



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
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March 17, 2026

**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.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 Jacksonville State University**

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.<sup>1</sup> 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 Jacksonville State University ("Jax State"), in Jacksonville, Alabama, for offering, administering, and promoting four (4) scholarships that discriminate on the basis of sex, race, color, and/or national origin in violation of Title IX and Title VI, respectively.

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

Students are considered automatically for many scholarships at Jax State based on their initial “JaxApp” scholarship application.<sup>2</sup> Students must complete this application by February 1 every year. So long as students meet the requirements, they will be considered.

**Financial Aid**

- Grants
- Scholarships**
- First-Time Freshman Merit-Based Scholarships
- Competitive Foundation Scholarships
- Outside Scholarships
- Transfer Scholarships
- International House

### JAX App

All Gamecocks are encouraged to complete Jax App each year by February 1.

JaxApp is a single application that allows you to apply for over 250 scholarships including alumni, foundation, and departmental scholarships.

Competitive Foundation Scholarship recipients can expect to be notified of any scholarship award by the end of April. An email notification will be sent to each recipient's MyJaxState email address.

[View and Apply for Scholarships](#)

The scholarships listed below are currently offered to Jax State students and applicants for admission, according to the Jax State website, and violate Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations<sup>3</sup> by discriminating against students based on their sex, or Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations<sup>4</sup> by discriminating against students based on their race and skin color.<sup>5</sup> Because Jax State is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

<sup>2</sup> <https://www.jsu.edu/finaid/scholarships/new-student-merit-based-scholarships.html> [<https://archive.is/wip/wLcql>] (accessed March 16, 2026).

<sup>3</sup> 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106.

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

<sup>5</sup> Discriminatory criteria highlighted below.

**I. SCHOLARSHIPS THAT VIOLATE TITLE IX (3)**

**1. Darlene Hocutt-Watson Annual Scholarship**

Link: <https://jsu.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/zRBv0>

Discriminatory Requirement: “Preference will be given to a **female**. “

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**Darlene Hocutt-Watson Annual Scholarship**

Established by Trey Watson to promote the education of deserving full-time students who are juniors or seniors majoring in any discipline within the College of Business & Industry. Students must have a minimum GPA of 3.0 and be a member of the Marching Southerners. Preference will be given to a female.

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**2. Dr. Louise J. Clark Memorial Scholarship**

Link: <https://jsu.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/zRBv0>

Discriminatory Requirement: “Established in memory of Dr. Louise J. Clark by her son, Jeff Clark, to promote the education of deserving full-time undergraduate students and/or graduate **female students** who are admitted to the JSU MBA program.”

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**Dr. Louise J. Clark Memorial Scholarship**

Established in memory of Dr. Louise J. Clark by her son, Jeff Clark, to promote the education of deserving full-time undergraduate students and/or graduate female students who are admitted to the JSU MBA program. Students must have a minimum undergraduate GPA of 3.0.

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**3. JSU Faculty Women's Club of Jacksonville**

Link: <https://jsu.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/zRBv0>

Discriminatory Requirement: “Established by the Faculty Women's Club of Jacksonville State University for the benefit of a deserving full-time **undergraduate female student** from Calhoun County, Alabama.”

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**JSU Faculty Women's Club of Jacksonville**

Established by the Faculty Women's Club of Jacksonville State University for the benefit of a deserving full-time undergraduate female student from Calhoun County, Alabama.

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## II. SCHOLARSHIPS THAT VIOLATE TITLE VI (1)

### 1. Nicole Cannon McNair Memorial Endowed Nursing Scholarship

Link: <https://jsu.scholarships.ngwebsolutions.com/Scholarships/Search>

Archived Link: <http://archive.today/zRBv0>

Discriminatory Requirement: “Preference will be given to a student in a **minority group**”<sup>6</sup>

Nicole Cannon McNair Memorial Endowed Nursing Scholarship

Established by Dr. Robert and Mrs. Michelle Holland Garver in memory of Nicole Cannon McNair to promote the education of full-time deserving students who are majoring in Nursing who are a graduate of any school in Alabama.  
A FAFSA must be on file in order to be considered. Preference will be given to a student in a minority group.

### The Scholarships Listed Above Violate The Law

The scholarships identified above violate either Title IX, by discriminating on the basis of sex, or Title VI, by discriminating on the basis of race, skin color, or national origin.<sup>7</sup> Furthermore, because Jax State is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.

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).

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<sup>6</sup> Courts 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).

<sup>7</sup> 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 Jax State. 42 U.S.C. § 2000a(a). These scholarships also violate Jax State’s own nondiscrimination policy. *See* <https://catalog.jsu.edu/graduate/student-resources/student-policies-rights/> (accessed March 16, 2026).

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 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)

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 Jax State receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.<sup>8</sup>

Regardless of Jax State’s reasons for offering, promoting, and administering such discriminatory scholarships, 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 Jax State 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

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<sup>8</sup> *See* [https://www.usaspending.gov/award/ASST\\_NON\\_P063P250005\\_091](https://www.usaspending.gov/award/ASST_NON_P063P250005_091) [<https://archive.ph/jdhtH>] (accessed March 16, 2026).

(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, Jax State 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, Jax State 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 Jax State’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,<sup>9</sup> and declared that “it is far from evident ... how

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

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*, 539 U.S. at 339, 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.

Jax State’s explicit sex- and race-based scholarships are presumptively invalid, and since there is no compelling government justification for such invidious discrimination, Jax State’s offering, promotion, and administration of these programs violates state and federal civil rights statutes and constitutional equal protection guarantees.

### **OCR Has Jurisdiction**

Jax State is a public entity and a recipient of federal funds, including from the U.S. Department of Education.<sup>10</sup> 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 sex that occurred within 180 days and that appear to be ongoing. The scholarships are currently active.<sup>11</sup>

### **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).

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<sup>10</sup> See [https://www.usaspending.gov/award/ASST\\_NON\\_P063P250005\\_091](https://www.usaspending.gov/award/ASST_NON_P063P250005_091) [<https://archive.ph/jdhtH>] (accessed March 16, 2026).

<sup>11</sup> <https://www.jsu.edu/financialaid/scholarships/competitive-foundation.html> (accessed March 16, 2026).

Because the discrimination outlined above is presumptively illegal, and since Jax State cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on sex, 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 Jax State's role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether Jax State is 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 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 Jax State's various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at Jax State comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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