



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

January 13, 2025

William A. Jacobson
President
Legal Insurrection Foundation

By email only to: contact@legalinsurrection.com

Re: University of California, Berkeley - OCR Case Number 09-24-2575

Dear William A. Jacobson:

On September 3, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received your complaint against the University of California, Berkeley (the University). You allege that the University discriminates based on race and national origin. Specifically, OCR understands your allegations to be as follows. The University's Haas School of Business (the Business School) offers, promotes, and administers the Haas Thrive Fellows program (the Program) which is a race- and national origin-based program. According to the Program's webpage at [Haas Thrive Fellows - Diversity - Berkeley Haas](#), its purpose is to "educate, prepare, and motivate Latinx/Hispanic individuals to apply and succeed at a top business school, and support their career advancement" as part of the Business School's commitment to "increase the Latinx/Hispanic population within the graduate management community." You allege that the language on the Program's website would lead any reasonable person to understand that all students are not welcome to participate in the Program. You further allege that the program's benefits which include monthly meetings, free GMAT and GRE preparation, information on graduate business admissions and financial aid, networking, and programming addressing the unique needs of Latinx/Hispanics in management and leadership in the U.S. are only available to Latinx/Hispanic students. You also allege that the Program's benefits advance the University's goal of becoming a Hispanic Serving Institution that the University describes on its website as an institution that will "enroll and educate Latinx students through a culturally-enhancing approach that centers Latinx ways of knowing and being" to "reflect [...] the demographics" of California.

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

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

OCR is dismissing the complaint under subsection 108(f) of OCR's [Case Processing Manual \(CPM\) \(July 18, 2022\)](#) for the reasons described below.

Under CPM subsection 108(f), OCR will dismiss an allegation when the allegation, on its face or as clarified, fails to state a violation of one of the laws or regulations that OCR enforces. You allege that the University violates Title VI because the Program is allegedly available only to Latinx/Hispanic individuals and excludes others based on race, color, and/or national origin. The Program's website contains a link to the University's Latinx Thriving Initiative which describes the University's goal of becoming an HSI. While the Program has a goal of supporting Latinx/Hispanic individuals to apply to graduate business school and a University-wide goal of becoming an HSI, the Program's website also makes clear that the Program is open to anyone regardless of race, color, or national origin through its prominently displayed "Frequently Asked Questions." The first question listed is the following, "Do I have to have a Latinx or Hispanic identity to participate in the Thrive Fellows?" The answer provided on the website states, "No. The Thrive Fellows program is open to anyone. Our Thrive Fellows alumni community includes people who do not identify as Latinx or Hispanic." Additionally, the Program's eligibility criteria do not include any race, color, or national origin requirements. The eligibility criteria state that "*Any* applicants who meet the following criteria are invited to apply" (emphasis in the original) and include: graduates of a four-year university with work experience or a senior enrolled at a four-year university; interest in a graduate business program; U.S citizens, permanent residents, or undocumented; and applicants with a 3.0 or higher grade point average, who are encouraged to apply while the eligibility criteria do not require a minimum GPA. Because the eligibility criteria for the Program do not exclude based on race, color, or national origin and the Program is open to any individual who meets the criteria regardless of race, color, or national origin, OCR is dismissing the complaint under CPM subsection 108(f) because the allegations fail to state a violation of one of the laws or regulations that OCR enforces.

This concludes OCR's consideration of your complaint. OCR's determination in this matter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

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, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the University with OCR.

OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

If you have any questions about this letter, please call our office at 415-486-5404 or me at Anamaria.Loya@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anamaria Loya', with a stylized flourish at the end.

Anamaria Loya
Chief Regional Attorney