



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 #05-24-2099
OCR Docket #05-24-2098

Dear Mr. Benno:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its evaluation of the complaints you filed against the University of North Dakota (University), which OCR received on November 2 and November 6, 2023, alleging discrimination based on race and national origin. Specifically, your complaint alleges the University discriminates against white students on the basis of race and national origin by excluding them from consideration for a [Cultural Diversity Scholarship](#) (Scholarship) and [Cultural Diversity Tuition Waiver](#) (Waiver) at the School of Law.

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 University 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 4, 2024, the University informed OCR that it modified the eligibility requirements for the Scholarship and Waiver to permit all students, regardless of race and national origin, to apply for a Scholarship or Waiver, and that it has removed all links and references limiting eligibility by race and national origin from the University's website. The University's website now indicates that that students will be considered for the Scholarship if they meet criteria including being a "[m]ember of an underrepresented diverse group, which may include disability, indigenous status, ethnicity, race" and the application does not require the applicant to identify their race or national origin. Likewise, the website also indicates that a Waiver may be granted "based on age, race/ethnicity, sex, disability, socioeconomic status, life experience, and other identifying characteristics" and the application does not require the applicant to identify their race or national origin. Rather, the application requires a personal statement describing the applicant's "identifying characteristics or experiences that contribute to cultural diversity." You

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

could not identify any qualified applicant who was denied a Scholarship or Waiver based on 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 University 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 any questions, please contact Hasti Anderson, OCR Attorney, at hasti.anderson@ed.gov or (312) 730-1464.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Howard".

Melissa Howard
Supervisory Attorney