



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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April 17, 2025

BY EMAIL (OCR@ed.gov)

Craig Trainor, Acting Assistant Secretary
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

BY EMAIL (OCR.DC@ed.gov)

U.S. Department of Education
Office for Civil Rights – Washington DC
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Civil Rights Complaint Against The University of South Carolina
Regarding Discriminatory Scholarship Programs

Dear Mr. Trainor and OCR Staff:

This is a federal civil rights complaint pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures.¹ We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government, and that opposes racial discrimination in any form.

We bring this civil rights complaint against the University of South Carolina (“USC”), a public institution, for offering, administering, and promoting five (5) scholarships that discriminate based on race, color, and/or national origin.

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

USC offers departmental scholarships that are mostly awarded to returning students, although some are available to incoming students.² These scholarships are listed either directly on the USC Departmental Scholarship page or through USC's Blackbaud scholarship platform.³

Financial Aid and Scholarships

Departmental Scholarships

Most departmental scholarships are awarded to returning students, but there may be some options available for incoming freshman. Search the database below to view a list of departmental scholarships that are available from each college or school. Each college or school has its own application process, and any questions about departmental scholarships should be directed to the college or school offering the scholarship. As you apply, be sure to review USC's [scholarship policies](#) to learn more about departmental scholarships.

Search for Departmental Scholarships

Use the table below to search for scholarships that apply to your needs by typing the name of the awarding college, school or department in the search box. Each scholarship PDF is updated regularly and contains a comprehensive list of scholarships available for incoming freshmen, current undergraduates and graduate students.

Search:

College/School/Office	Department	View Scholarships Available
Administrative Employees Club		View Scholarships Available

UNIVERSITY OF SOUTH CAROLINA

[Sign In](#)

All Opportunities [Show Filters](#)

This is a comprehensive list of departmental scholarships awarded by the University of South Carolina – Columbia campus. In order to apply, the student will need to sign in by clicking the 'Sign In' button in the top right corner of this page. Sign in requires the student to log-in using their UofSC Network Username and Password. For students who have not yet set up their Network Username and Password, please review the Help Desk information [here](#) for assistance.

Deadline: This is the date by which you should complete the General Application, any Supplemental Applications, or any individual scholarship applications to receive consideration.

Award: The amount stated is for general information purposes and not a guarantee of what you may receive if awarded. Actual award amounts can vary based on recipient eligibility, available funds, and other factors.

Actions: Upon completion of the General Application and any Supplemental Applications, you will be automatched with scholarships for which you meet the criteria. These scholarships indicate "None" under "Action" and require no additional information from you for consideration. A limited number of scholarships indicate "Apply" under "Action" and require individual applications for consideration. A list of these scholarships can be found by viewing Recommended Opportunities from the Opportunities tab.

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https://sc.edu/about/offices_and_divisions/financial_aid/scholarships/departmental_scholarships/ [<https://archive.ph/wip/vpKVq>] (accessed April 14, 2025).

³ <https://sc.academicworks.com/> [<https://archive.is/wip/UKmgq>] (accessed April 14, 2025).

The scholarships listed below are currently offered to USC students and applicants for admission, according to the USC website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations⁴ by discriminating against students based on their race, color, and/or national origin. Because USC is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

Each of the scholarships listed below is currently active.⁵

1. **Free Family Endowed Scholarship Fund**⁶

Discriminatory Requirement: “Sophomore, junior, or senior **-underrepresented minority** with GPA 3.4 or higher.”

Link: <https://sc.academicworks.com/opportunities/8696>

Archived Link: <https://archive.is/BzwVY>



Sign In

A screenshot of the University of South Carolina Academic Works website. The page title is "Free Family Endowed Scholarship Fund". Below the title, it states "Sophomore, junior, or senior -underrepresented minority with GPA 3.4 or higher." The page lists the following details: Award: Varies; College/Department: College of Information and Communications, Journalism and Mass Communications; Deadline: 04/21/2025. At the bottom, there is a note: "You will be automatically considered based on your completed General Application. To complete the General Application, please [sign in](#)."

2. **Richard T. Greener Scholarship**

Discriminatory Requirement: “...the Richard T. Greener Scholarship is awarded to a well-deserving incoming **minority freshman** based on academic achievement, leadership ability, community service and financial need.”

Link: <https://sc.academicworks.com/opportunities/8398>

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

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

⁵ <https://sc.academicworks.com/> [<https://archive.is/wip/UKmgq>] (accessed April 14, 2025).

⁶ Discriminatory criteria highlighted in bold for all scholarships.



Sign In

▼ Opportunities

Richard T. Greener Scholarship

The Richard T. Greener Scholarship is \$2,000 per year (\$8,000 total). Out-of-state students may be eligible to receive a tuition reduction. (Note: Tuition reductions are based on academic requirements as set forth by the University.) Half of the yearly scholarship amount is issued each semester for a maximum of eight semesters for four consecutive years (summer school excluded) provided eligibility is maintained. The endowment serves as a tribute to the scholarly work and achievements of Richard Theodore Greener who, in 1873, became the first Black faculty member at Carolina and held that position until 1877.

Sponsored by the University of South Carolina Alumni Association's Black Alumni Council since 1983, the Richard T. Greener Scholarship is awarded to a well-deserving incoming minority freshman based on academic achievement, leadership ability, community service and financial need. This award is exclusive to an incoming freshman entering in the fall. Applicants must have a minimum weighted GPA of 3.0, as calculated by the Office of Undergraduate Admissions.

Awarding of this scholarship is based on academic achievement, leadership ability, community service, and financial need. Recipients must attend the Columbia campus of the University of South Carolina.

Award
\$2000

College/Department
Alumni Association

Deadline
03/15/2025

Supplemental Questions
1. Preferred Name and Pronouns

3. Elizabeth C. Ledeen Scholarship

Discriminatory Requirement: "Awarded to a student that is an American or International **minority**."

Link: <https://sc.academicworks.com/opportunities/8897>

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



Sign In

▼ Opportunities

Elizabeth C. Ledeen Scholarship

Awarded to a student that is an American or International minority.

Award
Varies

College/Department
Student Financial Aid & Scholarships

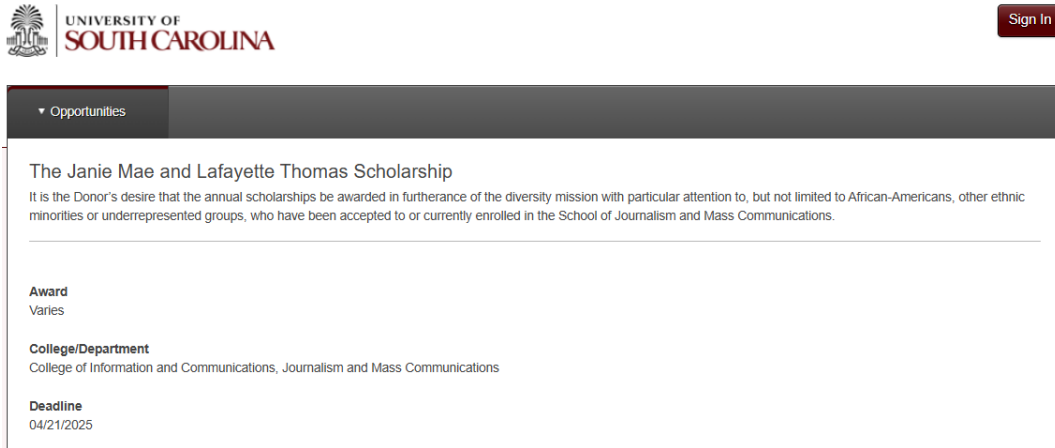
Deadline
09/01/2025

4. **The Janie Mae and Lafayette Thomas Scholarship**

Discriminatory Requirement: “It is the Donor’s desire that the annual scholarships be awarded in furtherance of the diversity mission **with particular attention to, but not limited to African-Americans, other ethnic minorities or underrepresented groups**, who have been accepted to or currently enrolled in the School of Journalism and Mass Communications.”

Link: <https://sc.academicworks.com/opportunities/9537>

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



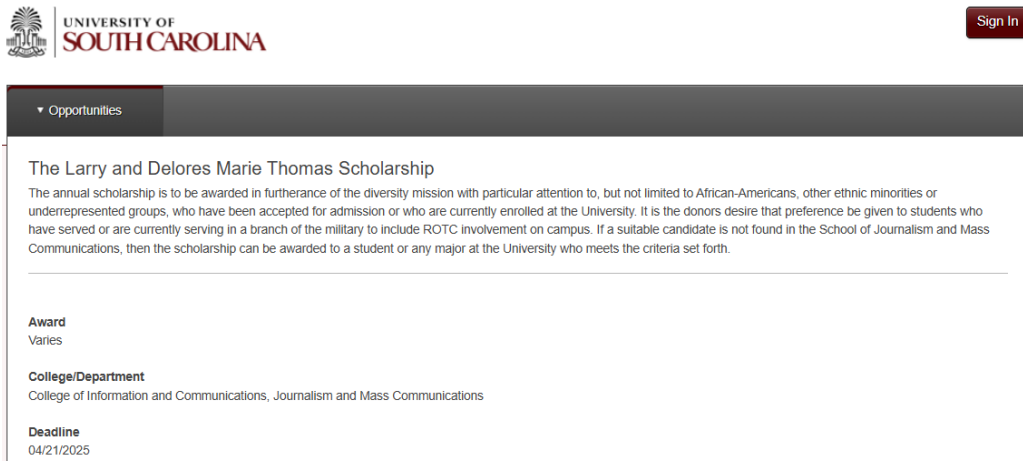
The screenshot shows the University of South Carolina logo and a "Sign In" button in the top right. Below is a navigation bar with "Opportunities" selected. The main content area displays the title "The Janie Mae and Lafayette Thomas Scholarship" and a paragraph of text: "It is the Donor's desire that the annual scholarships be awarded in furtherance of the diversity mission with particular attention to, but not limited to African-Americans, other ethnic minorities or underrepresented groups, who have been accepted to or currently enrolled in the School of Journalism and Mass Communications." Below this are three sections: "Award" (Varies), "College/Department" (College of Information and Communications, Journalism and Mass Communications), and "Deadline" (04/21/2025).

5. **The Larry and Delores Marie Thomas Scholarship**

Discriminatory Requirement: “The annual scholarship is to be awarded in furtherance of the diversity mission with **particular attention to, but not limited to African-Americans, other ethnic minorities or underrepresented groups**, who have been accepted for admission or who are currently enrolled at the University.”

Link: <https://sc.academicworks.com/opportunities/9360>

Archived Link: <https://archive.is/wip/a2dSa>



The screenshot shows the University of South Carolina logo and a "Sign In" button in the top right. Below is a navigation bar with "Opportunities" selected. The main content area displays the title "The Larry and Delores Marie Thomas Scholarship" and a paragraph of text: "The annual scholarship is to be awarded in furtherance of the diversity mission with particular attention to, but not limited to African-Americans, other ethnic minorities or underrepresented groups, who have been accepted for admission or who are currently enrolled at the University. It is the donors desire that preference be given to students who have served or are currently serving in a branch of the military to include ROTC involvement on campus. If a suitable candidate is not found in the School of Journalism and Mass Communications, then the scholarship can be awarded to a student or any major at the University who meets the criteria set forth." Below this are three sections: "Award" (Varies), "College/Department" (College of Information and Communications, Journalism and Mass Communications), and "Deadline" (04/21/2025).

The Scholarships Listed Above Violate The Law

The scholarships identified above violate Title VI by discriminating on the basis of race, color, and/or national origin.⁷ Furthermore, because USC is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.⁸

Title VI of the Civil Rights Act 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” means “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); *Rowles v. Curators of the Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (“Title VI prohibits discrimination on the basis of race in federally funded programs,” and thus applies to universities receiving federal financial assistance). As USC receives federal funds,⁹ it is subject to Title VI.

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

⁷ Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as USC. 42 U.S.C. § 2000(a)(a). These scholarships also violate South Carolina civil rights law. S.C. Code Ann. § 1-13-80(A)(1) (2018), Finally, these scholarships violate USC’s own nondiscrimination policy. *See* https://sc.edu/about/offices_and_divisions/student_disability_resource_center/about_us/anti_discrimination_policies_and_services/index.php [<https://archive.is/wip/HzMA3>] (accessed April 13, 2025).

⁸ With respect to those scholarships limited to minority applicants, any reasonable student viewing that criteria would understand it to exclude white students, and such students would be dissuaded from even applying or attempting to participate. USC defines “Underrepresented Minority” as “Hispanic, American Indian or Alaska Native, Black/African American, Native Hawaiian or Other Pacific Islander” https://sc.edu/about/offices_and_divisions/institutional_research_assessment_and_analytics/uofsc_data_dashboards/data_dictionary/ [<https://archive.is/wip/77Fu9>] (accessed April 14, 2025). Further, courts often understand the term “minority” to mean non-white racial and ethnic groups. *See Boston Chapter, NAACP, Inc. v. Beecher*, 295 F. Supp. 3d 26, 28 (D. Mass. 2018); *see also Kirkland v. N.Y. State Dep’t of Corr. Servs.*, 552 F. Supp. 667, 674, 677 (S.D.N.Y. 1982); *Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany*, 281 F. Supp. 2d 436, 455 (N.D.N.Y. 2003); *Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by Any Means Necessary v. Regents of Univ. of Mich.*, 701 F.3d 466, 493 (6th Cir. 2012).

⁹ *See* <https://www.usaspending.gov/recipient/873ae72b-bace-b481-a973-8304b7346bc0-C/latest> [archive.is/wip/6Ince] (accessed April 14, 2025).

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 USC 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 emphasized 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). The Court further declared, “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 206 (internal quotation marks and citation omitted). The scholarships at issue here cannot withstand that exacting standard.

As OCR stated in its February 14, 2025, Civil Rights Guidance Letter¹⁰:

Although *SFFA* addressed admissions decisions, the Supreme Court’s holding applies more broadly. At its core, the test is simple: 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. Federal law thus prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.

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, USC cannot carry its burden.

¹⁰ See United States Department of Education Office for Civil Rights Letter (2025), <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf> [<https://archive.is/R62P1>] (“At its core, the test is simple: 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.”)

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, USC cannot demonstrate that restricting participation in scholarships to students based on racial or national origin identities serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on immutable characteristics like skin color “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).

And, irrespective of whether the scholarships’ classifications based on immutable characteristics further a compelling interest, those classifications are not narrowly tailored. *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) (to be narrowly tailored, a race-conscious program must be based on “individualized consideration,” and race must be used in a “nonmechanical way”). Here, the race- and national origin-based eligibility criteria are mechanically applied. If applicants do not meet the racial and ethnic requirements, they are automatically disqualified from eligibility for the scholarships, respectively. To the extent that any individualized consideration exists, it only applies to distinguish between applicants who have first satisfied the threshold racial/ethnic litmus test.

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 USC’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,¹¹ 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.

¹¹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

Finally, for a policy to survive narrow-tailoring analysis, the government must show “serious, good faith consideration of workable race-neutral alternatives,” *Grutter*, 539 U.S. at 339, and that “no workable race-neutral alternative” would achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that any such alternatives were ever contemplated here.

Because USC’s racial and/or ethnicity-based requirements for these scholarships is presumptively invalid, and since there is no compelling government justification for such invidious discrimination, its use of such criteria violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

USC is a public entity and a recipient of federal funds,¹² including from the U.S. Department of Education.¹³ It is therefore 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 brought because it includes allegations of discrimination based on race, color, and national origin that occurred within 180 days and that appear to be ongoing. The applications for the 2025-2026 academic year have either closed or open within 180 days.

Request For Investigation And Enforcement

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants. As Justice Thomas correctly noted in *Students for Fair Admissions*, race-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” 600 U.S. at 287 (Thomas, J., concurring).

Because the discrimination outlined above is presumptively illegal, and since USC cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships 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 USC’s role in creating, funding, promoting and administering these scholarships – and, given how many there

¹² See <https://www.usaspending.gov/recipient/873ae72b-bace-b481-a973-8304b7346bc0-C/latest> [archive.is/wip/6Ince] (accessed April 14, 2025).

¹³ See https://www.usaspending.gov/award/ASST_NON_P334S250011_9100 [archive.ph/wip/uoRnP] (accessed April 14, 2025).

are, to discern whether USC 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 USC’s various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at USC comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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