



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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CHICAGO, IL 60604

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WISCONSIN

September 19, 2024

The Equal Protection Project  
Ameer Benno, Esq.

Sent by email only to: [ameer@legalinsurrection.com](mailto:ameer@legalinsurrection.com)

Re: OCR Docket # 05-24-2221

Dear Mr. Benno:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the complaint you filed against the University of Wisconsin-Madison (University) on January 22, 2024, alleging discrimination on the bases of race, color, and national origin.

Specifically, the complaint alleged that in September 2023, the University discriminated on the bases of race, color and national origin by excluding applicants based on race, color and/or national origin from its *Creando Comunidad: Community Engaged Black, Indigenous, and People of Color Fellows* fellowship program.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, and national origin by recipients of federal financial assistance. Because the University receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI.

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

The complaint alleged that the University's "*Creando Comunidad: Community Engaged Black, Indigenous, and People of Color (BIPOC) Fellows Program*" (Creando Program), excluded students who were not black, indigenous or a person of color.

On April 4, 2024, the University informed OCR that in early 2024 it revised the Creando Program's mission, selection criteria and renamed the program as the *Creando Comunidad*. OCR reviewed documentation provided by the University confirming the changes to the program. The stated mission of the revised *Creando Comunidad* is to prepare undergraduate University students "to develop leadership skills and build connections amongst UW undergraduates specifically interested in mobilizing social change and addressing systemic oppression through critical community engagement with communities of color.

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

The new selection criteria for *Creando Comunidad* requires a demonstrated interest in “promoting equity, inclusion, and social justice for communities of color”. This interest can be demonstrated through “personal statements, history of employment or volunteer service, academic coursework, or involvement in community, university, or student organizations or activities with the required focus.” OCR confirmed that the University has updated the [website page](#) explaining the revised selection criteria.

Upon request, the Complainant did not identify any individual who applied for the fellowship and did not receive it because of their race, color or national origin.

Based on this information, OCR has determined that the facts underlying this complaint are no longer present and OCR has no evidence that the law is violated. Accordingly, OCR is dismissing this complaint as of the date of this letter.

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. Individuals who file complaints with OCR may have the right to file a private suit in court regardless of OCR’s determination.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that 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 Susan Johlle, Attorney, at (202) 987-1357 or [Susan.Johlle@ed.gov](mailto:Susan.Johlle@ed.gov).

Sincerely,

*Dawn R. Matthias*

Dawn Matthias  
Team Leader