

THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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November 12, 2026

BY EMAIL

The Honorable Craig Trainor
Acting Assistant Attorney General for Civil Rights
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Re: Civil Rights Complaint Regarding the Higher Ed Members of the Institute for Recruitment of Teachers Consortium

Dear Assistant Attorney General Trainor:

The Equal Protection Project of the Legal Insurrection Foundation is a non-profit entity that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We make this civil rights complaint and request for investigation regarding the thirty (30) higher education institutions ("Consortium Members/Partners") comprising the Institute for Recruitment of Teachers (IRT) Consortium (the "IRT Consortium"). The IRT Consortium is an educational program affiliated with Phillips Academy Andover, a 501(c)(3), tax-exempt educational organization. The IRT Consortium provides admission and funding of IRT

participants in master's and doctoral programs in education, the humanities, social sciences, arts, computer science, and mathematics[1], on the basis of race, color and/or national origin.

As set forth below, Consortium Membership allows these universities and colleges to recruit and enroll graduate students from a racially discriminatory pre-screened pool of IRT applicants. By doing so, IRT Consortium membership appears to provide a workaround for Consortium Members to recruit students on a discriminatory basis that if done directly clearly would violate the Supreme Court's 2023 ruling on the use of race in admissions. Since all the Consortium Members receive federal funding or are public universities, this racial workaround appears to violate Title VI of the Civil Rights Act and/or the Equal Protection Clause of the Fourteenth Amendment.

As of November 2026, the following institutions were reflected on the IRT website as IRT Consortium members:[2]

1. Boston University
2. Boston College
3. Brandeis University
4. Brown University
5. Columbia University
6. Cornell University
7. Duke University
8. Emory University
9. Harvard University
10. New York University
11. Purdue University
12. Princeton University
13. Rice University
14. Rutgers University
15. Stanford University
16. University of Arizona
17. University of California, Berkeley

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[1] https://www.andover.edu/about/outreach/irt/about-irt [https://archive.ph/wip/LV0H8] (accessed November 2, 2026).

[2] The number of IRT Consortium member institutions has varied over time and is periodically updated on the IRT Consortium website. As of November 2026, IRT's official consortium webpage identifies thirty (30) participating institutions, although the Consortium has included a different number of institutions in prior years. See https://d2e3a5v56wj8r4.cloudfront.net/images/Consortium-Enrollment-1991-2024.pdf [https://archive.is/u1CAi] (accessed November 2, 2026). The Appendix to this Complaint details the information from each school's website regarding participation in the IRT Consortium.

18. University of California, Davis
19. University of California, San Diego
20. University of Connecticut
21. University of Kentucky
22. University of Maine
23. University of Maryland, College Park
24. University of New Hampshire
25. University of Notre Dame
26. University of Pennsylvania
27. University of Rochester
28. University of Vermont
29. Washington State University
30. Yale University

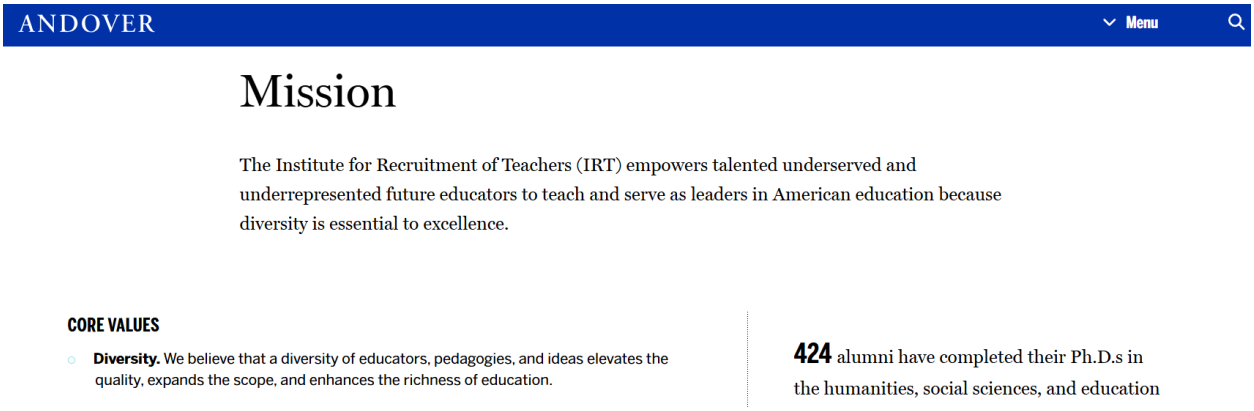
I. INSTITUTE FOR RECRUITMENT OF TEACHERS CONSORTIUM

The IRT Consortium is an educational program affiliated with Phillips Academy Andover, a 501(c)(3), tax-exempt educational organization. IRT was founded in 1990 to "deepen the pool of talented minorities[3] entering the teaching profession in our country."[4] IRT states that it "…was designed to increase the number of African American, Latino/a, and Native American[5] students pursuing advanced degrees for teaching, counseling, and administrative careers at both the K-12 and university levels." Students seeking to participate in IRT must submit an application and be selected for admission to the program.

[3] 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).

[4] https://www.andover.edu/about/outreach/irt/about-irt [https://archive.ph/wip/LV0H8] (accessed November 2, 2026).

[5] Unless a distinction favoring Native Americans is based on tribal membership, citizenship, or a similar affiliation in a federally recognized tribe, and the preference involves "uniquely Indian interests," such as Native American lands or treaties, Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est., 470 F.3d 827, 880 (9th Cir. 2006) (en banc), allocating preferences to Native Americans "as a discrete racial group" is subject to the same legal scrutiny as any other racial classification, *Morton v. Mancari,* 417 U.S. 535, 554 (1974). These exceptions do not apply to this programming or scholarships.



IRT operates in partnership with a consortium of graduate colleges and universities throughout the United States (the "IRT Consortium"). The consortium serves as a central component of IRT's graduate recruitment and placement process, connecting individuals selected by IRT with participating universities offering master's and doctoral programs. Through these institutional relationships, IRT participants receive access to graduate school recruiters, opportunities to pursue admission to participating institutions, and assistance obtaining graduate financial support.[6]

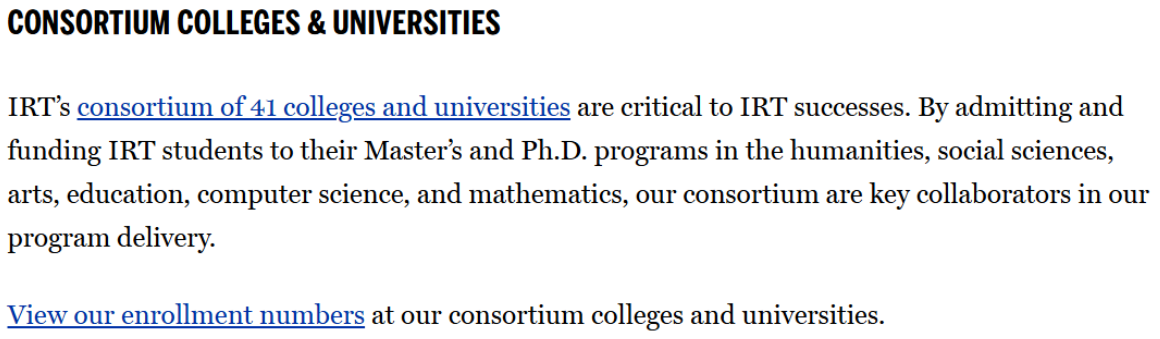
IRT Consortium Colleges & Universities

IRT's consortium of approximately 30 colleges and universities are critical to IRT successes. By admitting and funding IRT students to their Master's and Ph.D. programs in the humanities, social sciences, arts, education, computer science, and mathematics, our consortium are key collaborators in our program delivery.

IRT expressly acknowledges that its consortium universities are integral to the program's success and operation. IRT tracks the number of active university participants on its website, and the precise number listed can vary from year to year. On its official partnerships webpage, IRT

[6] https://www.andover.edu/about/outreach/irt/irt-consortium [https://archive.ph/ZO4EM] (accessed November 2, 2026).

describes consortium institutions as critical to its success and identifies them as "key collaborators in our program delivery."[7] IRT specifically attributes this role to the universities' admission and funding of IRT participants in master's and doctoral programs in education, the humanities, social sciences, arts, computer science, and mathematics.



CONSORTIUM COLLEGES & UNIVERSITIES

IRT's consortium of 41 colleges and universities are critical to IRT successes. By admitting and funding IRT students to their Master's and Ph.D. programs in the humanities, social sciences, arts, education, computer science, and mathematics, our consortium are key collaborators in our program delivery.

View our enrollment numbers at our consortium colleges and universities.

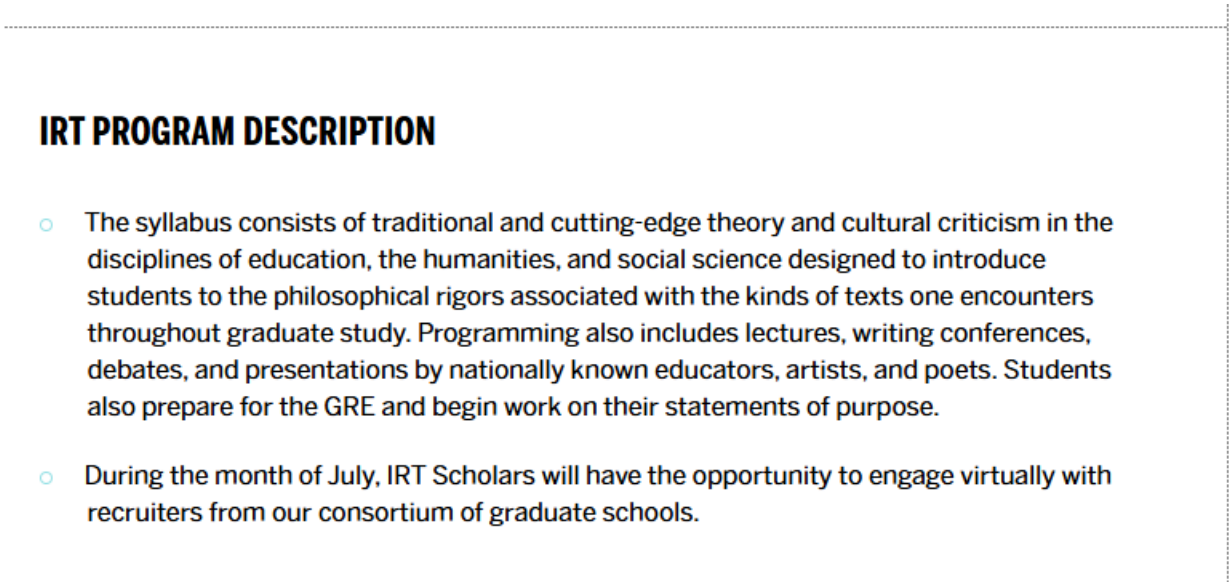
ALUMNI COLLABORATION

The IRT Alumni Recruiters provide a way for IRT alumni and friends to support the IRT's recruiting efforts. As an Alumni Recruitment volunteer, you host an information session on your campus, interview prospective students and give back to the IRT. IRT has achieved breakthrough results in the quality and diversity of our applicant pool due to the partnership of the our Alumni Recruiters. Each year, approximately 30% of our applications come from alumni referrals. If you are interested in supporting recruitment at the IRT, contact us at IRT@andover.edu.

According to IRT's official program description, selected scholars are provided opportunities to engage directly with recruiters from consortium graduate schools.[8] IRT prepares and advises these individuals throughout the graduate application process, while participating universities conduct recruitment activities, evaluate applications, make admissions decisions, and provide graduate financial assistance.[9] Certain consortium universities also expressly recognize IRT affiliation as a basis for university-administered benefits, including graduate application fee

[7] https://www.andover.edu/about/outreach/irt/irt-partnerships [https://archive.ph/wip/iRCEu] (accessed November 2, 2026).
[8] https://www.andover.edu/about/outreach/irt/irt-partnerships [https://archive.ph/wip/iRCEu] (accessed November 2, 2026).
[9] https://www.andover.edu/about/outreach/irt/irt-programs? [https://archive.is/wip/XonTj] (accessed November 2, 2026).

waivers.



IRT PROGRAM DESCRIPTION

- The syllabus consists of traditional and cutting-edge theory and cultural criticism in the disciplines of education, the humanities, and social science designed to introduce students to the philosophical rigors associated with the kinds of texts one encounters throughout graduate study. Programming also includes lectures, writing conferences, debates, and presentations by nationally known educators, artists, and poets. Students also prepare for the GRE and begin work on their statements of purpose.
- During the month of July, IRT Scholars will have the opportunity to engage virtually with recruiters from our consortium of graduate schools.

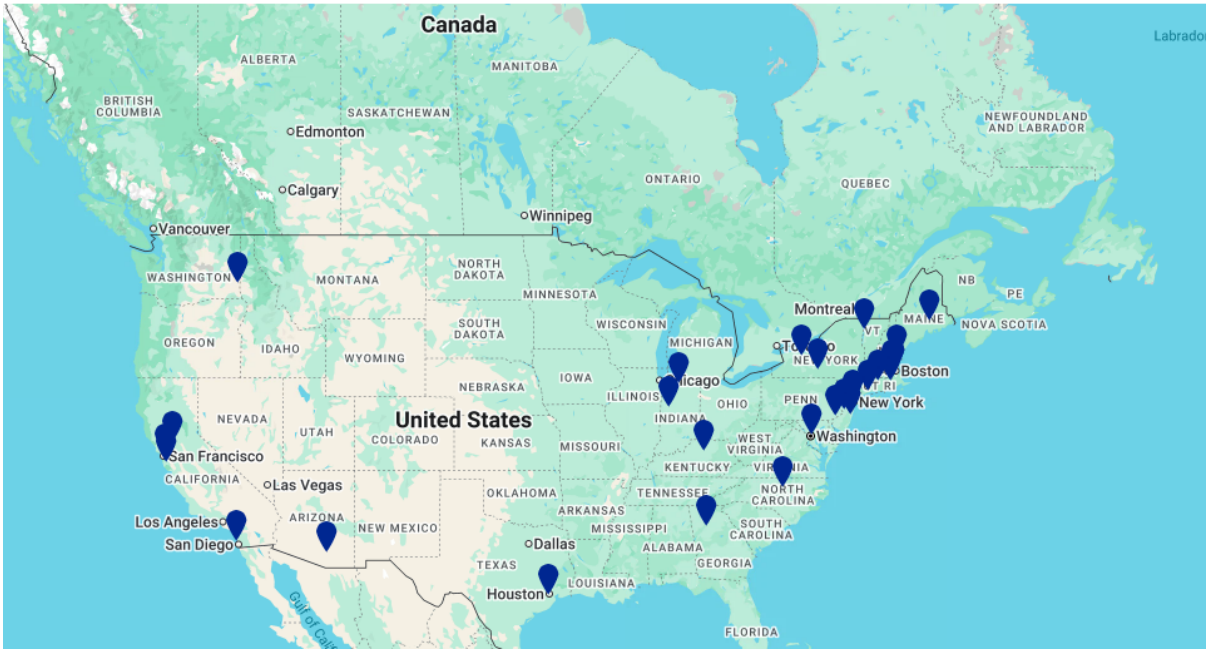
These institutional relationships are longstanding and have produced documented graduate enrollment outcomes. IRT publishes a historical consortium enrollment report covering 1991 through 2024, identifying participating institutions, their years of consortium membership, and the numbers of IRT alumni who enrolled in their graduate programs.[10] The report demonstrates that the consortium has functioned as an established graduate recruitment and enrollment network for decades.[11]

[10] https://www.andover.edu/about/outreach/irt/irt-consortium [https://archive.ph/ZO4EM] (accessed November 2, 2026).
[11] https://www.andover.edu/about/outreach/irt/irt-consortium [https://archive.ph/ZO4EM] (accessed November 2, 2026).

A BRIEF HISTORY

The Institute for Recruitment of Teachers (IRT) was founded in 1990 by Kelly Wise, former IRT executive director and dean of faculty at Phillips Academy, with a mission to "deepen the pool of talented minorities entering the teaching profession in our country." The Institute was designed to increase the number of African American, Latino/a, and Native American students pursuing advanced degrees for teaching, counseling, and administrative careers at both the K-12 and university levels. In 2004, the Institute reaffirmed its commitment to eradicating racial disparities at all levels of education and selecting outstanding college students and recent graduates from all diverse backgrounds, including Asians and Caucasians, who are committed to these ideals.

IRT's consortium of approximately 30 colleges and universities are critical to IRT successes. By admitting and funding IRT students to their Master's and Ph.D. programs in the humanities, social sciences, arts, education, computer science, and mathematics, our consortium are key collaborators in our program delivery.



The IRT's official consortium webpage identifies the participating universities and colleges.[12] Each institution is addressed separately in the accompanying Appendix to this complaint, documenting each institution's relationship with IRT and the available evidence concerning recruitment, admissions, funding, and other institutional benefits:[13]

II. IRT BENEFITS

IRT participation provides selected individuals with substantial educational, financial, and admissions-related benefits. These benefits fall into two distinct categories: services provided directly by IRT and then opportunities or financial benefits provided by participating graduate universities.[14] This distinction is important because certain benefits are delivered through IRT's own programming, while others depend on the participation and decisions of consortium institutions.

A. Benefits Provided Directly by IRT[15]

According to IRT's official program description, selected participants receive the following services at no charge through IRT, although certain third-party services may involve additional costs:

1. Individualized graduate admissions counseling. Participants receive assistance identifying graduate programs, selecting institutions, developing application strategies, and navigating the admissions process.

2. Personalized application preparation. IRT provides individualized coaching on statements of purpose, résumés, writing samples, and other graduate application materials.

3. Graduate school recruitment assistance. IRT organizes specialized recruitment opportunities and facilitates connections between participants and graduate admissions representatives from consortium universities.

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[12] The number of IRT Consortium member institutions has varied over time. As of November 2026, IRT's official consortium webpage identifies thirty (30) participating institutions, although the Consortium has included a different number of institutions in prior years. See https://d2e3a5v56wj8r4.cloudfront.net/images/Consortium-Enrollment-1991-2024.pdf [https://archive.is/u1CAi] (accessed November 2, 2026).

[13] https://www.andover.edu/about/outreach/irt/irt-consortium [https://archive.ph/ZO4EM] (accessed November 2, 2026).

[14] https://www.andover.edu/about/outreach/irt/about-irt [https://archive.is/LV0H8] (accessed November 2, 2026).

[15] https://www.andover.edu/about/outreach/irt/about-irt [https://archive.is/LV0H8] (accessed November 2, 2026).

4. Graduate funding advocacy. IRT assists participants in identifying and pursuing fellowships, scholarships, assistantships, and other financial support opportunities.

5. Academic preparation and professional development. Participants receive academic programming, lectures, writing instruction, and preparation intended to strengthen their readiness for graduate education.

6. Graduate admissions testing assistance. IRT identifies discounted GRE preparation and certain testing-related financial assistance among its program benefits.

7. Individual mentorship and advising. Participants receive guidance from IRT advisers and mentors throughout the graduate application process.

8. Professional networking and institutional connections. Participants gain access to IRT's alumni network and relationships with graduate universities, faculty members, and academic professionals.

9. Graduate enrollment and funding decision support. IRT assists participants in evaluating admissions offers, comparing financial support packages, and deciding where to enroll.

The IRT program is designed for college juniors and seniors, recent graduates, and working professionals who want to continue their graduate education in the humanities, social sciences and education.

All participants receive the following support throughout the graduate school application process at no charge, which include:

- Individualized support and extensive counseling as you clarify your graduate education and career goals, choose graduate programs and apply to a renowned consortium of graduate schools across the country;
- Application fee waivers for 10-12 graduate programs, a savings of at least $1,000;
- One-on-one coaching and advising as you fine-tune statements of purpose, resumes, and writing samples;
- Personalized support throughout the matriculation and placement decision-making process.

B. Benefits and Opportunities Provided by Consortium Universities

In addition to IRT's own services, the participating graduate universities provide or facilitate certain benefits and opportunities for IRT participants. IRT expressly identifies its consortium universities as critical partners that admit and fund IRT participants in master's and doctoral programs.

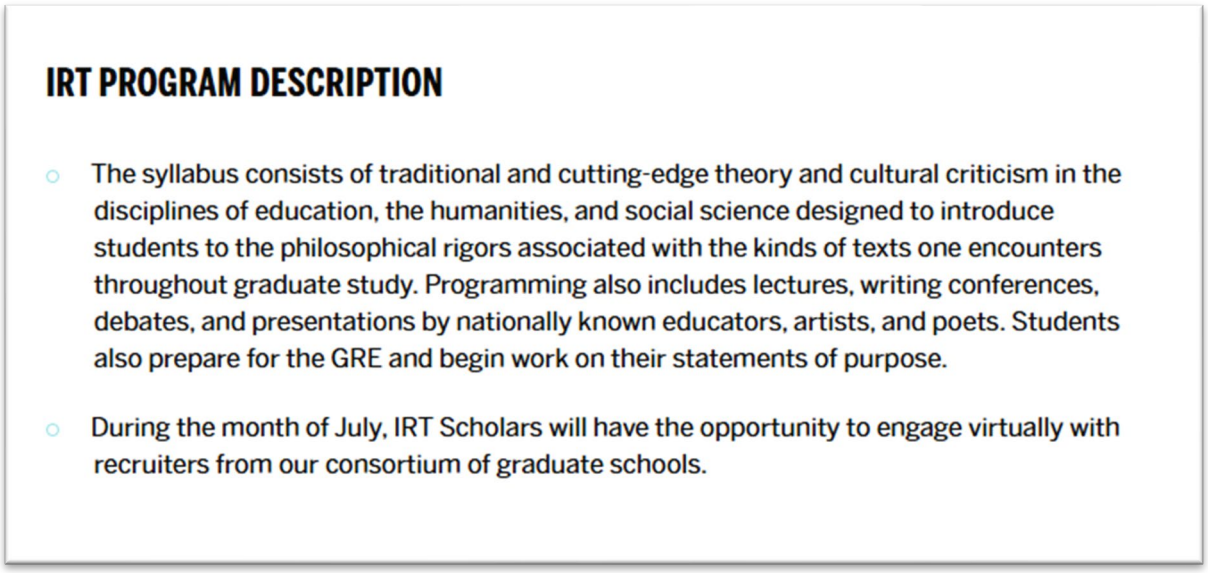
These university-related benefits and opportunities include:

1. Graduate application fee waivers. IRT advertises fee waivers for approximately 10–12 graduate applications, representing savings of at least $1,000 per participant. Although IRT facilitates access to these waivers, the underlying application fees are ordinarily charged and waived by the universities themselves. For example, Brandeis University expressly provides automatic graduate application fee waivers to current and former IRT participants.

2. Direct access to graduate admissions representatives. Consortium universities participate in specialized IRT recruitment programming, providing selected participants opportunities to interact directly with graduate admissions personnel. Such access may allow participants to establish institutional connections and obtain information about graduate programs before or during the ordinary application process.

3. Graduate fellowships, scholarships, and financial support. IRT identifies consortium universities as institutions that admit and fund its participants. These institutions may provide graduate fellowships, scholarships, tuition assistance, stipends, teaching assistantships, research assistantships, or other forms of financial support. However, the availability and terms of these benefits vary by institution and program, and IRT participation does not necessarily guarantee an award.

4. Graduate recruitment and institutional consideration. Consortium universities recruit prospective graduate students through their relationships with IRT. This provides IRT participants with a specialized pathway for interacting with participating institutions. Whether particular universities also provide preferential admissions consideration, priority review, or other advantages based on IRT affiliation requires further investigation.



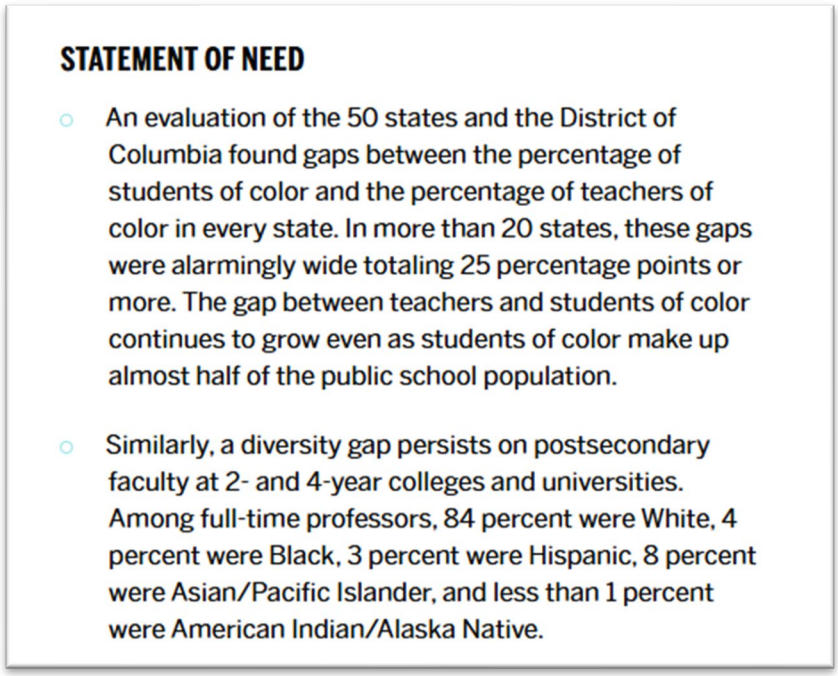
IRT PROGRAM DESCRIPTION

- The syllabus consists of traditional and cutting-edge theory and cultural criticism in the disciplines of education, the humanities, and social science designed to introduce students to the philosophical rigors associated with the kinds of texts one encounters throughout graduate study. Programming also includes lectures, writing conferences, debates, and presentations by nationally known educators, artists, and poets. Students also prepare for the GRE and begin work on their statements of purpose.
- During the month of July, IRT Scholars will have the opportunity to engage virtually with recruiters from our consortium of graduate schools.

III. IRT's SELECTION AND PARTICIPANT CRITERIA ARE RACE AND COLOR FOCUSED

IRT's stated mission, historical purpose, and participant selection criteria demonstrate that race is central to its recruitment and educational objectives. According to IRT's official history, the program was founded in 1990 to "deepen the pool of talented minorities entering the teaching profession in our country." IRT further acknowledges that it was originally designed to increase the number of African American, Latino/a, and Native American students pursuing advanced degrees and careers in education.[16]

[16] https://www.andover.edu/about/outreach/irt/about-irt [https://archive.is/LV0H8] (accessed November 2, 2026).



STATEMENT OF NEED

- An evaluation of the 50 states and the District of Columbia found gaps between the percentage of students of color and the percentage of teachers of color in every state. In more than 20 states, these gaps were alarmingly wide totaling 25 percentage points or more. The gap between teachers and students of color continues to grow even as students of color make up almost half of the public school population.

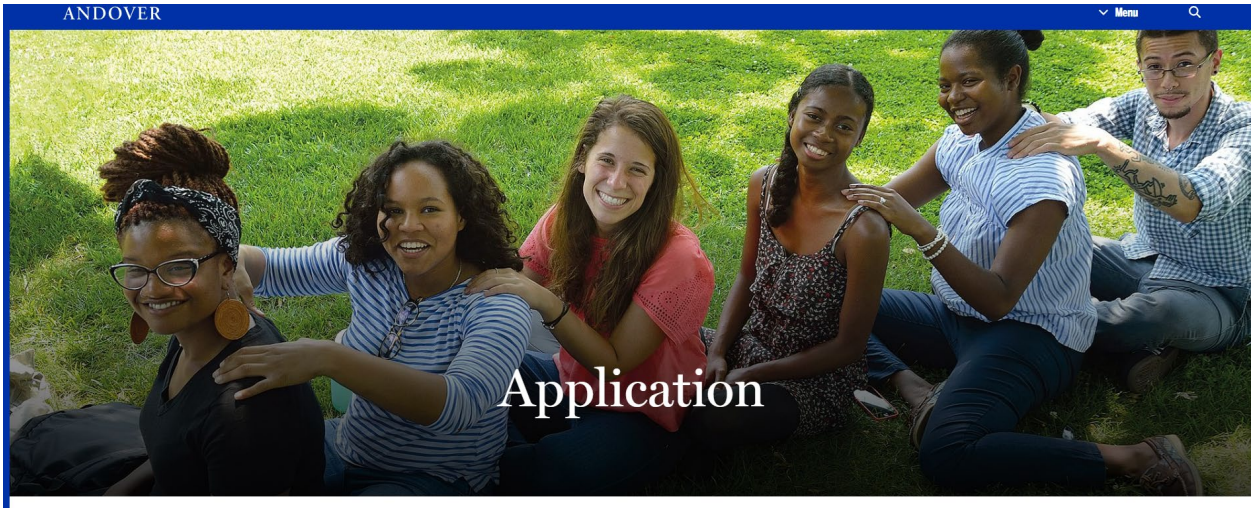
- Similarly, a diversity gap persists on postsecondary faculty at 2- and 4-year colleges and universities. Among full-time professors, 84 percent were White, 4 percent were Black, 3 percent were Hispanic, 8 percent were Asian/Pacific Islander, and less than 1 percent were American Indian/Alaska Native.

IRT continues to expressly emphasize race in its recruitment practices.[17] Its official Impact webpage describes the program's mission as addressing the lack of diversity in the teaching profession by "recruiting outstanding college students of color and other scholars committed to diversity." IRT therefore identifies the recruitment of students from particular racial and ethnic backgrounds as an express component of its institutional mission.

IRT also incorporates race-related considerations into its published participant eligibility requirements.[18] According to its official application webpage, applicants must:

- Satisfy specified undergraduate or graduate GPA requirements;
- "Demonstrate a commitment to eradicating racial disparities in education";
- Demonstrate a professional interest in teaching, counseling, or educational administration; and
- Complete IRT's application and orientation requirements.

[17] https://www.andover.edu/about/outreach/irt/irt-impact [https://archive.ph/wip/mZBhI] (accessed November 2, 2026).
[18] https://www.andover.edu/about/outreach/irt/irt-application [https://archive.is/wip/EG40p] (accessed November 2, 2026).



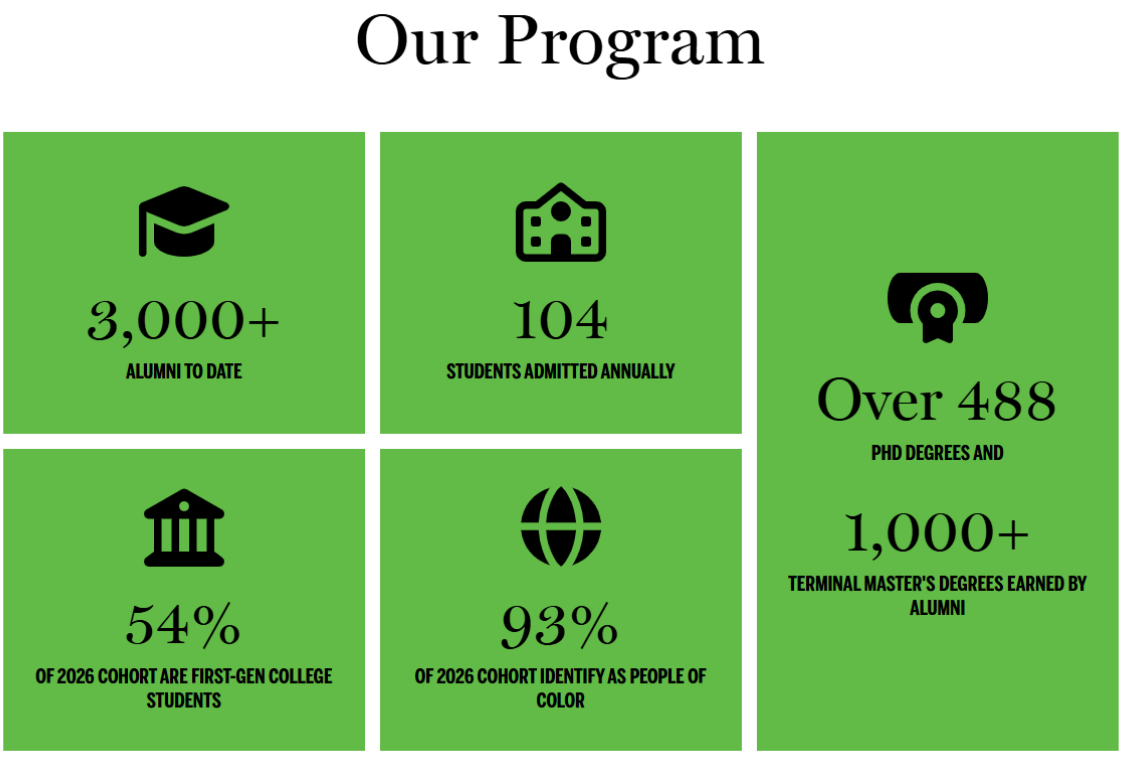
Application Requirements

All applicants must:

1. For undergraduates, have earned a grade point average of 3.0 or above (on a 4.0 scale); and for graduate students, have earned a grade point average of 3.5 or above (on a 4.0 scale).
2. Demonstrate a commitment to eradicating racial disparities in education;
3. Demonstrate a professional interest in teaching, counseling, or administration (K-12 or higher education)
4. Submit a complete online application by *March 1st!*
5. Either attend an information session on campus or online or watch the recorded webinar series (link is at the bottom of the page).

IRT's own published demographic statistics reveal that more than 90% of its participants in the 2026 cohort identify as people of color. Specifically, on its official Impact webpage, IRT reports that 93% of its 2026 cohort identifies as people of color. Thus, according to IRT's own figures, more than nine out of every ten participants in that cohort identify as racial or ethnic minorities.[19]

[19] https://www.andover.edu/about/outreach/irt/irt-impact [https://archive.ph/wip/mZBhI] (accessed November 2, 2026).



IV. CONSORTIUM MEMBER FACILITATION OF ADMISSIONS AND EDUCATIONAL BENEFITS TO IRT APPLICANTS, CHOSEN BECAUSE OF THEIR MINORITY STATUS, VIOLATES TITLE VI AND THE EQUAL PROTECTION CLAUSE.

The universities participating in the IRT Consortium are subject to Title VI of the Civil Rights Act of 1964 because they receive federal funding. Ths public universities are also subject to the Equal Protection Clause of the Fourteenth Amendment. The practices described above—namely, the recruitment and selection of participants through an expressly race-conscious educational initiative, followed by the provision of graduate admissions assistance, institutional recruitment opportunities, application fee waivers, fellowships, and other financial benefits through participating universities—raise serious questions concerning whether the Consortium Members are engaging in unlawful discrimination based on race, color, or national origin that, if done directly and not through IRT, clearly would violate the Supreme Court's ruling as to the use of race in admissions and education.

Title VI prohibits intentional discrimination on the basis of race, color, or national origin in any "program or activity" receiving federal financial assistance. See 42 U.S.C. § 2000d. The term "program or activity" encompasses "all of the operations" of a college, university, other post-secondary institution, or public system of higher education receiving federal assistance. See 42 U.S.C. § 2000d-4a(2)(A). Accordingly, federally funded consortium universities must comply with Title VI in their graduate admissions, recruitment, scholarship, fellowship, and financial

assistance programs. See also *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th Cir. 2020) (recognizing Title VI's prohibition against racial discrimination in federally funded university programs).

Title VI's implementing regulations further prohibit covered institutions from discriminating on the basis of race, color, or national origin, whether directly or through contractual or other arrangements. See 34 C.F.R. § 100.3(b)(1). These prohibitions encompass providing different financial aid or other benefits, restricting access to institutional advantages, and treating applicants differently in determining whether they satisfy admissions, enrollment, eligibility, or other participation requirements. Id. § 100.3(b)(1)(i)–(vi). Thus, a university's use of an outside organization or recruitment intermediary does not exempt its own admissions and financial aid decisions from federal civil rights requirements.

Here, IRT's explicitly race-focused mission and selection criteria warrant particular scrutiny because its consortium universities participate in providing educational opportunities and financial benefits to individuals selected through IRT. IRT acknowledges that it was founded to increase the number of minority educators and expressly identifies the recruitment of students of color as part of its continuing mission. IRT further requires applicants to demonstrate a commitment to eradicating racial disparities in education. According to IRT's own published demographic statistics, 93% of its 2026 cohort identifies as people of color.

These facts are significant when considered in conjunction with the Consortium Members' documented involvement in admitting, recruiting, and funding IRT participants. IRT expressly identifies its consortium institutions as critical collaborators that admit and fund participants in master's and doctoral programs. The benefits associated with IRT participation include access to university recruiters, graduate application fee waivers, and assistance obtaining fellowships, scholarships, assistantships, and other financial support.

In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), the Supreme Court held that the race-based admissions programs at Harvard University and the University of North Carolina violated the governing equal protection standards. The Court emphasized that "[e]liminating racial discrimination means eliminating all of it." Id. at 206. Importantly, the Court also explained that universities cannot circumvent constitutional limitations by implementing indirectly what they are prohibited from doing directly. As the Court stated, "what cannot be done directly cannot be done indirectly." Id. at 230 (quoting *Cummings v. Missouri*, 71 U.S. 277, 325 (1867)). It appears that through IRT the Consortium Members are trying to do indirectly what they know they cannot do directly.

That principle is particularly relevant to the IRT Consortium. If a participating university intentionally uses IRT affiliation as a factor when evaluating graduate applicants or allocating financial assistance, the fact that the university does not expressly classify applicants by race would not insulate the practice from legal scrutiny. Likewise, if a university delegates an admissions-related screening function to IRT, knowingly relies upon race-based selection criteria, or provides preferential treatment to applicants because of racial characteristics reflected

in IRT's selection process, the arrangement may constitute unlawful discrimination notwithstanding the involvement of an intermediary organization.

The relevant inquiry is therefore not limited to whether a consortium university expressly asks applicants to identify their race. The IRT students by design and participation are almost completely students of color, so the Consortium Members know the race of the recruitment pool. The relevant inquiry thus also includes whether the university considers IRT participation as a favorable admissions or funding factor, whether IRT participation was intended to function as a racial proxy, and whether similarly situated applicants outside IRT receive different treatment. These questions are particularly important where consortium universities provide specialized recruitment access, fee waivers, or other institutional benefits unavailable to ordinary applicants on equivalent terms.

The Supreme Court has also recognized that discriminatory purpose may be established through circumstantial evidence, including the historical background of a challenged practice, the sequence of events leading to its adoption, departures from ordinary procedures, and relevant statements by institutional decision-makers. See *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266–68 (1977). Accordingly, an investigation should examine the historical development of IRT's consortium relationships, the universities' stated reasons for participating, their admissions and financial aid policies, and any changes to those arrangements following *Students for Fair Admissions*.

IRT's reported racial composition is relevant to that inquiry, since it may reflect that Consortium Members uses IRT status as a proxy for race in their own admissions or financial aid decisions. See *Arlington Heights*, 429 U.S. at 264–66; *Alexander v. Sandoval*, 532 U.S. 275, 280–81 (2001) (recognizing that § 601 of Title VI prohibits intentional discrimination).

The Public Universities Participating in the IRT Consortium Also are Subject to the Equal Protection Clause

For public universities participating in the IRT Consortium, the Equal Protection Clause provides an additional and independent basis for scrutiny. Under the Fourteenth Amendment, governmental racial classifications are subject to strict scrutiny and are permissible only if narrowly tailored to further a compelling governmental interest. See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). The government bears the burden of demonstrating sufficient justification for its use of racial classifications. See *Richmond v. J. A. Croson Co*., 488 U.S. 469, 505 (1989).

In *Students for Fair Admissions*, the Supreme Court rejected the universities' asserted justifications for their challenged race-based admissions systems, finding that their objectives were insufficiently measurable, that race operated as a negative factor, that the programs involved racial stereotyping, and that they lacked meaningful endpoints. 600 U.S. at 213–30. The Court has likewise rejected racial balancing as a permissible justification for governmental racial

classifications. See *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701, 726, 730 (2007).

Accordingly, if a public university participating in the IRT Consortium provides admissions preferences, reserved fellowship opportunities, or other institutional advantages on the basis of race, it must satisfy the applicable constitutional requirements. A general desire to increase racial representation or achieve a particular demographic composition would not, by itself, justify an otherwise impermissible racial classification. See *Students for Fair Admissions*, 600 U.S. at 213–30; *Parents Involved*, 551 U.S. at 726–30.

Private Consortium Members receiving federal financial assistance remain subject to Title VI. The Supreme Court's decision in Students for Fair Admissions, which addressed both private Harvard University and public UNC, confirms that federally funded private universities cannot employ the race-based admissions practices invalidated in that decision.

The IRT Consortium's structure raises an important question: whether participating universities are obtaining or providing race-based admissions and financial advantages through a third-party recruitment program that they could not lawfully administer themselves. IRT selects and prepares participants, while consortium universities recruit, evaluate, admit, and fund graduate students. The universities' involvement therefore warrants examination not merely as passive recipients of applications, but as institutions that may provide meaningful educational and financial benefits through an established relationship with IRT.

The available public information establishes IRT's race-focused mission, its almost entirely non-White 2026 cohort, and the universities' involvement in recruitment and graduate funding. We request that Department of Justice open this case for investigation because DOJ will be able to obtain evidence not publicly available, such as internal admissions preferences or opportunities that consider race. Consortium agreements, admissions procedures, fellowship selection criteria, and communications between IRT and university officials would be especially important to the requested investigation.

DOJ should therefore open an investigation to determine whether the Consortium Members are using IRT participation, endorsement, or recruitment relationships to confer admissions or financial advantages based directly or indirectly on race, color, or national origin. Similarly, such an investigation should determine whether universities provide preferential admissions consideration or financial assistance to IRT participants, whether IRT affiliation operates as an intentional racial proxy, and whether the universities' recruitment and funding arrangements comply with Title VI and, for public institutions, the Equal Protection Clause.

To the extent the investigation establishes that participating universities have employed race-based selection criteria, intentionally discriminatory proxies, or impermissible racial preferences in admissions or financial assistance, those practices would violate the applicable federal civil rights requirements. To the extent the Consortium Members use IRT as a workaround to accomplish indirectly what they may not do directly, DOJ should investigate the

individual institutions identified in the accompanying exhibits and take appropriate enforcement action where violations are established.

V. REQUEST FOR INVESTIGATION AND ENFORCEMENT

In *City of Richmond v. J. A. Croson Co*., Justice Scalia, quoting Alexander Bickel, observed that "discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society." 488 U.S. 469, 521 (1989) (Scalia, J., concurring). This principle applies regardless of which racial group is favored or disadvantaged. As Justice Thomas 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. 181, 287 (2023) (Thomas, J., concurring).

As detailed above, IRT was established with the express purpose of increasing minority representation in the teaching profession, continues to emphasize the recruitment of students of color, and reports that 93% of its 2026 cohort identifies as people of color. Through its consortium of thirty (30) universities, IRT participants receive access to graduate recruitment opportunities, application fee waivers, admissions assistance, and opportunities to obtain fellowships and other graduate financial support. The consortium universities are not merely passive affiliates; IRT expressly identifies them as critical institutional partners that admit and fund its participants.

These facts raise substantial questions concerning whether Consortium Member are providing preferential admissions consideration, financial assistance, or other educational benefits based directly or indirectly on race, color, or national origin. In particular, the Department should determine whether IRT's selection process involves racial preferences and whether participating universities use IRT affiliation or endorsement as a means of providing race-based advantages that would be impermissible if administered directly. Although IRT's racial demographics and stated mission do not independently establish unlawful discrimination, the documented institutional relationships and benefits warrant investigation into the actual selection, admissions, and funding practices of the participating universities.

The Department of Justice has authority to investigate and enforce compliance with Title VI of the Civil Rights Act of 1964 and, where applicable, the Equal Protection Clause of the Fourteenth Amendment. We therefore respectfully request that the Civil Rights Division open a formal investigation into the IRT Consortium and the thirty (30) participating universities identified in this complaint and its accompanying exhibits. Specifically, we request that the Department examine the consortium's institutional agreements, recruitment arrangements, participant selection criteria, graduate admissions procedures, application fee waivers, fellowship and scholarship eligibility requirements, and any policies or communications concerning preferential treatment of IRT participants.

The Department should further determine whether any participating university intentionally uses IRT participation as a proxy for race, relies on discriminatory third-party

selection criteria, or otherwise provides admissions or financial benefits in violation of federal civil rights law. Where violations are established, we respectfully request that the Department take appropriate enforcement action, require corrective measures, and ensure that all participating institutions receiving federal financial assistance administer their admissions, recruitment, and financial aid programs in compliance with Title VI and, for public institutions, the Equal Protection Clause.

Respectfully submitted,

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