



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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October 30, 2025

BY EMAIL (OCR@ed.gov)

Kimberly Richey, Assistant Secretary
for Civil Rights
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 University of California, Irvine - Samueli School of Engineering's Racial Quota Initiative

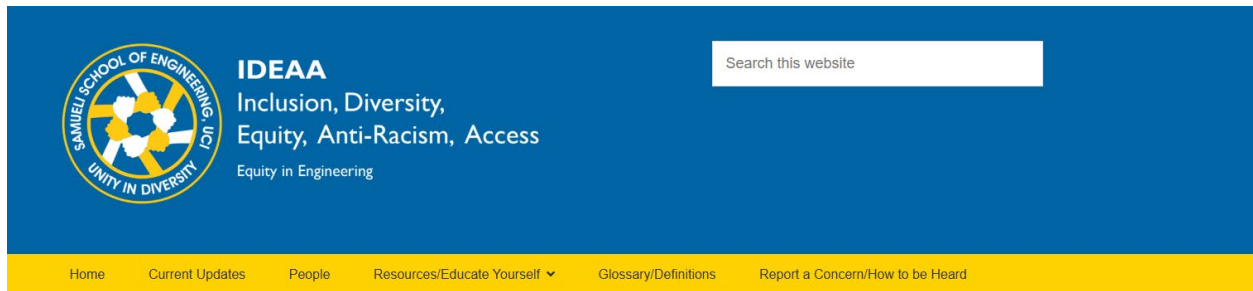
Dear Ms. Richey and OCR Staff:

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 that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We submit this complaint against the University of California, Irvine ("UCI"), and its Samueli School of Engineering ("SSoE")(collectively, UCI/SSoE"), for adopting and promoting an unlawful racial minimum quota goal tied to statewide demographic targets.

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

Samueli School of Engineering Racial Quota Initiative²



SSoE has publicly announced on its website that it is setting a minimum racial quota goal that seeks to increase the percentage of Black faculty, students, staff, researchers, and partners to “match or exceed the state’s current Black population of 6%.”³ SSoE explains that it “aim[s] to reflect California’s demographics in our [community] by growing our population of Black faculty, students, staff, researchers, and partners **to match or exceed the state’s current Black population of 6%.**” (Emphasis added)

Ensuring Equal Opportunity

We acknowledge the existence of anti-Black racism and prioritizes the campus commitment to create a university culture where Black people thrive. We aim to reflect California’s demographics in our SSoE community by growing our population of Black faculty, students, staff, researchers, and partners to match or exceed the state’s current Black population of 6%.

The racial quota initiative is part of a larger UCI/SSoE effort. SSoE further states that it is “committed to taking action to dismantle anti-Blackness and institutional systemic racism” and “pledge[s] to confront anti-Blackness to build a thriving culture for Black people and people of all backgrounds.”

² <https://sites.uci.edu/equityinengineering/>? [<https://archive.is/wip/Z8xrX>] (accessed October 29, 2025).

³ <https://sites.uci.edu/equityinengineering/>? [<https://archive.is/wip/Z8xrX>] (accessed October 29, 2025).

Anti Blackness and Systemic Racism Commitment

The Samueli School of Engineering (SSoE) is committed to taking action to dismantle anti-blackness and institutional systemic racism. We are compassionate about ensuring equitable access and equal opportunity. We pledge to confront anti-Blackness to build a thriving culture for Black people and people of all backgrounds.

By setting and pursuing explicit racial quota goals—stated as a requirement to “match or exceed” California’s demographic percentages—SSoE has implemented a *de facto* minimum racial quota system that conditions opportunity, access, and advancement on race. Such practices violate both the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964.

UCI/SSoE’s Racial Quota Initiative Violates The Law

The racial quota initiative violates Title VI, by discriminating on the basis of race, skin color, or national origin through minimum racial quota targets.⁴ Furthermore, because UCI is a public university, such racial quota initiative 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 UCI receives

⁴ 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 UCI. 42 U.S.C. § 2000(a)(a). In certain circumstances, OCR also has jurisdiction over and investigates complaints concerning alleged employment discrimination falling under Title VI, U.S. Department of Education for Civil Rights, Case Processing Manual at 25-26, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf> (accessed October 29, 2025). This racial quota initiative also violates California state law. *See* Cal. Educ. Code § 220 (2024). Finally, this initiative violates UCI’s own nondiscrimination policy. *See* <https://policy.ucop.edu/doc/1001004/Anti-Discrimination> [<https://archive.is/wip/SqsYd>] (accessed on October 29, 2025).

and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.⁵

Regardless of UCI/SSoE's reasons for offering, promoting, and administering such a discriminatory initiative, they are 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 UCI is a public university, its offering, promoting, and administering this racial quota initiative through SSoE 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 initiative 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, UCI 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, UCI cannot demonstrate that a minimum racial quota for faculty, students, and other members of the university community 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

⁵ See https://www.usaspending.gov/award/ASST_NON_P334A210037_091 [<https://archive.is/wip/BgUr2>] (accessed October 29, 2025).

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.

The Supreme Court has consistently struck down the use of racial quotas and race-based classifications by public institutions. In *Regents of Univ. of California v. Bakke*, 438 U.S. 265, 315 (1978), the Court held that a university’s use of a racial quota for class admission was unconstitutional, emphasizing that race cannot be used to insulate individuals from comparison with all other candidates for admission. Similarly, in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), the Court explained that “[a]n amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota.” And in *Ricci v. DeStefano*, 557 U.S. 557, 585 (2009), the Court clarified that, under Title VII, an employer must have a “strong basis in evidence to believe it will be subject to disparate-impact liability to justify race-conscious, discriminatory action.” (*Id.*) (holding that mere fear of litigation or generalized claims of inequity are insufficient to justify intentional discrimination). These precedents reaffirm that government entities—including public universities—may not employ racial quotas or classifications absent an extraordinary and precisely defined justification grounded in concrete evidence.

If the racial quotas 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 racial categories used to guide institutional decision-making were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined,” and “opaque,” 600 U.S. at 216–17, 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. UCI’s initiative suffers from the same defects—it relies on vague and expansive racial groupings untethered to any legitimate or compelling governmental interest and therefore cannot satisfy the requirement of narrow tailoring.

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.

The Department of Education’s Office for Civil Rights has jurisdiction to investigate racial discrimination affecting not only students, but also faculty at educational institutions that receive federal funds. Title VI’s prohibition applies to “all of the operations” of a federally funded university, including employment practices that “affect participants in the program or activity.” See 34 C.F.R. § 100.3(c). OCR has long exercised authority over faculty discrimination where hiring, promotion, or compensation decisions are racially based or connected to educational operations.⁶ Because UCI/SSoE’s race-based hiring and recruitment goals for faculty are institutional policies that directly impact the educational environment, OCR has both the authority and the responsibility to investigate them.

UCI/SSoE’s racial quota initiative is presumptively invalid, and since there is no compelling government justification for such invidious discrimination, UCI/SSoE’s offering, promotion, and administration of this initiative violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

UCI, of which SSoE is a unit, is a public entity and a recipient of federal funds, including from the U.S. Department of Education.⁷ Therefore, it is liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

The Complaint Is Timely

This complaint is timely because it includes allegations of discrimination based on race, color, and national origin that occurred within 180 days of this complaint’s submission, and which appear to be ongoing. This is an active initiative.⁸

⁶ See <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-george-mason-university-has-violated-title-vi> [<https://archive.is/wip/5JRY4>] (accessed October 29, 2025).

⁷ See https://www.usaspending.gov/award/ASST_NON_P334A210037_091 [<https://archive.is/wip/BgUr2>] (accessed October 29, 2025).

⁸ <https://sites.uci.edu/equityinengineering/> [<https://archive.is/wip/Z8xrX>] (accessed October 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 racial quota initiative outlined above is presumptively illegal, and since UCI/SSoE cannot show any compelling government justification for it, the fact that it gives preference by setting minimum quotas based 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 UCI/SSoE’s role in creating, funding, promoting and administering this initiative and, to discern whether UCI and SSoE are 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 request that the Department of Education’s Office for Civil Rights promptly open a formal investigation, impose all appropriate remedial measures authorized by law to address the discriminatory quota system at UCI/SSoE, and ensure that all current and future initiatives and programs fully comply with Title VI, the Equal Protection Clause, and other applicable federal civil rights guarantees.

U.S. Dept. of Education, Office for Civil Rights
Civil Rights Complaint Against University of California, Irvine
October 30, 2025
Page 8 of 8

Respectfully submitted,

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