



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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January 2, 2020

Sent via email only to [rjcllegg55@icloud.com](mailto:rjcllegg55@icloud.com)

Roger Clegg, General Counsel  
Center for Equal Opportunity  
7700 Leesburg Pike, Suite 231  
Falls Church, Virginia 22043

Re: The Washington University  
OCR Case Number: 07-19-2100

Dear Mr. Clegg:

On August 29, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), opened the above-referenced complaint against The Washington University (University), St. Louis, Missouri, to investigate whether the University is violating Title VI, 34 C.F.R. § 100.3, by awarding student financial aid to students on the basis of race, either through the James E. McLeod Honors & Awards Program (McLeod Program), or other race-restricted financial aid programs. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to OCR to resolve the complaint.

OCR is responsible for enforcing, among other civil rights statutes, Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit recipients of Federal financial assistance from the Department from discriminating on the basis of race, color, or national origin. The University receives Federal financial assistance from the Department and is therefore subject to Title VI and to OCR's jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>

To protect individuals' privacy, the names of employees, witnesses, and other parties were not used in the letter.

In reaching a determination in this complaint, OCR considered information the Complainant and the University submitted. The legal and factual bases for OCR's determination are set forth below.

## **Legal Standard**

The Title VI regulation at 34 C.F.R. § 100.3(a) prohibits subjecting a person to discrimination on the ground of race, color, or national origin. The Title VI regulation at 34 C.F.R. § 100.3(b)(1)(i)(ii)(iii)(iv) and (v) provides that a recipient may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin: (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 receipt of any service, financial aid, or other benefit; (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; or (v) treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, 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.

## **Factual Background Information**

In response to OCR's data request, the University described the McLeod Program as being comprised of several individual awards named for well-known contributors to American society given to recognize the accomplishments of students. According to the University, recipients of awards under the McLeod Program receive a monetary award of between \$100 and \$250. The University acknowledged the McLeod Program is currently open only to African American students and stated the University intends to revise the eligibility criteria for the McLeod Program to ensure students of all races are eligible to participate in the program. In addition, the University advised OCR that it had reviewed its scholarships and identified two of possible concern, both created through bequests. The University stated it intends to file a petition with the appropriate court in Missouri seeking to remove inappropriate restrictions.

## **Resolution**

Prior to the completion of OCR's investigation into this complaint, the University indicated its interest in entering into a voluntary resolution agreement with OCR pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup> OCR determined that such a resolution would be appropriate based on issues identified during the investigation. The University signed an Agreement (copy enclosed) on December 9, 2019, which when fully implemented, resolves OCR's concerns. The Agreement requires the University to develop and implement a plan and a proposed timeline to revise all race-restricted financial aid programs or benefits administered by or on behalf of the University to ensure that students are eligible to compete for the financial aid or benefit without regard to race, color, or national origin. For more information, please consult the Agreement.

OCR considers this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully

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<sup>1</sup> The *Case Processing Manual* is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume its investigation.

Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by federal civil rights law. Complaints alleging such retaliation may be filed with OCR. Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have questions concerning this letter, please contact Linda White, attorney, at (816) 268-0581 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at [linda.white@ed.gov](mailto:linda.white@ed.gov).

Sincerely,



Kelli Douglas  
Supervisory Attorney

Enclosure