



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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July 14, 2026

BY EMAIL

Robert Doles, Enforcement Director
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban
Development
451 7th Street, SW
Washington, DC 20410

BY EMAIL

Hon. Craig Trainor
Assistant Secretary for Fair Housing and
Equal Opportunity
United States Department of Housing and
Urban Development
451 7th St SW
Washington, DC 20410

**Re: Civil Rights Complaint against University of Nevada, Reno for Race- and Ethnicity-
Based Campus Housing Programs**

Dear Assistant Secretary Trainor and Enforcement Director Doles:

This is a federal civil rights complaint and request for investigation against the University of Nevada, Reno (“UNR”) submitted pursuant to the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity (“FHEO”) 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.

¹ See 42 U.S.C. 3601, *et seq.*; 24 C.F.R. § 100.1, *et seq.*

We bring this complaint and request for investigation against UNR for operating four discriminatory university housing programs that use race- and ethnicity-based descriptions and promotional materials to steer students based on race, color, and national origin, in violation of the Fair Housing Act ("FHA"). Moreover, the programs are each named utilizing the racial identities of their suggested racial participants:

- Asian Pacific Islanders;
- Black Scholars;
- "Indigenous;" and
- Latinx.²

These discriminatory housing programs violate the FHA, Title VI of the Civil Rights Act of 1964, and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

A. Introduction – Race- and Ethnicity-Based Steering Is Unlawful

Enacted as Title VIII of the Civil Rights Act of 1968, the FHA was intended “to provide, within constitutional limitations, for fair housing throughout the United States.”³ The FHA prohibits discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin in the sale or rental of housing. The FHA applies to a broad assortment of housing, both public and private, including single-family homes, apartments, condominiums, and mobile homes.⁴ Courts have also concluded that the FHA applies to college dormitories.⁵

Under the FHA, it is unlawful to “make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.”⁶ Under applicable Department of Housing and Urban Development (HUD) regulations enforcing the FHA, this kind of “steering” toward or away from housing based on race is strictly prohibited.⁷ Steering liability attaches even if the housing program does not physically bar members of other racial or ethnic groups from participating.

Specifically, where ads or other publicly available information to potential applicants would cause a reasonable non-member of a given group to conclude that a given program is not intended for them, likely causing them to forgo applying, such steering violates the FHA. Even

² <https://www.unr.edu/housing/life-on-campus/lfc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

³ 42 U.S.C. § 3601.

⁴ See 42 U.S.C. § 3602(b); 24 C.F.R. § 100.201 (2023).

⁵ See, e.g., *United States v. Univ. of Neb. at Kearney*, 940 F. Supp. 2d 974, 983 (D. Neb. 2013).

⁶ 42 U.S.C. § 3604(c).

⁷ 24 C.F.R. § 100.70(c).

subtle messaging can convey these kinds of discriminatory preferences and steer potential applicants away. *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).

B. UNR's Discriminatory Identity-Based Living Learning Communities

UNR's identity-based Living Learning Communities ("ILLCs") are university-sponsored residential programs that allow students to live together while participating in shared programming centered on a common identity. According to UNR, these communities are intended to create spaces where students can "engage in an appreciation of a shared identity" and "boost students' sense of belonging" by connecting them with peers, the Multicultural Center, identity-based affinity groups, and other campus resources. Although UNR offers many residential communities organized around academic disciplines or other broadly shared interests, it also operates several identity-based ILLCs whose stated missions and promotional materials are directed toward students of particular racial or ethnic backgrounds.⁸

In 2021, the Executive Director of Residential Life, Housing and Food Services stated that, for UNR's identity-based communities, only students "who hold that identity" would be considered because, "for the safety of student participants, it is important only students who hold that identity are considered."⁹ After that statement became public, the University asserted that the official had "misspoke" and clarified that the identity-based ILLCs are "open to any and all students living on campus."¹⁰ Nonetheless, as discussed below, UNR's current promotional materials continue to use race- and ethnicity-based descriptions and identity-specific messaging that would lead an ordinary prospective student to understand these communities as intended for

⁸ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jceFT>] (accessed July 12, 2026)

⁹ <https://yaf.org/news/university-of-nevada-says-white-students-cant-live-in-minority-dorm-communities-for-safety-of-residents/> [<https://archive.is/wip/8yMn1>] (accessed July 13, 2026).

¹⁰ Such a disclaimer is not legally exculpatory given the pervasive race- and ethnicity-based steering to these ILLCs. As discussed in the legal section below, the race- and ethnicity-based steering is unlawful even if other groups are not absolutely excluded, much like the Asian students in the SFFA case, *infra*, suffered unlawful discrimination even though not completely excluded. If anything, this statement reflects a consciousness of guilt that UNR recognizes its discriminatory housing programs violate the law.

students of particular racial or ethnic identities.

Hi again,

Here is the response from Dean Kennedy, Executive Director of Residential Life, Housing and Food Services for your questions about the LLC:

“Living Learning Communities welcome all students to apply as almost every college/school has a community encompassing the majors within that college/school. Because there is an academic component, students must be eligible to be enrolled in the course(s) connected with each community; and there are several communities for which any student of any major can apply. In the identity-based communities, for the safety of student participants, it is important only students who hold that identity are considered.”

Please let me know if you need any further information and have a great day!

The following ILLCs continue, according to UNR’s website, to be racial and ethnic identity-based.

1. **“Asian Pacific Islander”**

Link: <https://www.unr.edu/housing/life-on-campus/llc>

Archived Link: <https://archive.is/jcefT>

Discriminatory Description: “Students will have the opportunity to connect and network with peers and faculty who may identify as Asian-Pacific Islanders and participate in cultural events and activities on campus and in the local community.” (Emphasis added.)

— Asian Pacific Islander - Argenta Hall

The Asian Pacific Islander Living Learning Community (LLC) connects all students and provides a supportive environment to collectively explore the identities of Asian Pacific Islander history, culture and community. The Asian Pacific Islander LLC will provide support, mentoring and networks necessary for educational success and empowerment while providing a comfortable living experience on campus. Students will have the opportunity to connect and network with peers and faculty who may identify as Asian-Pacific Islanders and participate in cultural events and activities on campus and in the local community. This community is open to all students living on campus.

Please note, that due to limited space in this community, incoming first-year students will be considered for this community first. These students will take part in a required First Year Experience course (FYE 110) connected to the Living Learning Community, currently taught by staff in the [Multicultural Center](#).

Goals

Students in the Asian Pacific Islander LLC will have the following opportunities:

- Explore and learn about Asian Pacific Islander history and identity in formal and informal programming.
- Make connections with Asian Pacific Islander faculty and staff with the potential for mentorship and leadership opportunities.
- Take a course focused on intersectional identity and/or Asian-Pacific Islander culture.
- Participate in events and activities with an Asian Pacific Islander focus.

The Asian Pacific Islander ILLC uses race- and ethnicity-based signaling to steer students, emphasizing the chance to interact with “peers ... who may identify as Asian-Pacific Islanders....” Although the University now states that the ILLC is “open to all students living on campus,” it is expressly branded as the Asian Pacific Islander ILLC and invites students to “collectively explore the identities of Asian Pacific Islander history, culture and community.”¹¹ The University further promotes opportunities to connect and network with Asian Pacific Islander peers, faculty, and staff; participate in Asian Pacific Islander-focused cultural events; enroll in courses centered on Asian Pacific Islander culture and identity; and engage in programming emphasizing Asian Pacific Islander experiences. Such messaging is likely to deter non-Asian Pacific Islander students from participating.

These messages are reinforced by the University's Asian Pacific Islander Student Services webpage, which promotes programs, mentorship, leadership opportunities, and community-building specifically for Asian Pacific Islander students.¹² Viewed together, the ILLC and the Asian Pacific Islander Student Services materials communicate that the ILLC is intended for Asian Pacific Islander students, notwithstanding the University's “open to all” disclaimer. An ordinary prospective student would reasonably understand these materials as signaling that students who identify as Asian Pacific Islander are the intended participants and that students of other races or ethnicities are not the intended audience.

¹¹ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

¹² <https://www.unr.edu/multicultural-center/student-services/asian-pacific-islander> [<https://archive.is/wip/l7nw2>] (accessed July 13, 2026).

Asian Pacific Islander Student Services



The Multicultural Center strives to provide social and cultural support to the Asian and Pacific Islander (API) student body through Asian Pacific Islander Student Services. There are over 50 different cultures within the API community, and a number of them are represented at the University of Nevada, Reno.

2. “Black Scholars”

Link: <https://www.unr.edu/housing/life-on-campus/lle>

Archived Link: <https://archive.is/jcefT>

Discriminatory Description: “Students will have the opportunity to connect and network with peers and faculty who identify as Black, and participate in cultural events and activities on campus and in the local community.”

— Black Scholars - Argenta Hall

The Black Scholars Living Learning Community connects all students and provides a supportive environment to collectively explore Black Identity, cultures and communities. The Black Scholars LLC will provide support, mentoring and networks necessary for educational success and empowerment while providing a comfortable living experience on campus. Students will have the opportunity to connect and network with peers and faculty who identify as Black, and participate in cultural events and activities on campus and in the local community. This community is open to all students living on campus.

Please note, that due to limited space in this community, incoming first-year students will be considered for this community first. These students will take part in a required First Year Experience course (FYE 110) connected to the Living Learning Community, currently taught by staff in the [Multicultural Center](#).

Goals

Students in the Black Scholars LLC will be able to:

- Explore related scholarship and culture through a variety of art forms and continue conversations outside of the classroom.
- Engage in programming regarding history and the diverse cultures and communities within Black Identity.
- Explore Black identity through discussions regarding historical and current contexts, including structural racism, anti-Blackness and social movements toward justice.
- Network and build connections and relationships with Black faculty and peers.
- Contribute to a sense of belonging for Black students on campus.

The Black Scholars ILLC uses race-based steering to attract students with a particular racial identity.¹³ Although the University now states that the ILLC is "open to all students living on campus," it is expressly branded as the Black Scholars ILLC and promotes opportunities for students to connect and network with "peers and faculty who identify as Black" and to participate in cultural events and activities on campus and in the local community.

The University's Black Student Services webpage further reinforces this message by expressly identifying the Black Scholars ILLC as one of the resources it provides to Black students, alongside other programs, mentoring, and community-building opportunities.¹⁴ Viewed together, the ILLC and the University's Black Student Services communicate that the ILLC is intended for students who identify as Black, notwithstanding the University's "open to all" disclaimer. An ordinary prospective student would reasonably understand these materials as signaling that Black students are the intended participants and that students of other races are not the intended audience.

¹³ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

¹⁴ <https://www.unr.edu/multicultural-center/student-services/black-student-services> [<https://archive.ph/wip/UPVYh>] (accessed July 13, 2026).

Black Student Services



The Multicultural Center aims to increase the outreach, recruitment, retention and, ultimately, graduation rates of Black students through Black Student Services. Our principal focus is creating a positive atmosphere for student learning in conjunction with facilitating regular social, educational and local

3. “Indigenous”

Link: <https://www.unr.edu/housing/life-on-campus/lle>

Archived Link: <https://archive.is/jcefT>

Discriminatory Description: “The Indigenous LLC will provide support, mentoring and networks necessary for educational success and empowerment while providing a comfortable living experience on campus. Students will have the opportunity to interact with Indigenous scholars and participate in cultural events and activities on campus and in the local Native communities.”¹⁵

¹⁵ 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 housing program.

— Indigenous - Argenta Hall

The Indigenous Living Learning Community connects all students and provides a supportive environment to collectively explore Indigenous culture, traditions, experiences and knowledge systems. The Indigenous LLC will provide support, mentoring and networks necessary for educational success and empowerment while providing a comfortable living experience on campus. Students will have the opportunity to interact with Indigenous scholars and participate in cultural events and activities on campus and in the local Native communities. This community is open to all students living on campus.

Please note, that due to limited space in this community, incoming first-year students will be considered for this community first. These students will take part in a required First Year Experience course (FYE 110) connected to the Living Learning Community, currently taught by staff in the [Multicultural Center](#).

The Nevada Board of Regents provides a waiver of certain fees related to registration to a Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or who is certified by the enrollment department of such tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of member status. Please visit the [Native American Fee Waiver](#) website to learn more.

Goals

- Students will be able to connect with resources such as work-study, internships, undergraduate research and other opportunities for financial and academic support.
- Students will be able to connect and engage with Indigenous faculty, peers, tribal communities and elders through research and mentorship opportunities locally and beyond.
- Students will be able to explore Indigenous cultures through discussions regarding historical and current context, including structural racism, Indigenous sovereignty and social movements toward justice and decolonization.
- Students will be able to participate in cultural, community and social activities that center on Indigenous identities and experiences.
- Students will be able to enroll in courses that center on Indigenous heritage, languages and cultures, through a historical and current context.

The Indigenous ILLC uses race- and ethnicity-based signaling to attract students with a particular racial identity.¹⁶ Although the University now states that the ILLC is "open to all students living on campus," it is expressly branded as the Indigenous ILLC and promotes opportunities for students to connect with Indigenous peers, faculty, and staff while engaging in programming focused on Indigenous history, cultures, traditions, and community.

The University's Indigenous Student Services webpage further reinforces this message by identifying the Indigenous ILLC as one of the resources available to Indigenous students, alongside mentoring, cultural programming, leadership opportunities, and other support services.¹⁷ Viewed together, the ILLC and the University's Indigenous Student Services communicate that the ILLC is intended for students who identify as Indigenous, notwithstanding the University's "open to all" disclaimer. An ordinary prospective student would reasonably understand these materials as signaling that Indigenous students are the intended participants and that students of other races or ethnicities are not the intended audience.

¹⁶ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

¹⁷ <https://www.unr.edu/multicultural-center/student-services/indigenous> [<https://archive.ph/wip/SrSSx>] (accessed July 13, 2026).

Indigenous Student Services



The Indigenous Student Services program at the Multicultural Center is dedicated to supporting the academic, cultural, and personal success of Indigenous

4. “Latinx”

Link: <https://www.unr.edu/housing/life-on-campus/lle>

Archived Link: <https://archive.is/jcefT>

Discriminatory Description: “Students will have the opportunity to connect and network with peers and faculty who may identify as Latinx, and participate in cultural events and activities on campus and in the local community.”

— Latinx - Argenta Hall

The Latinx Living Learning Community (LLC) connects all students and provides a supportive environment to collectively explore identities of Latinx history, culture and community. The Latinx LLC will provide support, mentoring and networks necessary for educational success and empowerment while providing a comfortable living experience on campus. Students will have the opportunity to connect and network with peers and faculty who may identify as Latinx, and participate in cultural events and activities on campus and in the local community. This community is open to all students living on campus.

Please note, that due to limited space in this community, incoming first-year students will be considered for this community first. These students will take part in a required First Year Experience course (FYE 110) connected to the Living Learning Community, currently taught by staff in the [Multicultural Center](#).

Goals

Students in the Latinx LLC will have the following opportunities:

- Explore and learn about Latinx history and identity in formal and informal programming
- Make connections with Latinx faculty and staff with the potential for mentorship and leadership opportunities
- Participate in events and activities with a Latinx focus
- Live in a Spanish-language-friendly environment

The Latinx ILLC uses race- and ethnicity-based signaling to attract students with a particular racial and ethnic identity.¹⁸ Although the University now states that the ILLC is "open to all students living on campus," it is expressly branded as the Latinx ILLC and promotes opportunities for students to connect and network with "peers and faculty who may identify as Latinx" and to participate in cultural events and activities on campus and in the local community.

The University's Latinx Student Services webpage further reinforces this message by identifying the Latinx ILLC as one of the resources available to Latinx students, alongside mentoring, leadership development, cultural programming, and other support services.¹⁹ Viewed together, the ILLC and the University's Latinx Student Services communicate that the ILLC is intended for students who identify as Latinx, notwithstanding the University's "open to all" disclaimer. An ordinary prospective student would reasonably understand these materials as signaling that Latinx students are the intended participants and that students of other races or ethnicities are not the intended audience.

¹⁸ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

¹⁹ <https://www.unr.edu/multicultural-center/student-services/latinx> [<https://archive.ph/wip/di66p>] (accessed July 13, 2026).

Latinx Student Services



The Multicultural Center is committed to fostering an inclusive and supportive environment that promotes the academic success, retention, and graduation of Hispanic/Latinx students through its Latinx Student Services program. This comprehensive initiative provides a range of culturally affirming resources,

C. UNR's Race- and Ethnicity-Based Learning Communities Constitute Unlawful Steering in Violation of Federal Law

1. These Programs Violate the Fair Housing Act

UNR's discriminatory ILLC Programs encourage, and/or deter, students from dormitory housing based on race, color, national origin, and therefore violate multiple provisions of federal law. Most obviously, these programs violate the Fair Housing Act because they classify and promote university housing based on race and national origin. Even if HUD were to conclude that the programs are not formally exclusionary, they independently violate the Act's prohibition on discriminatory housing statements and racial steering.

Steering is "not an outright refusal to rent to a person within a class of people protected by the statute; rather it consists of efforts to deprive a protected home seeker of housing opportunities in certain locations." *Fair Housing Congress v. Weber*, 993 F. Supp. 1286, 1293 (C.D.Cal.1997). Instead, as applicable here, illegal steering consists of "communicating to any prospective [resident] that he or she would not be comfortable or compatible with existing

residents of a community, neighborhood or development.”²⁰ Under this standard, no discriminatory intent is required by the seller or renter. *Jancik v. HUD*, 44 F.3d 553, 556 (7th Cir. 1995). Instead, whether a given statement constitutes illegal steering is whether the statement suggests a preference to “the ordinary reader or listener.” *United States v. Hunter*, 459 F.2d 205, 215 (4th Cir.); *Ragin*, 923 F.2d at 1002 (An “ordinary reader is neither the most suspicious nor the most insensitive of our citizenry.”); *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).

The disclaimer that the ILLCs are “open to all students living on campus” is not legally exculpatory given the pervasive race- and ethnicity-based promotion and signaling. Race- and ethnicity-based signaling is unlawful even if other groups are not absolutely excluded, much like the Asian students in the SFFA case, *infra*, suffered unlawful discrimination even though not completely excluded. If anything, this perfunctory disclaimer reflects a consciousness of guilt that UNR recognizes its housing practices are unlawful

Despite the University’s claim that these housing programs are “open to any and all students,” all information that UNR provides on its housing website describing its discriminatory ILLC Programs clearly suggests a preference for a particular race, color and/or national origin. This information steers individuals (“ordinary readers”) towards and away from dormitory housing based on these preferences in violation of the FHA. This is true even if UNR in fact has no discriminatory intent.

2. These Programs Violate Title VI

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 in federally funded programs, and therefore applies to universities receiving federal financial assistance, such as UNR.²¹

In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), the Supreme Court declared that “[e]liminating racial discrimination means eliminating all of it The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal.” *Id.* at 206 (cleaned up). “Distinctions between

²⁰ 24 C.F.R. § 100.70(c).

²¹ <https://www.usaspending.gov/recipient/73a4ecd1-65ed-80de-ae3d-fa537fa2df50-C/latest> [<https://archive.ph/wip/uJDdQ>] (accessed July 12, 2026).

citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208.

Regardless of UNR’s reasons for offering racially separated housing, it is 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*, 600 U.S. at 289 (Gorsuch, J., concurring).

3. These Programs Violate the Equal Protection Clause

Under the strict constitutional scrutiny applicable to racial classifications under the Equal Protection Clause of the Fourteenth Amendment, such discriminatory programs “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).

Classifications like those used in UNR’s discriminatory ILLC Programs, based on immutable characteristics like race, “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). Even if classifications based on immutable characteristics are intended to further a compelling interest, discriminatory programs must involve “individualized consideration” and must apply criteria in a “nonmechanical way.” *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003). Here, UNR’s discriminatory ILLC Programs fail these requirements.

While *Students for Fair Admissions* addressed admissions decisions,²² the holding applies more broadly. The twin commands of the Equal Protection Clause, in addition to the requirements of strict scrutiny, are that “race may never be used as a negative and that it may not operate as a stereotype.”²³ Therefore, at its core the test is straightforward: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 619 (1991) (“Racial discrimination [is] invidious in all contexts.”). Simply put,

²² 600 U.S. 181, 230 (2023).

²³ *Id.* at 218.

this prohibition includes housing, and UNR's discriminatory ILLC Programs violate federal law and are unconstitutional.

D. FHEO Has Jurisdiction

FHEO has jurisdiction to investigate race-based discrimination in both private housing, pursuant to the FHA,²⁴ and in housing that receives federal financial assistance.²⁵ Courts have also concluded that the Fair Housing Act applies to college dormitories.²⁶ Therefore, FHEO has jurisdiction over this complaint.

E. The Complaint Is Timely

This complaint is timely because it includes allegations of discrimination based on race that occurred within one year of this complaint's submission.²⁷ UNR's discriminatory housing programs are active and ongoing.²⁸

F. The Equal Protection Project Has Standing To Bring This Complaint

EPP is an "aggrieved person" for the purpose of this Complaint. EPP's mission statement on the EPP website is: "We are devoted to the fair treatment of all persons without regard to race or ethnicity. Our guiding principle is that there is no 'good' form of racism. The remedy for racism never is more racism." Achieving EPP's mission is frustrated by the programs at issue here, and EPP has been forced to devote resources, particularly research and attorney time, to addressing these programs to fulfill EPP's mission, thereby diverting such resources from other endeavors. Similar to a "tester," EPP's research tests compliance with the FHA. Such diversion of resources has impaired EPP's ability to carry out its mission, constituting a concrete and particularized injury.

In the event the Department determines that EPP does not have standing, we request that the Department issue an Assistant Secretary's Complaint based on this filing.

G. Request For Investigation And Enforcement

FHEO has the power and obligation to investigate UNR's role in creating, promoting, and administering the four identified discriminatory housing programs, to discern whether UNR

²⁴ Fair Housing Act, 42 U.S.C. 3601, *et seq.*

²⁵ 42 U.S.C. 2000d, *et seq.*

²⁶ *Kearney*, 940 F. Supp. at 983.

²⁷ 24 CFR § 146.33.

²⁸ <https://www.unr.edu/housing/life-on-campus/llc> [<https://archive.is/wip/jcefT>] (accessed July 12, 2026)

is engaging in discrimination in 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 U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity promptly open a formal investigation, impose all appropriate remedial measures authorized by law to address the four identified discriminatory housing programs at UNR, and ensure that all current and future initiatives and programs fully comply with the FHA, Title VI, the Fourteenth Amendment, and other applicable federal civil rights guarantees.

Respectfully submitted,

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