



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

September 19, 2024

Mr. Ameer Benno
Sent via email to ameer@legalinsurrection.com

Re: OCR Docket #05-24-2100

Dear Mr. Benno:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its evaluation of the complaint you filed against Bismarck State College (College), which OCR received on October 23, 2023, alleging discrimination based on race and national origin. Specifically, your complaint alleges the College discriminates against white students based on race and national origin by excluding them from consideration for the [Cultural Diversity Tuition Waiver](#) (Waiver).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d–2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin in any program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the College is subject to Title VI.

Section 110(d) of OCR's [Case Processing Manual](#) (CPM) states that OCR will close or dismiss a complaint when OCR obtains credible information indicating that the complaint allegation has been resolved.

On March 1, 2024, the College informed OCR that it modified the eligibility requirements for a Waiver to permit all students, regardless of race and national origin, to apply for a Waiver, and that it has removed all links and references limiting eligibility for the Waiver by race and national origin from the College's website. The College's website now indicates that the Waiver is available to "students from, but not limited to Indian tribes and economically disadvantaged students, for the benefit of all students and the academic community, to promote enrollment, and for other purposes consistent with [the College's] polytechnic mission," and the application does not require the applicant to identify their race or national origin. Rather, the application requires a statement responding to the prompt "What goals do you plan to achieve at [the College] and how will this [W]aiver support your goals?" You could not identify any qualified applicant who was denied a Waiver based on their race or national origin.

Based on this information, OCR is dismissing this complaint under Section 110(d) of the CPM because it has been resolved.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have questions about this letter, you may contact Hasti Anderson, OCR Attorney, at hasti.anderson@ed.gov or (312) 730-1464.

Sincerely,

A handwritten signature in black ink that reads "Melissa Howard". The signature is written in a cursive, flowing style.

Melissa Howard
Supervisory Attorney