



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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February 10, 2026

BY EMAIL (OCR@ed.gov)

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

BY EMAIL (OCR.Seattle@ed.gov)

Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174

**Re: Civil Rights Complaint against University of California, Berkeley –
Five Discriminatory Race-Based Programs**

Dear Assistant Secretary Richey:

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 that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in all forms. We submit this complaint against the University of California, Berkeley ("Berkeley"), for adopting and promoting the following five (5) discriminatory programs in violation of federal law ("the Programs").

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

A. Discriminatory campus spaces and programs.²

1. African American Student Development Office (AASD)

Link: <https://cejce.berkeley.edu/aasd>

Archived link: <https://archive.ph/KNGLb> (accessed Feb. 3, 2026)

Discriminatory language: The Office is for “**African American Student Development.**”



² Discriminatory language highlighted throughout. Images taken from linked Berkeley website.

Located at the Hearst Field Annex, AASD is described by Berkeley as a support hub for academic, personal, and professional development for students. AASD develops, delivers, and implements student development programs, and “opportunities and events centered around the diversity mission of the University of California.”

AASD Professional Staff



Takiyah Jackson

*Director of Thriving for
African American
Initiatives*

Takiyah Jackson is the Director of Thriving for African American Initiatives which includes, African-



Emerald Green

*Assistant Director of
African American Student
Development*



Lez'li Waller

*Leadership Program
Manager*

Lez'li Waller, a native of Omaha, NE., currently serves as the Leadership Program Manager at the University of California, Berkeley's African-

“Nobody’s free until everybody’s free!”

— Fannie Lou Hamer

Programs and Activities:

- New Student Orientation activities for Freshman, Transfer and Graduate Students
- Fannie Lou Hamer Black Resource Center
- Student Leadership Intern Program
- Mentoring Programs
- Annual Signature Events
- HBCU Domestic Exchange Programs
- Study Abroad Programs
- Student group and individual advising
- Black Community Forums

The title of the AASD Office signals that the program is for black students, and the further description of the program supports this discriminatory purpose. Regardless of whether non-black students are turned away, this strong racial signaling is likely to dissuade students who do not meet this racial category from participating. As set forth below, such racial signaling violates federal law.

2. Black Resource Center

Link: <https://life.berkeley.edu/black-resource-center/>

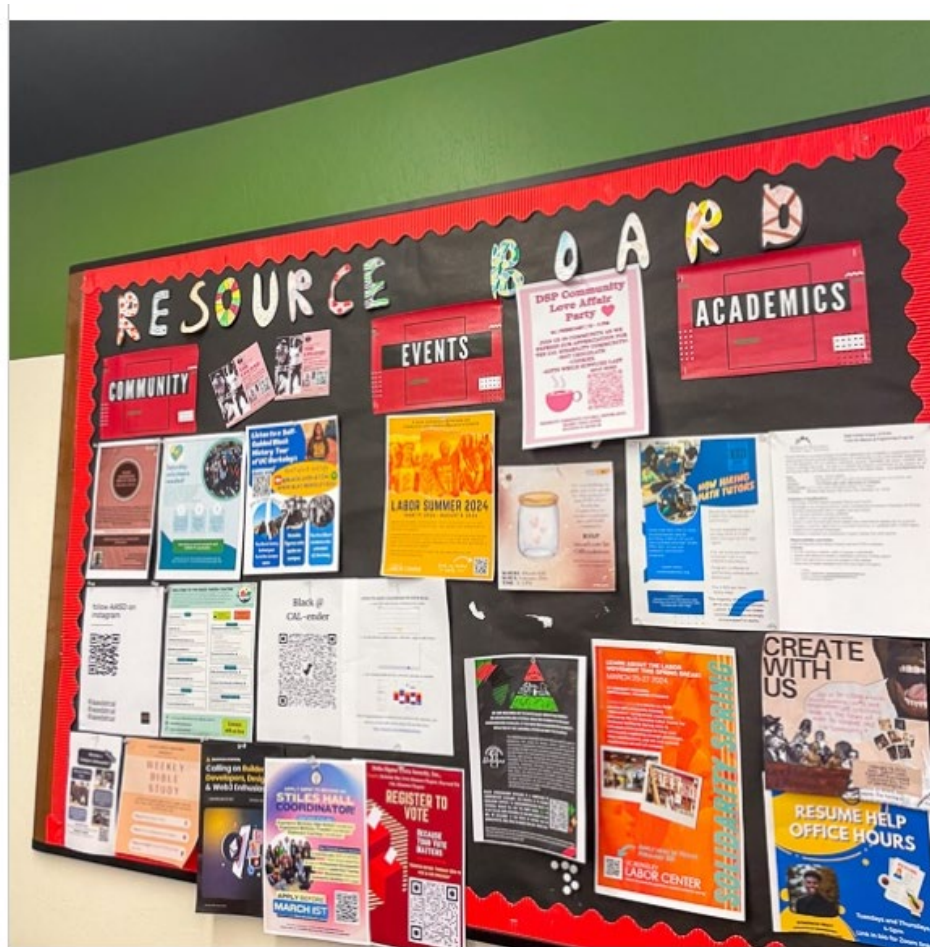
Archived link: <https://archive.ph/BXERs> (accessed Feb. 3, 2026)

Discriminatory language: The Center “is a space **for Black students** to safely gather on campus and benefit from dedicated academic, social, and cultural services” and “is dedicated to enhancing **the Black student experience** in all aspects at Berkeley and enriching **Black student life.**”

Black Resource Center



Located at the Hearst Field Annex, the Center is described by Berkeley as a space for black students to “safely” gather on campus and benefit from dedicated academic, social, and “cultural” services.



Resource board in the Fannie Lou Hamer Resource Center

The Center is dedicated to enhancing the “black student experience” in all aspects at Berkeley and enriching black student life, with a specific focus on academic support and providing a study and social space. This also includes providing a space for black student organizations and clubs to meet on campus such as HUBBA, the Haas Undergraduate Black Business Association.



A networking event put on by HUBBA and hosted by the resource center.

The title of the Center signals that the program is for black students, and the further description of the program supports this discriminatory purpose. Regardless of whether non-black students are turned away, this strong racial signaling is likely to dissuade students who do not meet this racial category from participating. As set forth below, such racial signaling violates federal law.

3. Latinx Student Resource Center (LSRC)

Link: <https://cejce.berkeley.edu/clsd/latinx-student-resource-center>

Archived link: <https://archive.ph/s1DsJ> (accessed Feb. 3, 2026)

Discriminatory language: The Center “is a campus space dedicated to the academic, social, emotional, cultural, and professional **development of Chicanx/Latinx students** at UC Berkeley.”

Latinx Student Resource Center

Chicanx Latinx Student Development



“The Latinx Student Resource Center (LSRC), according to Berkeley, provides a physical space with programming that builds community, celebrates the Latinx diaspora, and prepares students for graduation and beyond.”

Opening in September 2022, the Latinx Student Resource Center is a campus space dedicated to the academic, social, emotional, cultural, and professional development of Chicanx/Latinx students at UC Berkeley. The Latinx Student Resource Center (LSRC) provides a physical space with programming that builds community, celebrates the Latinx diaspora, and prepares students for graduation and beyond.

Students are welcome to study, meet with friends, share a meal, attend events and meetings, learn about campus resources, find free wellness products and academic supplies, and ask our staff questions.

The LSRC features:

- Lounge
- Graduate student lounge
- Conference room
- Kitchenette
- Wellness cart

LSRC Partnerships

The Latinx Student Resource Center partners with key campus departments, offices, and services to provide weekly hours at the LSRC to make these services more accessible and welcoming to students.

Partnership hours occur during the academic year and are not offered during summer or winter breaks.

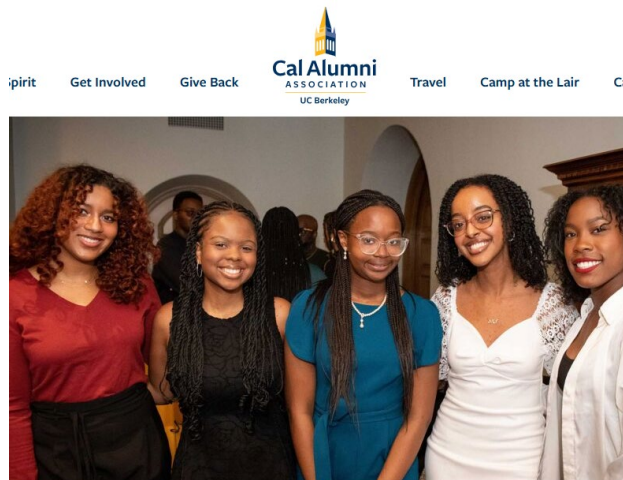
The title of the Center signals that the program is for Hispanic students, and the further description of the program supports such purpose. Regardless of whether non-Hispanic students are turned away, this strong racial signaling is likely to dissuade students who do not meet this racial category from participating. As set forth below, such racial signaling violates federal law.

4. African American Initiative Scholarship (AAIS)

Link: <https://alumni.berkeley.edu/get-involved/scholarships/aai/>

Archived link: <https://web.archive.org/web/20251215201006/https://alumni.berkeley.edu/get-involved/scholarships/aai/> (accessed Feb. 3, 2026)

Discriminatory language: “Funded by the San Francisco Foundation and administered by the Cal Alumni Association, the African American Initiative (AAI) Scholarship provides **African American students** with financial support to help make their Cal education more accessible.”



African American Initiative Scholarship

The African American Initiative (AAI) Scholarship exclusively provides black students with an \$8,000 a year scholarship. The CAA is an integral part of Berkeley: its office is located on campus, and its staff use Berkeley's email, web, phone, and other resources. That the funding is provided by and some administration done by an outside entity is legally irrelevant, given Berkeley's promotion and logistical support for the scholarship.

Eligibility Requirements

Student Status	Incoming UC Berkeley first years for Fall 2025
Requirements	<ul style="list-style-type: none">• Identify as Black/African American/African• California Dream Act and AB540 students are eligible to receive the award

Students applying for the scholarship must identify as “Black/African American/African”. The AAI Scholarship supports the campus-wide “African American Thriving Initiative” as a comprehensive effort to address the underrepresentation of African American students, faculty, and staff at Berkeley.

- Attend the Black Student Orientation, August 2025.
 - Attend the AAI Student Retreat, date TBD.
 - Attend the AAI Scholarship Recipient Reception, February 2026.
 - Maintain at least a 2.0 GPA.
 - Be enrolled in a minimum of 12 units.
 - Live on the [Afro floor](#). Deadline to apply for housing is May 2 for incoming first-year students. We encourage you to apply to live on the African American Theme Program when you [apply for housing](#) since this will be a requirement once your scholarship is accepted.
 - Meet with the African American Initiative Program Manager at least once per semester.
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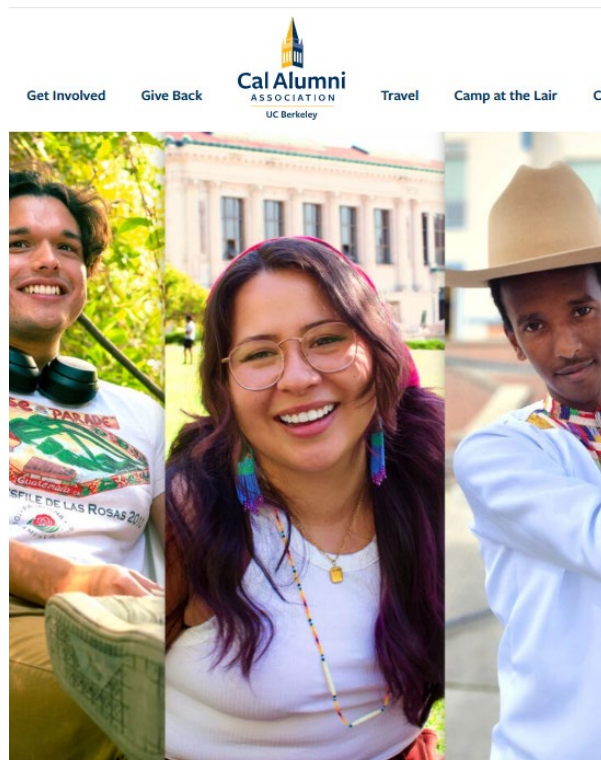
By being open only to black students, both explicitly or through strong racial signaling, the AAI Scholarship discriminates against all non-black students.

5. The Lloyd A. Edwards Scholarship

Link: <https://alumni.berkeley.edu/get-involved/scholarships/lloyd-a-edwards-scholarship/>

Archived link: /web/20251215201535/https://alumni.berkeley.edu/get-involved/scholarships/lloyd-a-edwards-scholarship/ (accessed Feb. 3, 2026).

Discriminatory language: “The Lloyd A. Edwards Scholarship provides an award of \$5,000 annually for up to four years **to support Black or Native American undergraduate students** at UC Berkeley.”³



The Lloyd A. Edwards Scholarship

³ 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.

The Lloyd A. Edwards Scholarship, administered through the Cal Alumni Association (an integral part of Berkeley), provides an award of \$5,000 annually for up to four years to support Black or Native American undergraduate students at UC Berkeley. That the funding is provided by and some administration done by an outside entity is legally irrelevant, given Berkeley's promotion and logistical support for the scholarship.

The Lloyd A. Edwards Scholarship

The Lloyd A. Edwards Scholarship provides an award of \$5,000 annually for up to four years to support Black or Native American undergraduate students at UC Berkeley. Students interested in the fields of journalism, media, banking, business, community service, or entrepreneurship are strongly encouraged to apply.

This scholarship honors Lloyd A. Edwards, a Berkeley native who had a diverse career in media, community affairs, and the private sector, where he broke numerous racial barriers as a person of Black and Native American (Blackfoot/Seminole) ancestry.

Incoming first years and junior transfers applying for CAA scholarships will automatically be considered for the Lloyd A. Edwards Scholarship. Recipients will be notified by CAA scholarships staff.

Apply for CAA Scholarships Here

APPLY HERE

By being open only to black or Native American students, both explicitly and through strong racial signaling, the Lloyd A. Edwards Scholarship discriminates against all non-black and non-Native American students.

B. Berkeley's discriminatory programs violate federal law.

The Programs at Berkeley that discriminate based on race and ethnicity violate Title VI.⁴ Additionally, because Berkeley is a public university, the Programs also violate the Fourteenth Amendment's equal protection guarantee.

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-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. Here, the Programs as Berkeley markets and implements them are openly discriminatory in that they favor members of certain races and national origin groups.

The programs not only are explicit in their discrimination, they also signal that discrimination. While the intent behind a given message can be relevant, the primary question is whether an ordinary reader would be discouraged from participating. *Ragin*, 923 F.2d at 999–1000; *Jancik*, 44 F.3d at 556, or would suggest to an "ordinary reader" that people of a particular race or ethnicity are preferred or discouraged, *Hous. Rts. Ctr. v. Donald Sterling Corp.*, 274 F. Supp. 2d 1129, 1138 (C.D. Cal.), *aff'd sub nom.*, *Hous. Rts. Ctr. v. Sterling*, 84 F. App'x 801 (9th Cir. 2003) (quoting *Ragin*, 923 F.2d at 999. In other words, the perception of a reasonable reader controls whether a message functions as discriminatory signaling. *United States v. Hunter*, 459 F.2d 205, 215–16 (4th Cir. 1972) (advertisements judged by effect on the ordinary reader, regardless of intent). Here, Berkeley's discriminatory signaling is not subtle, but even subtle messaging can convey discriminatory preferences. *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991); *Jancik v. Dep't of Hous. & Urb. Dev.*, 44 F.3d 553, 556 (7th Cir. 1995); *Housing Opportunities Made Equal, Inc. v. Cincinnati Enquirer, Inc.*, 943 F.2d 644, 646 (6th Cir. 1991); *Spann v. Colonial Village, Inc.*, 899 F.2d 24 (D.C. Cir. 1990); *United States v. Hunter*, 459 F.2d 205, 215 (4th Cir. 1981).

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

⁴ Because Berkeley receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI. *See* <https://www.usaspending.gov/recipient/2f14ac11-bc8d-d1e9-d103-1585414b0792-C/latest> [https://archive.is/T1kOV] (accessed Feb. 3, 2026).

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).

The explicit way Berkeley describes the Programs as intended for certain groups, regardless of Berkeley’s reasons for offering, promoting, and administering the Programs, renders the Programs unlawfully discriminatory through impermissible signaling under Title VI.

Additionally, the Programs violate the Fourteenth Amendment’s Equal Protection Clause. Under strict scrutiny, racial 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). 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, Berkeley cannot meet this burden. 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).

By discriminating on the basis of race, color, and/or national origin, the African American Student Development Office, Black Resource Center, Latinx Student Resource Center, African American Initiative Scholarship, and The Lloyd A. Edwards Scholarship, violate Title VI and the Fourteenth Amendment.

E. OCR Has Jurisdiction.

The Department of Education’s Office for Civil Rights has jurisdiction to investigate race discrimination at educational institutions that receive federal funds. Berkeley is a public entity and a recipient of federal funds, including from the U.S. Department of Education.⁵ Therefore, OCR has jurisdiction over this complaint.

F. The Complaint Is Timely.

This complaint is timely because it includes allegations of discrimination based on race that occurred within 180 days of this complaint’s submission, and which appear to be active and ongoing.

G. Request For Investigation And Enforcement.

The Office for Civil Rights has the power and obligation to investigate Berkeley’s role in creating, funding, promoting and administering the five identified discriminatory programs, to

⁵ *Id.*

discern whether Berkeley 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.

Accordingly, we respectfully request that the Department of Education's Office for Civil Rights promptly open a formal investigation, impose all appropriate remedial measures authorized by law to address the five identified programs at Berkeley, and ensure that all current and future initiatives and programs fully comply with Title VI, the Equal Protection Clause of the Fourteenth Amendment, and other applicable federal civil rights guarantees.

Respectfully submitted,

/Timothy R. Snowball/

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