



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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August 1, 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.DC@ed.gov)

Washington DC (Metro)
Office for Civil Rights
US Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475

**Re: Civil Rights Complaint Against Rutgers University 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 opposes unlawful discrimination in any form.

We bring this civil rights complaint against Rutgers University ("Rutgers"), a public university, for discrimination in four (4) scholarships based on race, color, or national origin, in violation of Title VI.

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

Rutgers offers a variety of scholarships.² In most cases, no separate application is required, as scholarships are typically awarded based on information provided in the student's initial undergraduate application.



How do I apply for a scholarship?

Submit your undergraduate application to Rutgers by one of the following dates:

- **December 1** for fall first-year admission;
- **February 1** for fall transfer admission; or
- **October 1** for spring transfer admission.

No separate application is required. For information about other types of scholarships, see above.

The scholarships listed below are currently offered to Rutgers students and applicants for admission, according to the Rutgers website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations³ by illegally discriminating against students based on their race, color or national origin. Because Rutgers 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 with the application period currently open, according to the Rutgers website.⁴

SCHOLARSHIPS THAT VIOLATE TITLE VI (4)

1. **EEOC/General Motors Endowed Scholarship**

Link:

<https://studentaffairs.rutgers.edu/resources/scholarships#:~:text=Corporation%E2%80%99s%20educational%20endowment%20and%20grants,and%20students%20of%20underrepresented%20minorities>

Archived Link: <https://archive.ph/5y3Kq>

Discriminatory Requirement: “The provision of the agreement endowed specified colleges and universities with funds to be used to provide

² <https://admissions.rutgers.edu/costs-and-aid/scholarships> [<https://archive.is/wip/YBYka>] (accessed July 29, 2025).

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

⁴ Emphasis (bold) for the discriminatory criteria. Links ‘live’ and in use as of July 29, 2025.

scholarships in perpetuity for minority and female employees of General Motors and their eligible spouses and offspring. Under General Motors Corporation’s educational endowment and grants program, scholarship funds are made available annually to meet their designated purpose. Preference will be given to General Motors employees, their spouses and children, and **students of underrepresented minorities.**”⁵

EEOC/General Motors Endowed Scholarship

In 1983, General Motors Corporation entered into a Conciliation Agreement resolving the Equal Employment Opportunity Commission’s 1973 charge of discrimination against General Motors and the United Auto Workers. The provision of the agreement endowed specified colleges and universities with funds to be used to provide scholarships in perpetuity for minority and female employees of General Motors and their eligible spouses and offspring. Under General Motors Corporation’s educational endowment and grants program, scholarship funds are made available annually to meet their designated purpose. Preference will be given to General Motors employees, their spouses and children, and students of underrepresented minorities.

Deadline Extended to Monday February 17th, 2025.

[Donate](#)

[Apply](#)

⁵ Rutgers considers “minorities” to be those who “... designate themselves as Black, non-Hispanic; American Indian or Alaska Native; Asian, Native Hawaiian or other Pacific Islander, or Hispanic.” See https://oirap.rutgers.edu/CDS/2023/New%20Brunswick%20CDS_2023-2024_final_V1.pdf [https://web.archive.org/web/20250407172210/https://oirap.rutgers.edu/CDS/2023/New%20Brunswick%20CDS_2023-2024_final_V1.pdf] (accessed July 29, 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).

2. **GEM Fellowship Program**

Link: <https://gradfund.rutgers.edu/awards/gem-fellowship-program/>

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

Discriminatory Requirement: “This fellowship provides both financial support and internship opportunities to highly qualified, **underrepresented students**⁶ who wish to pursue graduate study in engineering or science.”

GEM Fellowship Program

This fellowship provides both financial support and internship opportunities to highly qualified, underrepresented students who wish to pursue graduate study in engineering or science.

2

Amount: \$16,000

3. **NACME Renewable Scholarships**

Link: https://soe.rutgers.edu/Rutgers_NACME

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

Discriminatory Requirement: “Identify as **under-represented (African American, American Indian, or Latino)** and/or first generation.

⁶ Rutgers considers underrepresented students to include only “African American, American Indian, or Latino” students. See https://soe.rutgers.edu/Rutgers_NACME [<https://archive.is/wip/LCgRB>] (accessed on July 29, 2025).

NACME Renewable Scholarships

Student Eligibility

To be eligible for the NACME Block Grant Renewable Scholarship Program students must:

- Be in good standing and matriculating full-time on campus at Rutgers University.
- Major in Computer Science or one of the following Engineering majors: Biomedical, Chemical, Civil, Computer, Electrical, Industrial or Mechanical Engineering (other engineering majors will be considered on a case-by-case basis).
- Identify as under-represented (African American, American Indian, or Latino) and/or first generation.
- GPA Requirement: First time nominees (if not a freshman) must have a 3.0 minimum cumulative GPA and to receive renewal support must maintain a minimum required GPA of 2.8.

Renewable Scholarship Award Process

4. **Albert W. Dent Graduate Student Scholarship for minority students**

Link: <https://gradfund.rutgers.edu/funder/american-college-of-healthcare-executives/>

Archived Link: <https://archive.is/wip/IS3Sw>

Discriminatory Requirement: “Offered annually, the Albert W. Dent Graduate Student Scholarship is designated for **minority students** enrolled in their final year of a healthcare management graduate program.”

Albert W. Dent Graduate Student Scholarship for minority students

Offered annually, the Albert W. Dent Graduate Student Scholarship is designated for minority students enrolled in their final year of a healthcare management graduate program. The goal is to help increase the enrollment of minority students in healthcare management programs and encourage students to obtain positions in middle and upper levels of healthcare management. ELIGIBILITY: [...]

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.⁷ Furthermore, because Rutgers 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 Rutgers receives and administers federal funds through numerous programs, it is subject to Title VI.⁸

Regardless of Rutgers’ 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

⁷ 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 Rutgers. 42 U.S.C. § 2000(a)(a). These scholarships also violate New Jersey state law. N.J. Stat. § 18A:36-20 (2024). Finally, these scholarships violate Rutgers’ own nondiscrimination policy. *See* <https://policies.rutgers.edu/B.aspx?BookId=12087&PageId=459442> [<https://archive.ph/wip/S9qIJ>] (accessed July 28, 2025).

⁸ *See* https://www.usaspending.gov/award/ASST_NON_P217A170194_091 [<https://archive.is/wS9JF>] (accessed July 28, 2025).

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 Rutgers 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.* (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, Rutgers 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, Rutgers 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 Rutgers’ scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,⁹ 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.

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

OCR Has Jurisdiction

Rutgers is a public entity and a recipient of federal funds, including from the U.S. Department of Education.¹⁰ 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, or national origin that occurred within 180 days and that are ongoing. These scholarships are currently active.¹¹

⁹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

¹⁰ See https://www.usaspending.gov/award/ASST_NON_P217A170194_091 [<https://archive.ph/wS9JF>] (accessed July 29, 2025).

¹¹ <https://admissions.rutgers.edu/costs-and-aid/scholarships> [<https://archive.is/wip/YBYka>] (accessed July 29, 2025).

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 Rutgers 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 Rutgers’ 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 Rutgers’ various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at Rutgers comports with the Constitution and federal civil rights laws.

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Respectfully submitted,

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