



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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June 4, 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 Seattle University
Regarding Discriminatory Scholarships and Program**

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 Seattle University ("SU"), a private university, for discrimination in two (2) scholarships and one (1) program based on race, color, national origin, sex, or both, 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.

SU has a heavy institutional focus on Diversity, Equity, Inclusion, and Accessibility (DEIA).² As the university states, “Diversity, equity, inclusion and accessibility efforts throughout Seattle University are presented, and supported, by a uniquely robust institutional structure.”

Office of Diversity and Inclusion

The Office of Diversity and Inclusion’s mission is to foster an institutional culture where there is no dichotomy between our values of diversity and inclusion, and our goals of educational quality and excellence. ODI advances the institution’s mission of training leaders for a just and humane world by working collaboratively to build the university’s sustainable capacity to fully integrate diversity, equity and inclusion into the strategic priorities of the institution.



Among other things, SU participates with Costco Wholesale (“Costco”), the College Success Foundation, and the University of Washington in the Costco Scholarship Fund.³ Costco’s stated commitment to Diversity, Equity, and Inclusion (DEI) was reflected in the fund’s creation.⁴ Although the fund is described as being for “underrepresented students of color,”⁵ the fund’s eligibility criteria do not restrict applications to any specific racial or ethnic group of students, unlike at SU.⁶

² <https://www.seattleu.edu/who-we-are/diverse-inclusive-community/> [<https://archive.is/wip/hEhRT>] (accessed June 3, 2025).

³ <https://www.collegesuccessfoundation.org/scholarship/costco-scholarship/#about> [<https://web.archive.org/web/20250527160849/https://www.collegesuccessfoundation.org/scholarship/costco-scholarship/#about>] (accessed June 3, 2025).


⁴ https://mobilecontent.costco.com/staging/resource/img/25w03130/2a_Inclusion_FY24.pdf [https://web.archive.org/web/20250519200105/https://mobilecontent.costco.com/staging/resource/img/25w03130/2a_Inclusion_FY24.pdf] (accessed June 3, 2025).

⁵ https://www.collegesuccessfoundation.org/our-approach/scholarships/?fwpp_scholarships_sort=washington-state [<https://archive.is/wip/OtGuo>] (accessed June 3, 2025).

⁶ SU includes an exclusionary and discriminatory “minority” eligibility requirement for its Costco-affiliated scholarship. By contrast, the University of Washington’s Singel Fellowship only requires that students were undergraduate Costco Scholars.

https://grad.uw.edu/funding_posts/sinagal-uw-graduate-and-professional-fellowship/ [<https://archive.is/QpeTL>] (accessed June 3, 2025).

Costco Scholarship Fund: UW & Seattle U (Washington State)



This scholarship for underrepresented students of color who wish to attend University of Washington or Seattle University brings the business community and individuals together at an annual fundraising breakfast.

[Read More](#)



The Costco Scholarship Fund is administered by the [College Success Foundation](#), a tax exempt 501(c)(3) organization, EIN #91-2036088. All gifts, excluding the value of goods and services received, are fully tax-deductible charitable contributions to the foundation.

College Success Foundation · 15500 SE 30th Pl, Suite 200 · Bellevue, WA 98007 · 425.416.2017 · info@costcoscholarshipfund.org

[CONTACT US](#)

SU's focus on DEIA has resulted in discriminatory scholarships and a program in which the university promotes exclusionary criteria.

EXPLORE DIVERSITY AND INCLUSION PROGRAMS



Red Talks Speaker Series & Community Panels

Red Talks is a quarterly campus event featuring intersectional voices on a range of topics under the umbrella of inclusive excellence at Seattle University. Sponsored and led by the Office of Diversity and Inclusion, in partnership with the Office of the Provost, the series aims to elevate faculty voices at SU across disciplines, as well as the voices of prominent thought leaders in the broader community. In addition to Red Talks, the Office of Diversity and Inclusion holds panel discussions throughout the year on key issues with community leaders.

Red Talks

Racial Equity Summit

Racial Equity Summit—a *LIFT SU* initiative—is a university-wide event focused on antiracist education at Seattle University. Created by Vice President of Diversity and Inclusion Natasha Martin, JD, and presented by the Office of Diversity and Inclusion, the summit offers a platform for collective experience to reflect and deepen understanding of systemic racism, as well as to elevate, connect and activate around *LIFT SU* and other expansive commitments to diversity, equity and inclusion.



According to the SU website⁷, the following scholarships and program are currently active. Each violates either Title VI of the Civil Rights Act of 1964 (“Title VI”),⁸ Title IX of the Education Amendments of 1972 (“Title IX”),⁹ or both, by unlawfully excluding students based on race, color, national origin, and/or sex:

⁷ Discriminatory criteria highlighted throughout.

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

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

I. PROGRAM THAT VIOLATES TITLE VI

1. The Sinegal Fellowship

Link: <https://www.seattleu.edu/admissions-aid/financial-aid--scholarships/scholarships--grants/scholarships/>

Archived Link: <https://archive.is/Q85Jj>

Discriminatory Requirement: “The Sinegal Fellowship provides support for **underrepresented minority Costco Scholars** who have graduated from either the University of Washington or Seattle University and who are pursuing an advanced degree at Seattle University.”¹⁰

ADDITIONAL GRADUATE SCHOLARSHIP OPPORTUNITIES

✓ Americorps/Peace Corps Scholarship

^ The Sinegal Fellowship

The Sinegal Fellowship provides support for underrepresented minority Costco Scholars who have graduated from either the University of Washington or Seattle University and who are pursuing an advanced degree at Seattle University. The Sinegal Fellowship is a 2-year award with a stipend of \$5,000 for each year. Questions about this fellowship should be directed to grad-admissions@seattleu.edu.

¹⁰ SU considers “Minority” to be an ethnic or racial designation. See [https://www.seattleu.edu/newsroom/2024/university-designated-as-minority-serving-institution.php#:~:text=May%208%2C%202024-,2024,we%20are%2C%E2%80%9D%20Pe%C3%B1alver%20says.\[https://archive.ph/wip/4obcF\]](https://www.seattleu.edu/newsroom/2024/university-designated-as-minority-serving-institution.php#:~:text=May%208%2C%202024-,2024,we%20are%2C%E2%80%9D%20Pe%C3%B1alver%20says.[https://archive.ph/wip/4obcF]) (accessed June 3, 2025). Further, Washington state law considers “Minority” to include “blacks, women, native Americans, Asians, Eskimos, Aleuts, and Hispanics.” <https://app.leg.wa.gov/rew/default.aspx?cite=35.22.650> [https://archive.ph/wip/DQFAf] (accessed June 3, 2025). 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).

II. SCHOLARSHIP THAT VIOLATES BOTH TITLE VI AND IX

1. Justice Mary I. Yu Endowed Scholarship

Link: <https://law.seattleu.edu/student-life/student-services/student-financial-services/paying-for-law-school/financial-aid/scholarships/>

Archived Link: <https://archive.ph/kA9IK>

Discriminatory Requirement: “To honor Justice Mary I. Yu, a Washington State Supreme Court Justice and Distinguished Jurist in Residence at Seattle U Law, and the diversity and representation she brings to the justice system. Established to aid underrepresented students at Seattle University School of Law, **especially women of color.**”

Justice Mary I. Yu Endowed Scholarship

To honor Justice Mary I. Yu, a Washington State Supreme Court Justice and Distinguished Jurist in Residence at Seattle U Law, and the diversity and representation she brings to the justice system. Established to aid underrepresented students at Seattle University School of Law, especially women of color.

III. SCHOLARSHIP THAT VIOLATES TITLE IX

1. The Women of Seattle University Endowed Scholarship

Link: <https://www.seattleu.edu/science-engineering/academic-departments/departments-of-electrical-and-computer-engineering/ece-student-scholarships/>

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

Discriminatory Requirement: “Priority consideration is given for underrepresented student populations, **especially women.**”

The Women of Seattle University Endowed Scholarship

The Women of SU Endowed Scholarship is for continuing SU students. To be considered for this scholarship, the candidate must demonstrate financial need, be enrolled full-time in a STEM-related academic major at Seattle University, be a junior or senior, and have a 3.0 GPA or higher. Priority consideration is given for underrepresented student populations, especially women.

The Scholarships and Program Listed Above Violate The Law

The scholarships and program 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.¹¹

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 SU receives federal funds,¹² 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.

Regardless of SU’s reasons for offering, promoting, and administering such discriminatory scholarships and program, SU 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

¹¹ 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 SU. 42 U.S.C. § 2000(a)(a). These scholarships also violate Washington state law. Wash. Rev. Code § 49.60.030(1). Finally, these scholarships violate SU’s own nondiscrimination policy. See <https://www.seattleu.edu/life-at-seattle-u/health-wellness/student-health-center/non-discrimination-policy/#:~:text=Seattle%20University%20does%20not%20discriminate,its%20education%20policies%2C%20admission%20policies> [https://archive.is/wip/Ubelm] (accessed on June 3, 2025).

¹² See <https://www.usaspending.gov/recipient/f923f6e5-794e-995a-50e0-6349d181370e-C/latest> [https://archive.is/wip/1a8lR] (accessed on June 3, 2025).

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*, 600 U.S. at 289 (Gorsuch, J., concurring).

Because SU’s racial and/or ethnicity-based requirements for these scholarships and program 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).

SU’s explicit race, color, national origin, and/or sex-based scholarships and program are presumptively invalid; SU’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 1964¹³ as well as Title IX of the Education Amendments of 1972. As a recipient of federal financial assistance, including from

¹³ 42 U.S.C. §§ 2000d-2000d-7.

the Department of Education,¹⁴ SU is subject to Title VI and Title IX 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 program are all currently active and being administered at SU.¹⁵

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 scholarships or program 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 SU’s role in creating, funding, promoting and administering these scholarships and program 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).

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 SU’s various scholarships and program based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at SU comport with the federal civil rights laws.

¹⁴ https://www.usaspending.gov/award/ASST_NON_P063P240413_9100
[<https://archive.is/pw9kY>] (accessed June 3, 2025).

¹⁵ <https://www.seattleu.edu/admissions-aid/financial-aid--scholarships/scholarships--grants/scholarships/> [<https://archive.is/Q85Jj>] (accessed June 3, 2025).

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Respectfully submitted,

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