



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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April 7, 2026

BY EMAIL (OCR@ed.gov)

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

BY EMAIL (OCR.Denver@ed.gov)

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

**Re: Civil Rights Complaint Against Hamline University
Regarding Discriminatory Scholarships**

Dear Ms. Richey and OCR Staff:

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

We bring this civil rights complaint against Hamline University ("Hamline"), a private college, for discrimination regarding its Creative Writing Scholarship that is awarded based upon the race of the recipient. Additionally, we request an investigation of other race-based

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

scholarships offered through the Hamline Center for Excellence in Urban Teaching. Scholarships that are awarded based upon the race, color, or national origin of the recipient violate Title VI.

Hamline University emphasizes diversity, equity, and inclusion as part of its institutional mission and student experience. As the university explains, “Hamline University recognizes that students’ diverse identities impact their educational experience. To ensure a welcoming environment for everyone, Hamline provides a variety of resources to support all students, including those who identify as BIPOC, LGBTQIA, dis- and differently abled, and more.”² This mission is reflected in the scholarships it offers, which impose discriminatory eligibility criteria.

Diversity Resources



- Personal and Community Wellness Home
- Diversity & Equity Resources
- Wellness & Recreation
- Spiritual Life
- Service & Volunteering

Resources for all students

Hamline University recognizes that students’ diverse identities impact their educational experience. To ensure a welcoming environment for everyone, Hamline provides a variety of resources to support all students, including those who identify as BIPOC, LGBTQIA, dis- and differently-abled, and more.

² <https://www.hamline.edu/life-at-hamline/personal-wellness/diversity-equity-inclusion> [<https://archive.ph/h1Pdi>] (accessed March 31, 2026).

SCHOLARSHIP THAT VIOLATES TITLE VI (1)³

The scholarship listed below⁴ is currently active according to the Hamline website, and violates Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations⁵ by excluding students based on their race, color, or national origin:

1. Creative Writing Merit Scholarships

Link: <https://www.hamline.edu/academics/graduate/creative-writing-mfa/scholarships>

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

Discriminatory Requirement: “The scholarship is awarded to 10% of incoming students, and one scholarship is offered to a student who **identifies as a writer of color.**”

Available MFA scholarships

Merit scholarships

25% of overall tuition

Hamline offers annual scholarships to those incoming students whose application materials demonstrate the most promise. The scholarship is awarded to 10% of incoming students, and one scholarship is offered to a student who identifies as a writer of color.

I. ADDITIONAL DISCRIMINATORY SCHOLARSHIPS APPEAR TO EXIST AT HAMLINE – INVESTIGATION REQUESTED

There is reason to believe that additional discriminatory scholarships and programs exist at Hamline beyond those identified here.⁶ For example, the Hamline Center for Excellence in Urban Teaching states that it has available “scholarships and mentoring ... for aspiring teachers who are **people of color or indigenous or American Indian.**”⁷

Although publicly available information is limited and not readily available on Hamline’s public-facing website, this statement strongly suggests that Hamline administers further race-based programs that are not readily accessible for review. Because Hamline strongly suggests it

³ Discriminatory criteria highlighted below.

⁴ Discriminatory criteria highlighted throughout.

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

⁶ <https://www.hamline.edu/academics/centers/center-excellence-urban-teaching-ceut> [<https://archive.ph/wip/99aAX>] (accessed on April 2, 2026).

⁷ 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 scholarship.

has additional discriminatory scholarships and programs but keeps that information off its public webpages, OCR should use its subpoena and other investigatory abilities to uncover this potentially unlawful conduct.

Center for Excellence in Urban Teaching

School of Education and Leadership

→ School of Education & Leadership

APPLY

REQUEST INFO

ATTEND INFO SESSION

The Center for Excellence in Urban Teaching (CEUT) was created to train and support teachers in applying proven culturally relevant pedagogical practices in urban and urban-like schools to promote increased educational success for all youth in Minnesota.

CEUT seeks to provide support for teacher candidates within and after earning their initial licensure. Scholarships and mentoring are available for aspiring teachers who are people of color or indigenous or American Indian.

The Scholarships Above Violate the Law

The scholarship identified above and the additional scholarships as described by Hamline, violate Title VI, by discriminating on the basis of race, color, or national origin.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,”

⁸ 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 Hamline. 42 U.S.C. § 2000(a). These scholarships also violate Minnesota state law. Minn. Stat. § 363A.13 (2024). Finally, these scholarships violate Hamline’s own nondiscrimination policy. See https://www.hamline.edu/about/university-leadership/dean-of-students/policies#:~:text=Hamline's%20code%20of%20conduct%20also%20aims%20to%20to%20others%20*%20Listening%20and%20learning%20from%20differences [<https://archive.is/wip/WYfnJ>] (accessed on March 30, 2026).

and thus applies to universities receiving federal financial assistance). As Hamline receives federal funds,⁹ it is subject to Title VI.

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 Hamline’s reasons for offering, promoting, and administering such discriminatory programs and scholarships, it is violating Title VI by doing so. It does not matter if the recipient of federal funding discriminates 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).

Hamline’s race, color, national origin, or sex-based scholarship is presumptively invalid; Hamline’s offering, promotion, and administration of this scholarship violates federal civil rights statutes.

OCR Has Jurisdiction

OCR enforces Title VI of the Civil Rights Act of 1964¹⁰ and its implementing regulation,¹¹ which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. As a recipient of federal financial assistance, including from the Department of Education,¹² Hamline is subject to Title VI and OCR has jurisdiction over this case.

⁹ See https://www.usaspending.gov/award/ASST_NON_P063P251673_091 [<https://archive.ph/wip/afSVu>] (accessed on March 30, 2026).

¹⁰ 42 U.S.C. §§ 2000d-2000d-7.

¹¹ 34 C.F.R. Part 100.

¹² See https://www.usaspending.gov/award/ASST_NON_P063P251673_091 [<https://archive.ph/wip/afSVu>] (accessed on March 30, 2026).

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. This scholarship is currently listed as an active scholarship on the Hamline website.¹³

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. 469, 505 (1989) (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, the fact that it conditions eligibility for the scholarship on race, color, and/or national origin, and/or sex, violates Title VI.

The Office for Civil Rights has the power and obligation to investigate Hamline’s role in creating, funding, promoting and administering these scholarships to discern whether Hamline is engaging in such discrimination in its other activities – as well as the duty to impose whatever remedial relief is necessary to hold it accountable for this 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. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 748 (2007).

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 Hamline’s various scholarships and programs based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at Hamline comports with the federal civil rights laws.

¹³ <https://www.hamline.edu/academics/graduate/creative-writing-mfa/scholarships>
[<https://archive.ph/wip/tNuxp>] (accessed March 30, 2026)

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Respectfully submitted,

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