



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

April 9, 2025

United States Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100 Via
Email: OCR@ed.gov

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Defending Education (DE) brings this complaint against Indiana University (IU) for discrimination on the basis of race in programs or activities that receive federal financial assistance in violation of both Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

DE brings this complaint as an interested third-party organization with members who are parents of students throughout the country. DE and its members oppose, among other things, discrimination on the basis of race in America's K-12 schools and institutions of higher education. IU Indianapolis's (IUIN) School of Education offers the "Patricia Payne Scholarship for Teacher Candidates."¹ Specific eligibility for this IUIN scholarship are as follows:

*Awarded to undergraduate students in the School of Education or graduate students enrolled in a teacher preparation program. Special consideration will be given to underrepresented populations, including but not limited to financially challenged students, and/or students with diverse cultural experiences. Preference will be given to African American students who intend to teach in traditional public schools.*²

¹ IUIN-Patricia Payne Scholarship for Teacher Candidates (School of Education), Indiana University, (archived Apr. 2, 2025), <https://perma.cc/ZU4U-GATG>.

² *Id.*

The scholarship application process for current and incoming IU students is administered through IU's Office of the Vice President for Diversity, Equity, and Inclusion (OVPDEI).³ Its website lists many other race-selective scholarships expressing that applicants will be given preference if they are African American or Native American.⁴ These scholarships include: (1) the "Johnson Underrepresented Student Scholarship" (specifying that "Preference will be given to African American students"), (2) the "Bruce Shuck Family Native American Scholarship" (specifying that "Preference [will be given] to students of Native American descent"), and the (3) "Wilma A. and Charles E. Harry, IV Family Scholarship" (specifying that "Preferences will be given to African American students").⁵

The Patricia Payne Scholarship for Teacher Candidates, the Johnson Underrepresented Student Scholarship, the Bruce Shuck Family Native American Scholarship, and the Wilma A. and Charles E. Harry, IV Family Scholarship—all granted on a preferential basis to African American or Native American students—are financial benefits granted expressly and unapologetically on the basis of race in violation of Title VI and the Constitution's 14th Amendment.⁶

Attached to this complaint is evidence of the racial discrimination in which IU is engaging through selection and administration of scholarship awards, including the Patricia Payne Scholarship for Teacher Candidates (Exhibit A-C).

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that IU has received federal funds in violation of Title VI of the Civil Rights Act of 1964, which declares that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

In addition, Section 1 of the 14th Amendment to the U.S. Constitution asserts: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor

³ *All Indiana University Campus Scholarship Opportunities for 2025-26*, IU Office of the Vice President for Diversity, Equity, and Inclusion (archived Apr. 2, 2025), <https://perma.cc/27FS-EAHG>.

⁴ *Id.*

⁵ *Id.*

⁶ While outside the scope of this complaint, it bears noting that Indiana University is clear about its race-based, discriminatory approach to recruiting, retention, admissions, and hiring as evidenced by the language of the University's Diversity Strategic Plan for 2022-2025. There, the University notes that:

*The Office of Community Engagement commits to attracting and retaining staff and students, and developing and growing community partnerships through an inclusive and equitable growth and development strategy. **Because diverse cultures, genders, racial and ethnic backgrounds contribute to a welcoming campus environment, we seek to weave diversity, equity and inclusion into all of our programs and operations.***

See Diversity Strategic Plan 2022-25, IU Indianapolis Office of Community Engagement (archived Apr. 2, 2025), <https://perma.cc/YTA5-3LLA> (emphasis added).

deny to any person within its jurisdiction the equal protection of the laws.” On these grounds, the Supreme Court held in 1954 that racial segregation of students is unconstitutional. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

As recently as 2024, in *Students for Fair Admission, Inc. v. President and Fellows of Harvard College*,⁷ the Supreme Court struck down the racially discriminatory admission policies of Harvard College and the University of North Carolina as violative of the 14th Amendment’s Equal Protection Clause. Writing for the majority, Chief Justice John Roberts noted that:

*Eliminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies without regard to any differences of race, of color, or of nationality—it is universal in its application.... For 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.*⁸

And violations of the Equal Protection Clause, the Court confirmed, are *also* violations of Title VI: “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.”⁹

A September 29, 2015 decision from the Department of Education Office for Civil Rights during the Obama Administration is directly on point. In 2015, following “the police actions involving African American victims in Ferguson and New York and subsequent events,” Oak Park & River Forest High School District 200 held a “Black Lives Matter” assembly during Black History Month. The assembly was convened “for African American students only” because the district wanted “to provide a comfortable forum for black students to express their frustrations.” Certain students “who self-identified as white were directed by District officials not to participate in the event as this assembly was designed for students who self-identify as black.” In the letter sent on September 29, 2015 (OCR Docket #05-15-1180), OCR found that the district violated the Equal Protection Clause and Title VI because the district’s actions could not withstand strict scrutiny. Specifically, the district failed to “assess fully whether there were workable race-neutral alternatives” and “did not conduct a flexible and individualized review of potential participants.” In a Resolution Agreement with OCR, the district agreed that its programs and activities would be “open to all students . . . regardless of their race” and to adopt policies and training to ensure the district’s compliance. OCR imposed these requirements even though the district had promised “not to hold such events in the future.”

⁷ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

⁸ *Id.* at 15.

⁹ *Id.* at 6 n. 2 (citing *Gratz v. Bollinger*, 539 U.S. 244, 276, n. 23 (2003)). See also *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 267 (1978) (“We have explained 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”).



The Department's own guidance on Title VI clarifies that covered educational programs and activities may include, but are not limited to: "admissions, recruitment, **financial aid**, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, and housing."¹⁰

Accordingly, we ask that the Department promptly investigate the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution. Please contact me for further information.

Sincerely,

Sarah Parshall Perry
Vice President and Legal Fellow
Defending Education

Encl. Exhibit A-C

¹⁰ *Education and Title VI*, U.S. Department of Education, Office for Civil Rights (accessed Apr. 1, 2025), <https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/education-and-title-vi> (emphasis added).

Exhibit A

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Patricia "Pat" Payne, the former director of multicultural education at Indianapolis Public Schools (IPS), is a well known community advocate for educational equity in Indianapolis Public Schools.

For more than 50 years, she has made fighting for social justice her life's work. To honor and recognize her efforts, the Indiana University School of Education at IUPUI has created the Patricia Payne Scholarship for Teacher Candidates.

"Her footprint, her impact in IPS and our community is phenomenal. She made such a difference in education," said Patricia Rogan, executive associate dean of the School of Education. "Her work is very much in line with what we are committed to as an urban serving school of education."

The scholarship is for an undergraduate or graduate student who plans to become an educator. It is also awarded to a student who has a record of academic excellence, leadership, and demonstrates commitment to urban education, with a focus on diversity, equity and inclusion. Special consideration will be given to underrepresented populations, including but not limited to financially challenged students, students with diverse cultural experiences, and students pursuing dual certification in teacher

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https://indianapolisrecorder.com/ee32963e-d3be-11e4-8852-9b23b06bd12/

say that oneaportogeacaly, said Payne: "I was very specific in the wording of this scholarship; we need measures to preserve and not dilute traditional public schools."

Rogan said not only is there a lack of teachers, but there is also a great need for teachers that reflect the diversity of the students they serve. Payne adds that she hopes students apply and pick up where she's left off in championing the positive aspects of traditional public schools and the students who attend those schools. They believe the support of a financial contribution can help those areas greatly.

The scholarship has been awarded for the 2015 school year, however students enrolled in a teacher preparation program at the IU School of Education at IUPUI can apply for a 2016 scholarship at Education.iupui.edu/scholarships/available-scholarships.

Currently the scholarship is for \$1,000 but Rogan hopes to boost the award amount and also award more than one scholarship. Those who are interested in donating to the Patricia Payne Scholarship for Teacher Candidates can visit Myiu.org/one-time-gift and search for "Payne."

For more information, call (317) 274-6801 or visit Education.iupui.edu.

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IU to Recognize Dr. Payne for Dedication to Educational Equity and Social Justice

October 2, 2024

The Indiana University School of Education will honor Dr. Patricia Payne, Director of the Office of Racial Equity and Inclusion for Indianapolis Public Schools (IPS), with the prestigious Transformational Alumni Award this fall.

This award celebrates Dr. Payne's lifelong dedication to educational equity and social justice, recognizing her as a leader who embodies the values of excellence, advocacy, and service.

Known nationally as a tireless advocate for educational equity and social justice, Dr. Payne believes the groundwork for her career was laid in the classes at IU during the early days of the Civil Rights Movement.

"I had some amazing professors who gave me the basics that I needed to go out and educate children," said Dr. Payne, who earned a bachelor's degree, master's degree, and administrative license from the IU School of Education.

Indiana University also has a scholarship in her name, the Patricia Payne Scholarship for Teacher Candidates of color who will teach in a traditional public school.

English

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Exhibit B

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IUIN-Patricia Payne Scholarship for Teacher Candidates (School of Education)

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Award
Varies

Deadline
01/31/2025

Supplemental Questions

1. Are you currently teaching on an emergency license? If yes, what school?
2. How has your thinking about teaching in an urban setting evolved since you began the teacher education program? Discuss the challenges you may still face and the progress you have made.
3. In one paragraph, explain your interest in becoming a teacher in a public school in Indiana. **Note:** Charter schools are not traditional public schools.

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OVPDEI administers university and Bloomington-specific scholarships for current and incoming IU students.

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Johnson Underrepresented Student Scholarship (Any IU Campus)

To be considered for this scholarship, applicants must be undergraduate or graduate students from any IU campus. Recipients must be Indiana residents from the Indianapolis Public Schools District (IPS) and Marion County Township Schools in Indiana, excluding public and private charter schools. Preference will be given to African American students. Special consideration will be given to underrepresented populations, first-generation college students, and students with demonstrated financial hardship. Consideration will be extended to students enrolled in the Center for Real Estate Studies.

To apply for the Johnson Underrepresented Student Scholarship, view the [application instructions](#).



“I'm so grateful that donors have helped facilitate and actualize dreams into reality for IU students

support students like me.

Marlyatou Sow

IU Bloomington Scholarship Opportunities for 2025-26

Bruce Shuck Family Native American Scholarship (Bloomington & Kokomo Campuses)

The Bruce Shuck Family Native American Scholarship supports undergraduate and graduate students who demonstrate financial need, with preference to students of Native American descent.

To apply for the Bruce Shuck Family Native American Scholarship, view the application [instructions](#).

Carrie Parker Taylor Scholarship (Bloomington campus)

The Carrie Parker Taylor Scholarship is named after the first African American woman to

Wilma A. and Charles E. Harry, IV Family Scholarship (HHSP / Bloomington Campus)

This scholarship account was established as a family legacy by Jill Harry Rahman and Janet Harry, daughters of the late Charles and Wilma Harry, who both received their undergraduate and graduate degrees from Indiana University. Funds from this account will support a minimum of two annual scholarships for students in the Hudson & Holland Scholars Program. Special consideration will be given to underrepresented populations, included but not limited to financially challenged students, and/or students with diverse cultural experiences. Preferences will be given to African American students pursuing degrees in the [School of Education](#) or the [School of Social Work](#).



To apply for the Wilma A. and Charles E. Harry, IV Family Scholarship, view the application [instructions](#).

Reverend Dr. Ernest D. Butler Humanitarian Scholarship (Bloomington Campus)

The Reverend Dr. Ernest D. Butler Humanitarian Scholarship assists incoming

Exhibit C

