



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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June 11, 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.Atlanta@ed.gov)

Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927

**Re: Civil Rights Complaint Against University of Louisville 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 the University of Louisville ("UofL"), a public university, for discrimination in six (6) scholarships based on race, color, and/or national origin, in violation of Title VI and the 14th Amendment to the U.S. Constitution. Among other things, the scholarships include "DACA and undocumented" and "of color" restrictions.

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

Most scholarships at UofL do not require a separate application. “The majority of scholarships at the University of Louisville are awarded automatically through the admission process.”



The majority of scholarships at the University of Louisville are awarded automatically through the admission process. The Office of Admissions reviews each new student application and no additional application is necessary. The Student Financial Aid Office manages a number of philanthropic accounts. Many of these accounts support the automatic awards made during the admission process. A limited number of scholarships are awarded via a unique application process, which can be found here:

[Student Financial Aid Office \(SFAO\) Scholarship Application](#)

The scholarships listed below are currently offered to UofL students and applicants for admission, according to the UofL website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations² by illegally excluding students based on their race, color or national origin. Because UofL 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 currently available to students, according to the UofL website³ (discriminatory requirement in bold):

SCHOLARSHIPS THAT VIOLATE TITLE VI (6)

1. **A&S McSweeney Fellowships**

Link: <https://louisville.edu/artsandsciences/research/research-resources/funding-opportunities/internal-funding/graduate-undergraduate>

Archived Link: <http://archive.today/880P0>

Discriminatory Requirement: “A&S McSweeney Fellowships supplement graduate education support and promote racial and ethnic diversity of the student population in the STEM areas. Programs may nominate students from **historically underrepresented ethnic/racial groups, including US citizens and permanent residents who are African Americans, Hispanics, Native Americans, Alaskan Natives, and Pacific Islanders.**”

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

³ <https://louisville.edu/culturalcenter/scholarships> [<https://archive.is/4owll>] (accessed June 8, 2025).

A&S McSweeney Fellowships ▼

A&S McSweeney Fellowships supplement graduate education support and promote racial and ethnic diversity of the student population in the STEM areas. Programs may nominate students from historically underrepresented ethnic/racial groups, including US citizens and permanent residents who are African Americans, Hispanics, Native Americans, Alaskan Natives, and Pacific Islanders. The maximum award is a full stipend, tuition and health insurance premium. Doctoral students may receive funding up to 2 years pending a positive review after the first year. An official review of the student's progress in the program by the Department Chair is required. Additional support is possible with the A&S Dean's approval. The criteria includes a strong evidence of scholarly ability reflected by a GPA of 3.0 or higher, letters of support of the nomination (Chair and nominating committee), and admission to the department graduate program. GREs are recommended but not required. Students must be engaged in full time academic program studies and maintain good academic standing. Students may be required to work up to twenty hours per week in research or service work closely related to their scholarly activity. Students are encouraged to participate in UofL diversity activities. **The deadline is mid-February** each year. Department Chairs should forward application information to the **A&S Research Office**.

2. **Dawn Wilson Scholarship for LGBTQ+ Students of Color**

Link: <https://louisville.edu/lgbt/awards-and-scholarships/scholarships-1/scholarships>

Archived Link: <http://archive.today/tAr68>

Discriminatory Requirement: "...the Dawn Wilson Scholarship will be awarded to subsidize the cost of higher education at the University of Louisville for undergraduate LGBTQ+ **students of color**."

Dawn Wilson Scholarship for LGBTQ+ Students of Color



Established by alumnus Joey Feldman (Kent School of Social Work, 2010), the ***Dawn Wilson Scholarship*** will be awarded to subsidize the cost of higher education at the University of Louisville for undergraduate LGBTQ+ students of color.

Qualifications: To apply you must meet the following qualifications:

- Plan to be seeking an undergraduate degree at the University of Louisville in the upcoming academic year
- Be enrolled for at least 6 credit hours at the University of Louisville
- Minimum GPA: 2.5
- Demonstrate active support for the LGBTQ+ community. Applicants are not required to be part of the LGBTQ+ community but must show a dedication to advocacy for the LGBTQ+ community

3. **Watson Family Endowed Scholarship Fund**

Link: <https://louisville.edu/financialaid/types-aid/scholarships>

Archived Link: <https://archive.is/wip/8yOQD>

Discriminatory Requirement: "The Donor's prioritized preferences are first- or second-generation **college student of African-American heritage**; First-

generation college students from single-parent families; students from immigrant or refugee families; first-generation college students from rural areas of Kentucky.”

<p>Watson Family Endowed Scholarship Fund</p>	<p>To assist KY residents with undergraduate tuition, board in campus housing, and fees. The scholarship(s) will be awarded, based on financial need, to one or more full-time students, who have significant financial need. The Donor’s prioritized preferences are first- or second-generation college student of African-American heritage; First-generation college students from single-parent families; students from immigrant or refugee families; first-generation college students from rural areas of Kentucky. Recipients selected by Financial Aid Office.</p>
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4. **Al Dia Endowed Scholarship**

Link:

<https://louisville.edu/culturalcenter/scholarships#:~:text=Established%20by%20Jose%20Neil%20Donis,identify%20as%20Hispanic%20or%20Latino.>

Archived Link: <https://archive.is/4owII>

Discriminatory Requirement: “...preference given to students who self-identify as **Hispanic or Latino.**”

Al Dia Endowed Scholarship

Established by Jose Neil Donis, publisher of Al Dia en America, the Al Dia en America Endowed Scholarship will be awarded to subsidize the cost of higher education at the University of Louisville for students with strong financial need, with preference given to students who self-identify as Hispanic or Latino.

5. **Louisville Tango Festival Scholarship**

Link:

<https://louisville.edu/culturalcenter/scholarships#:~:text=Established%20by%20Jose%20Neil%20Donis,identify%20as%20Hispanic%20or%20Latino.>

Archived Link: <https://archive.is/4owII>

Discriminatory Requirement: “The Louisville Tango Festival Scholarship is available to **full-time and part-time Latino/a/x and Hispanic students** pursuing a degree in any major at the University of Louisville.”

Louisville Tango Festival Scholarship

The Louisville Tango Festival Scholarship is available to full-time and part-time Latino/a/x and Hispanic students pursuing a degree in any major at the University of Louisville. Preference for this scholarship is given to students who have been active in Latino & Hispanic arts or community groups. The Louisville Tango Festival awards this scholarship one time per year.

6. **Sagar Patagundi Scholarship**

Link:

<https://louisville.edu/culturalcenter/scholarships#:~:text=Established%20by%20Jose%20Neil%20Donis,identify%20as%20Hispanic%20or%20Latino.>

Archived Link: <https://archive.is/4owlI>

Discriminatory Requirement: “...the Sagar Patagundi Scholarship will be awarded to subsidize the cost of higher education at the University of Louisville for undergraduate DACA and undocumented students.”⁴

Sagar Patagundi Scholarship

Established by alumnus Brian Buford (College of Education and Human Development, 1990), the Sagar Patagundi Scholarship will be awarded to subsidize the cost of higher education at the University of Louisville for undergraduate DACA and undocumented students. About the namesake: Sagar Patagundi came to the United States when he was 11 years old with his family. They all entered the country legally, but his father was eventually denied a green card after his application was pending for 11 years and was forced to return to their native country, India. Later his mother returned as well, leaving Sagar and his two brothers alone in the United States to pursue their dream of a college education. Sagar enrolled at U of L and became a key figure in the immigrant rights movement, founding a student organization called FIRE (Fighting for Immigrants Rights and Equality) and speaking nationally about the issues that undocumented students face. He graduated from the University of Louisville in 2014 with BA in Communication and continues to work as an advocate for social change with the ACLU of Kentucky and other local organizations.

⁴ 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 June 9, 2025). Similarly, “undocumented” status only applies to students born outside the United States. This scholarship discriminates against American-born students.

The Scholarships Listed Above Violate The Law

The scholarships identified above violate Title VI, by discriminating on the basis of race, skin color, or national origin.⁵ Furthermore, because UofL 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 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 UofL receives and administers federal funds through numerous programs, it is subject to Title VI.⁶

Regardless of UofL’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 UofL 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

⁵ Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as UofL. 42 U.S.C. § 2000(a)(a). These scholarships also violate Kentucky state law. Ky. Rev. Stat. § 344.010 et seq. (2024). Finally, these scholarships violate UofL’s own nondiscrimination policy. *See* <https://louisville.edu/oapa/public-disclosure-1/NoticeofNondiscrimination.pdf> [<https://archive.is/wip/ompPk>] (accessed June 8, 2025).

⁶ *See* <https://www.usaspending.gov/recipient/3c9476c3-c39d-74de-31b6-2c9a10197e11-C/latest> [<https://archive.ph/wip/JrZly>] (accessed June 8, 2025).

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

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove “that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate.” *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, UofL 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, UofL 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 UofL’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,”

“undefined” and “opaque,” 600 U.S. at 216-17,⁷ 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.

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.

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

OCR Has Jurisdiction

UofL is a public entity and a recipient of federal funds, including from the U.S. Department of Education.⁸ It is therefore liable for violating both Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, national origin, and/or sex that occurred within 180 days and that are ongoing. These scholarships are currently active.⁹

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

⁷ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

⁸ See https://www.usaspending.gov/award/ASST_NON_P063P241506_9100 [<https://archive.ph/dvdMu>] (accessed June 8, 2025).

⁹ <https://louisville.edu/culturalcenter/scholarships#:~:text=Established%20by%20Jose%20Neil%20Donis,identify%20as%20Hispanic%20or%20Latino.> [<https://archive.is/4owII>] (accessed June 8, 2025).

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

The Office for Civil Rights has the power and obligation to investigate UofL'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 UofL's various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at UofL comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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