



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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January 13, 2025

BY EMAIL (OCR.Cleveland@ed.gov)

U.S. Department of Education
Office for Civil Rights – Cleveland Office
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812

Re: Civil Rights Complaint Against Grand Valley State University
Regarding Discriminatory Scholarship Programs

To Whom It May Concern:

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

We bring this civil rights complaint against Grand Valley State University (“GVSU”), a public institution, for illegal race-based discrimination in violation of Title VI. Specifically, GVSU offers, administers, and promotes eleven (11) scholarships that discriminate based on race, color, and/or national origin.

¹ See 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

These scholarships are listed, promoted, and administered through the GVSU myScholarships system.² According to the GVSU website, applicants access this system by logging in and providing their records and information to determine scholarship eligibility. By doing so, students grant GVSU complete access to match them with potential scholarships.

myScholarships – GVSU and External Scholarships

Grand Valley offers a scholarship-matching tool to help admitted students match with GVSU scholarships, as well as external scholarship opportunities. myScholarships will prompt you to answer questions to help match you to scholarships for which you might qualify. **Every student, each year, should log into the scholarships system! By just logging in, you may match to scholarships that do not require an application.**

Please note, the FAFSA the 2025-2026 academic year is now available! We recommend that you start your scholarship search now. If you are applying for a scholarship that requires you to show financial need, we will determine that after you file your FAFSA. For more information on the FAFSA, please visit [Applying for Financial Aid](#).

Sign in to myScholarships

Use your student network ID & password
to login

SCHOLARSHIP INFORMATION

GVSU Scholarships

Grand Valley offers 500+ donor and department scholarships. The majority of scholarship deadlines fall between *February 15 and March 1*. Students can begin to submit applications for the 2025-2026 academic year on *November 1*. These scholarships vary and may be based on interests, academic performance, special talents or major. Many of these scholarships are made possible through generous donations.

Each year, you will need to log into the system. By just logging in, you may automatically match to scholarships that do not require an application!

To view a comprehensive list of all GVSU scholarships without logging in, please click [here](#).

The scholarships listed below are currently offered to GVSU students and applicants for admission, according to the GVSU website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations³ by illegally discriminating against students based on their race, color, and/or national origin. Because GVSU is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

Each of the scholarships listed below are available for the 2025-2026 school year with the application period currently open, according to the GVSU website, and some are renewable annually.⁴

² <https://www.gvsu.edu/financialaid/myscholarships-163.htm> [<https://archive.ph/LPKtQ>] (accessed on Jan. 12, 2025).

³ 42 U.S.C. § 2000d et seq.; 28 C.F.R. Part 100.

⁴ Emphasis (bold) in the quoted GVSU descriptions of the scholarships has been added throughout. Links ‘live’ and in use as of January 12, 2025.

1. Johnny C. Burton Memorial Scholarship

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/382384>

Archived Link:

<https://web.archive.org/web/20250111200634/https://gvsu.scholarshipuniverse.com/public/scholarship/382384>

Description from GVSU Website: “This scholarship was created to assist incoming freshmen or transfers students, as well as students currently attending GVSU. This scholarship is **specifically for African-American students** who demonstrate a high level of interest in pursuing a career in business and/or entrepreneurship.”

Discriminatory Requirement: “Applicants must be **African-American** students in any major”



Johnny C. Burton Memorial Scholarship

Open Date: 11/01/2024

Amount: Up to \$3,000

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: None

Donor(s): Ms. Burton Groce

This scholarship was created to assist incoming freshmen or transfers students, as well as students currently attending GVSU. This scholarship is specifically for African-American students who demonstrate a high level of interest in pursuing a career in business and/or entrepreneurship.

This fund is in compliance with Prop 2-06 because it was established prior to its passing in 2006. At the donors wishes this fund will continue making awards as originally intended, and in return no new gifts to the fund can be accepted.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Applicants must be African-American students in any major

*Must be making Satisfactory Academic Progress

*Must be enrolled for 12 credit hours or more

*Financial need may be considered and can be demonstrated by the completion of the Free Application for Federal Student Aid (FAFSA)

*This scholarship can be awarded to an individual for a maximum of four (4) academic years. To be considered in future years, students must re-apply by the deadline and continue to meet the qualifications. Any additional awards are based on availability of funding.

2. Steelcase Inc. Seidman College of Business Diversity Scholarship


Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383680>

Archived Link:

<https://web.archive.org/web/20250111194849/https://gvsu.scholarshipuniverse.com/public/scholarship/383680>

Description from GVSU Website: “This scholarship was created to advance and **support persons of color** in their pursuit of an undergraduate degree from the Seidman School of Business.”

Discriminatory Requirement: “Must declare to be a **person of color** in their response to scholarship application form questions regarding their racial/ethnic origins (Black/non-Hispanic, Hispanic, Native American, or Aleut, Asian or Pacific Islander)”

 **Steelcase Inc. Seidman College of Business Diversity Scholarship**

Open Date: 11/01/2024 Amount: Up to \$1,000
Deadline: 03/01/2025 Organization: Grand Valley State University
Renewal Type: Renewable 1 Times Donor(s): Steelcase Inc.

This scholarship was created to advance and support persons of color in their pursuit of an undergraduate degree from the Seidman School of Business.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be going into junior year

*Transfer students must have Associate's degree from accredited institution, or be of junior status

*Must be enrolled with full-time status as a degree-seeking student in the GVSU Seidman School of Business

*Must have a 2.75 cumulative GPA or greater

*Must be making Satisfactory Academic Progress

*Must declare to be a person of color in response to admissions application questions regarding racial/ethnic origins (Black/non-Hispanic, Hispanic, Native American, or Aleut, Asian or Pacific Islander)

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA) or institutional application

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications and based on availability of funding. This scholarship may be awarded to an individual for a maximum of two (2) academic years.

This fund is in compliance with Prop 2-06 because it was established prior to its passing in 2006. At the donors wishes this fund will continue making awards as originally intended, and in return no new gifts to the fund can be accepted.


3. Richard A. Winn Michigan Lodging and Tourism Association Scholarship

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383496>

Archived Link:

<https://web.archive.org/web/20250111202221/https://gvsu.scholarshipuniverse.com/public/scholarship/383496>

Description from GVSU Website: “To assist students with the cost of their education, increase awareness of careers in hospitality and tourism management, and promote diversity in the field.” Discriminatory Requirement: “Candidates must represent a **minority status**. Multiracial candidates may also qualify for this scholarship.”

 **Richard A. Winn Michigan Lodging and Tourism Association Scholarship**

Open Date: 11/01/2024 Amount: Varies
Deadline: 03/01/2025 Organization: Grand Valley University Foundation
Renewal Type: None Donor(s): Mr. Yencich, Mr. Winn and Michigan Restaurant & Lodging Association

To assist students with the cost of their education, increase awareness of careers in hospitality and tourism management, and promote diversity in the field.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be an undergraduate enrolled for 12 credit hours or more in any course of study with priority given to students majoring in Hospitality and Tourism Management

*Must have a cumulative GPA of 3.0 or greater

*Must be making Satisfactory Academic Progress

*Candidates must represent a minority status. Multiracial candidates may also qualify for this scholarship.

*Preference will be given to candidates who are the first in their family to earn a four-year degree (First Generation)

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*This scholarship can be awarded to an individual for a maximum of four (4) academic years. To be considered in future years, students must **re-apply** by the deadline and continue to meet the qualifications. Any additional awards are based on availability of funding.

4. **Brooks First Generation Diversity Endowed Scholarship**

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383047>

Archived Link:

<https://web.archive.org/web/20240714192914/https://www.gvsu.edu/sss/scholarship-opportunities-71.htm>

Description from GVSU Website: “This scholarship is awarded in the spirit with hope that the **minority recipients** will use their education and a portion of their blessings to positively impact the lives of others.”

Discriminatory Requirement: “Candidates must declare their **minority status** in their response to admissions application form questions regarding their racial/ethnic origins. Multiracial candidates may also qualify for this scholarship. Racial/ethnic origins categories, which qualify, are **black/non-Hispanic, Hispanic, American Indian or Aleut, Asian or Pacific Islander**”



Brooks First Generation Diversity Endowed Scholarship

Open Date: 11/01/2024

Amount: \$3,000

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: Renewable 3 Times

Donor(s): Jim and Donna

This scholarship is awarded in the spirit with hope that the minority recipients will use their education and a portion of their blessings to positively impact the lives of others.

This fund is in compliance with Prop 2-06 because it was established prior to its passing in 2006. At the donors wishes this fund will continue making awards as originally intended, and in return no new gifts to the fund can be accepted.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be a full-time student making Satisfactory Academic Progress

*First year students must have a high school cumulative GPA of 3.1 or higher and an ACT composite score of at least a 20 or SAT score of at least 1040

*Candidates must declare their minority status in their response to admissions application form questions regarding their racial/ethnic origins. Multiracial candidates may also qualify for this scholarship. Racial/ethnic origins categories, which qualify, are black/non-Hispanic, Hispanic, American Indian or Aleut, Asian or Pacific Islander

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*First priority will be given to otherwise qualified students candidates whose familial residence is the greater Holland-Zealand, MI area

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications, and based on availability of funding. Renewal candidates shall be making Satisfactory Academic Progress according to the norms established by the University.

5. **Michael '06 and Janean '05, '08 Couch Black Excellence Scholarship**


Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383650>

Archived Link:

<https://web.archive.org/web/20250111205911/https://gvsu.scholarshipuniverse.com/public/scholarship/383650>

Description from GVSU Website: “The purpose of this scholarship is to assist **African American students** who are the first in their family to earn a four year degree (first generation). This need-based scholarship will ensure that financial need does not become a barrier to intellectual and personal growth.”

Discriminatory Requirement: “Must identify as ‘**African American**’ in their response to the admissions application form questions regarding racial/ethnic [sic] origins”

 **Michael '06 and Janean '05, '08 Couch Black Excellence Scholarship**

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: None

Donor(s): Mr. and Mrs. Couch

The purpose of this scholarship is to assist African American students who are the first in their family to earn a four year degree (first generation). This need-based scholarship will ensure that financial need does not become a barrier to intellectual and personal growth.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be an undergraduate, first generation student enrolled full-time (12 credit hours or more) in any course of study

*Must identify as "African American" in their response to the admissions application form questions regarding racial/ethnic origins

*Must have a cumulative GPA of 2.5 or higher

*Must be meeting Satisfactory Academic Progress

*Preference will be given to graduates of Grand Rapids Public Schools and/or students who have lost one or both parent(s) or guardian(s)

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

6. Rev. Terry W. '70 and Sandra L. (Mackus) '68 Allen First Generation Diversity Scholarship

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383495>

Archived Link:

<https://web.archive.org/web/20250111210145/https://gvsu.scholarshipuniverse.com/public/scholarship/383495>

Description from GVSU Website: "The purpose of this scholarship is to assist students who are the first in their family to earn a four-year degree (First Generation) and promote diversity at GVSU."

Discriminatory Requirement: Candidates "must be from underrepresented ethnic groups and must declare their **minority status** in their response to admissions application form questions regarding their racial/ethnic origins"



Rev. Terry W. '70 and Sandra L. (Mackus) '68 Allen First Generation Diversity Scholarship

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: None

Donor(s): Rev. and Mrs. Allen

The purpose of this scholarship is to assist students who are the first in their family to earn a four-year degree (First Generation) and promote diversity at GVSU.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be an undergraduate senior

*Must be enrolled in 12 or more credits in any course of study

*Must be making Satisfactory Academic Progress

*Must be from underrepresented ethnic groups and must declare their minority status in their response to admissions application form questions regarding their racial/ethnic origins

*Preference will be given to students who are the first in their family to earn a four-year degree

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*This scholarship may not be renewed

7. **Dr. Earl Harper Management Scholarship**

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/382283>

Archived Link:

<https://web.archive.org/web/20250111210428/https://gvsu.scholarshipuniverse.com/public/scholarship/382283>

Description from GVSU Website: “This scholarship was established to help **African-American students** who are seeking a degree in business management.”

Discriminatory Requirement: “Must be an undergraduate **African-American student** majoring in Business Management”



Dr. Earl Harper Management Scholarship

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: Renewable 2 Times

Donor(s): Mrs. Harper, Dr. Harper and Mr. and Mrs. Moore

This scholarship was established to help African-American students who are seeking a degree in business management.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be an undergraduate African-American student majoring in Business Management

*Must be enrolled full-time (12 credit hours or more)

*Must have a cumulative GPA of 2.5 or greater after completing 15 credits at Grand Valley

*Must be making Satisfactory Academic Progress

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications and based on availability of funding. This scholarship may be awarded to an individual for a maximum of three (3) academic years.

..This fund is in compliance with Prop 2-06 because it was established prior to its passing in 2006.

8. **Social Work Minority Scholarship**

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383021>

Archived Link:

<https://web.archive.org/web/20250111210647/https://gvsu.scholarshipuniverse.com/public/scholarship/383021>

Description from GVSU Website: “This scholarship is awarded based on **minority status as defined by being a person of color** and the student’s ability to articulate their commitment to advocating for social justice for minority populations in their community.”

Discriminatory Requirement: “Must be **Black/Non-Hispanic, Hispanic, Asian/Pacific Islander or Native American**”



Social Work Minority Scholarship

Open Date: 11/01/2024

Amount: Up to \$1,000

Deadline: 03/01/2025

Organization: Grand Valley State University

Renewal Type: None

Donor(s): Grand Valley State University

This scholarship is awarded based on minority status as defined by being a person of color and the student's ability to articulate their commitment to advocating for social justice for minority populations in their community.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*MSW applicants must have degree-seeking status and have completed four core courses or have Advanced Standing

*BSW applicants must have degree-seeking status and be a second semester junior or have senior status

*Must have a cumulative GPA of 3.0 or higher

*Must be Black/Non-Hispanic, Hispanic, Asian/Pacific Islander or Native American

*This scholarship may not be renewed

This fund is in compliance with Prop 2-06 because it was established prior to its passing in 2006. At the donors wishes this fund will continue making awards as originally intended and in return no new gifts to the fund can be accepted.

9. **Initech Global Diversity in Technology Scholarship**

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/382857>

Archived Link:

<https://web.archive.org/web/20250111211331/https://gvsu.scholarshipuniverse.com/public/scholarship/382857>

Description from GVSU Website: “The purpose of this scholarship is to assist and encourage **students of color** who are pursuing higher education in information technology fields.”

Discriminatory Requirement: “Must declare their **minority status** on their admissions application questions regarding their **racial/ethnic origins**”



Initech Global Diversity in Technology Scholarship

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: Renewable 3 Times

Donor(s): Mr. and Mrs. Gummadavelly

The purpose of this scholarship is to assist and encourage students of color who are pursuing higher education in information technology fields.

*Note: This is a need based scholarship, which means you must demonstrate financial need through the FAFSA. We will determine your eligibility once we have received your FAFSA.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must declare minority status on admissions application questions regarding racial/ethnic origins

*Must be a graduate of a public high school in Kent, Ottawa, Muskegon, Oakland, Wayne or Macomb county

*Must be an incoming freshman enrolled 12 credit hours or more

*Must be majoring in computer science, information systems, or information technology

*Preference will be given to students who are graduates of urban schools identified by the financial aid office and first generation students

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications and based on availability of funding. This scholarship may be awarded to an individual for a maximum of four (4) academic years.

10. Lupe Ramos-Montigny “SI SE PUEDE” Legacy GVSU Foundation Scholarship

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383673>

Archived Link:

<https://web.archive.org/web/20250111211526/https://gvsu.scholarshipuniverse.com/public/scholarship/383673>

Description from GVSU Website: “The purpose of this scholarship is to assist **Hispanic/Latino students** (including undocumented students and dependents of migrant farm workers) with the cost of earning a degree at GVSU.”

Discriminatory Requirement: “Must be undergraduate entering freshman with a **Hispanic or Latino racial/ethnic background** (including undocumented students or dependents of migrant farm workers)”



Lupe Ramos-Montigny "SI SE PUEDE" Legacy GVSU Foundation Scholarship

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: Renewable 3 Times

Donor(s): Cesar E. Chavez Unity Committee

The purpose of this scholarship is to assist Hispanic/Latino students (including undocumented students and dependents of migrant farm workers) with the cost of earning a degree at GVSU.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be undergraduate entering freshman with a Hispanic or Latino racial/ethnic background (including undocumented students or dependents of migrant farm workers)

*Must be enrolled for 12 credit hours or more in any course of study

*Must be making Satisfactory Academic Progress

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*If you are not eligible for the FAFSA, please complete the Institutional Grant Assistance Request Form (<https://www.gvsu.edu/financialaid/undocumenteddaca-students-190.htm>)

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications and based on availability of funding. This scholarship may be awarded to an individual for a maximum of four (4) academic years.

11. **Lupe Ramos-Montigny “SI SE PUEDE” Legacy Scholarship**

Link: <https://gvsu.scholarshipuniverse.com/public/scholarship/383674>

Archived Link:

<https://web.archive.org/web/20250111212124/https://gvsu.scholarshipuniverse.com/public/scholarship/383674>

Description from GVSU Website: “The purpose of this scholarship is to assist **Hispanic/Latino students** (including undocumented students and dependents of migrant farm workers) with the cost of earning a degree at GVSU.”

Discriminatory Requirement: “Must be undergraduate Transfer student with a **Hispanic or Latino racial/ethnic background** (including undocumented students or dependents of migrant farm workers)”



Lupe Ramos-Montigny "SI SE PUEDE" Legacy Scholarship

Open Date: 11/01/2024

Amount: Varies

Deadline: 03/01/2025

Organization: Grand Valley University Foundation

Renewal Type: Renewable 1 Times

Donor(s): Cesar E. Chavez Unity Committee

The purpose of this scholarship is to assist Hispanic/Latino students (including undocumented students and dependents of migrant farm workers) with the cost of earning a degree at GVSU.

Additional Information

Eligibility:

*Candidates must be accepted for or currently attending GVSU

*Must be undergraduate Transfer student with a Hispanic or Latino racial/ethnic background (including undocumented students or dependents of migrant farm workers)

*Must be enrolled for 12 credit hours or more in any course of study

*Must be making Satisfactory Academic Progress

*Must demonstrate financial need through the completion of the Free Application for Federal Student Aid (FAFSA)

*If you are not eligible for the FAFSA, please complete the Institutional Grant Assistance Request Form (<https://www.gvsu.edu/financialaid/undocumenteddaca-students-190.htm>)

*This scholarship may be renewed without reapplication provided the student continues to meet the qualifications and based on availability of funding. This scholarship may be awarded to an individual for a maximum of two (2) academic years.

The Scholarships Listed Above Violate The Law

The scholarships identified above violate Title VI by discriminating on the basis of race, color, and/or national origin.⁵ Furthermore, because GVSU is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.⁶

Title VI of the Civil Rights Act prohibits intentional discrimination on the basis of 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 funded programs,”

⁵ Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as GVSU. 42 U.S.C. § 2000(a)(a). These scholarships also violate the Michigan Elliott-Larsen Civil Rights Act, Elliott-Larsen Civil Rights Act, Mich. Comp. Laws §§ 37.2101-37.2804 (2025). Finally, these scholarships violate GVSU’s own nondiscrimination policy. *See* <https://www.gvsu.edu/titleix/policy-procedures-96.htm> [<https://archive.is/CSJVC>] (accessed on Jan. 12, 2025).

⁶ With respect to those scholarships limited to or preferring “minorities” any reasonable student viewing that criteria would understand it to exclude white students, and such students would be dissuaded from even applying or attempting to participate. *See* OCR Guidance on Race and School Programming (2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20230824.pdf> [<https://archive.is/pn9RC>] (accessed on Jan. 12, 2025) (“In determining whether an opportunity to participate is open to all students, OCR may consider, for example, whether advertisements or other communications would lead a reasonable student, or a parent or guardian, to understand that all students are welcome to participate.”). Further, GVSU considers a minority student to be “any student who self-identifies with one or more of the following groups: African-American or Black; American Indian or Alaskan Native; Asian; Hispanic or Latino; Native Hawaiian or Other Pacific Islander.” [https://reports.ia.gvsu.edu/snap/snap_20231.html#:~:text=%20Unduplicated%20minority%20count%20includes%20any%20student,of%20the%20following%20groups:%20African%2DAmerican%20or%20Black](https://reports.ia.gvsu.edu/snap/snap_20231.html#:~:text=%20Unduplicated%20minority%20count%20includes%20any%20student,of%20the%20following%20groups:%20African%2DAmerican%20or%20Black;); [<https://archive.is/wTz5c>] (accessed on January 12, 2025). Moreover, courts often understand the term “minority” to mean non-white racial and ethnic groups. *See Boston Chapter, NAACP, Inc. v. Beecher*, 295 F. Supp. 3d 26, 28 (D. Mass. 2018); *see also Kirkland v. N.Y. State Dep’t of Corr. Servs.*, 552 F. Supp. 667, 674, 677 (S.D.N.Y. 1982); *Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany*, 281 F. Supp. 2d 436, 455 (N.D.N.Y. 2003); *Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by Any Means Necessary v. Regents of Univ. of Mich.*, 701 F.3d 466, 493 (6th Cir. 2012).

and thus applies to universities receiving federal financial assistance). As GVSU receives federal funds,⁷ it is subject to Title VI.

Regardless of GVSU's reasons for offering, promoting, and administering such discriminatory scholarships, GVSU is violating Title VI by doing so. It does not matter if the recipient of federal funding discriminates in order to advance a benign "intention" or "motivation." *Bostock v. Clayton Cnty.*, 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."); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U. S. 187, 199 (1991) ("the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect" or "alter [its] intentionally discriminatory character"). "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, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As GVSU is a public university, its offering, promoting, and administering these discriminatory scholarships also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), the Supreme Court emphasized 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 206 (cleaned up). The Court further declared, "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 208. Consequently, "[a]ny exception to the Constitution's demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny." *Id.* at 206 (internal quotation marks and citation omitted). The scholarships at issue here cannot withstand that exacting standard.

Under strict scrutiny, suspect classifications "are constitutional only if they are narrowly tailored measures that further compelling governmental interests." *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove "that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate." *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, GVSU cannot carry its burden.

A "racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification." *Shaw v. Reno*, 509 U.S. 630, 643-44 (1993) (citation omitted). Here, GVSU cannot demonstrate that restricting participation in scholarships to students based on racial or national origin identities serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on immutable

⁷ See <https://www.usaspending.gov/recipient/61d456bc-145c-d85e-5173-ba0be27c258a-C/latest> [<https://archive.is/wip/Two21>] (accessed on Jan. 12, 2025).

characteristics like skin color “are so seldom relevant to the achievement of any legitimate state interest” that government policies “grounded in such considerations are deemed to reflect prejudice and antipathy – a view that those in the burdened class are not as worthy or deserving as others.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

The Supreme Court has recognized only two interests compelling enough to justify racial classifications. The first is remedying the effects of past de jure segregation or discrimination in the specific industry and locality at issue, where the government played a role. The second is “avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Students for Fair Admissions*, 600 U.S. at 207 (citation omitted). Neither applies here.

If the scholarships are intended to achieve racial balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 726, 730 (2007) (“Accepting racial balancing as a compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class”) (cleaned up, citation omitted).

And, irrespective of whether the scholarships’ classifications based on immutable characteristics further a compelling interest, those classifications are not narrowly tailored. *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) (to be to be narrowly tailored, a race-conscious program must be based on “individualized consideration,” and race must be used in a “nonmechanical way”). Here, the race- and national origin-based eligibility criteria are mechanically applied. If applicants do not meet the racial and ethnic requirements, they are automatically disqualified from eligibility for the scholarships, respectively. To the extent that any individualized consideration exists, it only applies to distinguish between applicants who have first satisfied the threshold racial/ethnic litmus test.

Further, a policy is not narrowly tailored if it is either overbroad or underinclusive in its use of racial classifications. *J.A. Croson Co.*, 488 U.S. at 506. Indeed, in *Students for Fair Admissions*, the Supreme Court found that similar categories as those used to determine eligibility for GVSU’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,⁸ and declared that “it is far from evident ... how assigning students to these ... categories and making admissions decisions based on them furthers the educational benefits that the universities claim to pursue.” *Id.* at 216.

Finally, for a policy to survive narrow-tailoring analysis, the government must show “serious, good faith consideration of workable race-neutral alternatives,” *Grutter*, 539 U.S. at 339, and that “no workable race-neutral alternative” would achieve the purported compelling

⁸ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that any such alternatives were ever contemplated here.

Because GVSU's racial and/or ethnicity-based requirements for these scholarships is presumptively invalid, and since there is no compelling government justification for such invidious discrimination, its use of such criteria violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

GVSU is a public entity and a recipient of federal funds,⁹ including from the U.S. Department of Education.¹⁰ It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, and national origin that occurred within 180 days and that appear to be ongoing. According to the GVSU website, the applications for the 2025-2026 academic year are currently open.¹¹

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 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants. As Justice Thomas correctly noted in *Students for Fair Admissions*, race-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” 600 U.S. at 287 (Thomas, J., concurring).

Because the discrimination outlined above is presumptively illegal, and since GVSU cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, and national origin violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate GVSU's role in creating, funding, promoting and administering these scholarships – and, given how many there

⁹ See <https://www.usaspending.gov/recipient/61d456bc-145c-d85e-5173-ba0be27c258a-C/latest> [https://archive.is/wip/Two21] (accessed on Jan. 12, 2025).

¹⁰ See https://www.usaspending.gov/award/ASST_NON_P425F201473_9100 [https://archive.ph/htQPc] (accessed on Jan. 12, 2025).

¹¹ <https://www.gvsu.edu/financialaid/myscholarships-163.htm> (accessed on Jan. 12, 2025).

are, to discern whether GVSU is engaging in such discrimination in its other activities – 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. After all, “[t]he way to stop discrimination ... is to stop discriminating[.]” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

Accordingly, we respectfully ask that the Department of Education’s Office for Civil Rights prioritize and expedite this complaint given the sheer number of discriminatory scholarships at GVSU reflecting a systematic disregard for Title VI, promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from GVSU’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at GVSU comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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