTE Program Report, 1, [https://www.goldenwestcollege.edu/Links/pdf/research/Spring%202023\\_PUENTE%20Program%20Report.pdf](https://www.goldenwestcollege.edu/Links/pdf/research/Spring%202023_PUENTE%20Program%20Report.pdf) [/web/20260112210538/https://www.goldenwestcollege.edu/Links/pdf/research/Spring%202023\_PUENTE%20Program%20Report.pdf] (accessed Jan. 12, 2025).

This exclusionary trend holds true at Moreno Valley College, in which 90% of Puente Project students were “Hispanic,” and 10% were some variations of non-white from 2015 to 2016.<sup>28</sup>



And at Norco College from 2015 to 2016, the Puente Project student population was 100% “Hispanic.”<sup>29</sup>



<sup>28</sup> Puente Program Viability Report & Implementation Strategies for Crafton Hills College, 38, [https://www.craftonhills.edu/faculty-and-staff/academic-senate/meetings/2017/2017/11-15/puente\\_viability\\_report.pdf](https://www.craftonhills.edu/faculty-and-staff/academic-senate/meetings/2017/2017/11-15/puente_viability_report.pdf) [/web/20260112210938/https://www.craftonhills.edu/faculty-and-staff/academic-senate/meetings/2017/2017/11-15/puente\_viability\_report.pdf] (accessed Jan. 12, 2026).

<sup>29</sup> *Id.* at 44.

## **II. The Puente Project violates federal law.**

The Puente Project discriminates on the basis of race, color and national origin, and violates Title VI. Additionally, the Puente Project also violates the Fourteenth Amendment's guarantee of equal protection.

### **1. The Puente Project discriminates against non-Hispanic/Latinx students.**

The Puente Project as marketed and implemented is openly discriminatory in that it favors Hispanic/Latinx students to the exclusion of non-Hispanic/Latinx students.<sup>30</sup> The fact that in some places the Puente Project describes its target demographic as "disadvantaged" or "underrepresented" is irrelevant in light of the clear racial signaling.

Indeed, "underrepresented minority" is commonly understood to be inclusive of the alternate term "historically marginalized communities."<sup>31</sup> Courts have defined the term "historically marginalized communities" to include "people of color," or Hispanic/Latinx persons, and to exclude "white" persons. *See, e.g., New Georgia Project, Inc. v. Attorney General, State of Georgia*, 106 F.4th 1237, 1239 (11th Cir. 2024); *Menders v. Loudon Cnty. Sch. Bd.*, 65 F.4th 157, 160, 165 (4th Cir. 2023) (equating students who had been "historically marginalized" with "students of color"); *Newman v. Google LLC*, 687 F. Supp. 3d 863, 870 (N.D. Cal. 2023) (defining "historically marginalized consumers" as those being "like" the Hispanic Plaintiffs, and not "white" persons).

Additionally, the Puente Project employs strong exclusionary racial signaling that the program and benefits are intended for Hispanic/Latinx students. Such racial signaling itself is a violation of law, as it likely would cause a reasonable non-Hispanic/Latinx reader to conclude that the program is not intended for non-Hispanic/Latinx students, causing them to forego applying. The Puente Project signaling is not subtle, but even subtle messaging can convey discriminatory preferences. *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991); *Jancik v. Dep't of Hous. & Urb. Dev.*, 44 F.3d 553, 556 (7th Cir. 1995); *Housing Opportunities Made Equal, Inc. v. Cincinnati Enquirer, Inc.*, 943 F.2d 644, 646 (6th Cir. 1991); *Spann v. Colonial Village, Inc.*, 899 F.2d 24 (D.C. Cir. 1990); *United States v. Hunter*, 459 F.2d 205, 215 (4th Cir. 1981). The available enrollment statistics cited above reflect that the racial signaling is effective in dissuading the vast majority of non-Hispanic/Latinx students from attempting enrollment.

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<sup>30</sup> Supra at pages 3 – 5.

<sup>31</sup> *Words Matter: A Guide to Inclusive Language around Racial and Ethnic Identity*, [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/page\\_content/attachments/OHR\\_ORE\\_RacialEquity\\_ILG\\_April2023.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/page_content/attachments/OHR_ORE_RacialEquity_ILG_April2023.pdf)

[/web/2026011221144/https://ohr.dc.gov/sites/default/files/dc/sites/ohr/page\_content/attachments/OHR\_ORE\_RacialEquity\_ILG\_April2023.pdf] (accessed Jan. 12, 2026).

While the intent behind a given message is relevant, the primary question is whether an ordinary reader would be discouraged from participating because of their race. *Ragin*, 923 F.2d at 999–1000; *Jancik*, 44 F.3d at 556, or would suggest to an “ordinary reader” that people of a particular race or national origin are preferred or dis-preferred, *Hous. Rts. Ctr. v. Donald Sterling Corp.*, 274 F. Supp. 2d 1129, 1138 (C.D. Cal.), *aff'd sub nom.*, *Hous. Rts. Ctr. v. Sterling*, 84 F. App'x 801 (9th Cir. 2003) (quoting *Ragin*, 923 F.2d at 999). In other words, the perception of a reasonable reader controls whether a message functions as discriminatory signaling. *United States v. Hunter*, 459 F.2d 205, 215–16 (4th Cir. 1972) (advertisements judged by effect on the ordinary reader, regardless of intent).

Here, any non-Hispanic/Latinx community college student considering participation in the Puente Project would clearly see that it is intended for Hispanic/Latinx students only, either because of the explicit way the program is described, or because of strong racial signaling. The demographics for admitted Puente Project participants also bears out its discriminatory purpose.

## **2. The Puente Project Violates Title VI.**

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 the activities of the Statewide Offices that administer the Puente Project, which receive and administer funding from the Department of Education.<sup>32</sup>

Regardless of the Statewide Offices’ reasons for offering, promoting, and administering the Puente Project, 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 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

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<sup>32</sup> For the University of California System, *see* <https://www.usaspending.gov/recipient/2f14ac11-bc8d-d1e9-d103-1585414b0792-C/latest> [https://archive.is/T1kOV] (accessed Jan. 12, 2026), and for the California Community College System, *see* <https://edsource.org/2025/hsf-funding-cuts-hispanic-serving-institutions/740445> [https://archive.is/tJRGM] (accessed Jan. 12, 2026).

at the group level.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

By favoring Hispanic/Latinx students to exclusion of non-Hispanic/Latinx students, explicitly and through strong racial signaling, the Puente Project violates Title VI’s prohibition on racial discrimination.

### **3. The Puente Project Violates the Equal Protection Clause.**

Under strict scrutiny, racial 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). 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).

Classifications based on immutable characteristics, like race, “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). 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). Even if classifications based on 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). In fact, the unconstitutionality of race-based programs specifically designed to benefit Hispanic students was recently recognized by the U.S. Department of Justice.<sup>33</sup>

Because the Statewide Offices that administer the Puente Project cannot overcome the presumption of unconstitutionality applied under the strict scrutiny standard, the Puente Project violates the Fourteenth Amendment.

### **III. OCR Has Jurisdiction.**

The Department of Education’s Office for Civil Rights has jurisdiction to investigate race-based discrimination at educational institutions that receive federal funds. The Statewide

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<sup>33</sup> Constitutionality of Race-Based Department of Education Programs, 16-20,

<https://www.justice.gov/olc/media/1421576/dl>

[/web/20260114201900/https://www.justice.gov/olc/media/1421576/dl] (accessed Jan. 14, 2025).

Offices that administer the Puente Project are public entities and the recipients of direct funding from the Department of Education.<sup>34</sup> Therefore, OCR has jurisdiction over this complaint.

**IV. The Complaint Is Timely.**

This complaint is timely because it includes allegations of discrimination based on race that occurred within 180 days of this complaint's submission, and which appear to be ongoing.

**V. Request For Investigation And Enforcement.**

The Office for Civil Rights has the power and obligation to investigate the UC Office of the President and California Community College Chancellor's Office's role in creating, funding, promoting, and administering the Puente Project, to determine whether those offices and their respective systems are engaging in unlawful discrimination in other activities, and to impose whatever remedial relief is necessary to hold them 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.

Accordingly, we respectfully request that the Department of Education's Office for Civil Rights promptly open a formal investigation, impose all appropriate remedial measures authorized by law to address the Puente Project, and ensure that all current and future initiatives and programs the UC Office of the President and California Community College Chancellor's Office administer are fully compliant with Title VI, the Equal Protection Clause, and other applicable federal civil rights guarantees.

Respectfully submitted,

*/Timothy R. Snowball/*  
Timothy R. Snowball  
*Senior Attorney*  
Legal Insurrection Foundation  
[Tim@legalinsurrection.com](mailto:Tim@legalinsurrection.com)

*/William A. Jacobson/*  
William A. Jacobson, Esq.  
*President*  
Legal Insurrection Foundation  
[Contact@legalinsurrection.com](mailto:Contact@legalinsurrection.com)

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<sup>34</sup> See *Budget Act of 2025*.