



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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May 6, 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.Seattle@ed.gov)

Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099

**Re: Civil Rights Complaint Against Loyola Marymount University
Regarding Discriminatory Scholarships and Programs**

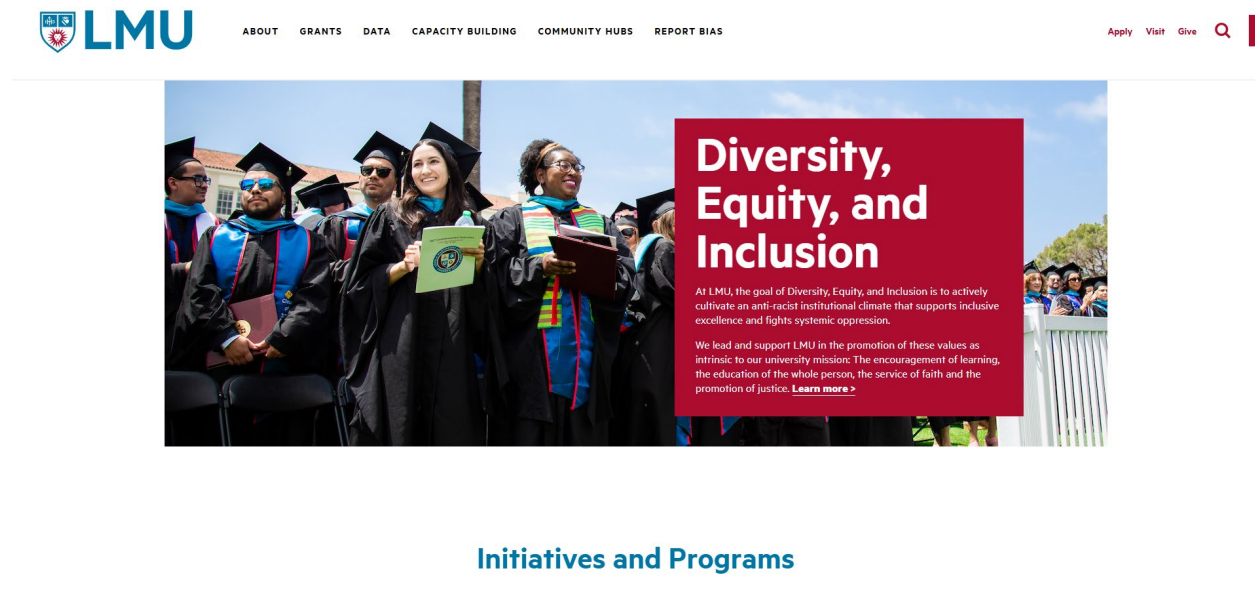
Dear Mr. Trainor and OCR Staff:

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.¹ 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 opposes unlawful discrimination in any form.

We bring this civil rights complaint against Loyola Marymount University ("LMU"), a private university, for discrimination in five (5) scholarships and programs 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.

LMU's Diversity, Equity, and Inclusion office oversees numerous initiatives and programs that aim to "cultivate an anti-racist institutional climate that supports inclusive excellence and fights systemic oppression."² This mission has resulted in discriminatory practices on campus, as set forth below.



The scholarships and programs listed below are currently active and being administered to LMU students, according to the LMU website, and violate Title VI of the Civil Rights Act of 1964 ("Title VI") and its implementing regulations³ by excluding students based on their race, color, or national origin, while other scholarships violate Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations⁴ by excluding students based on their sex:

² <https://www.lmu.edu/dei/> [<https://archive.is/qKB1W>] (accessed May 5, 2025).

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

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

I. SCHOLARSHIPS AND PROGRAMS THAT VIOLATE TITLE VI (3)

1. African American Scholarship

Link: <https://www.lls.edu/alumni/makeagift/areasofsupport/>

Archived Link: <https://archive.is/wip/XI14X>

Type: Law School Scholarship

Discriminatory Requirement: “The African American Scholarship provides critical financial support to **an incoming or current African American student** who might not otherwise be able to afford a Loyola education.”⁵

African American Scholarship

Scholarship support is crucial to the recruitment of deserving and talented students and the retention of students who distinguish themselves both inside and outside of the classroom. The African American Scholarship provides critical financial support to an incoming or current African American student who might not otherwise be able to afford a Loyola education.

2. Latino Scholarship

Link: <https://www.lls.edu/alumni/makeagift/areasofsupport/>

Archived Link: <https://archive.ph/XI14X>

Type: Law School Scholarship

Discriminatory Requirement: “By supporting the Latino Scholarship, you are directly supporting an **emerging Latina/o leader** who shows incredible promise through community involvement, academic excellence, and/or campus engagement.”

⁵ Discriminatory criteria highlighted throughout.

Latino Scholarship



Loyola recognizes its moral and ethical obligation to provide a quality legal education to students of diverse backgrounds, interests and professional objectives. By supporting the Latino Scholarship, you are directly supporting an emerging Latina/o leader who shows incredible promise through community involvement, academic excellence, and/or campus engagement.

3. Academic Community of Excellence

Link: <https://academics.lmu.edu/ace/>

Archived Link: <https://archive.ph/wip/O9AuO>

Type: Undergraduate Program

Discriminatory Requirement: “The Academic Community of Excellence prepares underrepresented students (as defined by the U.S. Department of Education) **and other students of color** to pursue graduate and professional school. The program's goal is to **increase the representation of students of color** in advanced degree programs and diversify our nation’s professional sectors.”

Academic Community of Excellence

The Academic Community of Excellence prepares underrepresented students (as defined by the U.S. Department of Education) and other students of color to pursue graduate and professional school. The program's goal is to increase the representation of students of color in advanced degree programs and diversify our nation’s professional sectors.

As a strategic initiative of Diversity, Equity, and Inclusion, ACE seeks to increase access and success for underrepresented students in preparing them for graduate school.

II. SCHOLARSHIPS THAT VIOLATE TITLE IX (1)

4. Alliance of Women Philanthropists (AWP) Scholarship

Link:

<https://giving.lmu.edu/communities/awp/scholarships/#:~:text=AWP%20offers%20scholarships%20for%20financial,enrolled%20at%20Loyola%20Marymount%20University.&text=Based%20on%20high%20financial%20need,Preference%20for%20female%20recipient.>

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

Type: Undergraduate, Graduate, and Law School Scholarship

Discriminatory Requirement: “Preference for **female recipient**”

Scholarships and Microgrants

Members

Speaker Series

Scholarships and Microgrants

Past Events

Connect

The Alliance of Women Philanthropists (AWP) is committed to investing in the mission of Loyola Marymount University through annually awarding scholarships and microgrants to deserving students and programs. Scholarship and Microgrant recipients are selected annually by Visionary and Champion Members of AWP.

Scholarships

AWP offers scholarships for financial assistance to students enrolled at Loyola Marymount University.

AWP scholarship criteria and guidelines:

- Must be a full-time LMU undergraduate, LMU graduate, or Loyola Law School student
- Good academic standing with a minimum GPA 3.0
- Based on high financial need as determined by the student's Free Application for Federal Student Aid (FAFSA).
- Preference for female recipient.
- The recipient may be asked to attend and address a meeting of the Alliance of Women Philanthropists annually.
- The scholarship is renewable, but must apply annually.
- Provide an essay answering **ONE** of the following (in 500 words or less):
 - Describe a female role model in your life and explain how her leadership has impacted you.
 - Describe a life experience or challenge that you felt demonstrated your leadership and was transformative to your growth.

III. SCHOLARSHIPS THAT VIOLATE BOTH TITLE VI AND IX (1)

5. Argelia Atilano Scholarship

Link: <https://lmu.academicworks.com/opportunities/23091>

Archived Link: <https://archive.is/wip/7EPaf>

Type: Undergraduate Scholarship

Discriminatory Requirement: “Preference for **female, Latina students** who are first generation students to attend college.”



Sign In

▼ Opportunities

Argelia Atilano Scholarship

The Argelia Atilano Scholarship supports undergraduate incoming freshman through the Latino Alumni Association Scholarship application process. Preference for female, Latina students who are first generation students to attend college. Preference for graduates from James A. Garfield High School, if there are no students from Garfield High School that are eligible then a student from a public high school in Los Angeles County who meet all other criteria.

*Selections made by the Latino Alumni Association Scholarship Committee.

Award
Varies

Deadline
10/25/2025

You will be automatically considered based on your completed General Application. To complete the General Application, please [sign in](#).

The Scholarships and Programs Listed Above Violate The Law

The scholarships and programs 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, or both.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,”

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 LMU. 42 U.S.C. § 2000(a)(a). These scholarships also violate California’s antidiscrimination laws. Cal. Gov. Code § 11135(a). Finally, these scholarships violate LMU’s own nondiscrimination policy. See <https://www.thefire.org/sites/default/files/2022/09/Statement-of-Non-Discrimination.pdf>? [https://web.archive.org/web/20240219074140/https://www.thefire.org/sites/default/files/2022/09/Statement-of-Non-Discrimination.pdf] (accessed on May 4, 2025).

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

In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 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 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.

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, 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.”

Regardless of LMU’s reasons for offering, promoting, and administering such discriminatory scholarships and programs, LMU 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

⁷ See <https://www.usaspending.gov/recipient/86b0ab5b-40c0-5ef0-5beb-a59d0e77e5cb-C/latest> [<https://archive.ph/wip/4YgeK>] (accessed on May 3, 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>] (“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.”)

whole or otherwise promote equality at the group level.” *Students for Fair Admissions*, 600 U.S. at 289 (Gorsuch, J., concurring).

Because LMU’s racial and/or ethnicity-based requirements for these scholarships and programs are presumptively invalid, the use of such criteria violates federal civil rights statutes.

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 or programs 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 v. Bollinger*, 539 U.S. 306, 334 (2003).

LMU’s explicit race, color, national origin, and/or sex-based scholarships and programs are presumptively invalid; LMU’s offering, promotion, and administration of these programs violates federal civil rights statutes.

OCR Has Jurisdiction

OCR enforces Title VI of the Civil Rights Act of 1964⁹ and its implementing regulation,¹⁰ 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

⁹ 42 U.S.C. §§ 2000d-2000d-7.

¹⁰ 34 C.F.R. Part 100.

assistance, including from the Department of Education,¹¹ LMU is subject to Title VI and OCR has jurisdiction over this case.

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. These scholarships and programs are either currently active¹² or have upcoming application deadlines.¹³

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. 469, 505 (1989) (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, the fact that it conditions eligibility for multiple programs on race, color, and/or national origin, and/or sex violates Title VI and/or Title IX, or both.

The Office for Civil Rights has the power and obligation to investigate LMU’s role in creating, funding, promoting and administering these scholarships as well as the duty to impose whatever remedial relief is necessary to hold it accountable for this 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. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 748 (2007).

¹¹ https://www.usaspending.gov/award/ASST_NON_P063P243457_9100
[<https://archive.ph/wip/PBiFB>] (accessed May 3, 2025).

¹² https://mylmu.co1.qualtrics.com/jfe/form/SV_0HzqiSr0Iskv0ns
[https://web.archive.org/web/20250505182028/https://mylmu.co1.qualtrics.com/jfe/form/SV_0HzqiSr0Iskv0ns] (accessed May 4, 2025).

¹³ <https://lmu.academicworks.com/opportunities/23091> [<https://archive.is/wip/7EPaf>] (accessed May 4, 2025).

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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 LMU's various scholarships and programs based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at LMU comports with the federal civil rights laws.

Respectfully submitted,

/William A. Jacobson/

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