



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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May 14, 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.Kansas@ed.gov)

Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106

Re: Civil Rights Complaint Against University of Nebraska Omaha
Regarding Discriminatory Scholarship Programs

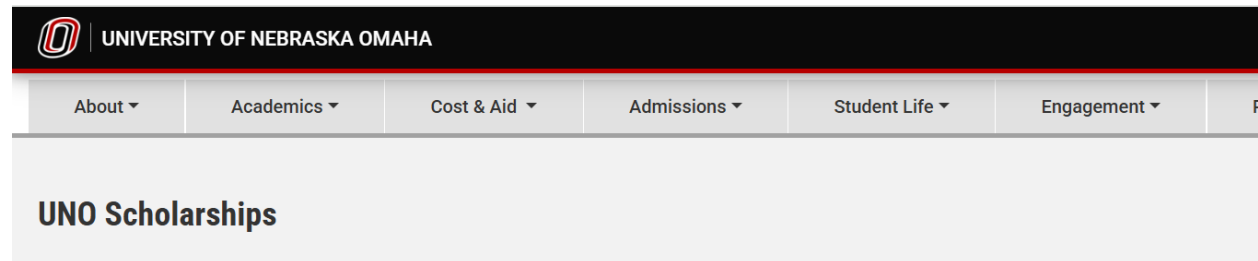
Dear Mr. Trainor and OCR Staff:

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 non-discrimination by the government, and that opposes discrimination in any form.

We bring this civil rights complaint against University of Nebraska Omaha ("UNO"), a public institution, for offering, administering, and promoting two (2) 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.

UNO offers numerous scholarships to students each year.² To apply, students must meet the eligibility requirements. Applicants must log in using their UNO credentials to access the application system.



[UNO](#) / [Financial Support and Scholarships](#) / [Types of Aid](#) / [Scholarships](#) / UNO Scholarships

UNO's Office of Financial Support and Scholarships awards several hundred additional scholarships not listed here to first-year and returning students.

UNO colleges and departments also offer scholarships to specific programs or majors. View information on additional scholarships and apply through the [UNO Scholarship application in MavLINK](#). Scholarship criteria and award amounts listed are subject to change at any time.

The scholarships listed below are currently offered to UNO students and applicants for admission, according to the UNO website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations³ by discriminating against students based on their race, color, and/or national origin. Because UNO 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 is available for the 2025-2026 school year.⁴

1. **HDR Scholarship⁵**

Link: <https://unomaha.academicworks.com/opportunities/16485>

Archived Link: <https://archive.is/NZkbf>

Description: “Preference shall be given to **underrepresented minority students**, but shall not be the controlling criterion in awarding this scholarship. [⁶]

² <https://www.unomaha.edu/admissions/financial-support-and-scholarships/types-of-aid/scholarships/uno.php> [<https://archive.is/wip/ZRfd4>] (accessed May 12, 2025).

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

⁴ <https://unomaha.academicworks.com/opportunities> [archive.ph/wip/ZMFEj] (accessed on May 12, 2025).

⁵ Discriminatory criteria highlighted in bold for all scholarships.

⁶ UNO considers a minority student to include “American Indian, African American, Asian American, Hispanics of Any Race, Native Hawaiian or Pacific Islanders, and Two or More Races.”

<https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1181&context=oieenrollment>



▼ Opportunities

HDR Scholarship

The HDR Scholarship is awarded to regularly enrolled full-time students in The Peter Kiewit Institute. Candidates must be enrolled in either the College of Engineering, University of Nebraska-Lincoln and/or Omaha Campuses, or the College of Architecture, University of Nebraska-Lincoln. Eligible majors include: Civil Engineering, Environmental Engineering, Architectural Engineering, Architecture, Mechanical Engineering and Electrical Engineering. Candidates shall have a cumulative GPA of 3.0 and shall be graduates from high schools in Nebraska, Kansas, Iowa, South Dakota, Missouri or Colorado. Preference shall be given to underrepresented minority students, but shall not be the controlling criterion in awarding this scholarship. An essay of a minimum of 300 words describing his/her interest in the chosen field of study and intentions after graduation must be submitted for consideration.

Award
varies

Deadline
05/01/2025

Supplemental Questions

1. Describe your interest in your chosen field of study and your intentions after graduation (minimum of 300 words).

2. Dreamer's Pathway Scholarship Program

Link: <https://unomaha.academicworks.com/opportunities/16025>

Archived Link: <https://archive.ph/lkI4l>

Description: "The Dreamers Pathway Scholarship is for students who are **Deferred Action of Childhood Arrivals (DACA) or DACA-eligible** and Nebraska residents who are seeking an undergraduate degree at the University of Nebraska Omaha (UNO)." [⁷]

[archive.is/wip/Pnc8e] (accessed on May 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).

⁷ Because DACA only applies to persons born outside the United States who meet certain additional criteria, restricting scholarship eligibility to DACA recipients constitutes discrimination based on national origin and violates Title VI. *See* <https://www.uscis.gov/DACA> [<https://archive.is/PfwjL>] (accessed May 12, 2025).



UNIVERSITY OF NEBRASKA OMAHA
SCHOLARSHIPS

Sign In

▼ Opportunities

Dreamer's Pathway Scholarship Program

The Dreamers Pathway Scholarship is for students who are Deferred Action of Childhood Arrivals (DACA) or DACA-eligible and Nebraska residents who are seeking an undergraduate degree at the University of Nebraska Omaha (UNO). Students who qualify are eligible to receive a renewable full tuition, fees, and books scholarship for up to five (5) years, three (3) years for transfer students, or until an undergraduate degree is earned, whichever comes first.

To qualify for this scholarship, a student must meet all the following eligibility criteria and submit the application and materials by Monday, May 5, 2025 by 11:59PM

1. Must be a Nebraska high school graduate. Transfer student must also be a Nebraska high school graduate and transferring from an accredited Nebraska institution with two (2) years or less completion.
2. Must have earned a minimum cumulative GPA of 2.5 on a 4.0 scale from most recent school.
3. Must provide proof of need of financial assistance. Please complete the Federal Student Aid Estimator 2025-2026 to prove your financial need. You will need to access the form via <https://studentaid.gov/aid-estimator/>. You will upload the results in PDF format.
4. Must have 2 professional letters of recommendation from a teacher, counselor, principal, mentor, coach or supervisor.
5. Must complete all 5 essay questions.

Award
Varies

Deadline
05/13/2025

Supplemental Questions

1. Read Instructions carefully. The essay responses must be answered separately and address the questions below. Each essay response must be at least 300 words (5 essay responses x 300 words each=1500 words total)
1. How will this scholarship help you achieve your educational goals and what specifically will change as a result of receiving the scholarship?
2. Pick an experience from you own life and explain how it has influenced your development?
3. Tell us about an obstacle or challenge you have faced and how did you overcome it and/or compensate? What was the outcome?
4. Describe a time when you have demonstrated your leadership skills?
5. How are you involved in giving back to others and/or your community?
6. [Show 3 more](#)

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.⁸ Furthermore, because UNO is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.

⁸ 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 UNO. 42 U.S.C. § 2000(a)(a). These scholarships also violate Nebraska state law. Neb. Const.

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,” and thus applies to universities receiving federal financial assistance). As UNO receives federal funds,⁹ it is subject to Title VI.

Regardless of UNO’s reasons for offering, promoting, and administering such discriminatory scholarships, UNO 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 UNO 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 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.

As OCR stated in its February 14, 2025, Civil Rights Guidance Letter¹⁰:

art. I, § 30. (2024). Finally, these scholarships violate UNO’s own nondiscrimination policy. *See* <https://www.unomaha.edu/notice-of-nondiscrimination-anti-harassment-and-non-retaliation.php> [<https://archive.is/wip/p8lDP>] (accessed on May 12, 2025).

⁹ *See* <https://www.usaspending.gov/recipient/70f840d3-a0f8-f750-33c3-ff5948caede1-C/latest> [<https://archive.ph/wip/psOak>] (accessed on May 12, 2025).

¹⁰ *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>

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.

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, UNO 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, UNO 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 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

[<https://archive.is/iNNIM>] (“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.”)

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 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 UNO’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,¹¹ 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 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 UNO’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

UNO is a public entity and a recipient of federal funds, including from the U.S. Department of Education.¹² It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

¹¹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

¹² See https://www.usaspending.gov/award/ASST_NON_P063P240265_9100 [<https://archive.is/wip/95QBb>](accessed on May 12, 2025).

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 scholarship applications, these scholarships closed in May 2025.¹³

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. 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 UNO 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 UNO’s role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether UNO 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 promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from UNO’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at UNO comports with the Constitution and federal civil rights laws.

¹³ <https://unomaha.academicworks.com/opportunities/16485> [<https://archive.is/NZkbf>] (accessed on May 12, 2025).

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Respectfully submitted,

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