



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

July 23, 2024

**BY EMAIL** (OCR.Chicago@ed.gov)

Adele Rapport  
Regional Director  
U. S. Department of Education  
Office for Civil Rights – Region V  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604

**Re: Civil Rights Complaint Against Roosevelt University**  
**Regarding Discriminatory Program**

Dear Ms. Rapport:

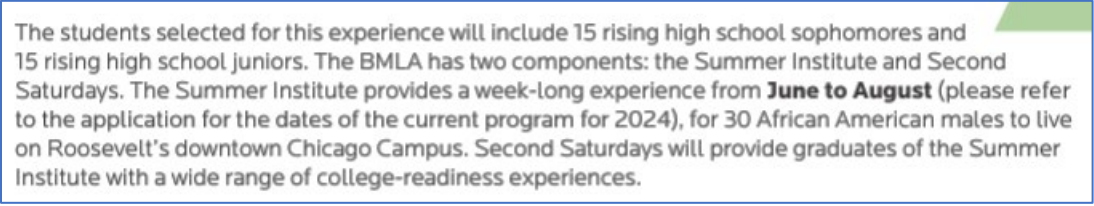
This is a federal civil rights complaint submitted pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures.<sup>1</sup> We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit entity that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government and by recipients of government funds, and that opposes racial and unlawful sex discrimination in any form.

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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.

We write in connection with Roosevelt University, based in Chicago and Schaumburg (“Roosevelt”), a private university, arising from its illegal sex-based and race-based discrimination in violation of Title VI and Title IX. Specifically, Roosevelt operates, administers and promotes the Black Male Leadership Academy (“BMLA”),<sup>2</sup> which as its name indicates and the program description confirms is offered exclusively for Black males.

As the program website states, “The Black Male Leadership Academy (BMLA) provides opportunities for young men in grades 9-12 who attend Chicago public high schools and schools in the Chicagoland area, to expand their social, cultural and intellectual capital,” but upon clicking the “read more” button, the discriminatory nature of the program—that is, the fact that it is only open to “African-American males”—is made plain, as shown in the screen shot below.<sup>3</sup>

A screenshot of a website description for the Black Male Leadership Academy (BMLA). The text is enclosed in a blue-bordered box with a green triangle in the top right corner. The text reads: "The students selected for this experience will include 15 rising high school sophomores and 15 rising high school juniors. The BMLA has two components: the Summer Institute and Second Saturdays. The Summer Institute provides a week-long experience from June to August (please refer to the application for the dates of the current program for 2024), for 30 African American males to live on Roosevelt's downtown Chicago Campus. Second Saturdays will provide graduates of the Summer Institute with a wide range of college-readiness experiences."/>

The students selected for this experience will include 15 rising high school sophomores and 15 rising high school juniors. The BMLA has two components: the Summer Institute and Second Saturdays. The Summer Institute provides a week-long experience from **June to August** (please refer to the application for the dates of the current program for 2024), for 30 African American males to live on Roosevelt's downtown Chicago Campus. Second Saturdays will provide graduates of the Summer Institute with a wide range of college-readiness experiences.

In violation of Title VI this program illegally excludes and discriminates against all non-Black persons based on their race and in violation of Title IX this program illegally excludes and discriminates against all non-male students based on their sex. We expand on this below.

## **The Black Male Leadership Academy Violates the Law**

### **Title VI – Unlawful Racial Discrimination**

Roosevelt violates Title VI by conditioning eligibility for or providing preferential treatment for the BMLA based on a student’s race or color. Title VI prohibits intentional discrimination based on 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” means “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); *Rowles v. Curators of the Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (“Title VI prohibits discrimination on the basis of race in federally

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<sup>2</sup> See, <https://www.roosevelt.edu/black-male-leadership-academy>. Archived at <https://web.archive.org/web/20240719161549/https://www.roosevelt.edu/black-male-leadership-academy>.

<sup>3</sup> See, <https://www.roosevelt.edu/file/about-black-male-leadership-academy>, archived at <https://web.archive.org/web/20240719162118/https://www.roosevelt.edu/file/about-black-male-leadership-academy>.

funded programs,” and thus applies to universities receiving federal financial assistance). As Roosevelt receives federal funds,<sup>4</sup> it is subject to Title VI.<sup>5</sup>

As you know, in *Students for Fair Admissions Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181 (2023), 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 34 (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 35.

In discrimination cases, it does not matter if a recipient of federal funding discriminates to advance a benign “intention” or “motivation.” See, *Bostock v. Clayton Cty.*, 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.”) “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*, 600 U.S. 289 (Gorsuch, J., concurring). And, irrespective of whether a program’s classifications based on immutable characteristics further a compelling interest, a race-conscious program must be based on “individualized consideration,” and race must be used in a “nonmechanical way.” *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003).

For these reasons, Roosevelt’s racial or gender requirements for the BMLA program violate federal and state civil rights statutes and constitutional equal protection guarantees.

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<sup>4</sup> See, e.g., Roosevelt University website, “Financial Aid,” found at [https://catalog.roosevelt.edu/undergraduate/financial-aid/?\\_gl=1\\*k34vn6\\*\\_gcl\\_au\\*NjYxMTUyNjcuMTcyMDQ4NzA4OQ..](https://catalog.roosevelt.edu/undergraduate/financial-aid/?_gl=1*k34vn6*_gcl_au*NjYxMTUyNjcuMTcyMDQ4NzA4OQ..); archived at [https://web.archive.org/web/20240721161625/https://catalog.roosevelt.edu/undergraduate/financial-aid/?\\_gl=1%2Ak34vn6%2A\\_gcl\\_au%2ANjYxMTUyNjcuMTcyMDQ4NzA4OQ](https://web.archive.org/web/20240721161625/https://catalog.roosevelt.edu/undergraduate/financial-aid/?_gl=1%2Ak34vn6%2A_gcl_au%2ANjYxMTUyNjcuMTcyMDQ4NzA4OQ).

<sup>5</sup> Although your office does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate based on race or color in a place of “public accommodation” such as Roosevelt. 42 U.S.C. § 2000(a)(a).

The BMLA also violates the Illinois Human Rights Act, which prohibits the “denial or refusal of full and equal enjoyment of facilities, goods, or services” in any “secondary, undergraduate, or postgraduate school, or other place of education.” 775 ILCS 5/5-101 *ff.* Finally, these scholarships defy Roosevelt’s own non-discrimination policy, which states, “It is a violation of University policy to discriminate against any . . . Student with respect to educational decisions if the basis of that treatment is the person’s . . . color, . . . gender, . . . race . . . or other status protected by law.” See, <https://www.roosevelt.edu/sites/default/files/files/pdfs/policies/policy-02-01-prohibiting-discrimination-harassment-bullying-and-retaliation.pdf>; archived at <https://web.archive.org/web/20240719162540/https://www.roosevelt.edu/sites/default/files/files/pdfs/policies/policy-02-01-prohibiting-discrimination-harassment-bullying-and-retaliation.pdf>.

### **Title IX – Unlawful Sex Discrimination**

Title IX makes it unlawful to discriminate based on sex in education. That statute provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. §1681(a). For this reason, a school receiving federal funding may not administer scholarships, fellowships or other forms of financial assistance that impose a preference or restriction based on sex, with limited exceptions not applicable here. 34 C.F.R. § 106.37(a).

Here, the sex-based eligibility criterion for participation in the BMLA is, by its terms, plain: If applicants do not meet the blunt requirement that they are “African-American **males**,” they are not eligible for this program. Roosevelt’s discrimination against females in barring them from participation in the BMLA is unlawful.

### **OCR Has Jurisdiction**

OCR has jurisdiction over this complaint. OCR enforces Title VI of the Civil Rights Act of 1964<sup>6</sup> and its implementing regulation,<sup>7</sup> which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. As a recipient of federal financial assistance from the Department of Education, Roosevelt is also subject to Title VI. Discrimination based on sex in “education program[s] or activit[ies]” that receive federal financial assistance transgresses Title IX. See 20 U.S.C. §1681(a). “Title IX reaches institutions and programs that receive federal funds,” 20 U.S.C. § 1681(a), including nonpublic institutions. *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 257 (2009). As set forth above, Roosevelt receives federal funding and administers funds from federal Pell grants, CARES Act funding, and other federal grants and contracts. Accordingly, Roosevelt is subject to Titles VI and IX.

### **The Complaint is Timely**

This complaint is timely brought because it includes allegations of discrimination based on race, color or national origin that appear to be ongoing.

### **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. This is true regardless of which race suffers discrimination. Racial

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<sup>6</sup> 42 U.S.C. §§ 2000d-2000d-7.

<sup>7</sup> 34 C.F.R. Part 100.

preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly—and boldly—unconstitutional.” *Students for Fair Admissions*, 600 U.S. at 287 (Thomas, J., concurring). The same reasoning applies to sex-based discrimination.

“The way to stop discrimination,” the Supreme Court has taught, “is to stop discriminating.” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748. The Office for Civil Rights has the power and obligation to investigate Roosevelt’s role in creating, supporting and promoting the discriminatory BMLA 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.

Accordingly, we respectfully ask that the Department of Education’s Office for Civil Rights open a formal investigation, impose such remedial relief as the law permits for the benefit of anyone who may have been illegally excluded from Roosevelt’s Black Male Leadership Academy based on discriminatory criteria, and ensure that all ongoing and future programming through Roosevelt comports with the Constitution and federal civil rights laws.

Very truly yours,

Ronald D. Coleman  
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