



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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January 30, 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.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 Metropolitan State University of Denver –
Race, Color, and National Origin Discrimination in Eleven Scholarships**

Dear Ms. 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.

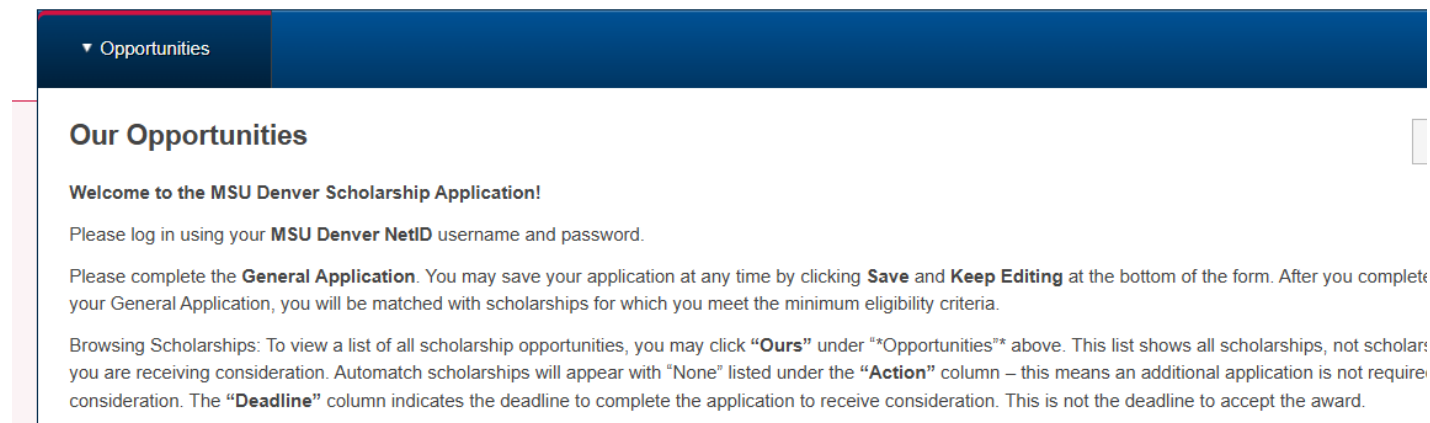
We bring this civil rights complaint against Metropolitan State University of Denver ("Metro State"), for offering, administering, and promoting eleven (11) scholarships that discriminate on the basis of race, color, and/or national origin in violation of Title VI.

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

This complaint constitutes Part One of a two-part filing concerning Metro State's scholarship practices. Part One challenges scholarships that discriminate on the basis of race, color, and national origin, unrelated to DACA/"Undocumented" scholarships. Part Two challenges only scholarships involving preferences for DACA and "undocumented" students, which constitutes national-origin discrimination against American-born students in violation of Title VI and is being filed separately because the Office for Civil Rights already has numerous DACA/"undocumented" scholarship investigations open.²

Background

After completing the Metro State general scholarship application, students are matched with scholarships that meet their minimum eligibility requirements.³ Many of the scholarships offered do not require a separate application. So long as students meet the eligibility requirements, they will be considered.



The scholarships listed below are currently offered to Metro State students and applicants for admission, according to the Metro State website, and violate Title VI of the Civil Rights Act

² See <https://www.ed.gov/about/news/press-release/us-department-of-education-opens-investigations-five-universities-alleged-exclusionary-scholarships-benefitting-illegal-alien-students> [<https://archive.is/wip/i4hUD>] (accessed January 29, 2026).

³ <https://msudenver.academicworks.com/opportunities> [<https://archive.is/wip/teimY>] (accessed January 29, 2026).

of 1964 (“Title VI”) and its implementing regulations⁴ by discriminating against students based on their race, color, or national origin. Because Metro State is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

SCHOLARSHIPS THAT VIOLATE TITLE VI (11)⁵

1. Dr. Rosemarie Allen Family Endowed Scholarship

Link: <https://msudenver.academicworks.com/opportunities/9144>

Archived Link: <http://archive.today/tjybX>

Discriminatory Requirement: “Preference for **Latino/a, African American, and Indigenous** applicants with the **highest preference for African American applicants.**”

▼ Opportunities

Dr. Rosemarie Allen Family Endowed Scholarship

Purpose
The Fund is established to provide scholarships to students majoring in Early Childhood Education or Elementary Education.

This endowed scholarship is established by Dr. Rosemarie Allen and her husband, Don, to honor Dr. Allen's 17-year career and educational legacy at Metropolitan State University of Denver. There is something special about the students that attend MSU Denver and more specifically, students of color wishing to enter into the field of teaching. Dr. Rosemarie Allen has experienced first-hand the barriers that prevent students from becoming licensed teachers and as a non-licensed teacher, she knew she made less than her peers. Providing financial support to students during their semester(s) of student teaching will ensure that the recipients do not need to drop out or go the route of non-licensure and can apply for higher-paying jobs thus closing the equity/pay gap for educators of color. Increasing the number of teachers of color may also help to mediate problematic social trends and opportunity gaps in the schooling experiences of students of color. This endowed scholarship is established by an exceptional educator, faculty award-winner and community member to support the next generation of educators of color.

Criteria
The scholarship recipient shall:

- Be meeting the University's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state, or institutional aid
- Have a declared major in Early Childhood Education or Elementary Education
- Submit a 500-word essay addressing the following questions:
 - Why do you need this support to complete your student teaching semester(s) or residency?
 - How will you make an impact on students of color when you become an educator?
- Be enrolled in 6 or more credit hours
- Be an undergraduate student

Preference for Latino/a, African American, and Indigenous applicants with the highest preference for African American applicants.

Both DACA/Asset students are eligible for this scholarship.

Award
Varies

Scopes
ASSET, DACA, Early Childhood Education, Elementary Education, School of Education

Deadline
03/01/2026

Supplemental Questions
1. Submit a 500-word essay addressing the following questions: Why do you need this support to complete your student teaching semester(s) or residency? How will you make an impact on students of color when you become an educator?

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

⁵ Discriminatory criteria highlighted below.

2. **RJ McArthur Accounting Endowed Scholarship**

Link: <https://msudenver.academicworks.com/opportunities/9185>

Archived Link: <http://archive.today/sL0g7>

Discriminatory Requirement: “Preference is given to students whose **racial and ethnic backgrounds are historically underrepresented** in the accounting degree program(s) and the accounting industry. This includes, but is not necessarily limited to: American Indian/Alaskan Native, **Asian, Black/African American, Hispanic or Latino**, and Native Hawaiian or Other Pacific Islander.”

▼ Opportunities	
<h3>RJ McArthur Accounting Endowed Scholarship</h3> <p>Purpose: The Fund is established to assist those with financial hardships to obtain an Accounting degree from the University which will enable them to be a productive and qualified professional in the accounting community. Furthermore, the Fund shall be utilized to enhance and improve racial and ethnic diversity of accounting student populations, and in turn, the accounting profession.</p> <p>Criteria:</p> <ul style="list-style-type: none">• Be meeting MSU Denver's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid• Have a declared major in Accounting at MSU Denver• Have a cumulative GPA of 2.5 or higher• Complete the University Scholarship application or a Dreamer Application <p>Preference is given to students whose racial and ethnic backgrounds are historically underrepresented in the accounting degree program(s) and the accounting industry. This includes, but is not necessarily limited to: American Indian/Alaskan Native, Asian, Black/African American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. Open to Undergraduate and Master's degree students.</p> <p>Open to ASSET students.</p> <p>Financial need as determined by the Free Application for Federal Student Aid (FAFSA/CASFA) and the Metropolitan State University of Denver Office of Financial Aid and Scholarships may be considered in selection.</p>	
<hr/>	
Award	Varies
Scopes	Accounting, ASSET, College of Business
Deadline	03/01/2026

3. **Kingdom Enlightenment Scholarship**

Link: <https://msudenver.academicworks.com/opportunities/9055>

Archived Link: <http://archive.today/9Lfuk>

Discriminatory Requirement: “There is a preference to assist **minority students**.”⁶

Kingdom Enlightenment Scholarship

Purpose:

To honor the wishes of the late Stephen Schlessman Fredericks, by helping less fortunate young people receive an education and, in so doing, break a cycle of poverty.

The Kingdom Enlightenment Scholarship Foundation was founded by Stephen S. Fredericks in his Last Will and Testament. Steve died of malignant melanoma on April 13, 1991, at the young age of 34.

Steve grew up in Southeast Denver where he attended Asbury Elementary School and later graduated from John F. Kennedy High School. Steve had a love for sports and was very athletic. He worked as a golf pro in Texas while practicing to become a professional golfer. It was about this time when Steve discovered that he had cancer.

Steve decided that golf was not his destiny, and he continued to search for the truth and meaning of his life. As Steve's cancer progressed, his search became an obsession. For years, Steve had anguished over the injustice in the world and the disparity between the rich and the poor. With the short amount of time Steve had left, he decided to do something about it. Steve began to volunteer his time at the Denver Street School because he believed in their Christian mission to help troubled teens get an education. Steve also began to counsel troubled youths at the Gilliam Youth Service Center. It was there that he discovered that the majority of the troubled youths were minorities and came from poor families. Steve desperately wanted to help these people and he laid awake nights trying to think of ways to raise money for this purpose. Steve's love of art led to the foundation of the “Shot of Love” corporation. His “Shot of Love” paintings were one-of-a-kind abstract ink paintings. All of the profits of these paintings were to go to charitable organizations, but unfortunately, Steve ended up losing money on this venture, but he was not disheartened.

He was, however, running out of time. The cancer was progressing rapidly. Steve could barely walk. He had lost the use of one leg, his hair had fallen out, and he was starting to have seizures. The cancer had moved to his brain. There was no time left to make money, he had to concentrate on how to achieve his goal with what he had.

Fortunately, Steve had inherited a substantial amount of money from his grandfather. He could never enjoy this wealth, however, because of his deep-felt concern for the poor. Now with his mother and lawyer at his bedside, Steve worked out the details for a scholarship foundation that would help educate the less fortunate young people in our society and help them break the poverty cycle that he knew was to blame for many of society's ills. He was going to make things more equal in what he perceived as a very unfair world. The money that could not make Steve happy in his life would now bring him peace and fulfillment in his death and help many, many young people to have a chance for a better life. The Kingdom Enlightenment Scholarship Foundation was Steve's last “Shot of Love” to the world.

Criteria:

- Be meeting MSU Denver's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid
- Complete the MSU Denver Office of Financial Aid and Scholarships scholarship application
- Have a minimum cumulative GPA of at least 2.0
- Have financial need based on FAFSA and the MSU Denver Office of Financial Aid
- Be a Colorado public high school graduate
- Students who study abroad are not eligible

All Kingdom students who can be renewed should be each year.

There is a preference to assist minority students.

Award

Varies

Deadline

03/01/2026

⁶ 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. Mariachi Performance Endowed Scholarship

Link: <https://msudenver.academicworks.com/opportunities/9005>

Archived Link: <http://archive.today/0KYjS>

Discriminatory Requirement: “Preference is to support **Latino/a students**”

Mariachi Performance Endowed Scholarship

Purpose:

The Mariachi Performance Scholarship is established to provide scholarships to students participating in the University's Mariachi Program. The scholarship will help support and develop the Mariachi Program in the University's Department of Music by supporting students who are committed to advancing Mariachi Music and advancing their own education at the University and at the Latino Cultural Arts Center.

Criteria:

- Be meeting the University's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid.
- Have financial need as determined by FAFSA / CASFA and the University's Office Financial Aid and Scholarships
- Have a cumulative GPA of 2.75 or higher
- Participate and register in the University's Mariachi Ensemble (MUS 3818) every semester.
- Support the annual Viva Southwest Festival at MSU Denver through performance, instrumental coaching, administrative assignments, and other duties as assigned.
- Maintain a full-time course load and appropriate degree progress towards a Music Major or Music Minor.
- Participate as a volunteer with the Latino Cultural Arts Center for a minimum of 10 hours per semester during the academic school year. (To be determined if this is allowable under Federal and University rules.)

Preference is for students who play guitar, trumpet, violin, vihuela, guitarron, or bass and sing at a basic level to participate and contribute to the Mariachi Ensemble.

Preference is to support students who can demonstrate basic proficiency in the Spanish language.

Preference is to support Latino/a students

Award

Varies

Scopes

ASSET, College of Letters Arts and Sciences, DACA, Music, Undocumented Students

Deadline

03/01/2026

Supplemental Questions

1. Are you willing to support the annual Viva Southwest Festival at MSU Denver through performance, instrumental coaching, administrative assignments, and other duties as assigned.
 2. Do you play guitar, trumpet, violin, vihuela, guitarron, or bass and sing at a basic level to participate and contribute to the Mariachi Ensemble?
 3. Do you have a basic proficiency in the Spanish language?
 4. Will you be registered in Mariachi Ensemble (MUS 3818) in the fall and spring semesters of the 23-24 academic year?
-

5. Mary Ann Padilla And Robert Grabowski Endowed Scholarship

Link: <https://msudenver.academicworks.com/opportunities/9188>

Archived Link: <http://archive.today/BHkz8>

Discriminatory Requirement: “Preference will be given to historically underrepresented **Hispanic students**”

▼ Opportunities

Mary Ann Padilla And Robert Grabowski Endowed Scholarship

Purpose:
To provide scholarship support to aspiring students who without support would be unable to attend Metropolitan State University of Denver. Mary Ann Padilla owned the Sunny Side, Inc./Temp Side agency for more than thirty years. During that time, her husband Bob Grabowski retired from his position as Chief Financial Officer at Ryerson Steel and became the Vice President of Finance for Sunny Side. They recruited and placed numerous MSU Denver alumni during this time. They and their clients were favorably impressed with the quality and work ethic of employees who were or had been MSU Denver students. Mary Ann is from a family of 9 children; Bob worked full time while attending college. Both were first generation college students who worked hard while earning their degrees. They are very interested in higher education, ensuring that there are skilled employees in the Denver metropolitan area for local employers, and in supporting deserving students with financial need.

Criteria:
The scholarship recipient shall:

- Be meeting the University's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid
- Have a financial need as determined by FAFSA and the Metropolitan State University of Denver Office Financial Aid and Scholarships
- Be an incoming freshman
- Have a declared major
- Be enrolled full time (12 credit hours) per semester
- Maintain a minimum cumulative GPA of 2.5

Preference will be given to historically underrepresented Hispanic students
Scholarship awards will be renewable each academic year for fall and spring semesters for a maximum of eight semesters if standards are met (contingent on available funds).

Award
Varies

Deadline
03/01/2026

You will be automatically considered based on your completed General Application. To complete the General Application, please [sign in](#).

- 6. Organization for Chinese Americans (OCA) Colorado Endowed Scholarship**
Link: <https://msudenver.academicworks.com/opportunities/9073>
Archived Link: <http://archive.today/Gn8mk>
Discriminatory Requirement: “Preference will be given to students of Asian- Pacific Islander descent”

▼ Opportunities

Organization for Chinese Americans (OCA) Colorado Endowed Scholarship

Purpose:

The Fund is established to: support low-income students of primarily Asian-Pacific Islander descent who plan to use their education to benefit their Colorado community.

Founded in 1973, the Organization of Chinese Americans (OCA) aims to embrace the hopes and aspirations of Asian Pacific Americans in the United States. With over 80 chapters and affiliates across the nation—including in Colorado—OCA is focused on developing leadership and community involvement. Its national office in Washington, DC allows it to monitor legislation and policy issues affecting Asian Pacific Americans. However, it takes no collective position on the politics of any foreign country. Instead, OCA focuses on the welfare and civil rights of Asian Pacific Americans in the United States.

Criteria:

The scholarship recipient shall:

- Be a Colorado resident
- Be an undergraduate student
- Demonstrate financial need up to 2x Pell-eligible (moderate financial need) as determined by the MSU Denver Office of Financial Aid and Scholarships based on completing the Free Application for Federal Student Aid (FAFSA)
- Have a complete FAFSA and financial aid file
- Maintain a cumulative Grade Point Average (GPA) of 2.5 or higher
- Be taking a minimum of 9 credit hours per semester
- Be meeting MSU Denver's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid.
- Provide a 600-word essay responding to the following question: "How will this scholarship, the education it supports, and the opportunity to interact with OCA Colorado help you have a positive impact on your community?"

Preference will be given to students of Asian- Pacific Islander descent, First-generation college students, and those who are lawfully present in the U.S.

Students may be renewed if they continue to meet the eligibility requirements (contingent on available funds).

Students who receive this scholarship must participate in at least one OCA Colorado event, program, or initiative during the academic year. Students who fulfill this requirement will be eligible for subsequent OCA Colorado scholarships.

Award

\$2,000

Scopes

First Generation Students

Deadline

03/01/2026

Supplemental Questions

7. **Phyllis E. Lucero Endowed Scholarship**

Link: <https://msudenver.academicworks.com/opportunities/9075>

Archived Link: <http://archive.today/4W2hT>

Discriminatory Requirement: "There is a preference for the recipient to be **Latino** or 25 years of age or older"

▼ Opportunities

Phyllis E. Lucero Endowed Scholarship

Purpose:
This scholarship was established by Phyllis' daughter Michelle Lucero, Chair of the MSU Denver Board of Trustees, to honor the legacy of her mother. In establishing this scholarship Ms. Lucero provided the following profile of her late mother: "Phyllis Lucero was an amazing mother, grandmother, wife, and community leader and committed fully to each of these roles in her short 63 years of life. With initially only an 8th-grade education, she saw the value of education and passed that value on to her family. While raising her eleven children, Phyllis studied and passed her GED. She then joined forces with her best friend Betty Jo Quintana and they decided that a college education was possible. Thus, after fifteen years of classes fit in at all hours of the day and weekends, and between a full-time job, raising children, giving back to the community (including service as a City Councilwoman), and attending every sporting event her children were involved in, Phyllis received a Bachelor of Arts in Education, specializing in early childhood education, from Ft. Lewis College in Durango, Colorado." Through all of this Phyllis always had time to listen to anyone who needed her advice, to cook and provide for those in need and be one of the most amazing people to have walked this wonderful Earth. Her spirit, intelligence, creativity, perseverance, compassion, selflessness, love of community, love of children, sense of humor, and beauty are what motivate the establishment of this scholarship.

Criteria:

- Meet MSU Denver's Satisfactory Academic Progress (SAP) requirements and not in default or owe any refund/repayment of federal, state or institutional aid
- Be a Colorado resident
- Have a cumulative GPA of at least 3.0
- Be enrolled in 12 or more credit hours during the semester(s) that the scholarship is received
- Financial need is preferred but not required- Financial need is determined by the Free Application for Federal Student Aid (FAFSA) and MSU Denver's Office of Financial Aid.
- Students must complete the University's General Scholarship application each year to be considered

There is a preference for the recipient to be Latino or 25 years of age or older
Renewal – up to six terms if criteria continues to be met (contingent on available funds).

Award
Varies

Deadline
03/01/2026

8. **Stephen & Ruth Jordan Student Access Endowed Scholarship**

Link: <https://msudenver.academicworks.com/opportunities/9116>

Archived Link: <http://archive.today/YayWs>

Discriminatory Requirement: “Preference will be given to members of an **ethnic minority.**”

▼ Opportunities

Stephen & Ruth Jordan Student Access Endowed Scholarship

Purpose:

The Fund was initially established with proceeds from the 2017 MSU Denver Summer Soiree held on June 10, 2017, as a celebration of Dr. Stephen and Ruthie Jordan's twelve years of outstanding leadership as President and "First Lady" of the University.

Criteria:

- Apply annually for Financial Aid, using either the Free Application for Federal Student Aid (FAFSA), the CASFA application for DACA students, or their equivalents, and have expected family contribution scores that would qualify them for Pell Grants whether or not they are eligible to receive them
- Pass the English and reading sections of the Accuplacer test, or be exempt through SAT/ACT test scores
- Intend to graduate from MSU Denver

Preference will be given to students who are:

- First-generation students within their family
- Members of an ethnic minority

Undocumented students are eligible to receive this scholarship.

Award

Varies

Scopes

ASSET, DACA, First Generation Students, Undocumented Students

Deadline

03/01/2026

Supplemental Questions

1. Have either of your parents attended college?
2. Are you eligible to take an MSU Denver English Composition course (1008 or 1010)?
3. Do you intend to graduate from MSU Denver?

9. Vote of Confidence Annual Scholarship

Link: <https://msudenver.academicworks.com/opportunities/8903>

Archived Link: <http://archive.today/0oJ29>

Discriminatory Requirement: "Preference is for **minority student(s)**, especially **Black and Hispanic students**."

▼ Opportunities

Vote of Confidence Annual Scholarship

Purpose:
The Fund is established to provide scholarships to students, to show a vote of confidence in a student's goals, determination to work toward those goals, and in the end to be better prepared to care for those close to him/her and to care for the wider community.

Criteria:
The scholarship recipient shall:

- Meet the University's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state, or institutional aid.
- Have financial need as determined by FAFSA / CASFA and the University's Office of Financial Aid and Scholarships
- Complete the general scholarship application including the general essay question
- Be enrolled in at least 6 credit hours at the time the scholarship is received
- Have a declared major

Preference is for minority student(s), especially Black and Hispanic students
DACA/ASSET students eligible to apply
The scholarship is renewable for multiple semesters (contingent on available funds), but students must re-apply for the scholarship each academic year.
Renewal students can take up to two-gap semesters if needed.

Award
varies

Scopes
ASSET, DACA

Deadline
03/01/2026

You will be automatically considered based on your completed General Application. To complete the General Application, please [sign in](#).

10. E.B. Jeppesen Endowed Scholarship

Link: <https://msudenver.academicworks.com/opportunities/8805>

Archived Link: <http://archive.today/908Ic>

Discriminatory Requirement: “preference for a Female or **from an underrepresented minority.**”

▼ Opportunities

E.B. Jeppesen Endowed Scholarship

Purpose

The Fund is established to provide scholarships for students majoring in either Aviation Management or Aviation Technology in the Department of Aviation and Aerospace Science.

Criteria

The scholarship recipient shall:

- Be meeting MSU Denver's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid
- Have financial need as determined by FAFSA/CASFA and the MSU Denver Office of Financial Aid and Scholarships
- Be enrolled as a full-time student (twelve credit hours) with a declared major in Aviation Management or Aviation Technology
- Have a cumulative GPA of 3.5 or greater
- Apply for this opportunity by completing an auto-biographical essay, which may address the following topics:
 - Where do you see yourself in ten years?
 - What motivated you to pursue an education and career in Aviation?
 - How do you intend to pay forward any assistance received through this scholarship?

Preference is given to students who are:

- First-generation to attend college from their family
- Female or from an underrepresented minority
- Demonstrate a passion for Aviation through extra-curricular activities, which may include employment or volunteer service in ROTC, Civil Air Patrol or MSU Denver Precision Flight Team

Award

Varies

Scopes

College of Aerospace, Computing, Engineering and Design, First Generation Students

Deadline

03/01/2026

Supplemental Questions

1. Where do you see yourself in ten years and what motivated you to pursue an education and career in Aviation?
2. How do you intend to pay forward any assistance received through this scholarship?
3. What extra-curricular activities, which may include employment or volunteer service in ROTC, Civil Air Patrol or MSU Denver Precision Flight Team demonstrate your passion for Aviation?

11. Jennifer S. Mankey Endowed Scholarship

Link: <https://msudenver.academicworks.com/opportunities/8692>

Archived Link: <http://archive.today/I0d1o>

Discriminatory Requirement: "There is a preference for **minority female recipients.**"

▼ Opportunities

Jennifer S. Mankey Endowed Scholarship

Purpose:

Jennifer S. Mankey was a leader in the field of juvenile offender education and intervention in Colorado and nationally for over 40 years. In 1973, Jennifer started her career in a ground breaking community based juvenile treatment for repeat offenders as a key team member of the nationally replicated New Pride Inc. Program. After years working directly with juveniles and their families, Jennifer started work with the Denver Juvenile Courts. From her direct services experiences and knowledge of the justice, education and social services system, Jennifer was able to clearly see the gaps in effectively delivering coordinated services. From her experience and leadership at New Pride, Inc. and the Denver Juvenile Courts, two programs emerged that provide a nationally adopted model for service coordination that has been replicated across the country: The Center for Network Development and the Denver Juvenile Assessment Center. Ms. Mankey provided training focusing on juvenile information sharing and confidentiality in judicial systems nationwide. Jennifer S. Mankey earned a BSW in Social Work from the University of Illinois and Masters in Public Administration (MPA) from the University of Colorado-Denver. Jennifer's life's work has been dedicated to the ideals of social justice. Her wish that minority female students be awarded assistance to complete their education was a mission that Ms. Mankey championed and supported much of her life. This scholarship supports that mission.

Criteria:

- Be meeting MSU Denver's Satisfactory Academic Progress (SAP) requirements and cannot be in default or owe any refund/repayment of federal, state or institutional aid
- Be majoring in social work at MSU Denver, as an undergraduate or graduate student
- Have a minimum cumulative GPA of at least 3.0 during the semester(s) the award is received

Please submit a statement (200 words or less) describing your interest and or experience(s) related to juvenile justice.

There is a preference for minority female recipients

Award

Varies

Scopes

College of Health and Human Sciences, Social Work

Deadline

03/01/2026

Supplemental Questions

1. Please submit a statement (200 words or less) describing your interest and or experience(s) related to juvenile justice.

The Scholarships Listed Above Violate The Law

The scholarships identified above violate Title VI, by discriminating on the basis of race, color, or national origin.⁷ Furthermore, because Metro State is a public university, such discrimination also violates 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.

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 Metro State. 42 U.S.C. § 2000(a)(a). These scholarships also violate Colorado state law. Colo. Rev. Stat. § 24-34-601 et seq. Finally, these scholarships violate Metro State’s own nondiscrimination policy. See <https://www.metrostate.edu/about/diversity/nondiscrimination> [<https://archive.is/wip/WithK>] (accessed January 29, 2026).

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. Because Metro State receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.⁸

Regardless of Metro State’s reasons for offering, promoting, and administering such discriminatory scholarships, they are 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 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 Metro State 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 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.* at 208 (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, Metro State cannot carry its burden.

⁸ *See* https://www.usaspending.gov/award/ASST_NON_P047A221611_091
[\[https://archive.ph/K5CZV\]](https://archive.ph/K5CZV)(accessed January 29, 2026).

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, Metro State cannot demonstrate that restricting scholarships based on race, color, or national origin serves any legitimate governmental purpose, let alone an 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 Metro State’s scholarships were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216–17,⁹ 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.

Race-based criteria and preferences serve as signals of racial preferences. As the Second Circuit recognized in *Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991), even subtle messaging can convey discriminatory preferences: “Ordinary readers may reasonably

⁹ In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

infer a racial message from advertisements that are more subtle than the hypothetical swastika or burning cross, and we read the word ‘preference’ to describe any ad that would discourage an ordinary reader of a particular race from answering it.”

Metro State’s explicit race-based scholarships are presumptively invalid, and since there is no compelling government justification for such invidious discrimination, Metro State’s offering, promotion, and administration of these programs violates state and federal civil rights statutes and constitutional equal protection guarantees.

OCR Has Jurisdiction

Metro State is a public entity and a recipient of federal funds, including from the U.S. Department of Education.¹⁰ It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint. The U.S. Department of Justice likewise has authority to enforce Title VI, and matters involving alleged national-origin discrimination by recipients of federal funds may be referred to the Department of Justice for enforcement where appropriate. See 42 U.S.C. §§ 2000d, 2000d-1.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, or national origin that occurred within 180 days and that appear to be ongoing. The scholarships are currently active.¹¹

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 Metro State cannot show any compelling government justification for it, the fact that it conditions eligibility

¹⁰ See https://www.usaspending.gov/award/ASST_NON_P047A221611_091 [<https://archive.ph/K5CZV>](accessed January 29, 2026).

¹¹ <https://msudenver.academicworks.com/opportunities> [<https://archive.is/wip/teimY>] (accessed January 29, 2026).

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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 Metro State's role in creating, funding, promoting and administering these scholarships—and, given how many there are, to discern whether Metro State is engaging in such discrimination in its other activities. Given the scope and number of discriminatory scholarships at issue, we further request that the Department of Justice investigate Metro State's conduct, including the DACA and undocumented-only scholarships challenged in the companion complaint, and take appropriate enforcement action under federal civil-rights law. 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 Metro State's various scholarships based on discriminatory criteria, and ensure that all ongoing and future scholarships and programming at Metro State comports with the Constitution and federal civil rights laws.

Respectfully submitted,

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