



THE EQUAL PROTECTION PROJECT
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July 9, 2025

BY EMAIL (OCR@ed.gov)

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U.S. Department of Education
Office for Civil Rights – Denver Office
US Department of Education
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Denver, CO 80204-3582

Re: Civil Rights Complaint Against Western Michigan University Regarding Discriminatory Scholarship Programs

To Whom It May Concern:

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 Western Michigan University ("WMU"), a public university, for discrimination in eight (8) 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.

WMU offers a variety of scholarships.² According to the university, “Students earn scholarships for financial need, academic success and promoting multicultural awareness.” Eligible students may receive awards based on these criteria.

99%
of full-time undergraduate students with financial need received aid

60%
of students receive grant money directly from the school, which is above the national average for public schools

While many scholarships are only accessible to students with a login, the following scholarships are publicly viewable and currently offered to WMU students and applicants, according to the WMU website.³ These scholarships 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 its implementing regulations⁵ by excluding students based on their sex. Because WMU 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 with the application period currently open, according to the WMU website.⁶

² <https://wmich.edu/finaid/aid-types/institutional-offers> [<https://archive.is/wip/2vf8Z>] (accessed June 26, 2025).

³ <https://legacy.wmich.edu/finaid/pdf/fact-sheets/SUinstructions.pdf> [<https://archive.ph/wip/e7UBQ>] (accessed July 8, 2025). Because not all scholarships are visible to the public, we ask OCR as part of its investigation to include a review of all race- and sex-based scholarships in addition to those listed in this Complaint.

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

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

⁶ Emphasis (bold) for the discriminatory criteria. Links ‘live’ and in use as of July 8, 2025.

SCHOLARSHIPS THAT VIOLATE TITLE VI (5)

1. WMU Undocumented/DACA Scholarship

Link: <https://wmich.edu/finaid/aid-types/institutional-offers#:~:text=enrollment%20each%20semester%20is%20required>

Archived Link:

<https://web.archive.org/web/20250627182336/https://wmich.edu/finaid/aid-types/institutional-offers>

Discriminatory Requirement: “Scholarship aid is for undergraduate students who are ineligible to receive federal student aid due to an **undocumented or DACA status**.”⁷

Funding information for undocumented students

Guidelines for scholarship aid for undocumented or DACA students:

- Scholarship aid is for undergraduate students who are ineligible to receive federal student aid due to an undocumented or DACA status.
- Scholarship aid is open to admitted freshmen, admitted transfers, and returning or currently enrolled students.
- Students are encouraged to apply early, as awards are limited and subject to funding availability.
- Students must demonstrate financial need (per financial documents submitted with the undocumented student or DACA application).
- Full-time enrollment each semester is required.
- Award is up to \$6,000 per year.

Awards may be renewable if the student:

1. Submits a new Undocumented/DACA Scholarship Application for the following year.
2. Remains enrolled full-time (fall and spring).
3. Maintains Satisfactory Academic Progress.

Though students must reapply for the funds yearly, they may receive the award up to 10 semesters or 150 credit hours, whichever comes first.

Please [log in to ScholarshipUniverse](#) to view DACA applications.

2. Doctors Paul Brown & Bassett Brown and the V. Delores Brown Scholarship

Link: <https://wmich.edu/diversity/odi-scholarships>

Archived Link:

<https://web.archive.org/web/20250627182506/https://wmich.edu/diversity/odi-scholarships>

Discriminatory Requirement: “Eligibility: Preference will be given to **minority students** enrolled in programs of study in pre-medicine, pre-

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

dental, or paramedical fields. The amount of the award will be determined by the Office of Diversity and Inclusion's scholarship committee and will be based upon the endowment's available spendable dollars."

Doctors Paul Brown & Bassett Brown and the V. Delores Brown Scholarship ^

Eligibility: Preference will be given to minority students enrolled in programs of study in pre-medicine, pre-dental, or paramedical fields. The amount of the award will be determined by the Office of Diversity and Inclusion's scholarship committee and will be based upon the endowment's available spendable dollars.

3. **Dr. William F. Pickard Endowed Scholarship**

Link: <https://wmich.edu/diversity/odi-scholarships>

Archived Link:

<https://web.archive.org/web/20250627182506/https://wmich.edu/diversity/odi-scholarships>

Discriminatory Requirement: "Eligibility: Preference shall also be given to **African American students** who are U.S. citizens. Preference shall be given to members of the Alpha Phi Alpha Fraternity. All other resources from Financial Aid must have been exhausted or not available. The amount of the award will be determined by the Office of Diversity and Inclusion's scholarship committee and will be based upon the endowment's available spendable dollars."

Dr. William F. Pickard Endowed Scholarship ^

Eligibility: Preference shall also be given to African American students who are U.S. citizens. Preference shall be given to members of the Alpha Phi Alpha Fraternity. All other resources from Financial Aid must have been exhausted or not available. The amount of the award will be determined by the Office of Diversity and Inclusion's scholarship committee and will be based upon the endowment's available spendable dollars.

4. **Elissa Gatlin Endowed Scholarship**

Link:

<https://wmich.edu/hhs/scholarships#:~:text=,Native%20American%20or%20Hispanic%20American>

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

Discriminatory Requirement: "Eligibility criteria: **African American**, Native American or **Hispanic American**."

Elissa Gatlin Endowed Scholarship

Eligibility criteria

- 2.75 GPA for undergraduates
- 3.00 GPA for graduates
- Enrolled in professional programs in occupational therapy, nursing, speech pathology, blindness and low vision studies, social work or physician assistant
- U.S. citizen
- Based on financial need
- African American, Native American or Hispanic American

Award amount: \$500 to one undergraduate and \$500 to one graduate for fall and spring semesters

5. **Dulcet Scholarship**

Link: <https://wmich.edu/diversity/odi-scholarships>

Archived Link: <https://archive.is/wip/E5VJp>

Discriminatory Requirement: “Eligibility: This scholarship is to support Kalamazoo African American students with unmet needs such as books, tuition support, professional development, or other educational needs. Students must be enrolled at WMU, have a minimum 2.0 GPA, **be African American**, and be a resident of Kalamazoo for at least 6 months. Award amount will be determined based on time of application and availability of funds.”

Dulcet Scholarship



Funding Source: Private Donations

Value: Max \$200

Eligibility: This scholarship is to support Kalamazoo African American students with unmet needs such as books, tuition support, professional development, or other educational needs. Students must be enrolled at WMU, have a minimum 2.0 GPA, be African American, and be a resident of Kalamazoo for at least 6 months. Award amount will be determined based on time of application and availability of funds.

SCHOLARSHIPS THAT VIOLATE TITLE IX (3)

6. **Dr. Susan Burns Scholarship**

Link: <https://wmich.edu/chemistry/scholarships>

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

Discriminatory Requirement: “Eligibility requirements: **female**”

Undergraduate scholarships

Dr. Susan Burns Scholarship

This scholarship was established by the Burns family as a memorial to faculty member Dr. Susan Burns, who passed away in 1999. Dr. Burns joined the WMU chemistry faculty in 1996 after serving as a visiting assistant professor in the Department of Chemistry at the State University of New York-Syracuse, where she received her Ph.D. Dr. Burns conducted research on the interaction of natural organic matter (including humic acids) with pesticides in water. Her work significantly assisted Great Lakes researchers and regulators from the U.S. and Canada to better regulate pesticide use and disposal.

Eligibility requirements:

- female
- 3.0 minimum GPA
- financial need

[Donate to the Dr. Susan Burns Scholarship](#)

7. **Lillian Meyer Scholarship**

Link: <https://wmich.edu/chemistry/scholarships>

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

Discriminatory Requirement: “Eligibility requirements: **female**”

Lillian Meyer Scholarship

This scholarship was established in late 2005 by Ms. Christine Weisblat, wife of Dr. David Weisblat. It was instituted in honor of former department chair Dr. Lillian Meyer (1956-68).

Eligibility requirements:

- female
- junior or senior
- 3.0 minimum GPA

[Donate to the Lillian Meyer Scholarship](#)

8. **A. Edythe Mange Distinguished Scholarship**

Link: <https://wmich.edu/history/undergraduateawards>

Archived Link: <https://archive.ph/wip/2X46Y>

Discriminatory Requirement: “This endowment will be used to provide awards to advanced students of History. **The preference is for female recipients** who are dedicated to their field, and who will likely serve the profession throughout their careers. Please contact department chair for more information on the application process.”

A. Edythe Mange Distinguished Scholarship

This endowment will be used to provide awards to advanced students of History. The preference is for female recipients who are dedicated to their field, and who will likely serve the profession throughout their careers. Please contact department chair for more information on the application process.

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.⁸ Furthermore, because WMU 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 WMU receives and administers federal funds through numerous programs, it is subject to Title VI.⁹

Regardless of WMU’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

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 WMU. 42 U.S.C. § 2000(a)(a). These scholarships also violate the Michigan Elliott-Larsen Civil Rights Act, Elliott-Larsen Civil Rights Act, Mich. Comp. Laws §§ 37.2101-37.2804 (2025). Finally, these scholarships violate WMU’s own nondiscrimination policy. *See* <https://wmich.edu/policies/non-discrimination> [<https://archive.is/wip/lsQBh>] (accessed June 27, 2025).

⁹ *See* https://www.usaspending.gov/award/ASST_NON_S215N210034_9100 [<https://archive.is/wip/gj8Ro>] (accessed on July 8, 2025).

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 WMU 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.

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, WMU 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, WMU 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 WMU’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,¹⁰ 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.

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

¹⁰ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

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.

WMU’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, WMU’s offering, promotion, and administration of these programs violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

WMU is a public entity and a recipient of federal funds, including from the U.S. Department of Education.¹¹ It is therefore liable for violating Title VI, Title IX, 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 is ongoing. These scholarships are currently active.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 WMU 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.

¹¹ See <https://www.usaspending.gov/recipient/b68c9445-5627-e42b-33c6-f4e6d4688d9c-C/latest> [<https://archive.is/wip/O2HiD>] (accessed on July 8, 2025).

¹² <https://wmich.edu/finaid/aid-types/institutional-offers#:~:text=enrollment%20each%20semester%20is%20required> [<https://archive.is/2vf8Z>] (accessed July 8, 2025).

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

Respectfully submitted,

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