

June 7, 2019

The Honorable Kenneth L. Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education

Dear Mr. Marcus,

The Center for Equal Opportunity wishes to file a complaint against Washington University in St. Louis for discrimination on the basis of race and color in violation of Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d.

The complaint is prompted by the "James E. McLeod Honors & Awards Program," which is open only to "Black students." It was brought to our attention when a professor at the university sent us a flyer, photocopied below, describing the program. We have looked at the Internet descriptions of the program on the university's website, and they also show that the program is racially exclusive. See, e.g., these links: <https://mcleodawards.wustl.edu> and <https://mcleodawards.wustl.edu/about/> and <https://diversity.wustl.edu/events/event/james-e-mcleod-honors-and-awards-program-nominations/> and <https://mcleodawards.wustl.edu/gallery/> .

Some history, some of which may be relevant to you: Our organization filed a complaint against another racially exclusive program at the university in 2003 (OCR Docket #07042001). That complaint led to an investigation and ultimately a Resolution Agreement that ended the program's racial exclusivity. In the course of the investigation, other racially exclusive programs were identified by your office, and CEO brought another program to the office's attention that had been flagged for us, in turn, by the same professor who alerted us to the program we are now writing about. Note that the program we complained about in 2003 was founded by the namesake of the program we are now writing about (see this link: <https://students.wustl.edu/ervin-scholars-program/>).

In light of the fact that the McLeod program is described as being open only to black students, we note that it is unlikely that nonblack students would be nominated to it by anyone. The professor who alerted us to this program said that "It is generally 'understood' that many programs are intended for members of certain racial or ethnic groups, but this is rarely made explicit." He concludes, "Everything is secret at WU."

As has always been our position in challenging such a program, we do not seek to end it, but only to change it so that it is open to all students regardless of race, color, or national origin.

Thank you very much for considering our complaint.

Sincerely,

Roger Clegg
General Counsel
Center for Equal Opportunity
703/442-0066