



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 the University of California, Berkeley (UC Berkeley) 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. UC Berkeley has offered a \$10,000 recurring scholarship for "Environmentalists of Color" designed to "help bridge institutional gaps in support of Environmentalists of Color," "build radically inclusive social and environmental justice spaces on campus," and "financially support passionate students of color working in the environmental field at UC Berkeley."¹

The scholarship application process is administered through UC Berkeley's "Student Environmental Resource Center" (SERC). SERC's stated mission:

*SERC cultivates a collaborative space to strengthen the collective effectiveness of the sustainability community, and provides resources for students to actualize their visions of a more equitable, socially just, and resilient future.*²

¹ *Environmentalist of Color Scholarship*, University of California, Berkeley, Student Environmental Resource Center (archived Apr. 2, 2025), <https://perma.cc/3GVK-BLPW>.

² *History and Mission*, University of California, Berkeley, Student Environmental Resource Center (archived Apr. 2, 2025), <https://perma.cc/QXW6-BE9L>.

Among SERC’s stated values are “Equity and Inclusion,” which it further delineates:

In order to maintain authentic relationships and avoid tokenization, SERC provides environmental and social justice programming and resources to create a space that values the perspectives and narratives of marginalized and underrepresented students.”³

UC Berkeley’s SERC office lists eligibility criteria for the Environmentalists of Color scholarship as follows:

Registered UC Berkeley student (both undergraduate and graduate)

Identify as a POC (Person of Color)

Passionate about Environmentalism (this does not have to be your field of study)⁴

SERC informs applicants for the UC Berkeley Environmentalists of Color scholarship that:

We recognize that BIPOC (Black, Indigenous, Persons-of-Color) are frequently asked to exclusively call upon their experiences with racial trauma and violence in applications. We aim to resist that tokenization by making space for applicants to consider their identities from the lens of radical healing, joy, and growth.⁵

In its Q & A for the scholarship, UC Berkeley defines students “of color” as follows:

Being a “person of color” goes beyond just skin color, and can include an intersectional expanse of racial, ethnic, and cultural experiences and identities. If you identify as a “person of color,” we encourage you to apply.⁶

In other words, the UC Berkeley scholarship for “environmentalists of color” is a financial benefit granted expressly and unapologetically on the basis of race in violation of Title VI and the Constitution’s 14th Amendment. Attached to this complaint is evidence of the racial discrimination in which UC Berkeley is engaging through administration and selection of awards for its “Environmentalists of Color” scholarship (Exhibit A-C).

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that UC Berkeley 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

³ *Id.*

⁴ *Environmentalist of Color Scholarship*, supra n. 1.

⁵ *Id.*

⁶ *Id.*

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 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

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

⁸ *Id.* at 15 (cleaned up).

⁹ *Id.* at 6 n. 2 (quoting *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”).



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.”

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

Student Environmental Resource Center

Home » Resources » Funding » Sister Scholarships » Environmentalists of Color Scholarship

Environmentalists of Color Scholarship

RESOURCES

Funding

- SERC & TGIF Eco Fund
- Environmentalists of Color Scholarship**
- Brian Gialketsis SERQueer Scholarship
- Green Event Certification
- Campus Resources
- Environmental Justice
- Green Jobs



https://serc.berkeley.edu/resources/funding/sister-scholarships



About The Scholarship

In May 2021, SERC secured funding from The Green Initiative Fund (TGIF) to establish a \$10,000 recurring scholarship for three years to help bridge institutional gaps in support of Environmentalists of Color. This scholarship fund was renewed in May 2023 through 2026.

\$2,000 scholarships will be awarded to 5 students selected by the Environmentalist of Color Scholarship Review Committee.

Scholarship Goals

- Bridge institutional gaps in resources and funding for students of color to increase retention, and build radically inclusive social and environmental justice spaces on campus
- Financially support passionate students of color working in the environmental field at UC Berkeley
- Re-envision what a community scholarship can look like by eliminating barriers to entry and focusing on healing, joy, and growth rather than trauma.

We recognize that BIPOC (Black, Indigenous, Persons-of-Color) are [frequently asked](#) to exclusively call upon their experiences with racial trauma and violence in applications. We aim to resist that tokenization by making space for applicants to consider their identities from the lens of radical healing, joy, and growth.

Applying to the Scholarship

This scholarship has a one-round application and deliberation process. Please use the timeline below to stay up-to-date with your application!

- Applications Open:** Monday, September 30, 2024
- Applications Close:** Friday, November 1, 2024
- Winners Finalized by:** Late November
- Scholarships Processed by:** Late December

My Apps Dash... x | Inbox - sarah@... x | IJIN-Patricia P... x | Edfinancial Serv... x | The Environme... x | Center for Civil... x | environmental... x | Environmentalis... x

https://serc.berkeley.edu/resources/funding/sister-scholarships/environmentalists-color-scholarship

Prompts

The EOC Scholarship Review Committee would like to reiterate that we HIGHLY ENCOURAGE the applicant to only share what they are comfortable with for the application review. In the spirit of this scholarship, we ask that applicants utilize the questions as an opportunity to express their own experiences with joy and hope.

Please feel free to copy/paste previous works into the essay questions (if material is relevant to question).

Please limit your responses to 2,500 characters (~500 words) per question.

Question 1

Describe your community/support systems (socially, emotionally, financially, etc.). How do you give back to/nourish your communities and loved ones?

Question 2

What does environmentalism mean in your culture(s) and how does this apply to your view of environmental justice? How do your cultural values show up in your work/life?

Question 3

Thinking back on your inherited values and your current experience with environmental justice, what would you like to pass down to future generations? What is your hope for the world they will live in?

We will accept multimedia answers for this question. It is not required, but you may answer this question with a photo, collage, poem, video, or essay. Written responses must be under 2,500 characters and digital media may not be longer than 2 minutes. You can include a link or email it to serc@berkeley.edu.

****Please note: For our anonymous review process, names and identifying information are kept separate from your essay responses. If you craft a multimedia submission, please be sure not to include your name within the submission. Thank you! Questions? Email serc@berkeley.edu****

Eligibility

- Registered UC Berkeley student (both undergraduate and graduate)
- Identify as a POC
- Passionate about Environmentalism (this does not have to be your field of study)

56°F Sunny 6:27 PM 4/1/2025

56°F Sunny 6:27 PM 4/1/2025

My Apps Dash... x | Inbox - sarah@... x | IJIN-Patricia P... x | Edfinancial Serv... x | The Environme... x | Center for Civil... x | environmental... x | History & Values... x

https://serc.berkeley.edu/about/history-values

UC Berkeley Donate

Student Environmental Resource Center

Home About Get Involved Resources Contact Us


Home » About » History & Values

History & Values

Our History

Our Mission

SERC cultivates a collaborative space to strengthen the collective effectiveness of the sustainability community, and provides resources for students to actualize their visions of a more equitable, socially just, and resilient future.



Pause Previous Next

56°F Sunny 6:28 PM 4/1/2025

https://serc.berkeley.edu/about/history-values

The Student Environmental Resource Center was envisioned in 2012 by UC Berkeley students who recognized the need for a campus space for the student environmental and sustainability community. Since its inception, SERC has employed over 150+ student staff, institutionalized environmental justice programs and positions, and hosted hundreds of community and educational events. In 2023, SERC celebrated its ten year anniversary as a campus department.

SERC Values

Conscious Impact | Equity and Inclusion | Community Engagement | Student Sovereignty | Bold Imagination

Learn More About SERC's History

Conscious Impact
SERC exercises mindful decision-making in its efforts to achieve environmentally and socially just outcomes

Equity and Inclusion
In order to maintain authentic relationships and avoid tokenization, SERC provides environmental and social justice programming and resources to create a space that values the perspectives and narratives of marginalized and underrepresented students

Community Engagement
In order to foster a sense of belonging and develop individuals into change-makers, SERC builds and strengthens relationships and interpersonal ties through deliberate, sustained outreach and open communication to the environmental community

Student Sovereignty
SERC honors student agency by providing support for students to create their own, self-governed sustainability programming

Bold Imagination
SERC provides necessary resources for creative problem-solving to encourage students to question the status quo, interrogate the current realm of possibilities and barriers, and apply their ideas through sustainability projects and initiatives

56°F Sunny | Search | 6:28 PM 4/1/2025

https://drive.google.com/file/d/1X4NFbcaasJrNWuYab39W-qQ2l5MmWD8r/view

We, at the Student Environmental Resource Center (SERC), condemn the recent acts of violence against the Black community, as well as the historic systemic racism and oppression that has allowed such acts of brutality to persist. Our center is rooted and grounded in values of community, love, and justice, and we rise in solidarity with the Black Lives Matter movement and our Black community members, neighbors, students, staff, and faculty.

Our programs and initiatives have been shaped by the people, animals, plants, and natural systems around us. We recognize the deep interconnections of the roles and responsibilities we have for each other and to contribute towards a more socially, environmentally, racially just future. We must be actively anti-racist, and work specifically against anti-Black racism, in our support of communities that provide safety and justice for all Black lives.

As a part of the University of California, Berkeley, we currently occupy the territory of Huachin, the ancestral and unceded land of the [Chachiwan-Chilam](#), the successors of the historic and sovereign Verona Band of Alameda County.¹ We acknowledge that the land we operate on and benefit from is built on ideologies of colonization and white supremacy, and how this has had damaging and negative impacts on the pursuit of a more equitable society. As a department within UC Berkeley, we will use our privilege and positionality to highlight the connections of environmental issues and race. As an environmental resource center, we affirm that there is no climate or environmental justice without racial justice.

With this in mind, the recent acts of racist violence and the murders of Ahmaud Arbery, George Floyd, Breonna Taylor, Oluwatoyin Salau, Tony McDade, and so many others has only made more visible what was always present – a culture of white supremacy where Black lives – and Black trans lives – are deemed controversial. This culture of white supremacy permeates every facet of society against BIPOC, from the systemic denial of housing and financial services via redlining, to the fact that Black and Indigenous people are [five times](#) more at risk of getting the novel coronavirus COVID-19 than white people, and lastly and most importantly, the environmental sustainability movement as a whole.

The destruction of the planet is inextricably linked to white supremacy and colonization, born out of a colonizer mindset to extract and exploit without regard for the lives of people, and for the Earth.

¹The Ethnic Studies Library recognizes that Berkeley sits on the territory of Huachin, the ancestral and unceded land of the [Chachiwan-Chilam](#), the successors of the historic and sovereign Verona Band of Alameda County. This land was and continues to be of great importance to the [Chilam](#) people.

Page 1 / 2

56°F Sunny | Search | 6:29 PM 4/1/2025

Many of the ideologies of early 'environmentalists' in this country - the Muirs, the Roosevelts, the Pinchots - were either complicit or actively engaged with the systemic genocide and displacement of Indigenous populations across the country. Conservation as a field has centered keeping wilderness pristine and untouched, which erases the lives of Indigenous populations and their relationship to the environment before the arrival of European settlers. Though the mainstream environmental movement has been historically dominated by white activists and narratives, we want to recognize the work the Black community has led within the movement. From the first environmental justice protests in Afton, North Carolina, when the people of Warren County protested toxic waste dumping in their predominantly Black, poor, rural community, to the ongoing organizing efforts in Flint, Michigan in demanding clean drinking water. However, our support is not and cannot be contingent on these accomplishments.

As environmentalists, we recognize that anti racist work is environmental work. We are committed to the lifelong mission of dismantling oppressive systems and fighting for an equitable, just, and resilient future. As a student resource center, we will work to share anti-racist community resources, uplift activist voices, and create space for healing.

Our work at SERC is inspired by [The Story of the Hummingbird](#), shared by environmentalist and Nobel Peace Prize Laureate Professor Wangari Maathai. When a forest and home to many animals begins to burn from a fire, a lone hummingbird takes it upon itself to drop water to combat the flames. Despite other, much larger animals refusing to help and even berating the hummingbird, the small but mighty animal persists, 'I am doing the best I can.' Channeling the perseverance of the hummingbird, we are dedicated to doing all that we can in dismantling racism and providing resources and support for others to do the same.

Our official ongoing commitments are as follows:

- Integrate anti-racist work into our strategic vision plan to ensure that we continually support anti-racist work on campus and in our community
- Upholding all SERC Staff to base their work in environmental and racial justice
- Collaborate with and support recruitment and retention organizations on campus
- Create spaces for celebration, healing, and joy (such as [Earth Justice Month](#))
- Update SERC hiring processes and programs to address implicit bias
- Expand the [SERC Environmental Justice resource folder](#) with activist resources and community support/resilience for COVID-19
- Continue to play an active role in the [Chancellor's Advisory Committee on Sustainability](#) Working Group for Diversity, Equity, and Inclusion in Sustainability

Exhibit B

Student Environmental Resource Center - SERC at UC Berkeley's Post



Student Environmental Resource Center - SERC at UC Berkeley

November 7, 2022 · 🌐

The Environmentalists of Color Scholarship awards five 2,000 dollar scholarships to help bridge institutional gap in support for environmentalists of color.

Apply: <http://tinyurl.com/EOCApp2022>



**THE BRIAN GIALKETSIS
SERQUEER SCHOLARSHIP**

Application Deadline: November 11th
Apply Here: tinyurl.com/SERQueer22
*URL case sensitive



In April 2020, the TGIF Committee unanimously voted to establish a \$5,000 recurring scholarship for the next three years in honor of Brian and his many contributions to environmental sustainability on the UC Berkeley campus: The Brian Gialketsis SERQueer Scholarship. The name SERQueer comes from the group that Brian and other SERC alumni created in 2018, a group they described as "a community space for queer students working on environmental sustainability & justice". This scholarship awards five students with \$1,000 to further their personal and professional career at UC Berkeley.

1 comment

👍 Like

💬 Comment

Most relevant ▾

Exhibit C



ENVIRONMENTAL JUSTICE

According to the [Energy Justice Network](#), "Environmental racism is the disproportionate impact of environmental hazards on people of color. **Environmental justice** is the movement's response to environmental racism...The environmental justice movement isn't seeking to simply redistribute environmental harms, but to abolish them."



The environmental justice movement is guided by the **17 Principles of Environmental Justice** that were adopted at the landmark **First National People of Color Environmental Leadership Summit in 1991**. These principles lay out a framework beyond limited visions of equity and resource management. Instead, they move towards re-establishing "spiritual interdependence to the sacredness of our Mother Earth", as well as "political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression".



At SERC, we are guided by this history and ongoing grassroots struggles for environmental justice. We seek to strengthen the collective effectiveness of UC Berkeley's sustainability community and provide resources for students to actualize their vision of a more socially just and resilient future. Inspired by the work of the **Students of Color Environmental Collective**, SERC aims to give better environmental justice resources to all UC Berkeley students, staff, and faculty. We hope to provide educational environmental justice workshops, resources, guidance, and toolkits that will help us collectively nourish, navigate, challenge, and push the campus, local, national, and global environmental justice movement.

[Environmental Justice Resources](#)

[Readings and Articles](#)