



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 E. Kilbourn Ave., Suite 725, Milwaukee, WI 53202-3141
414-727-WILL
Fax 414-727-6385
www.will-law.org

January 12, 2026

Mr. Dan Greenspahn
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Via Email to dan.greenspahn@ed.gov; OCR@ed.gov

Re: Title VI Complaint Against the University of Wisconsin-Madison

Dear Mr. Greenspahn:

We represent Young America's Foundation ("YAF"), a nationwide student membership organization that seeks to educate students, provide educational and social opportunities, and promote traditional conservative values. YAF has an active chapter on the campus of the University of Wisconsin-Madison ("UW-Madison").

Today, we write to inform you of the racially discriminatory scholarships that UW-Madison continues to offer to students. As you are aware, offering and awarding scholarships based on race is unconstitutional and violates Title VI of the Civil Rights Act of 1964. Consequently, on behalf of YAF, please consider this letter a formal complaint against UW-Madison under Title VI.

I. UW-Madison's Race-Based Scholarships for 2025-26 Academic Year

On January 14, 2025, WILL filed a Title VI complaint¹ on behalf of YAF against UW-Madison informing the U.S. Department of Education that the university was offering and administering racially discriminatory scholarships. At the time of filing that complaint, we were aware of *at least* 60 race-based scholarships administered by UW-Madison for the 2024-25 academic year.²

¹ See Letter, Daniel Lennington and Nathalie Burmeister to Office for Civil Rights on Behalf of Young America's Foundation Regarding Title VI Complaint Against University of Wisconsin-Madison (Jan. 14, 2025), available [here](#).

² *Id.* at 3.

Heading into the 2025-26 academic year, WILL sought to clarify whether UW-Madison had taken any action to eliminate race as a factor in the university's scholarship opportunities. Therefore, in the summer of 2025, WILL submitted a public records request to UW-Madison for a list and description of race-based scholarships for the 2025-26 academic year.³ Upon WILL's receipt of these records, it has become apparent that UW-Madison is still administering at least 22 race-based scholarships for the current 2025-26 academic year. These scholarships are identified in the attached, condensed spreadsheet.⁴

To be eligible for these race-based scholarships, a student must be of a certain racial or ethnic background. For example, the Alliant Energy/Erroll V. David Achievement Award⁵ requires an undergraduate student to be "from one of the following underrepresented groups: African American, Hispanic or Latino, American Indian, Southeast Asian, or from a racial or ethnic group traditionally underrepresented in the field of engineering or business."⁶ For other scholarships, like the Department of Bacteriology Underrepresented Minority Undergraduate Student Scholarship,⁷ the racial requirement is in the title. According to the description provided in the Wisconsin Scholarship Hub (WiSH),⁸ to apply for this scholarship, a student must "belong to [sic] Underrepresented Minority group as defined by NIH or UW-Madison SciMEDGRS program."⁹ In sum, all of the scholarships in the attached spreadsheet, provided by UW-Madison, require that a student be of a certain race or national origin¹⁰ in order to obtain a financial benefit.

Based on this evidence, UW-Madison continues to offer race-based scholarships in violation of Title VI as further explained below.

II. UW-Madison's Remaining Race-Based Scholarships Violate Title VI

On June 29, 2023, the United States Supreme Court declared in *Students for Fair Admissions* ("SFFA"), that "racial discrimination in public education is unconstitutional."¹¹ Accordingly, "[n]o State has any authority under the equal-protection clause of the Fourteenth Amendment to use race as a factor in affording

³ See *infra* Appendix at App 00001-00003.

⁴ *Id.*

⁵ *Id.* at App 00001.

⁶ Universities of Wisconsin, *2025 Alliant Energy/Erroll B. Davis Achievement Award Guidelines*, available [here](#) (Last accessed January 2, 2026).

⁷ See Appendix at App 0001.

⁸ The Wisconsin Scholarship Hub (WiSH) is the online portal that UW-Madison uses to post most of the scholarship opportunities available to students along with eligibility requirements.

⁹ Wisconsin Scholarship Hub (WiSH), Department of Bacteriology Underrepresented Minority Undergraduate Student Scholarship, available [here](#) (Last accessed January 2, 2026).

¹⁰ The B.R. DasGupta Award requires a student to be a non-citizen for eligibility. See Appendix at App 00001.

¹¹ *Students for Fair Admissions, Inc. (SFFA) v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 204 (2023) (quoting *Brown v. Board of Education*, 349 U.S. 294, 298 (1955)).

educational opportunities among its citizens.”¹² Central to this ruling was the core principle that “[e]liminating racial discrimination means eliminating **all** of it.”¹³ (emphasis added).

Title VI embodies the same principles as the United States Constitution, and therefore, this ruling means publicly funded universities that engage in racial discrimination violate both the U.S. Constitution and Title VI.

As a result of the Court’s landmark decision, universities across the nation ended their race-based admissions practices as required explicitly by *SFFA*. Moreover, many colleges and universities implemented changes not only to their admissions policies, but also to their financial-aid programs. According to one study, approximately 50 colleges and universities “have halted or terminated their race-conscious scholarships” as of October 30, 2024.¹⁴ Some state university systems, like those in Missouri and Ohio, were quick to pause or eliminate race as a factor in scholarship programs.¹⁵ These states’ Attorneys General, Missouri’s Andrew Bailey and Ohio’s Dave Yost, have also issued legal opinions explaining why race-based scholarships violate federal law.¹⁶

In Wisconsin, following public pressure from the Wisconsin Institute for Law & Liberty (“WILL”), the Universities of Wisconsin abandoned over 160 race-based scholarship programs.¹⁷ This was a promising development indicating the university system was seeking to comply with the U.S. Supreme Court’s ruling. Yet as previously mentioned, one campus—UW-Madison—has repeatedly evaded its duty to eliminate race-based scholarships.¹⁸ As a result, this is the second Title VI complaint that YAF is filing against UW-Madison regarding race-based scholarships.¹⁹ The prior complaint, filed in January of 2025, details the obstacles that UW-Madison instituted for WILL to merely acquire a list of race-based scholarship programs.²⁰ Alarmingly, once a list was acquired, school officials admitted that they were unsure of the number of scholarships that were administered on the basis of race and

¹² *Id.* (quoting an oral argument transcript in *Brown v. Board of Education*, 347 U.S. 483 (1954)).

¹³ *Id.* at 206.

¹⁴ See Logan Johnson, Ph.D., *How the Supreme Court’s Ruling on Affirmative Action is Impacting Race-Conscious Scholarships*, AccessLex Institute (Oct. 30, 2024), available [here](#).

¹⁵ *Many universities are abandoning race-conscious scholarships worth millions*, Washington Post (July 9, 2024), available [here](#).

¹⁶ See Letter, Missouri Attorney General Andrew Bailey (June 29, 2023), available [here](#); Sarah Donaldson, *Race-based scholarships under review at Ohio public colleges after affirmative action reversal*, Statehouse News Bureau (Feb. 26, 2024), available [here](#).

¹⁷ See Chris Rickert, *Conservative law firm challenges UW race-based programs after Supreme Court ruling*, Wisconsin State Journal (Mar. 1, 2024), available [here](#); Daniel Douglas-Gabriel, *Many universities are abandoning race-conscious scholarships worth millions*, *supra* note 14; Letter, Daniel Lennington to the Universities of Wisconsin (Feb. 28, 2024), available [here](#).

¹⁸ See Lennington & Burmeister, *supra* note 1, at 2.

¹⁹ See generally Lennington & Burmeister, *supra* note 1.

²⁰ *Id.* at 2-3.

therefore could not provide the exact amount.²¹ As previously explained, WILL and YAF are now aware of at least 22 remaining race-based scholarships at UW-Madison for the 2025-26 academic year. But the status of *at least* 60 scholarships (plus the unknown additional scholarships) that were the subject of the January 2025 complaint remains a central concern and therefore are incorporated into this complaint.

UW-Madison continues to administer race-based scholarships at a time when OCR has initiated investigations into various universities for allegedly awarding impermissible race-based scholarships.²² Moreover, the Department of Justice’s Office of Legal Counsel (“OLC”) recently released an opinion finding that several federally funded race-based higher-education grant programs are unconstitutional in light of *SFFA*.²³ The opinion, which was lauded as a “concrete step” forward by the Department of Education,²⁴ reiterated that such programs do not pass strict scrutiny and that “after *SFFA*, it is now unmistakably clear that this test applies to *all* racial distinctions in education, however benign they may appear.”²⁵

Under *SFFA*, a race-based program must pass several independent tests to overcome strict scrutiny—a challenge that will rarely be overcome. First, for UW-Madison to justify their race-based programs, the programs must remedy “specific, identified instances of past discrimination that violated the Constitution or a statute.”²⁶ A school cannot simply rely on “diversity” as a compelling interest. Second, UW-Madison cannot rely on arbitrary, overinclusive, and underinclusive racial categories such as black, Hispanic, and Asian.²⁷ Third, the scholarship programs cannot use race as a negative.²⁸ Fourth, the scholarship programs cannot use race as a stereotype.²⁹ Finally, the programs must have a “logical end point.”³⁰

The race-based programs in the attached spreadsheet fail to pass any of these tests. Therefore, YAF encourages OCR to open an investigation into UW-Madison’s scholarships, which are in clear violation of the Constitution and Title VI.

²¹ *Id.* at 3.

²² Press Release, U.S. Department of Education, Office for Civil Rights Initiates Title VI Investigations into Institutions of Higher Education (March 14, 2025), available [here](#).

²³ Constitutionality of Race-Based Department of Education Programs, 49 Op. O.L.C. _ (2025).

²⁴ Press Release, U.S. Department of Education, U.S. Secretary of Education Linda McMahon Statement on the Office of Legal Counsel’s Opinion on the Constitutionality of Race-Based Higher Education Grants (Dec. 19, 2025), available [here](#).

²⁵ Constitutionality of Race-Based Department of Education Programs, *supra* note 22, at *2.

²⁶ *SFFA*, 600 U.S. at 207.

²⁷ *Id.* at 216.

²⁸ *Id.* at 218-220.

²⁹ *Id.*

³⁰ *Id.* at 221-25.

III. The Title VI Violation

SFFA makes clear, while relying on precedent, “that discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”³¹ UW-Madison receives federal funds and is therefore subject to this rule.

As a recipient of federal funding from the U.S. Department of Education,³² UW-Madison, in its entirety,³³ is subject to Title VI of the Civil Rights Act of 1964, which prohibits “any program or activity receiving federal funds” from discriminating “on the grounds of race, color, or national origin.”³⁴ This means that, among other things, UW-Madison cannot, “on ground of race, color, or national origin.”³⁵

- (i) “Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quote, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under

³¹ *Id.* at 198 n.2 (quoting *Gratz v. Bollinger*, 539 U.S. 244, 276 n.23 (2003)).

³² *See, e.g.*, University of Wisconsin-Madison Office of Student Financial Aid, *Grants*, available [here](#) (Last accessed January 2, 2026); *See also* University of Wisconsin Madison Office of Congressional Affairs and Agency Engagement, *U.S. Department of Education*, available [here](#) (Last accessed January 2, 2026).

³³ *See* 42 U.S.C. § 2000d-4a(2)(A); 34 C.F.R. § 100.13(g)(2)(i)

³⁴ 42 U.S.C. § 2000d; *see also* 34 C.F.R. §§ 100.1; 100.2; 100.3, 100.13 (implementing regulations)

³⁵ 34 C.F.R. § 100.3(b)(1)

the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

- (vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.”³⁶

Moreover, it is no defense for UW-Madison to claim that any scholarships at issue in this complaint are privately offered and funded, such that the university itself is not subject to liability under Title VI. This is because both Title VI and the U.S. Department of Education’s implementing regulations state that “[t]he term **‘program or activity’** and the term **‘program’** mean *all* of the operations of ... a college, university, or other postsecondary institution, or a public system of higher education.”^{37 38} (emphasis added). Therefore, UW-Madison is subject to (and in violation of) Title VI by, *at minimum*, promoting, facilitating, and administering these racially discriminatory scholarships through WiSH and various university departments, in addition to advertising them on the university’s website.^{39 40} Indeed, in *Californians for Equal Rights v. University of California San Diego*, a public university was successfully challenged for structurally supporting a purportedly “private” scholarship that restricted eligibility on the basis of race. Although

³⁶ *Id.*

³⁷ 42 U.S.C. § 2000d-4a(2)(A); 34 C.F.R. § 100.13(g)(2)(i)

³⁸ See also U.S. Department of Justice Civil Rights Division, *Title VI Legal Manual, Section V*, at 23, available [here](#) (explaining, and citing cases indicating, that Title VI applies to “the entire institution and not just the part of the institution that receives federal financial assistance. 42 U.S.C. § 2000d-4a. Moreover, the part of the program or activity that receives assistance can be, and often is, distinct from the part that engages in the allegedly discriminatory conduct.”).

³⁹ The U.S. Department of Education previously acknowledged that “[s]ince a college’s award of privately donated financial aid is within the operations of the college, the college must comply with the requirements of Title VI in awarding those funds.” See U.S. Department of Education Final Policy Guidance; Nondiscrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964, *Legal Analysis, Principle 5*, Fed. Reg. Vol. 59, No. 36, Document No. 94-4010 (February 23, 1994), available [here](#) and [here](#). While this guidance is currently “[under review](#)” and was developed when affirmative action was still considered permissible, it is cited to illustrate that UW-Madison must comply with Title VI when promoting and awarding scholarships—even if those scholarships are privately funded.

⁴⁰ In addition to Title VI liability, UW-Madison may also incur liability under 42 U.S.C. §§ 1983 and 1985 for promoting and awarding race-based scholarships. Recently, a University of California-San Diego scholarship was challenged under 42 U.S.C. § 1985, the Ku Klux Klan Act, after the school transferred administration of the scholarship—which was only available to black students—to a private non-profit to avoid California’s constitutional ban on racial preferences. After a complaint was filed by the Pacific Legal Foundation alleging that the public university conspired with the private non-profit to deny persons equal treatment under the law, the school swiftly capitulated and opened the program to all races. See Aaron Sibarium, *UC San Diego Axes Race-Based Scholarship Challenged Under Ku Klux Klan Act*, The Washington Free Beacon (Oct. 20, 2025), available [here](#).

nominally funded by a private entity, the scholarship was deeply connected with the university, and this arrangement perpetuated exclusionary access based on race.⁴¹

Consequently, we ask that you open a formal investigation into the 22 race-based scholarships identified in the attached spreadsheet and require UW-Madison to take appropriate remedial action to ensure *all* scholarships offered, awarded, promoted, and/or otherwise facilitated by the university are race-neutral.

Thank you for your prompt assistance. Please feel free to contact us with any questions related to this investigation.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Daniel P. Lennington
Deputy Counsel



Erin E. Gamble
Associate Counsel

cc: OCR Denver, ocr.denver@ed.gov
Alexa Polaski, Senior Attorney, alexa.polaski@ed.gov
Greg Dolan, Senior Advisor, greg.dolan@ed.gov
Joshua Kleinfeld, Deputy General Counsel, joshua.kleinfeld@ed.gov
Marjorie Rodriguez, Attorney, marjorie.rodriguez@ed.gov
Julia Butch, Special Assistant, julia.butch@ed.gov

⁴¹ *Californians for Equal Rights Foundation et al. v. University of California Board of Regents et al.*, Case No. 3:25-cv-01808 (S.D. Cal. Filed July 16, 2025).

APPENDIX

	UW Madison Scholarship or Grant	School/College/Department	Racial Qualification Language
1.	AHANA-MAPS AMEC Travel Award - Future	College of Agricultural and Life Sciences	AHANA - African-American Hispanic Asian Native American
2.	Alliant Energy/Erroll B. Davis Achievement Award - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hispanic
3.	B. R. DasGupta Graduate Award - Future	Department of Biochemistry Department of Food Science College of Agricultural and Life Sciences Department of Microbiology CALS - Departmental Graduate Students	Citizenship Country must contain IND: Native; Citizenship Status must not contain Native, Naturalized
4.	Carlton L. Highsmith Great People Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
5.	Caroline B. Neupert Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
6.	Crowded Table Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
7.	Department of Bacteriology - Underrepresented Minority Undergraduate Scholarship - Future	Department of Bacteriology College of Agricultural and Life Sciences Department of Microbiology CALS - Departmental	Underrepresented Minority
8.	Department of Bacteriology Underrepresented Minority Undergraduate Student Scholarship - Future	Department of Bacteriology College of Agricultural and Life Sciences	Underrepresented Minority

	UW Madison Scholarship or Grant	School/College/Department	Racial Qualification Language
9.	Diermeier Family Foundation Great People Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
10.	Drs. Muhammad, Jaleh, and Daughters Esmaili Scholarship Fund - Future	Office of Student Financial Aid	Federal Ethnicity must contain Black
11.	Franklin D. Wilson Great People Scholarship Fund - Future	Office of Student Financial Aid	Federal Ethnicity must contain Black
12.	James L. Baughman Scholarship Fund for Journalism - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
13.	Jeffrey Scott Newman Fund - Future	Office of Student Financial Aid	Federal Ethnicity must contain Black
14.	Joyce F. and William J. Wartmann Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
15.	Louis and Molly Hinshaw Student Support Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
16.	Martin and Lynn Preizler Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
17.	Michael J. Pederson Scholarship Fund for Engineering - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
18.	School of Veterinary Medicine - Advanced Opportunity Fellowship Application - Future	School of Veterinary Medicine	Must contain Student from the following racial/ethnic groups: a) African American or Black; b) American Indian or Alaskan Native; c) Hispanic/Latino; d. Cambodian, Vietnamese, Laotian, or Hmong; e) Native Hawaiian or Other Pacific Islander; f) Asian

	UW Madison Scholarship or Grant	School/College/Department	Racial Qualification Language
19.	Sharada Agarwal Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
20.	Sylvia Berenbaum Scholarship Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
21.	Szatrowski Endowment Fund - Future	Office of Student Financial Aid	American Indian, Asian, Black, Hawaiian/Pacific Isla, Hispanic
22.	Lawton Grant	Statutory	African-American, Latino, Native American (American Indian/Eskimo) and Southeast Asians of Vietnamese, Cambodian, Laotian, or Hmong descent who entered the United States after December 31, 1975