



**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 6, 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.Atlanta@ed.gov)**

Atlanta Office  
Office for Civil Rights  
U.S. Department of Education  
61 Forsyth St. S.W., Suite 19T10  
Atlanta, GA 30303-8927

**Re: Civil Rights Complaint Against University of Tennessee, Knoxville**

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.<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 against the University of Tennessee, Knoxville (UT), for offering, administering, and promoting four (4) scholarships that discriminate on the basis of race, color, and/or national origin in violation of Title VI.

---

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

U.S. Dept. of Education, Office for Civil Rights  
Civil Rights Complaint Against University of Tennessee, Knoxville  
January 6, 2026  
Page 2 of 9

UT offers a wide range of scholarships for both admitted and current students.<sup>2</sup> UT uses FAFSA information to determine eligibility for most of these scholarships. So long as students meet the eligibility requirements, they will be considered.



MENU / A small magnifying glass icon representing a search function.

## One Stop Student Services

[Home](#) / [Scholarships & Financial Aid](#) / [Scholarships](#)

# GET READY TO APPLY FOR SCHOLARSHIPS

UT provides a variety of scholarships for students! The criteria for the individual scholarships vary, and there are scholarships awarded for academic merit, financial need, and more. We encourage you to file your Free Application for Federal Student Aid (FAFSA) to see if you are eligible for many scholarships! UT's federal school code is 003530.

[Go to FAFSA](#)

[FAFSA Help](#)

[Types of Scholarships](#) ▾

[Find Your Scholarship](#) ▾

[Featured Scholarships](#) ▾

---

UT also offers scholarships that require a separate application.<sup>3</sup> Students must log in to view and apply to these scholarships. UT lists many of their scholarships on a separate webpage.

---

<sup>2</sup> <https://onestop.utk.edu/scholarships-financial-aid/scholarships/> [<https://archive.is/wip/ndAM0>] (accessed January 4, 2026).

<sup>3</sup> [https://utk.scholarships.ngwebsolutions.com/CMXAdmin/Cmx\\_Content.aspx?cpId=1257](https://utk.scholarships.ngwebsolutions.com/CMXAdmin/Cmx_Content.aspx?cpId=1257) [[archive.is/wip/cW053](https://archive.is/wip/cW053)] (accessed January 4, 2026).



The screenshot shows the official website of The University of Tennessee Knoxville. The header features the university's logo and navigation links for 'Home' and 'Contact Us'. Below the header, a welcome message from the Scholarship Applications and Search Website is displayed, mentioning scholarships available based on academic achievement, financial need, county of residency, and program of study. A prominent 'Explore Scholarships' button is centered on the page. The footer contains standard website links and a copyright notice.

Welcome to the University of Tennessee Knoxville's Scholarship Applications and Search Website! We have many scholarships available based on a variety of criteria including academic achievement, financial need, county of residency, and program of study. You are welcome to explore our list of scholarships at any time.

[Explore Scholarships](#)

You will receive an email confirmation when your scholarship application is complete. When the scholarship committees have completed their selections, selected recipients will receive notification via their UT email regarding the outcome of the scholarship application(s) reviews.



Students



Faculty/Staff



Review Committee

Currently enrolled and newly admitted students use their UT Net ID and password to log in and apply.

If you are a staff or faculty member of UTK please login using the below login button and your Net ID and password.

If you are a member of a scholarship committee, please login using the below login button.

The scholarships listed below are currently offered to UT students and applicants for admission, according to the UT website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations<sup>4</sup> by discriminating against students based on their race and skin color. Because UT is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

## **SCHOLARSHIPS THAT VIOLATE TITLE VI (4)**

### **1. UT Battelle Minority Scholarship:**

Link: <https://utk.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/WMjKG>

Discriminatory Requirement: “Engineering scholarship committee **selects African American students** in the College of Engineering who have demonstrated academic success.”

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

---

**UT Battelle Schlrshp**

UT-Battelle Minority Scholarship. Engineering scholarship committee selects African American students in the College of Engineering who have demonstrated academic success.

**2. Messer Construction DESP Scholarship:**

Link: <https://utk.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/WMjKG>

Discriminatory Requirement: “Engineering scholarship **committee selects African American students** with academic merit.”

---

**Messer Construction DESP**

Messer Construction Engineering DESP Scholarship. Engineering scholarship committee selects African American students with academic merit. Must be at least sophomore standing and working on a co-op assignment.

**3. Fred D. Brown, Jr. Memorial Engineering Scholarship/ Fellowship Endowment**

Link: <https://utk.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/WMjKG>

Discriminatory Requirement: “Engineering scholarship **committee selects minority students** in the College of Engineering.”<sup>5</sup>

---

<sup>5</sup> Courts 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).

---

**Fred D. Brown, Jr. Memorial Engineering Scholarship/ Fellowship Endowment**

Fred D. Brown Jr. Memorial Engineering Scholarship/Fellowship Endowment. Engineering scholarship committee selects minority students in the College of Engineering.

---

**4. Charles Lattimore Scholarship**

Link: <https://cehhs.utk.edu/gse/funding-options/#:~:text=Charles%20Lattimore%20This%20award%20provides,eligible%20to%20receive%20this%20award>

Archived Link: <http://archive.today/WMjKG>

Discriminatory Requirement: “This award provides financial assistance to African American students interested in pursuing a career in education.”

Charles Lattimore— This award provides financial assistance to African American students interested in pursuing a career in education. Current undergraduate and post baccalaureate students are eligible to receive this award.

**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.<sup>6</sup>

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 UT receives

---

<sup>6</sup> 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 UT. 42 U.S.C. § 2000(a)(a). These scholarships also violate Tennessee state law. Tenn. Code Ann. § 49-50-1801 (2025). Finally, these scholarships violate UT’s own nondiscrimination policy. *See* <https://tennessee.edu/non-discrimination-statement/> [<https://archive.is/wip/IgA98>] (accessed January 5, 2026).

and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.<sup>7</sup>

Regardless of UT’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 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 UT 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. 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, UT 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, UT 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

---

<sup>7</sup> See, e.g., [https://www.usaspending.gov/award/ASST\\_NON\\_R324A170086\\_091](https://www.usaspending.gov/award/ASST_NON_R324A170086_091) [<https://archive.ph/wip/5laHS>] (accessed January 5, 2026).

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 UT’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,<sup>8</sup> 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**

UT is a public entity and a recipient of federal funds, including from the U.S. Department of Education.<sup>9</sup> It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

---

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

<sup>9</sup> See [https://www.usaspending.gov/award/ASST\\_NON\\_R324A170086\\_091](https://www.usaspending.gov/award/ASST_NON_R324A170086_091) [<https://archive.ph/wip/5laHS>] (accessed January 5, 2026).

### **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 currently promoted on UT's website and listed as active.<sup>10</sup>

### **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 UT 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 UT’s role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether UT 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 UT’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at UT comports with the Constitution and federal civil rights laws.

---

<sup>10</sup> <https://utk.scholarships.ngwebsolutions.com/Scholarships/Search>  
[<http://archive.today/WMjKG>](accessed January 5, 2026).

U.S. Dept. of Education, Office for Civil Rights  
Civil Rights Complaint Against University of Tennessee, Knoxville  
January 6, 2026  
Page 9 of 9

Respectfully submitted,

*/William A. Jacobson/*

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

*/Robert J. Fox/*

Robert J. Fox  
*Attorney*  
Legal Insurrection Foundation  
[Robert.Fox@legalinsurrection.com](mailto:Robert.Fox@legalinsurrection.com)