



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
18 MAPLE AVE. #280
BARRINGTON, RI 02806
www.EqualProtect.org

October 13, 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 The College of DuPage Regarding Discriminatory Scholarship Programs

Dear Assistant Secretary Richey 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 opposes unlawful discrimination in any form.

We bring this civil rights complaint against the College of DuPage ("COD"), a public college, for discrimination based on race, color, or national origin in two (2) scholarship programs. The scholarships appear to violate Title VI of the Civil Rights Act of 1964 ("Title

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

VI”) and its implementing regulations² by discriminating against students based on their race, color or national origin. Because COD is a public college, these discriminatory scholarships also appear to violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

COD offers a variety of scholarships.³ To apply, students fill out a general application and are considered for opportunities they qualify for. Occasionally, students must submit additional applications for certain scholarships. Each of the scholarships listed below is available for the 2026-2027 school year, according to the COD website.



Sign In

▼ Opportunities

Our Opportunities

Show Filters

Welcome to the College of DuPage Scholarship Portal!

Our next scholarship cycle is for Spring 2027 is currently open from September 1 through November 1. Other institutional scholarships will open at various times. To be up to date with when we open scholarships, fill out your general application now to be automatically notified of opportunities you are eligible for to apply once they are available.

Below you will find a listing of scholarships available to COD students with brief information about the scholarship criteria. In order to apply, you must be a registered, current or incoming COD student, with a user name and password from MyAccess.

- 1) To submit an application for an opportunity listed, sign in using your COD credentials for MyAccess and complete the **General Application** first. Once the General Application has been submitted, qualified applicants will automatically be considered for several of the opportunities you meet the criteria for but not all.
- 2) After completing the **General Application**, you will also have access to submit **additional applications** for any of the specific opportunities that require more information, such as an extra essay, question response, transcript upload, letter of recommendation, etc.
- 3) Applications for scholarships may only be submitted when the applications are open. Once the deadline passes, the application will no longer be available for the current scholarship cycle.
- 4) Please make sure your application is submitted by the deadline date. (Applications close at 11:59 PM on the deadline date.) Only applications in a submitted status and from qualified applicants will be sent to the scholarship review committees for award consideration.

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

³ <https://cod.academicworks.com/opportunities> [<https://archive.is/wip/vCV9w>] (accessed October 5, 2026).

SCHOLARSHIPS THAT APPEAR TO VIOLATE TITLE VI (2)

1. **Mayes/McLean Scholarship**

Link: <https://cod.academicworks.com/opportunities/7263>

Archived Link: <https://archive.is/wip/6nDdO>

Discriminatory Requirement: “Applicants must be African American”



▼ Opportunities

Mayes/McLean Scholarship

This application is for Spring 2027.

PURPOSE: The Mayes/McLean Scholarship provides assistance to African American students in Criminal Justice studies, and is funded by the Northern Illinois Chapter of the National Organization of Black Law Enforcement Executives.

Applicants must have the following criteria:

- Applicants must be African American
- Be enrolled in a minimum of 6 credit hours for the applicable semester
- Maintain a cumulative GPA of 3.0 if they are full-time students (12+ credit hours per semester) or a cumulative GPA or better of 2.5 if they are part-time students (6+ hours per semester)
- File the FAFSA for the applicable academic year.
- Applicants must demonstrate community service experience.

Award

\$500

Deadline

11/01/2026

2. **Tom Galloway Memorial Scholarship**

Link: <https://cod.academicworks.com/opportunities/6867>

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

Discriminatory Requirement: “Must be of African American descent”



Sign In

▼ Opportunities

Tom Galloway Memorial Scholarship

This application is for Fall 2026.

PURPOSE: The Tom Galloway Memorial Scholarship supports African American students with financial need and is funded by members of DuPage Unitarian Universalist Church in Naperville who continue this scholarship in honor of its initiator, Tom Galloway.

Applicants must have the following criteria:

- Must be of African American descent
- Have a cumulative GPA or better of 2.0 or higher
- File the FAFSA for the applicable academic year.
- Submit a recommendation from a teacher, counselor, or faith leader.
- Applicants are responsible for communicating with recommenders to ensure all materials are submitted prior to the application deadline.

Award
\$1,500

Deadline
04/15/2026

Supplemental Questions

The Scholarships Listed Above Appear To Violate The Law

The scholarships identified above appear to violate Title VI, by discriminating on the basis of race, skin color, or national origin.⁴ Eligibility for both scholarships require recipients to be of African American Descent. Furthermore, because COD is a public college, such discrimination also appears to violate the Equal Protection Clause of the Fourteenth Amendment.

Title VI prohibits intentional discrimination on the basis of race, color, or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” encompasses “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-

⁴ 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 COD. 42 U.S.C. § 2000(a)(a). These scholarships also appear to violate Illinois state law. Illinois Civil Rights Act of 2003, 740 Ill. Comp. Stat. 23/5(a)(1). Finally, these scholarships violate COD’s own nondiscrimination policy. *See* <https://cod.edu/admissions/admissions-policies.html> [<https://archive.is/wip/nAm8k>] (accessed October 5, 2026).

4a(2)(A). As noted in *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th Cir. 2020), “Title VI prohibits discrimination on the basis of race in federally funded programs,” and therefore applies to universities receiving federal financial assistance. Because COD receives and administers federal funds through numerous programs, it is subject to Title VI.⁵

Regardless of COD’s reasons for offering, promoting, and administering such discriminatory scholarships, it appears to violate Title VI by doing so. It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 661 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As COD is a public college, its offering, promoting, and administering these discriminatory scholarships also appear to violate the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions*, the Supreme Court declared that “[e]liminating racial discrimination means eliminating all of it The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal.” *Id.* at 206 (cleaned up). “Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208. Consequently, “[a]ny exception to the Constitution’s demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny.” *Id.* (internal quotation marks and citation omitted). The scholarships at issue here cannot withstand that exacting standard.

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove “that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate.” *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, COD cannot carry its burden.

A “racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.” *Shaw v. Reno*, 509 U.S. 630, 643–44 (1993) (citation omitted). Here, COD cannot demonstrate that restricting scholarships based on race, color, or national origin serves any legitimate governmental purpose, let alone an

⁵ See https://www.usaspending.gov/award/ASST_NON_P116J251337_091 [<https://archive.is/wip/JsuTN>] (accessed October 5, 2026).

extraordinary one. Classifications based on immutable characteristics “are so seldom relevant to the achievement of any legitimate state interest” that government policies “grounded in such considerations are deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

The Supreme Court has recognized only two interests compelling enough to justify racial classifications. The first is remedying the effects of past de jure segregation or discrimination in the specific industry and locality at issue, where the government played a role. The second is “avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Students for Fair Admissions*, 600 U.S. at 207 (citation omitted). Neither applies here.

If the scholarships are intended to achieve racial balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 726, 730 (2007) (“Accepting racial balancing as a compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual, or national class”) (cleaned up, citation omitted).

Further, a policy is not narrowly tailored if it is either overbroad or underinclusive in its use of racial classifications. *J.A. Croson Co.*, 488 U.S. at 506. Indeed, in *Students for Fair Admissions*, the Supreme Court found that similar categories as those used to determine eligibility for COD’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,⁶ 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.

For a policy to satisfy narrow tailoring, the government must demonstrate “serious, good faith consideration of workable race-neutral alternatives,” *Grutter v. Bollinger*, 539 U.S. 306, 339 (2003), and show that “no workable race-neutral alternative” could achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that such alternatives were ever considered here.

Scholarships that explicitly restrict eligibility based on race, ethnicity, and/or national origin are presumptively invalid. Absent a compelling governmental justification for such invidious discrimination, the offering, promotion, and administration of these programs appear to violate state and federal civil rights statutes and constitutional equal protection guarantees.

⁶ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

OCR Has Jurisdiction

COD is a public entity and a recipient of federal funds, including from the U.S. Department of Education.⁷ If these scholarships violate Title VI and the Fourteenth Amendment then COD will be liable. 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/or national origin that occurred within 180 days and that are ongoing. These scholarships are currently active.⁸

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 alleged discrimination outlined above is presumptively illegal, and since COD cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, or national origin appears to violate federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate COD’s role in creating, funding, promoting and administering these scholarships and determine if COD’s role violates federal law. Should OCR determine that COG has violated the law it should 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.

⁷ See https://www.usaspending.gov/award/ASST_NON_P116J251337_091 [<https://archive.is/wip/JsuTN>] (accessed October 5, 2026).

⁸ <https://cod.academicworks.com/opportunities/7263> [<https://archive.is/wip/YBYka>] (accessed October 4, 2026).

Accordingly, we respectfully ask that the Department of Education's Office for Civil Rights promptly open a formal investigation and if appropriate impose such remedial relief as the law permits for the benefit of those who may have been illegally excluded from COD's various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at COD comports with the Constitution and federal civil rights laws.

Respectfully submitted,

/William A. Jacobson/
William A. Jacobson, Esq.
President
Legal Insurrection Foundation
Contact@legalinsurrection.com

/Maureen S. Riordan/
Chief Counsel
Legal Insurrection Foundation
m.riordan@legalinsurrection.com

/Robert J. Fox/
Robert J. Fox
Attorney
Legal Insurrection Foundation
Robert.Fox@legalinsurrection.com