



**THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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February 19, 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 University of Wyoming

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 University of Wyoming (UW), for offering, administering, and promoting four (4) scholarships that discriminate on the basis of race, color, national origin, and/or sex in violation of Title VI and Title IX, respectively.

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

UW offers a wide range of scholarships for both admitted and current students. UW requires an additional application for many of its scholarships and emphasizes that only students who meet the eligibility requirements should apply. In bold text, UW states: **“If after reading a scholarship description, you know you don’t qualify, please don’t apply.”**²



The screenshot shows the University of Wyoming WyoScholarships website. At the top, there is a logo of a cowboy on a bucking horse, the text "UNIVERSITY OF WYOMING", and a "Sign In" button. Below the logo, there are two navigation tabs: "Opportunities" (which is active and highlighted in yellow) and "Donors". The main content area is titled "All Opportunities" and includes a "Show Filters" button. A section titled "IMPORTANT NOTES TO APPLICANTS. READ BEFORE PROCEEDING FURTHER." contains several paragraphs of text. The first paragraph discusses saving the application. The second paragraph, under "Scholarship Opportunities", states: "These need additional details beyond what is provided in your student record and, therefore, require an application. You will need to read through the opportunity and determine whether you are eligible. If eligible, please answer the additional questions to apply. You may update and edit your application until the application deadline. **If after reading a scholarship description, you know you don’t qualify, please don’t apply.**" The third paragraph, under "Other Scholarship Opportunities", states: "You are being considered for many other opportunities, which do not require an additional application. You may be matched and selected based on your student record. You must complete the General Application annually to be considered for these opportunities." The fourth paragraph, under "Opportunity Amounts", states: "The number and amount of scholarship awards shown are for general information purposes only, and they should not be considered a guarantee of what you will receive if selected. Actual award amounts vary based on students' individual eligibility factors and funds available. Many of the opportunities requiring an application will be used to fulfill students' Commitments." The fifth paragraph, under "Opportunity Eligibility", states: "The description for individual scholarships must be met to qualify for consideration. If selected, you must remain qualified for the scholarship to pay out and disburse to your account. If an enrollment requirement is not listed, the university standard requirement is a minimum of 12 credit hours for undergraduate and 9 credit hours for most graduate programs. *The administering college/department may use their own discretion should selected students not be enrolled full-time.*" The sixth paragraph, under "Uploading Files", states: "If you are asked to upload a resume, letter of support, or any other supporting documentation, please be aware that the system will not allow for punctuation (commas, apostrophes, and/or periods) to be used in the file name (example: Johnson.Resume or Hayle's.Resume.) Punctuation in the file name, except as a file extension (.docx, .pdf, etc.) will be removed when the file is uploaded." A vertical sidebar on the right side of the page contains a "Help" link.

The scholarships listed below are currently offered to UW students and applicants for admission, according to the UW website, and violate Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations³ by discriminating against students based on their race and skin color, Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations⁴ by discriminating against students based on their sex, or both.⁵ Because UW is a public university, these discriminatory scholarships also violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

² <https://uwyo.academicworks.com/opportunities> [<https://archive.ph/wip/EEZyK>] (accessed February 17, 2026).

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

⁴ 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106.

⁵ Discriminatory criteria highlighted below.

I. SCHOLARSHIPS THAT VIOLATE TITLE VI (2)

1. Hearst Scholars Award Scholarship:

Link: <https://uwyo.academicworks.com/opportunities/49630>

Archived Link: <https://archive.is/wip/5D3A0>

Discriminatory Requirement: “Applicants must be a member of one of these ethnic groups in the United States: **American Indian/Alaska Native;[⁶] Asian American/Pacific Islander; Black/African American; or Hispanic/Mexican American/Latino/Chicano.**”⁷

Hearst Scholars Award Scholarship

This scholarship award is made available through a private gift from the William Randolph Hearst Foundation to the University of Wyoming (UW). Applicants must plan to attend UW as a full-time student (12 or more credit hours).

Applicants must be a member of one of these ethnic groups in the United States: American Indian/Alaska Native; Asian American/Pacific Islander; Black/African American; or Hispanic/Mexican American/Latino/Chicano.

Applicants must be an entering freshman, an entering undergraduate transfer student or a current Hearst Scholar.

Applicants must have a high school or college GPA of 2.5 or higher.

Applicants must have submitted application materials to UW. Current Hearst Scholars may reapply for a renewal award using this same process and deadline.

Selection will be based on demonstrated leadership, participation in extra-curricular and community-related activities, potential to contribute back to the ethnic minority community upon graduation, personal statement, and scholastic ability and achievement. Past recipients of the Hearst Scholars Award must have been active participants in MA activities and events which demonstrates their contribution back to the ethnic minority community and assists with their renewal application.

The Hearst Scholars Award program at UW will competitively award several scholarships (one-year awards) of varying amounts dependent upon availability of funds. Second semester award is conditional upon continual full-time enrollment and first semester cumulative GPA of not less than 2.0.

Award

Varies

College/Department

Multicultural Affairs

Deadline

03/15/2026

Supplemental Questions

1. Mailing Address (Street, City, State, and Zip):
2. Personal Email Address:
3. Academic Term of Entry to UW:
4. American Ethnic Minority Background (check all that apply):

⁶ 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.

⁷ 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).

2. Minority Scholarship University of Wyoming:

Link: <https://www.uwyo.edu/naercc/scholarships.html>

Archived Link: <https://archive.is/wip/THN8i>

Discriminatory Requirement: “be a US citizen or permanent resident and a member of one of these ethnic groups: **American Indian, Asian American, Black American or Hispanic...**”

MINORITY SCHOLARSHIP UNIVERSITY OF WYOMING

TYPE: Scholarship

ELIGIBILITY: Applicant must be currently attending the University of Wyoming as a full-time student (12 or more credit hours); have sophomore, junior or senior status; be a US citizen or permanent resident and a member of one of these ethnic groups: American Indian, Asian American, Black American or Hispanic; and have a UW college grade point average of 2.5 or higher.

II. SCHOLARSHIPS THAT VIOLATE BOTH TITLE VI AND TITLE IX (2)

3. John and Sally Steadman Endowment

Link: <https://www.uwyo.edu/naercc/scholarships.html>

Archived Link: <https://archive.is/wip/THN8i>

Discriminatory Requirement: “(b) provide undergraduate scholarships for students in the College from underrepresented segments of the student population, i.e., **woman and ethnic minority students.**”

JOHN AND SALLY STEADMAN ENDOWMENT

TYPE: Scholarship

ELIGIBILITY: The net income shall only be used for the College of Engineering at the University of Wyoming to (a) support faculty professional development to assist the college in providing the engineering education needed for graduates to be competitive in the engineering marketplace and (b) provide undergraduate scholarships for students in the College from underrepresented segments of the student population, i.e., woman and ethnic minority students.

4. Joan P. Capps Scholarship

Link: <https://www.uwyo.edu/naercc/scholarships.html>

Archived Link: <https://archive.is/wip/THN8i>

Discriminatory Requirement: “For **minority women** studying in the math or science fields, demonstrating financial need.”

Scholarships – College of Arts and Sciences

JOAN P. CAPPS SCHOLARSHIP

TYPE: Scholarship

ELIGIBILITY: For minority women studying in the math or science fields, demonstrating financial need.

The Scholarships Listed Above Violate The Law

The scholarships identified above violate either Title VI, by discriminating on the basis of race, skin color, or national origin; Title IX, by discriminating on the basis of sex; or both.⁸ Furthermore, because UW 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. 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 UW receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.⁹

Regardless of UW’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

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 UW. 42 U.S.C. § 2000(a)(a). These scholarships also violate Wyoming state law. Wyo. Stat. Ann. § 6-9-102 (2024). Finally, these scholarships violate UW’s own nondiscrimination policy. See <https://www.uwyo.edu/generalcounsel/faqs/discrimination-and-harassment.html> [<https://archive.is/wip/CDcty>] (accessed February 17, 2026).

⁹ *See* https://www.usaspending.gov/award/ASST_NON_P063P242458_091 [<https://archive.is/wip/KrZhP>] (accessed February 17, 2026).

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 UW 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. Pena*, 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, UW 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, UW 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 Cnty. 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 UW's scholarships were "imprecise," "plainly overbroad," "arbitrary," "undefined" and "opaque," 600 U.S. at 216-17,¹⁰ 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.

Title IX prohibits discrimination on the basis of sex in education. The statute provides: "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). Accordingly, a school receiving federal funding may not administer scholarships, fellowships, or other forms of financial assistance that impose preferences or restrictions based on sex, except in limited exceptions that are not applicable here. *See* 34 C.F.R. § 106.37(a).

Restrictions that limit eligibility for scholarships based on sex are underinclusive, as they arbitrarily exclude students who would otherwise qualify. While sex-based classifications are subject to "heightened" scrutiny, *Sessions v. Morales-Santana*, 582 U.S. 47, 57 (2017); *United States v. Virginia*, 518 U.S. 515, 532–34 (1996), this standard—though less exacting than the strict scrutiny applied to race-based classifications—still requires an "exceedingly persuasive justification." *Virginia*, 518 U.S. at 531. To meet this burden, the government must demonstrate "at least that the [challenged] classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *Id.* at 533. Even if the classifications based on sex or other immutable characteristics were intended to further a compelling interest, discriminatory programs must involve "individualized consideration" and must apply criteria in a "nonmechanical way." *Grutter*, 539 U.S. at 334.

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

¹⁰ 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

UW is a public entity and a recipient of federal funds, including from the U.S. Department of Education.¹¹ It is therefore liable for violating Title VI, Title IX, and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race, color, national origin and sex that occurred within 180 days and that appear to be ongoing. The scholarships are running during the 2025-2026 academic year, and applications are currently active.¹²

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 UW cannot show any compelling government justification for it, the fact that it conditions eligibility for multiple scholarships on race, color, national origin and sex violates federal civil rights statutes and constitutional equal protection guarantees.

The Office for Civil Rights has the power and obligation to investigate UW’s role in creating, funding, promoting and administering these scholarships – and, given how many there are, to discern whether UW is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. After all, “[t]he way to stop discrimination ... is to stop discriminating[.]” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

¹¹ See https://www.usaspending.gov/award/ASST_NON_P063P242458_091 [<https://archive.is/wip/KrZhP>] (accessed February 17, 2026).

¹² <https://uwyo.academicworks.com/opportunities> [<https://archive.ph/wip/EEZyK>] (accessed February 17, 2026).

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

Respectfully submitted,

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