



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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April 29, 2025

BY EMAIL (OCR@ed.gov)

Craig Trainor, Acting Assistant Secretary
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

BY EMAIL (OCR.Denver@ed.gov)

U.S. Department of Education
Office for Civil Rights – Denver Office
US Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

Re: Civil Rights Complaint Against Bowling Green State University
Regarding Discriminatory Scholarship Programs

Dear Mr. Trainor and OCR Staff:

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 opposes unlawful discrimination in any form.

We bring this civil rights complaint against Bowling Green State University ("BGSU"), a public university, for discrimination in twenty-four (24) scholarships based on race, color, national origin, or sex, in violation of Title VI and Title IX, respectively.

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

Many BGSU scholarships are offered automatically to eligible students after they are accepted into the university.² BGSU also offers a searchable scholarship guide that allows students to view any listed scholarship.³

The screenshot displays the BGSU website's scholarship section. At the top, a navigation bar includes links for Academics, Admissions, About, Athletics, Alumni, Libraries, Research, Students, International, and News. A prominent message states: "The surest way to get a scholarship offer is to simply [apply to BGSU](#)! Once you're admitted, BGSU will begin making scholarship offers based on your credentials. We will also reach out to you with additional opportunities." Below this, three featured cards are visible: "Explore Scholarships" with a link to the "Searchable Scholarship Guide", "Office of Student Financial Aid and Scholarships" with a link to "BGSU financial aid options", and "Cost and Fees" with a link to "BGSU tuition, costs and fees". The BGSU logo is in the top left, and a "Sign In" button is in the top right. A "▼ Opportunities" dropdown menu is open, showing a search bar and a table of opportunities. The table has columns for "Award", "Name", and "Actions". One entry is partially visible: "Resort & Attraction Management Scholarship" with a "Deadline" link.

Award	Name	Actions
Resort & Attraction Management Scholarship		Deadline

The scholarships listed below are currently offered to BGSU students and applicants for admission, according to the BGSU website, and violate Title VI of the Civil Rights Act of 1964 ("Title VI") and its implementing regulations⁴ by illegally excluding students based on their race, color or national origin, or Title IX of the Education Amendments of 1972 ("Title IX") and

² <https://www.bgsu.edu/admissions/scholarships-and-financial-aid.html> [<https://archive.is/wip/7N37u>] (accessed April 28, 2025).

³ <https://bgsu.academicworks.com/> [<https://archive.ph/wip/KPKo8>] (accessed April 28, 2025).

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

its implementing regulations⁵ by excluding students based on their sex. Because BGSU 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, according to the BGSU website (discriminatory requirement in bold):

SCHOLARSHIPS THAT VIOLATE TITLE VI (2)

1. College of Arts & Sciences GAP Scholarship

Link: <https://bgsu.academicworks.com/opportunities/22538>

Archived Link: <https://archive.ph/KtrAV>

Discriminatory Requirement: “Preference will be given to those who meet the above criteria who are **minority students** and/or are first-generation college students...”



Sign In

▼ Opportunities

College of Arts & Sciences GAP Scholarship

College of Arts & Sciences GAP Scholarship

Criteria:

Be accepted and enrolled in the College of Arts & Sciences;

Minimum 2.0 cumulative GPA;

Demonstrate financial need by submitting the Free Application for Federal Student Aid (FAFSA) and show need as reported on the SAR (Student Aid Report);

Preference will be given to those who meet the above criteria who are minority students and/or are first-generation college students (parents did not graduate from a 4-year bachelor's degree granting institution.)

Award

Varies

Scopes

College of Arts & Sciences

Deadline

02/28/2025

2. Mary M. Edmonds Scholarship

Link: <https://bgsu.academicworks.com/opportunities/23096>

Archived Link: <https://archive.ph/XRNtd>

Discriminatory Requirement: “Preference given to member of **historically-underrepresented minority group.**”

⁵ 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106.



Sign In

▼ Opportunities

Mary M. Edmonds Scholarship

The Dr. Mary Edmonds Scholarship was established to support students in their effort to pursue a degree in physical therapy.

Eligibility: Rising junior

Criteria: Rising junior enrolled in the Applied Health Science degree program; designated as a "Pre-Physical Therapy" student. Preference given to member of historically-underrepresented minority group.

Award
Varies

Scopes
College of Health & Human Services, Public & Allied Health

Deadline
02/28/2025

SCHOLARSHIPS THAT VIOLATE TITLE IX (22)

3. **Alma J. Payne Non-Traditional Student Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/22415>

Archived Link: <https://archive.ph/wip/U7GxG>

Discriminatory Requirement: "Eligibility: Non-traditional **female student** 25 years of age or older."



Sign In

▼ Opportunities

Alma J. Payne Non-Traditional Student Scholarship

Scholarship provides financial support for students.

Eligibility: Non-traditional female student 25 years of age or older.

Selection Criteria: Part-time or full-time junior or senior undergraduate student; or part-time or full-time graduate student, who demonstrates exceptional talent or professional promise in her particular field based on GPA and recommendations by faculty in each department. Preference will be given to a student studying English at BGSU.

Award
Varies

Scopes
Nontraditional and Military Student Services

Deadline
06/15/2025

Supplemental Questions
1. Please upload a letter of recommendation from a faculty member who can reference your exceptional talent in the classroom or your professional potential.

4. **Mazie Non-Traditional Student Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/22549>

Archived Link: <https://archive.ph/wip/F3r2T>

Discriminatory Requirement: “Preference will be given to **female students** who are parents.”



Sign In

▼ Opportunities

Mazie Non-Traditional Student Scholarship

The Mazie Non-Traditional Student Scholarship was established to assist students whose primary role is not a traditional student (parents, displaced workers, students entering/returning to college after a break).

Criteria:
Minimum 2.5 cumulative GPA, if a continuing student;
Demonstrate financial need;
Preference will be given to female students who are parents.

Award
Varies

Scopes
Nontraditional and Military Student Services

Deadline
06/15/2025

5. **Alice Prout Memorial Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/22937>

Archived Link: <https://archive.ph/wip/KDxuy>

Discriminatory Requirement: “Scholarship recognizes an outstanding **female student** of high scholastic achievement.”

BGSU.

Sign In

▼ Opportunities

Alice Prout Memorial Scholarship

Scholarship recognizes an outstanding female student of high scholastic achievement

Eligibility:

- High scholastic Achievement (GPA of 3.00 or greater)
- Demonstrate good character & leadership

Award
Varies

Deadline
02/28/2025

6. **Amy T. Shore Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/21694>

Archived Link: <https://archive.ph/wip/Vk7cK>

Discriminatory Requirement: “Preference will be given to a **female student**.”

BGSU.

Sign In

▼ Opportunities

Amy T. Shore Scholarship

The Amy T. Shore Scholarship was established to support students seeking a degree from the Allen W. and Carol M. Schmidthorst College of Business.

Eligibility:

- Must be an undergraduate student in the Allen W. and Carol M. Schmidthorst College of Business;
- Must have a minimum 2.50 GPA.
- Preference will be given to a female student.

Award
varies

Scopes
Allen W. and Carol M. Schmidthorst College of Business

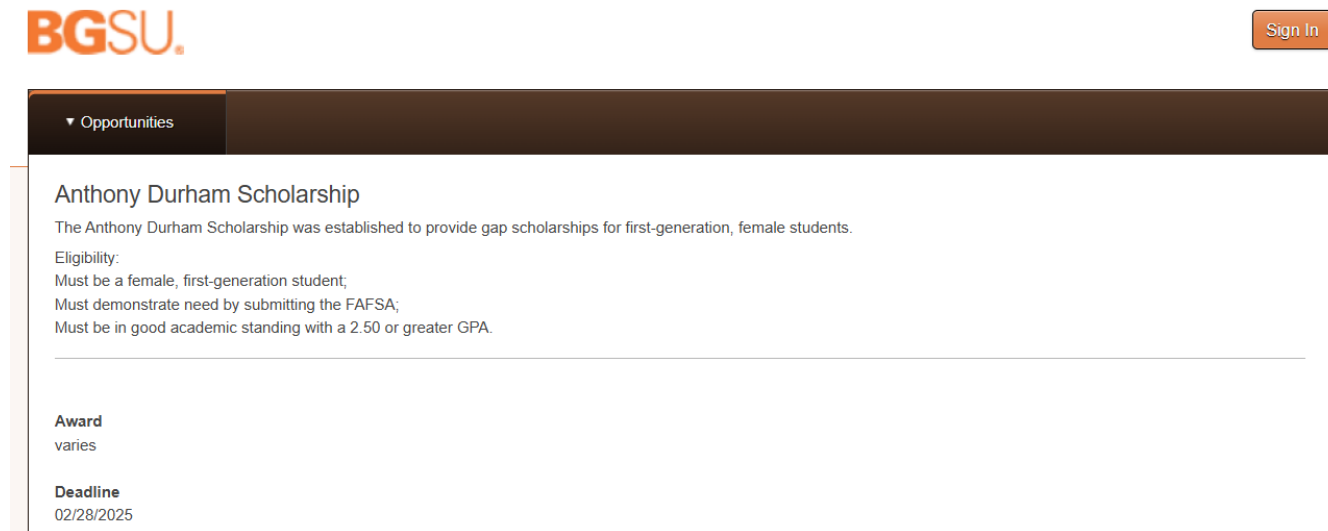
Deadline
02/28/2025

7. **Anthony Durham Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/22775>

Archived Link: <https://archive.ph/wip/8igc3>

Discriminatory Requirement: “**Must be a female**, first-generation student”



The screenshot shows the BGSU Academic Works website. At the top left is the BGSU logo. At the top right is a 'Sign In' button. Below the logo is a dark brown navigation bar with a dropdown menu labeled 'Opportunities'. The main content area is white and displays the details for the 'Anthony Durham Scholarship'. The title 'Anthony Durham Scholarship' is in bold. Below it, a description states: 'The Anthony Durham Scholarship was established to provide gap scholarships for first-generation, female students.' Under the heading 'Eligibility:', there are three bullet points: 'Must be a female, first-generation student;', 'Must demonstrate need by submitting the FAFSA;', and 'Must be in good academic standing with a 2.50 or greater GPA.' Below this, there is a section for 'Award' which says 'varies', and a section for 'Deadline' which says '02/28/2025'.

8. **Charlotte R. Schmidlapp Scholarship**

Link: <https://bgsu.academicworks.com/opportunities/21773>

Archived Link: <https://archive.ph/wip/I25Ys>

Discriminatory Requirement: “Scholarship recognizes **women** from the Greater Cincinnati or Piqua areas that will pursue careers in science, technology, engineering or math.”



Sign In

▼ Opportunities

Charlotte R. Schmidlapp Scholarship

Scholarship recognizes women from the Greater Cincinnati or Piqua areas that will pursue careers in science, technology, engineering or math.

Criteria:

Studying in areas of math, science or engineering or in an area of education to teach in one of those areas.

Student should be from the following locations (in order of importance):

1. Female student from Greater Cincinnati Area.
2. Female students from the Piqua, Ohio area.
3. Female students from the Northwest Ohio area.
4. Female students from the State of Ohio.

Award

Varies

Deadline

02/28/2025

9. **F. Edwin and Margaret P. Harmon Scholarship Award**

Link: <https://bgsu.academicworks.com/opportunities/21265>

Archived Link: <https://archive.ph/2gc2V>

Discriminatory Requirement: “Preference to **female**.”



Sign In

▼ Opportunities

F. Edwin and Margaret P. Harmon Scholarship Award

Scholarship recognizes a part-time graduate student in the teacher education field.

Eligibility: Part-time graduate student.

Criteria: At least a part-time graduate student, can be more.

Preference to female.

Recipient should either be teaching in grades K-12 or planning to teach upon completion of graduate work.

Must have received undergraduate degree at least three years prior.

Financial need.

Renewable.

Award

Varies

Scopes

College of Education & Human Development, Graduate Scholarships, School of Teaching & Learning

Deadline

02/28/2025

10. Florence M. Grine Scholarship of the Delta Kappa Gamma Society International, Alpha Sigma Chapter

Link: <https://bgsu.academicworks.com/opportunities/22533>

Archived Link: <https://archive.ph/wip/gf03V>

Discriminatory Requirement: “Must be a full time **female**, senior undergraduate student”

The screenshot shows the BGSU Academic Works website. At the top left is the BGSU logo. At the top right is a "Sign In" button. Below the logo is a navigation bar with a dropdown menu labeled "Opportunities". The main content area displays the title "Florence M. Grine Scholarship of the Delta Kappa Gamma Society International, Alpha Sigma Chapter". Below the title is a paragraph describing the scholarship: "The Florence M. Grine Scholarship of The Delta Kappa Gamma Society International, Alpha Sigma Chapter, was created for the purpose of providing scholarships to female students from Seneca County, Hancock County and Wood County, Ohio who plan to pursue careers as teachers." Below this paragraph is a section titled "Eligibility:" followed by four bullet points: "Must be a full time, female, senior undergraduate student;", "Be actively pursuing a major in the College of Education & Human Development;", "Be a graduate of a high school in Hancock County or Seneca County, Ohio;", and "Plan to pursue a teaching career upon graduation." Below the eligibility section is a line of text: "Preference shall be given to applicants who demonstrate financial need as determined by FAFSA." Below this line is a section titled "Award" with the text "Varies". Below the award section is a section titled "Scopes" with the text "College of Education & Human Development". Below the scopes section is a section titled "Deadline" with the text "02/28/2025".

11. Gottshall-Rex Memorial Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21726>

Archived Link: <https://archive.ph/wip/cwzS8>

Discriminatory Requirement: “Full-time student (with **preference to female students**);”



Sign In

▼ Opportunities

Gottshall-Rex Memorial Scholarship

Scholarship is to provide support for female students who are preparing for a teaching degree in physical education.

Eligibility Criteria:

Full-time student (with preference to female students);
Majoring in physical education programs that lead to a teaching degree;
Sophomore, Junior or Senior;
Maintain a 2.7 overall GPA or higher.

The Scholarship is renewable provided students continue to meet the criteria.

Award

Varies

Scopes

College of Education & Human Development, School of HMSLS

Deadline

02/28/2025

12. Jessica J. Walker Memorial Marching Band Scholarship

Link: <https://bgsu.academicworks.com/opportunities/22148>

Archived Link: <https://archive.ph/wip/azJFn>

Discriminatory Requirement: “Eligibility and Selection Criteria: **Female**, full-time student”



Sign In

▼ Opportunities

Jessica J. Walker Memorial Marching Band Scholarship

Scholarship recognizes student achievement and enhances the mission of the Falcon Marching Band.

Eligibility and Selection Criteria: Female, full-time student

GPA of 3.0 or better

Member of Falcon Marching Band

Demonstrate positive attitude and commitment to Falcon Marching Band.

Preference should be given to female student that is a non-music major w/ special consideration to students majoring in science.

Award

Varies

Scopes

College of Musical Arts

Deadline

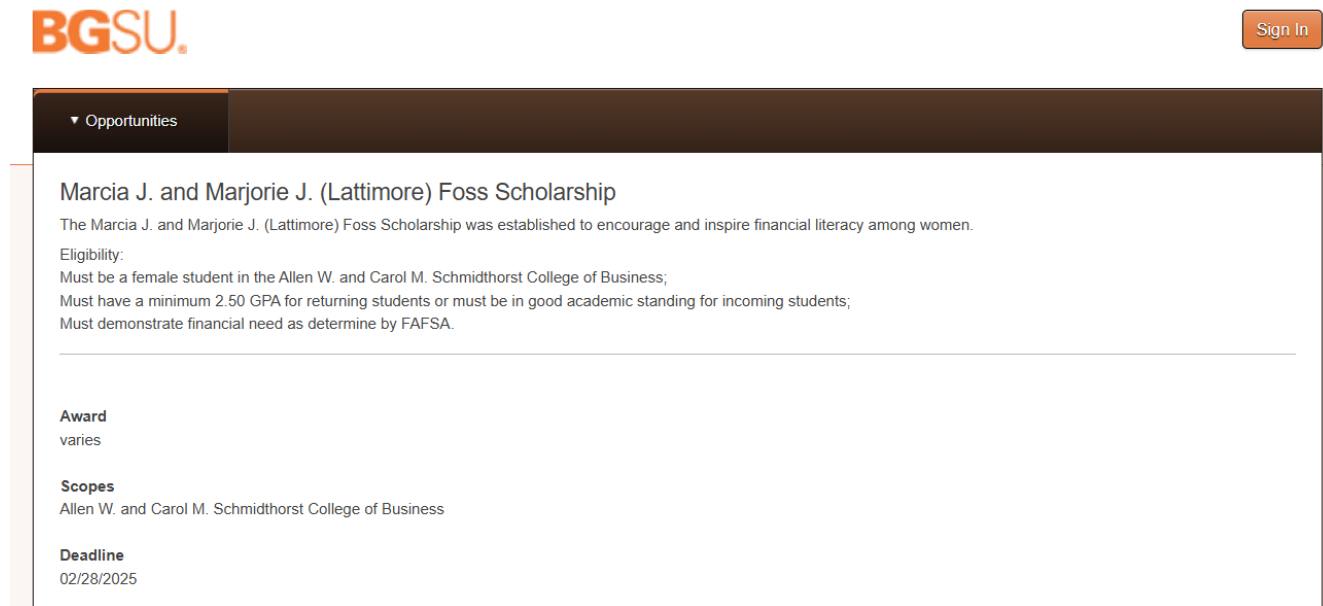
02/28/2025

13. Marcia J. and Marjorie J. (Lattimore) Foss Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21014>

Archived Link: <https://archive.ph/wip/CJAX6>

Discriminatory Requirement: “Must be a **female student** in the Allen W. and Carol M. Schmidthorst College of Business;”



The screenshot shows the BGSU Academic Works website. At the top left is the BGSU logo. At the top right is a "Sign In" button. Below the logo is a navigation bar with a dropdown menu labeled "Opportunities". The main content area displays the "Marcia J. and Marjorie J. (Lattimore) Foss Scholarship". The text states: "The Marcia J. and Marjorie J. (Lattimore) Foss Scholarship was established to encourage and inspire financial literacy among women." Under the heading "Eligibility:", it lists three requirements: "Must be a female student in the Allen W. and Carol M. Schmidthorst College of Business;", "Must have a minimum 2.50 GPA for returning students or must be in good academic standing for incoming students;", and "Must demonstrate financial need as determine by FAFSA." Below this, under the heading "Award", it says "varies". Under the heading "Scopes", it says "Allen W. and Carol M. Schmidthorst College of Business". Under the heading "Deadline", it says "02/28/2025".

14. Marjorie Schreck Carlson Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21124>

Archived Link: <https://archive.ph/wip/FyQVP>

Discriminatory Requirement: “Scholarship provides an annual award to a qualified **female undergraduate student** who demonstrates financial need and requires assistance to complete her undergraduate education.”



Sign In

▼ Opportunities

Marjorie Schreck Carlson Scholarship

Scholarship provides an annual award to a qualified female undergraduate student who demonstrates financial need and requires assistance to complete her undergraduate education.

Eligibility: Full-time students in College of Arts & Sciences.

Criteria: Anticipating a career in the healing arts, but not majoring in psychology or sociology.

Must be a rising sophomore, junior or senior

Minimum 2.8 GPA

Must be residents of Ohio and demonstrate financial need.

Preference given to students of German, Scottish or Swedish descent.

Award

Varies

Scopes

College of Arts & Sciences

Deadline

02/28/2025

15. **Mary A. Guinther Scholarship in Early Childhood Education**

Link: <https://bgsu.academicworks.com/opportunities/22243>

Archived Link: <https://archive.ph/wip/OllTm>

Discriminatory Requirement: “Preference will be given to **female students**;”



Sign In

▼ Opportunities

Mary A. Guinther Scholarship in Early Childhood Education

The Guinther Scholarship will support a early childhood specialization major.

Eligibility:

Must be an undergraduate or graduate student, pursuing a degree or specialization in Early Childhood Education;

Must have a minimum GPA of 3.00;

Preference will be given to female students;

May demonstrate financial need.

Renewable if the recipient(s) continues to maintain the eligibility criteria.

Award

Varies

Scopes

College of Education & Human Development, School of Teaching & Learning

Deadline

02/28/2025

16. Mary Ellen Keil Scholarship in History

Link: <https://bgsu.academicworks.com/opportunities/21000>

Archived Link: <https://archive.ph/wip/PEYvj>

Discriminatory Requirement: “Scholarship recognizes **women students** in the field of history.”



Sign In

▼ Opportunities

Mary Ellen Keil Scholarship in History

Scholarship recognizes women students in the field of history.

Eligibility: Incoming freshmen should receive first preference. If none, other grade levels should be considered eligible.

Criteria:

- Female;
- Major in history;
- Basis of scholastic achievement;
- Native Ohioans (or Ohio residents) should receive first preference;
- May be renewable but must re-apply, continue to meet eligibility requirements, and remain the best candidate(s).

Award

Varies

Scopes

College of Arts & Sciences, History Department

Deadline

02/28/2025

17. Muriel Hutchinson Strebe Scholarship

Link: <https://bgsu.academicworks.com/opportunities/22154>

Archived Link: <https://archive.ph/wip/5SAIk>

Discriminatory Requirement: “Preference will be given to **female students**.”



Sign In

▼ Opportunities

Muriel Hutchinson Strebe Scholarship

Scholarship provides financial support to BGSU students.

Eligibility: Be a full-time undergraduate student in the College of Education and Human Development majoring in Middle Childhood Education.

Criteria: Must be a rising junior or senior with a minimum GPA of 3.2;
applicants must be a US citizen and residents of Ohio or Michigan;

Need may be considered.

Preference will be given to female students.

Award

Varies

Scopes

College of Education & Human Development, School of Teaching & Learning

Deadline

02/28/2025

18. Patricia L. Peterson Scholarship in Education

Link: <https://bgsu.academicworks.com/opportunities/22180>

Archived Link: <https://archive.ph/189ax>

Discriminatory Requirement: “Preference given for:

– female student”



Sign In

▼ Opportunities

Patricia L. Peterson Scholarship in Education

Scholarship recognizes an undergraduate student who has a major in the College of Education & Human Development.

Eligibility: Undergraduate students.

Criteria: Must have major in College of Education & Human Development.

Must have attended BGSU at least one semester

Minimum 2.5 GPA or higher

Ohio resident

Demonstrate financial need

Preference given for:

– female student

– non-traditional students

– students who participated in athletics in high school

– students who participate in outdoor recreation and/or demonstrate environmental ethic

Renewable as long as current or past recipient submits another request and continues to meet all criteria.

Award

Varies

Scopes

College of Education & Human Development

Deadline

02/28/2025

19. Paula Whetse-Ribeau Scholarship for Cheer

Link: <https://bgsu.academicworks.com/opportunities/21319>

Archived Link: <https://archive.ph/wip/Z13F3>

Discriminatory Requirement: “Preference to **female students**”



Sign In

▼ Opportunities

Paula Whetsel-Ribeau Scholarship for Cheer

Scholarship was established by Paula Whetsel-Ribeau to provide scholarship support to cheerleaders who demonstrate academic excellence and financial need.

To be eligible for this Scholarship, students must:

- o Have a 3.0 GPA;
- o Be a rising junior or senior;
- o Preference to female students
- o Be a continuing student;
- o Be an Ohio resident;
- o Demonstrate financial need by completing the Free Application for Federal Student Aid (FAFSA)
- o Preference should be given to students who meet the Pell eligibility guidelines

Award

Varies

Scopes

Dean of Students

Deadline


02/28/2025

20. Sandra Albright Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21758>

Archived Link: <https://archive.ph/wip/iMcpr>

Discriminatory Requirement: “Must be a **female undergraduate;**”



Sign In

▼ Opportunities

Sandra Albright Scholarship

The Sandra Albright Scholarship was established for the purpose of supporting female English majors from Crawford County, Ohio.

Eligibility:

- Must be a female undergraduate;
- Must have attained the class rank of sophomore or above;
- Must be pursuing a major in the BGSU English Department.

Preference shall be given to female residents of Crawford County, Ohio and/or students with a demonstrated history of volunteer service.

Award
Varies

Scopes
College of Arts & Sciences, English Department


Deadline
02/28/2025

21. Shanon Wise Marks Memorial Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21896>

Archived Link: <https://archive.ph/wip/D4Dvi>

Discriminatory Requirement: “Full-time **female students**”



Sign In

▼ Opportunities

Shanon Wise Marks Memorial Scholarship

Scholarship established in memory of Shanon Wise Marks and is intended to encourage women to enter the computing field. This scholarship is designated for female students majoring in computer science or software engineering.

Eligibility: Rising junior or senior.

Criteria: Full-time female students

- Majoring in computer science or software engineering
- Academic achievement
- Financial need
- Evidence of leadership skills
- Professional potential

Award
Varies

Scopes
College of Arts & Sciences, Computer Science

Deadline
02/28/2025

22. The Kylie Pifer Memorial Scholarship

Link: <https://bgsu.academicworks.com/opportunities/22216>

Archived Link: <https://archive.ph/wip/96pMr>

Discriminatory Requirement: “Must be incoming **female freshman**;”

BGSU.

Sign In

▼ Opportunities

The Kylie Pifer Memorial Scholarship

The Kylie Pifer Memorial Scholarship was established to support students majoring in Forensic Science.

Eligibility:

Must be incoming female freshman;

Minimum GPA of 3.25, with preference for 3.50 GPA or higher;

Must be majoring in Forensic Science;

Must demonstrate financial need as determined by FAFSA;

Renewable in consecutive years if applicant submits another application, continues to meet all criteria; and remains the best candidate.

Award

varies

Scopes

College of Arts & Sciences

Deadline

02/28/2025

23. University Women Non-Traditional Award

Link: <https://bgsu.academicworks.com/opportunities/22365>

Archived Link: <https://archive.ph/wip/8AMqF>

Discriminatory Requirement: “Recipient must be a non-traditional **female student**, defined as 25 years of age or older”

BGSU.

Sign In

▼ Opportunities

University Women Non-Traditional Award

Scholarship provides non-traditional students with financial support.

Eligibility:

Recipient must be a non-traditional female student, defined as 25 years of age or older;

Must be attending part-time or full-time but enrolled in a degree program at BGSU;

Must be a rising junior or senior with a minimum cumulative GPA of 3.0 on a 4.0 system.

Selection will be based on academic record, financial need, professional potential and extracurricular services/activities.

Not renewable.

Award

Varies

Deadline

02/28/2025

24. Wiley Blevins “Educator of Promise” Scholarship

Link: <https://bgsu.academicworks.com/opportunities/21775>

Archived Link: <https://archive.ph/wip/7GBdB>

Discriminatory Requirement: “Preference given to **male** elementary education majors”



Sign In

▼ Opportunities

Wiley Blevins "Educator of Promise" Scholarship

Scholarship provides encouragement and financial assistance to male students with outstanding teaching potential, particularly those planning to teach at the elementary level.

Eligibility: Must be full-time undergraduate or graduate students preparing to teach at the elementary level or become reading specialists.

Criteria: Maintain minimum 3.0 GPA.

Preference given to male elementary education majors; if no male applicants meet criteria, then Scholarship can be awarded to female applicant.

Scholarship, professional potential and leadership should be determining criteria.

Award

Varies

Scopes

College of Education & Human Development, Graduate Scholarships, School of Teaching & Learning

Deadline

02/28/2025

The Scholarships Listed Above Violate The Law

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

Title VI 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” encompasses “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). As noted in *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th

⁶ 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 BGSU. 42 U.S.C. § 2000(a)(a). These scholarships also violate Ohio state law. Ohio Rev. Code Ann. § 4112.02 (2024). Finally, these scholarships violate BGSU’s own nondiscrimination policy. *See* <https://www.bgsu.edu/content/dam/BGSU/general-counsel/policies/hr/non-discrimination-in-employment-and-education.pdf> [<https://archive.ph/wip/zZlls>] (accessed April 27, 2025).

Cir. 2020), “Title VI prohibits discrimination on the basis of race in federally funded programs,” and therefore applies to universities receiving federal financial assistance. Because BGSU receives and administers federal funds through numerous programs, it is subject to Title VI.⁷

Regardless of BGSU’s reasons for offering, promoting, and administering such discriminatory scholarships, it 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 Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As BGSU 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*, 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 206 (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 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 208 (internal quotation marks and citation omitted). The scholarships at issue here cannot withstand that exacting standard.

As OCR stated in its February 14, 2025, Civil Rights Guidance Letter⁸:

Although *SFFA* addressed admissions decisions, the Supreme Court’s holding applies more broadly. At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. Federal law thus prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation,

⁷ See [https://www.usaspending.gov/recipient/8ace0b9f-f1c1-8295-0116-ed723e820d59-C/latest\[archive.is/wip/iFxyy\]](https://www.usaspending.gov/recipient/8ace0b9f-f1c1-8295-0116-ed723e820d59-C/latest[archive.is/wip/iFxyy]) (accessed on April 27, 2025).

⁸ See United States Department of Education Office for Civil Rights Letter (2025), [https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf\[https://archive.is/R62P1\]](https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf[https://archive.is/R62P1]) (“At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law.”)

financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.

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, BGSU 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, BGSU cannot demonstrate that restricting scholarships based on race, color, or national origin serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on immutable characteristics “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).

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 BGSU’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216–17,⁹ 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.

⁹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

For a policy to satisfy narrow tailoring, the government must demonstrate “serious, good faith consideration of workable race-neutral alternatives,” *Grutter v. Bollinger*, 539 U.S. 306, 339 (2003), and show that “no workable race-neutral alternative” could achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that such alternatives were ever considered here.

Title IX prohibits discrimination on the basis of sex in education. The statute provides: “[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). Accordingly, a school receiving federal funding may not administer scholarships, fellowships, or other forms of financial assistance that impose preferences or restrictions based on sex, except in limited exceptions that are not applicable here. *See* 34 C.F.R. § 106.37(a).

Restrictions that limit eligibility for scholarships based on sex are underinclusive, as they arbitrarily exclude students who would otherwise qualify. While sex-based classifications are subject to “heightened” scrutiny, *Sessions v. Morales-Santana*, 582 U.S. 47, 57 (2017); *United States v. Virginia*, 518 U.S. 515, 532–34 (1996), this standard—though less exacting than the strict scrutiny applied to race-based classifications—still requires an “exceedingly persuasive justification.” *Virginia*, 518 U.S. at 531. To meet this burden, the government must demonstrate “at least that the [challenged] classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.” *Id.* at 533. Even if the classifications based on sex or other immutable characteristics were intended to further a compelling interest, discriminatory programs must involve “individualized consideration” and must apply criteria in a “nonmechanical way.” *Grutter*, 539 U.S. at 334.

BGSU’s explicit race, ethnicity, national origin, and/or sex-based scholarships are presumptively invalid, and since there is no compelling government justification for such invidious discrimination, BGSU’s offering, promotion, and administration of these programs violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

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

¹⁰ *See* https://www.usaspending.gov/award/ASST_NON_P063P240332_9100 [archive.is/wip/suHwM] (accessed on April 27, 2025).

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, national origin, and/or sex that occurred within 180 days and that is ongoing. These scholarships either closed on February 28, 2025¹¹, or will close on June 15, 2025.¹²

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 BGSU cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, national origin, and sex violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate BGSU’s role in creating, funding, promoting and administering these scholarships 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 promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from BGSU’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at BGSU comports with the Constitution and federal civil rights laws.

¹¹ <https://bgsu.academicworks.com/opportunities/21775> [<https://archive.ph/wip/7GBdB>] (accessed April 27, 2025).

¹² <https://bgsu.academicworks.com/opportunities/22415> [<https://archive.ph/wip/U7GxG>] (accessed April 27, 2025).

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Respectfully submitted,

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