



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
**18 MAPLE AVE. #280**  
**BARRINGTON, RI 02806**  
[www.EqualProtect.org](http://www.EqualProtect.org)

July 24, 2026

**BY EMAIL**

Robert Doles  
Acting Deputy Assistant Secretary for  
Enforcement and Programs  
Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban  
Development  
451 7th Street, SW  
Washington, DC 20410

**BY EMAIL**

Hon. Craig Trainor  
Assistant Secretary for Fair Housing and  
Equal Opportunity  
United States Department of Housing and  
Urban Development  
451 7th St SW  
Washington, DC 20410

**Re: Civil Rights Complaint against University of Massachusetts for Race- and Ethnicity-  
Based Amherst Campus Housing Programs**

Dear Assistant Secretary Trainor and Acting Deputy Assistant Secretary Doles:

This is a federal civil rights complaint and request for investigation against the University of Massachusetts, Amherst (“UMass”) submitted pursuant to the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity (“FHEO”) 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 all forms.

---

<sup>1</sup> See 42 U.S.C. 3601, *et seq.*; 24 C.F.R. § 100.1, *et seq.*

We bring this complaint and request for investigation against UMass for operating three discriminatory university housing programs at the Amherst campus that use race- and ethnicity-based descriptions and promotional materials to steer students based on race, color, and national origin, in violation of the Fair Housing Act ("FHA"):

- “Asian/Asian American Defined Residential Community”;
- “El Barrio: Latinx Defined Residential Community”; and
- "Harambee: African/African American Defined Residential Community.”

These discriminatory housing programs violate the FHA, Title VI of the Civil Rights Act of 1964, and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

### **A. Introduction – Race- and Ethnicity-Based Steering Is Unlawful**

Enacted as Title VIII of the Civil Rights Act of 1968, the FHA was intended “to provide, within constitutional limitations, for fair housing throughout the United States.”<sup>2</sup> The FHA prohibits discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin in the sale or rental of housing. The FHA applies to a broad assortment of housing, both public and private, including single-family homes, apartments, condominiums, and mobile homes.<sup>3</sup> Courts have also concluded that the FHA applies to college dormitories.<sup>4</sup>

Under the FHA, it is unlawful to “make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.”<sup>5</sup> Under applicable Department of Housing and Urban Development (HUD) regulations enforcing the FHA, this kind of “steering” toward or away from housing based on race is strictly prohibited.<sup>6</sup> Steering liability attaches even if the housing program does not physically bar members of other racial or ethnic groups from participating.

Specifically, where ads or other publicly available information to potential applicants would cause a reasonable non-member of a given group to conclude that a given program is not intended for them, likely causing them to forgo applying, such steering violates the FHA. Even subtle messaging can convey these kinds of discriminatory preferences and steer potential applicants away. *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991); *Jancik v. Dep’t of Hous. & Urb. Dev.*, 44 F.3d 553, 556 (7th Cir. 1995); *Housing Opportunities Made Equal, Inc. v. Cincinnati Enquirer, Inc.*, 943 F.2d 644, 646 (6th Cir.1991); *Spann v. Colonial*

---

<sup>2</sup> 42 U.S.C. § 3601.

<sup>3</sup> See 42 U.S.C. § 3602(b); 24 C.F.R. § 100.201 (2023).

<sup>4</sup> See, e.g., *United States v. Univ. of Neb. at Kearney*, 940 F. Supp. 2d 974, 983 (D. Neb. 2013).

<sup>5</sup> 42 U.S.C. § 3604(c).

<sup>6</sup> 24 C.F.R. § 100.70(c).

*Village, Inc.*, 899 F.2d 24 (D.C.Cir.1990); *United States v. Hunter*, 459 F.2d 205, 215 (4th Cir. 1981).

## **B. UMass's Discriminatory Identity-Based Defined Residential Communities**

UMass Amherst's Defined Residential Communities ("DRCs") are university-sponsored residential programs that allow students to live together while participating in shared programming centered on common interests, backgrounds, and identities.<sup>7</sup> According to UMass, DRCs are residence hall communities where students live with hallmates who "share similar interests, backgrounds, and identities" and serve as living and learning communities that support students' personal growth and academic success. UMass further states that these communities provide students with a "dynamic, hands-on way to learn about the variety of cultures and lifestyles represented at UMass Amherst."

Although UMass offers numerous residential communities organized around academic disciplines, entrepreneurship, and other broadly shared interests, it also operates several identity-based DRCs whose stated missions and promotional materials are directed toward students of particular racial or ethnic backgrounds. These include the Asian/Asian American Defined Residential Community, El Barrio: Latinx Defined Residential Community, and Harambee: African/African American Defined Residential Community.<sup>8</sup>

The community at large understands this racial and ethnic steering. For example, a 2023 article in the student newspaper, the *Massachusetts Daily Collegian*, discussing UMass's Defined Residential Communities describes El Barrio as a community for Latinx students, Harambee as serving African American and Black students, and the Asian/Asian American DRC as serving Asian American students.<sup>9</sup> The article recounts one student's decision to live in El Barrio because she believed she would "struggle" if she were "surrounded by a lot of white people" and explains that another student directed her to apply to that Defined Residential Community before enrolling.

This example illustrates that students understand these communities to be race- and ethnicity-specific residential spaces. UMass's promotional materials clearly convey a racial preference to the ordinary reader.

---

<sup>7</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/vq6Bn>] (accessed July 23, 2026).

<sup>8</sup> Emphasis added to community descriptions throughout.

<sup>9</sup> <https://dailycollegian.com/2023/05/the-diversity-of-on-campus-residential-life/> [<https://archive.is/wip/zbC0Z>] (accessed July 23, 2026).

**1. “Asian/Asian American Defined Residential Community”**

Link: <https://www.umass.edu/living/your-residential-experience/defined-residential-communities>

Archived Link: <https://archive.is/wip/vq6Bn>

**Discriminatory Description:** “The Asian/Asian American Defined Residential Community is an intentional community located in Lewis Hall for students to explore and uplift Asian and Asian American identities and cultures and **to support belonging and success of Asian and Asian American students** at UMass Amherst.”

The Asian/Asian American Defined Residential Community is an "intentional community" located in Lewis Hall that, according to UMass, is designed for students to "explore and uplift Asian and Asian American identities and cultures" and "support belonging and success of Asian and Asian American students at UMass Amherst."<sup>10</sup> This description clearly signals that the housing program is intended for Asian and Asian American students.

UMass states that students in the community regularly participate in discussions and programming focused on "identity, social justice, belonging, and culture" through intentional events, dialogue spaces, and off-campus trips. The university further explains that professional staff collaborate with a student advisory board, the Yuri Kochiyama Cultural Center, and faculty in the Asian/Asian American Certificate Program to coordinate programming and foster relationships within the community.

## Communities

ASIAN/ASIAN AMERICAN DRC

x

### Asian/Asian American Defined Residential Community

**Northeast Area:** Lewis Hall

The Asian/Asian American Defined Residential Community is an intentional community located in Lewis Hall for students to explore and uplift Asian and Asian American identities and cultures and to support belonging and success of Asian and Asian American students at UMass Amherst.

Students in the community gather frequently to discuss issues of identity, social justice, belonging, and culture through intentional events, dialogue spaces, and off-campus trips.

Professional staff in this community work closely with a student advisory board, Yuri Kochiyama Cultural Center staff, and faculty in the Asian/ Asian American Certificate program to coordinate events and create strong relationships.



---

<sup>10</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/vq6Bn>] (accessed July 23, 2026).

## 2. **“El Barrio: Latinx Defined Residential Community”**

Link: <https://www.umass.edu/living/your-residential-experience/defined-residential-communitiesdu/housing/life-on-campus/lle>

Archived Link: <https://archive.is/wip/vq6Bn>

**Discriminatory Description:** “The El Barrio Defined Residential Community is an intentional community located in Washington Hall for students to explore and uplift Latinx identities and cultures and **to support belonging and success of students of Latin American descent** at UMass Amherst.”

EL BARRIO: LATINX DRC

×

### **El Barrio: Latinx Defined Residential Community**

**Southwest Area:** Washington Hall

The El Barrio Defined Residential Community is an intentional community located in Washington Hall for students to explore and uplift Latinx identities and cultures and to support belonging and success of students of Latin American descent at UMass Amherst.

Students in El Barrio will build connections between each other by engaging in dialogue surrounding their intersecting identities and interests; as well as collaborating with other communities who face similar social, economic, and political issues.



Students in the community gather frequently to discuss issues of identity, social justice, belonging, and culture through intentional programming and dialogue spaces.

Resources available to the community include collaborations with campus departments and organizations; including, but not limited to, the Latinx American Cultural Center (LACC) and the Latinos Unidos organization.

The El Barrio: Latinx Defined Residential Community is an "intentional community" located in Washington Hall that, according to UMass, is designed for students to "explore and uplift Latinx identities and cultures" and "support belonging and success of students of Latin American descent at UMass Amherst."<sup>11</sup> This description clearly signals that the housing program is intended for students of Latin American descent.

UMass states that students in El Barrio build connections by engaging in dialogue surrounding their intersecting identities and interests while collaborating with other communities facing similar social, economic, and political issues. The university further explains that residents regularly participate in discussions and programming focused on identity, social justice, belonging, and culture and have access to resources through collaborations with campus departments and organizations, including the Latinx American Cultural Center (LACC) and Latinos Unidos.

El Barrio was established in 2020 as UMass Amherst's first Latinx Defined Residential Community. According to the student founder, the community was created to foster "community

---

<sup>11</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/vq6Bn>] (accessed July 23, 2026).

and unity" among Latinx students and to provide a space where residents could learn about their shared and diverse cultural backgrounds while building connections with one another.<sup>12</sup>

**3. "Harambee: African/African American Defined Residential Community"**

Link: <https://www.umass.edu/living/your-residential-experience/defined-residential-communitiesdu/housing/life-on-campus/lle>

Archived Link: <https://archive.is/wip/vq6Bn>

**Discriminatory Description:** "Harambee, Swahili for "the pulling together point" or "the point at which all things come together," is an intentional community located in Coolidge Hall for students to explore and uplift African, African American, and Black identities and cultures and **to support belonging and success of African, African American and Black students** at UMass Amherst."

HARAMBEE: AFRICAN/AFRICAN AMERICAN DRC

x

## **Harambee: African/African American Defined Residential Community**

**Southwest Area:** Coolidge Hall

Harambee, Swahili for "the pulling together point" or "the point at which all things come together," is an intentional community located in Coolidge Hall for students to explore and uplift African, African American, and Black identities and cultures and to support belonging and success of African, African American and Black students at UMass Amherst.

In Harambee, students will have opportunities to share and learn from one another's cultural experiences and backgrounds, as well as connect over current events related to Black identity and explore intersections of race and other identities and social justice.

Events and programs will be planned in collaboration with students, Resident Assistant (RA), the Residence Director (RD), and campus partners like the W.E.B. Du Bois Department of Afro-American Studies, CMASS, and the Malcolm X Cultural Center.



The Harambee: African/African American Defined Residential Community is an "intentional community" located in Coolidge Hall that, according to UMass, is designed for students to "explore and uplift African, African American, and Black identities and cultures" and "support belonging and success of African, African American and Black students at UMass Amherst."<sup>13</sup> UMass explains that "Harambee," a Swahili word meaning "the pulling together point" or "the point at which all things come together," provides students opportunities to share and learn from one another's cultural experiences and backgrounds, connect over current events related to Black identity, and explore the intersections of race, other identities, and social justice. The university further states that events and programs are planned in collaboration with students, residential staff, and campus partners, including the W.E.B. Du Bois Department of Afro-American Studies, the Center for Multicultural Advancement and Student Success (CMASS), and the Malcolm X Cultural Center.

<sup>12</sup> <https://dailycollegian.com/2020/06/new-latinx-defined-residential-community-announced-to-open-in-fall/> [<https://archive.is/wip/2ynJH>] (accessed July 23, 2026).

<sup>13</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/vq6Bn>] (accessed July 23, 2026).

The title and descriptions of the Harambee DRC clearly signals that it is intended for “African, African American and Black students” – a classic case of steering.

### **C. UMass’s Race- and Ethnicity-Based Defined Residential Communities Constitute Unlawful Steering in Violation of Federal Law**

#### **1. These Programs Violate the Fair Housing Act**

UMass’s discriminatory DRC Programs encourage, and/or deter, students from dormitory housing based on race, color, national origin, and therefore violate multiple provisions of federal law. Most obviously, these programs violate the Fair Housing Act because they classify and promote university housing based on race and national origin. Even if HUD were to conclude that the programs are not formally exclusionary, they independently violate the Act’s prohibition on discriminatory housing statements and racial steering.

Steering is “not an outright refusal to rent to a person within a class of people protected by the statute; rather it consists of efforts to deprive a protected home seeker of housing opportunities in certain locations.” *Fair Housing Congress v. Weber*, 993 F. Supp. 1286, 1293 (C.D.Cal.1997). Instead, as applicable here, illegal steering consists of “communicating to any prospective [resident] that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development.”<sup>14</sup> Under this standard, no discriminatory intent is required by the seller or renter. *Jancik v. HUD*, 44 F.3d 553, 556 (7th Cir. 1995). Instead, whether a given statement constitutes illegal steering is whether the statement suggests a preference to “the ordinary reader or listener.” *United States v. Hunter*, 459 F.2d 205, 215 (4th Cir.); *Ragin*, 923 F.2d at 1002 (An “ordinary reader is neither the most suspicious nor the most insensitive of our citizenry.”); *Hous. Rts. Ctr. v. Donald Sterling Corp.*, 274 F. Supp. 2d 1129, 1138 (C.D. Cal.), *aff’d sub nom.*, *Hous. Rts. Ctr. v. Sterling*, 84 F. App’x 801 (9th Cir. 2003) (quoting *Ragin*, 923 F.2d at 999).

Despite the University’s claim that these housing programs are “open to all sophomore, junior and senior students interested in the particular focus area,”<sup>15</sup> the information that UMass provides on its housing website describing its discriminatory DRC Programs clearly suggests a preference for a particular race, color and/or national origin. This information steers individuals (“ordinary readers”) towards and away from dormitory housing based on these preferences in violation of the FHA. This is true even if UMass in fact has no discriminatory intent and does not physically bar students of other races or ethnicities.

#### **2. These Programs Violate Title VI**

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.

---

<sup>14</sup> 24 C.F.R. § 100.70(c).

<sup>15</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/VmtQO>] (accessed July 23, 2026).

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 in federally funded programs, and therefore applies to universities receiving federal financial assistance, such as UMass.<sup>16</sup>

In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), 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.

Regardless of UMass’s reasons for offering racially-separated housing, 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*, 600 U.S. at 289 (Gorsuch, J., concurring).

### **3. These Programs Violate the Equal Protection Clause**

Under the strict constitutional scrutiny applicable to racial classifications under the Equal Protection Clause of the Fourteenth Amendment, such discriminatory programs “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). 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).

Classifications like those used in UMass’s discriminatory DRC Programs, based on immutable characteristics like race, “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). Even if classifications based on immutable characteristics are intended to further a compelling interest, discriminatory programs must involve “individualized consideration” and must apply criteria in a

---

<sup>16</sup> <https://www.usaspending.gov/recipient/f879ffdd-a594-a5e7-2f71-72b5613abc69-C/latest> [<https://archive.is/wip/jnUdz>] (accessed July 23, 2026).

“nonmechanical way.” *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003). Here, UMass’s discriminatory DRC Programs fail these requirements.

While *Students for Fair Admissions* addressed admissions decisions,<sup>17</sup> the holding applies more broadly. The twin commands of the Equal Protection Clause, in addition to the requirements of strict scrutiny, are that “race may never be used as a negative and that it may not operate as a stereotype.”<sup>18</sup> Therefore, at its core the test is straightforward: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 619 (1991) (“Racial discrimination [is] invidious in all contexts.”). Simply put, this prohibition includes housing, and UMass’s discriminatory DRC Programs; “Asian/Asian American DRC”, “El Barrio: Latinx DRC” and “Harambee: African/African American DRC” violate federal law and are unconstitutional.

#### **D. FHEO Has Jurisdiction**

FHEO has jurisdiction to investigate race-based discrimination in both private housing, pursuant to the FHA,<sup>19</sup> and in housing that receives federal financial assistance.<sup>20</sup> Courts have also concluded that the Fair Housing Act applies to college dormitories.<sup>21</sup> Therefore, FHEO has jurisdiction over this complaint.

#### **E. The Complaint Is Timely**

This complaint is timely because it includes allegations of discrimination based on race that occurred within one year of this complaint’s submission.<sup>22</sup> UMass’s three discriminatory housing programs are active and ongoing.<sup>23</sup>

#### **F. The Equal Protection Project Has Standing To Bring This Complaint**

EPP is an “aggrieved person” for the purpose of this Complaint. EPP’s mission statement on the EPP website is: “We are devoted to the fair treatment of all persons without regard to race or ethnicity. Our guiding principle is that there is no ‘good’ form of racism. The remedy for racism never is more racism.” Achieving EPP’s mission is frustrated by the programs at issue here, and EPP has been forced to devote resources, particularly research and attorney time, to

---

<sup>17</sup> 600 U.S. 181, 230 (2023).

<sup>18</sup> *Id.* at 218.

<sup>19</sup> Fair Housing Act, 42 U.S.C. 3601, *et seq.*

<sup>20</sup> 42 U.S.C. 2000d, *et seq.*

<sup>21</sup> *Kearney*, 940 F. Supp. at 983.

<sup>22</sup> 24 CFR § 146.33.

<sup>23</sup> <https://www.umass.edu/living/your-residential-experience/defined-residential-communities> [<https://archive.is/wip/vq6Bn>] (accessed July 23, 2026).

addressing these programs to fulfill EPP's mission, thereby diverting such resources from other endeavors. Similar to a "tester," EPP's research tests compliance with the FHA. Such diversion of resources has impaired EPP's ability to carry out its mission, constituting a concrete and particularized injury.

In the event the Department determines that EPP does not have standing, we request that the Department issue an Assistant Secretary's Complaint based on this filing.

#### **G. Request For Investigation And Enforcement**

FHEO has the power and obligation to investigate UMass's role in creating, promoting, and administering the three identified discriminatory housing programs, to discern whether UMass is engaging in discrimination in 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.

Accordingly, we respectfully request that the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity promptly open a formal investigation, impose all appropriate remedial measures authorized by law to address the three identified discriminatory housing programs at UMass, and ensure that all current and future initiatives and programs fully comply with the FHA, Title VI, the Fourteenth Amendment, and other applicable federal civil rights guarantees.

Respectfully submitted,

*/Maureen S. Riordan/*  
Chief Counsel  
Legal Insurrection Foundation  
[m.riordan@legalinsurrection.com](mailto:m.riordan@legalinsurrection.com)

*/William A. Jacobson/*  
William A. Jacobson, Esq.  
President  
Legal Insurrection Foundation  
[Contact@legalinsurrection.com](mailto:Contact@legalinsurrection.com)

*/Robert J. Fox/*  
Robert J. Fox  
Attorney  
Legal Insurrection Foundation  
[Robert.Fox@legalinsurrection.com](mailto:Robert.Fox@legalinsurrection.com)