



**THE EQUAL PROTECTION PROJECT**  
**A Project of the Legal Insurrection Foundation**  
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May 13, 2026

**BY EMAIL** (OCR@ed.gov)

Kimberly Richey, Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

**BY EMAIL** (OCR.DC@ed.gov)

Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475

**Re: Civil Rights Complaint Against University of Massachusetts Amherst  
Regarding Its Racially Discriminatory “SBS RISE” Program**

Dear Assistant Secretary Richey and OCR Staff:

This is a federal civil rights complaint submitted pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures.<sup>1</sup> We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit entity that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We bring this civil rights complaint against University of Massachusetts Amherst (“UMass Amherst”), a public institution, regarding its College of Social & Behavioral Sciences Remediating Inequity Through Student Engagement (“SBS RISE”) program which racially discriminates in violation of Title VI. As set forth below, SBS RISE treats students differently based on race, color, and national origin, with non-white students automatically eligible while

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<sup>1</sup> 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

white students need to show additional qualifications, such as being “first generation” or “low income.” These differing standards are unlawful.

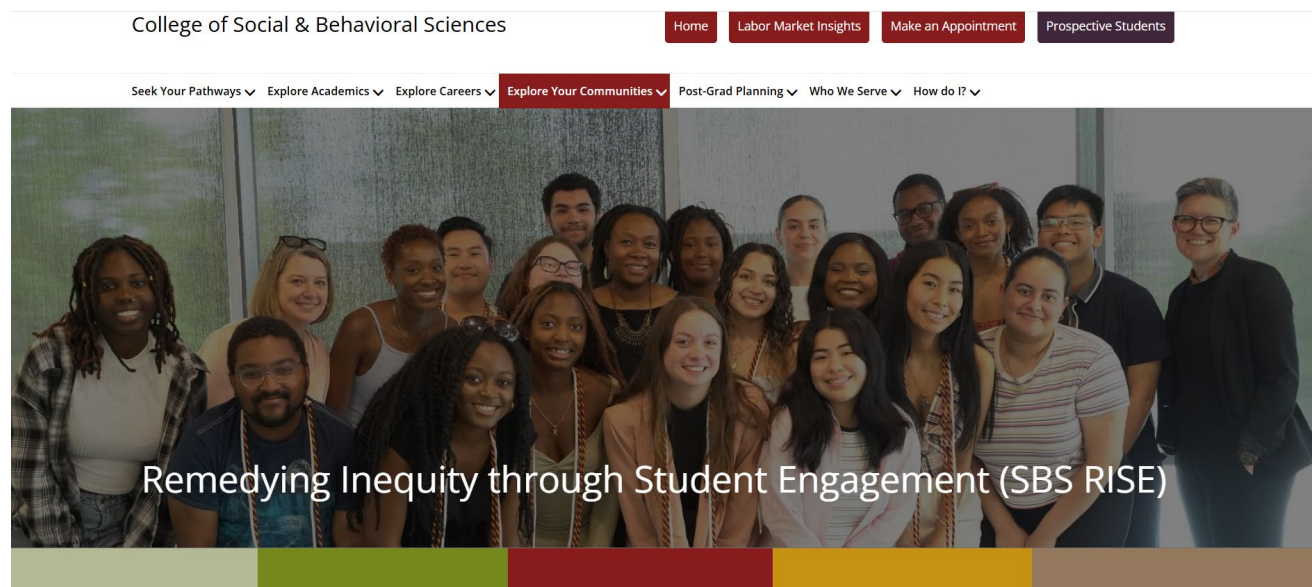
### **THE SBS RISE PROGRAM VIOLATES TITLE VI**

The SBS RISE Program provides substantial academic, professional, financial, and networking benefits to participating students. UMass Amherst describes the program as offering “specialized academic programs and opportunities” for students who identify as “first-generation, Black, Indigenous, or other Persons of Color (BIPOC)” and/or low-income.<sup>2</sup> Through SBS RISE, the University provides participants with workshops, mentoring, leadership development, internship opportunities, research opportunities, financial support, and access to exclusive programming and resources. These benefits confer valuable educational advantages on students selected for participation in the program.

Link: [https://sbspathways.umass.edu/channels/sbs-rise/#uc\\_people\\_widget-15](https://sbspathways.umass.edu/channels/sbs-rise/#uc_people_widget-15)

Archived Link: <https://archive.is/wip/He00q> (accessed May 11, 2026).

Discriminatory Requirement: “The program serves SBS undergraduate students who identify as first-generation, **students of color**, and/or come from low income backgrounds.”



SBS RISE also hosts workshops and programming related to scholarships, graduate school preparation, leadership, research, study abroad, civic engagement, and internships. In addition, the program provides social and networking opportunities intended to foster community


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<sup>2</sup> <https://sbspathways.umass.edu/channels/sbs-rise/> [<https://archive.is/wip/E3sTt>] (accessed May 11, 2026).

among participants. UMass identifies the following as the four primary initiatives of the SBS RISE program:

### **1. RISE Connects: A Mentoring Program<sup>3</sup>**

Under the “RISE Connects” initiative, SBS RISE pairs newer students with advanced students to assist participants in navigating UMass Amherst. The program provides mentorship, guidance, and networking opportunities, while also allowing advanced students to develop leadership experience and resume-building skills.



#### **RISE Connects: A Mentoring Program**

United States

Learning UMass Amherst can be challenging. However, you don't have to do that alone! SBS RISE is seeking mentors and mentees for the academic year. New students are paired with advanced students to share information and experience on how to navigate the university. For new students, this is a great way to make a new friend who was in your shoes not too long ago. For advanced students, mentoring provides you with leadership skills that will benefit your resume.

[Apply here to be paired with a mentor.](#)

[Apply here to become a mentor.](#)

### **2. RISE Fellows: Community Leadership and Paid Fellowship Opportunities<sup>4</sup>**

The “RISE Fellows” initiative selects approximately eight to ten students each academic year to create projects and events for the SBS RISE community. Fellows receive professional development and leadership training, participate in program meetings and events, enroll in a one-credit course with the program director, and receive stipends for their participation.

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<sup>3</sup> <https://sbspathways.umass.edu/experiences/sbs-rise-mentor-program/> [<https://archive.is/Vqudo>] (accessed May 11, 2026).

<sup>4</sup> <https://sbspathways.umass.edu/experiences/diversity-fellows/> [<https://archive.ph/wip/D9hGp>] (accessed May 11, 2026).



### **RISE Fellows: Serve the community while earning internship credit**

United States  
Scholarship Opportunities



#### **Become a RISE Fellow!**

Each academic year, eight to ten students are selected to serve as RISE Fellows, creating projects and events that are meant to build community and provide resources to the SBS RISE community at large, while also learning professional development and gaining leadership experience. Diversity Fellows

receive a stipend, and enroll in a one-credit course with the program director, and attend in various events and meetings. See yourself as a RISE Fellow peer intern. Watch out for the call for application in the SBS RISE e-newsletter and website in every March.

### **3. SBS RISE Student Aid Society Laptop Initiative<sup>5</sup>**

Through the “Student Aid Society Laptop Initiative,” SBS RISE provides laptops to selected students. Students who receive laptops may retain them throughout their time at UMass Amherst and beyond, giving participants access to valuable educational technology and academic resources.



### **SBS RISE Student Aid Society’s Laptop Initiative**

United States

Laptops are a necessity for college students, making it easier to take classes and complete assignments. Through our Student Aid Society, we provide laptops to students in need. Each year, students can apply for a laptop that would be theirs throughout their time at UMass and beyond.

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<sup>5</sup> <https://sbspathways.umass.edu/experiences/student-aid-societys-laptop-initiative/> [<https://archive.ph/wip/3tS1p>] (accessed May 11, 2026).

#### 4. CJLS/SBS RISE Summer Research Assistantship<sup>6</sup>

The “CJLS/SBS RISE Summer Research Assistantship” provides participants with paid summer research opportunities alongside faculty members. Students selected for the program gain research experience, develop professional and academic skills, network with faculty and peers, and receive compensation for their work. The program states that these opportunities are intended to assist participants with graduate school preparation and future employment opportunities.



#### CJLS/SBS RISE Summer Research Assistantship

📍 United States

🔗 Research Opportunities

Each summer, you can work with a faculty member as a paid summer research assistant. During the experience, you can learn various research methods and techniques, network with other students and faculty, and gain skills that will benefit you for graduate school and/or future employment. Applications open every February.

#### SBS RISE Eligibility Requirements

SBS RISE is a UMass Amherst student program that “...serves SBS undergraduate students who identify as first-generation, **students of color**, and/or come from low-income backgrounds.” While there is no formal application process to join SBS RISE, UMass Amherst states that participation is limited to students “identifying in one of the three ways mentioned above.”<sup>7</sup> The program materials repeatedly describe it as being designed for students of color.

Further, SBS RISE’s promotional materials makes clear that the program is intended for students of color. The official SBS RISE Instagram page states that “SBS RISE provides opportunities to SBS 1st generation, BIPOC, and/or low-income undergrads at UMass Amherst.”<sup>8</sup>

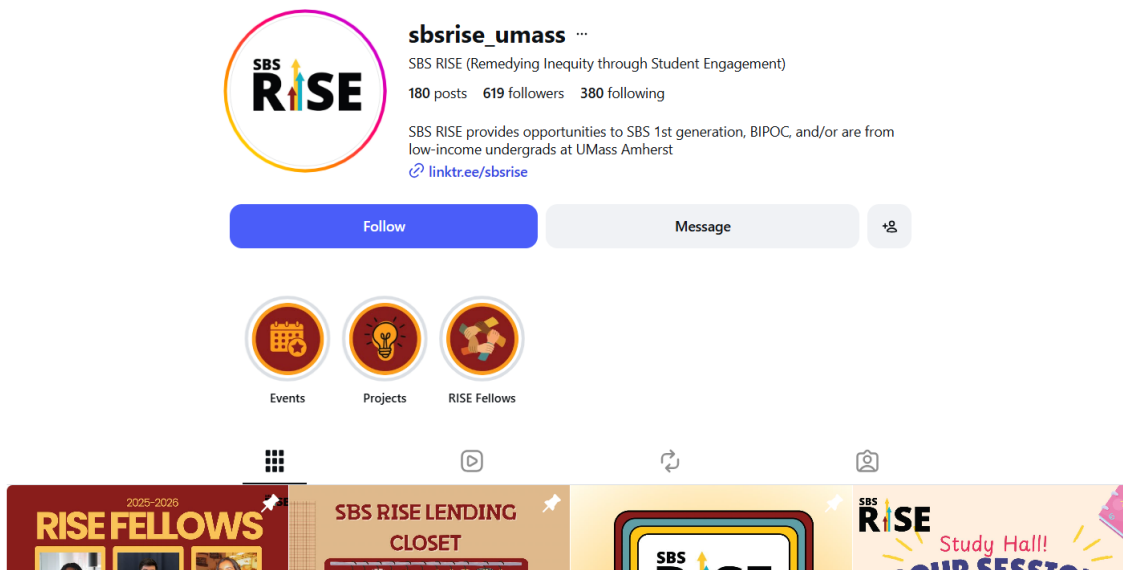
These eligibility criteria demonstrate that BIPOC students are categorically eligible for the program, while non-BIPOC students must satisfy additional requirements to participate. This discriminatory standard is unlawful as it treats students differently based on race, color, and national origin.

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<sup>6</sup> <https://sbspathways.umass.edu/experiences/cjls-sbs-rise-summer-research-assistantship/> [<https://archive.is/wip/SrOLL>] (accessed May 11, 2026).

<sup>7</sup> <https://sbspathways.umass.edu/channels/sbs-rise/> [<https://archive.is/wip/E3sTt>] (accessed May 11, 2026).

<sup>8</sup> [https://www.instagram.com/sbsrise\\_umass/](https://www.instagram.com/sbsrise_umass/) [<https://archive.ph/wip/gq11I>] (accessed May 11, 2026).



### **The SBS RISE Program Violates The Law**

The SBS RISE program identified above violates Title VI by discriminating on the basis of race, skin color, or national origin.<sup>9</sup> Furthermore, because UMass Amherst is a public university, such discrimination also violates the Equal Protection Clause of the Fourteenth Amendment.

The program expressly treats students differently based on protected characteristics. The program limits participation to students who identify as first-generation, students of color, and/or from low-income backgrounds, while its promotional materials repeatedly describe the program as intended for “BIPOC” students. As noted above, the official SBS RISE Instagram page states that “SBS RISE provides opportunities to SBS 1st generation, BIPOC, and/or low-income undergrads at UMass Amherst.”

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<sup>9</sup> Although OCR does not enforce Title II of the Civil Rights Act of 1964, that statute makes it unlawful to discriminate on the basis of race or color in a place of “public accommodation,” such as UMass Amherst. 42 U.S.C. § 2000a(a). This program also violates Massachusetts state law. *See* Mass. Gen. Laws ch. 151C, § 2(a). Further, this program violates UMass Amherst’s own nondiscrimination policy. *See* <https://www.umass.edu/policy/policy-against-discrimination-harassment-and-related-interpersonal-violence> [<https://archive.is/wip/yE6e9>] (accessed May 11, 2026).

This language reflects that the program is intended for certain racial and ethnic groups, such that non-BIPOC students who do not satisfy the additional listed criteria are either excluded from participation or would be deterred from applying.

Title VI prohibits intentional discrimination on the basis of race, color, or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” encompasses “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A). As noted in *Rowles v. Curators of the University of Missouri*, 983 F.3d 345, 355 (8th Cir. 2020), “Title VI prohibits discrimination on the basis of race in federally funded programs,” and therefore applies to universities receiving federal financial assistance. Because UMass Amherst receives and administers federal funds through numerous programs and is a public institution, it is subject to Title VI.<sup>10</sup>

Regardless of UMass Amherst’s reason for offering, promoting, and administering such a discriminatory program, they are violating Title VI by doing so. It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 661 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (2023) (Gorsuch, J., concurring).

As UMass Amherst is a public university, its offering, promoting, and administering this discriminatory program also violates the Equal Protection Clause of the Fourteenth Amendment. In *Students for Fair Admissions*, the Supreme Court declared that “[e]liminating racial discrimination means eliminating all of it .... 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.” *Id.* at 206 (cleaned up). “Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208. Consequently, “[a]ny exception to the Constitution’s demand for equal protection must survive a daunting two-step examination known ... as strict scrutiny.” *Id.* at 208 (internal quotation marks and citation omitted). The program at issue here cannot withstand that exacting standard.

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<sup>10</sup> *See* [https://www.usaspending.gov/award/ASST\\_NON\\_P063P240215\\_091](https://www.usaspending.gov/award/ASST_NON_P063P240215_091)  
[\[https://archive.is/wip/zJ2HJ\]](https://archive.is/wip/zJ2HJ) (accessed May 12, 2026).

Under strict scrutiny, suspect classifications “are constitutional only if they are narrowly tailored measures that further compelling governmental interests.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). It is the government that bears the burden to prove “that the reasons for any [racial] classification [are] clearly identified and unquestionably legitimate.” *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 505 (1989). Here, UMass Amherst cannot carry its burden.

A “racial classification, regardless of purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.” *Shaw v. Reno*, 509 U.S. 630, 643–44 (1993) (citation omitted). Here, UMass Amherst cannot demonstrate that restricting programming based on race, color, or national origin serves any legitimate governmental purpose, let alone an extraordinary one. Classifications based on immutable characteristics “are so seldom relevant to the achievement of any legitimate state interest” that government policies “grounded in such considerations are deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

The Supreme Court has recognized only two interests compelling enough to justify racial classifications. The first is remedying the effects of past de jure segregation or discrimination in the specific industry and locality at issue, where the government played a role. The second is “avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Students for Fair Admissions*, 600 U.S. at 207 (citation omitted). Neither applies here.

If the program is intended to achieve racial balance, such an objective has been “repeatedly condemned as illegitimate” and “patently unconstitutional” by the Supreme Court. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 726, 730 (2007) (“Accepting racial balancing as a compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that at the heart of the Constitution’s guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual, or national class”) (cleaned up, citation omitted).

Further, a policy is not narrowly tailored if it is either overbroad or underinclusive in its use of racial classifications. *J.A. Croson Co.*, 488 U.S. at 506. Indeed, in *Students for Fair Admissions*, the Supreme Court found that similar categories as those used to determine eligibility for this UMass Amherst program were “imprecise,” “plainly overbroad,” “arbitrary,” “undefined” and “opaque,” 600 U.S. at 216-17,<sup>11</sup> and declared that “it is far from evident ... how assigning students to these ... categories and making admissions decisions based on them furthers the educational benefits that the universities claim to pursue.” *Id.* at 216.

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<sup>11</sup> In his concurrence, Justice Thomas criticizes these categories as being “artificial.” *Students for Fair Admissions*, 600 U.S. at 276 (Thomas, J., concurring).

For a policy to satisfy narrow tailoring, the government must demonstrate “serious, good faith consideration of workable race-neutral alternatives,” *Grutter*, 539 U.S. at 339, and show that “no workable race-neutral alternative” could achieve the purported compelling interest. *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 312 (2013). There is no evidence that such alternatives were ever considered here.

UMass Amherst’s race-based SBS RISE program is presumptively invalid, and since there is no compelling government justification for such invidious discrimination, UMass Amherst’s offering, promotion, and administration of this program violates state and federal civil rights statutes and constitutional equal protection guarantees.

### **OCR Has Jurisdiction**

UMass Amherst is a public entity and a recipient of federal funds, including from the U.S. Department of Education.<sup>12</sup> It is therefore liable for violating Title VI and the Equal Protection Clause, and OCR therefore has jurisdiction over this complaint.

### **The Complaint Is Timely**

This complaint is timely brought because it includes allegations of discrimination based on race, color, and/or national origin that occurred within 180 days and that appear to be ongoing. The program is currently active.<sup>13</sup>

### **Request For Investigation And Enforcement**

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505 (citation omitted). This is true regardless of which race suffers – discrimination against white applicants is just as unlawful as discrimination against black or other non-white applicants. As Justice Thomas correctly noted in *Students for Fair Admissions*, race-based admissions preferences “fly in the face of our colorblind Constitution and our Nation’s equality ideal” and “are plainly – and boldly – unconstitutional.” 600 U.S. at 287 (Thomas, J., concurring).

Because the discrimination outlined above is presumptively illegal, and since UMass Amherst cannot show any compelling government justification for it, the fact that it conditions eligibility for this program on race, color, and national origin violates federal civil rights statutes and constitutional equal protection guarantees.

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<sup>12</sup> See [https://www.usaspending.gov/award/ASST\\_NON\\_P063P240215\\_091](https://www.usaspending.gov/award/ASST_NON_P063P240215_091) [<https://archive.is/wip/zJ2HJ>] (accessed May 12, 2026).

<sup>13</sup> <https://sbspathways.umass.edu/channels/sbs-rise/> [<https://archive.is/wip/E3sTt>] (accessed May 11, 2026).

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The Office for Civil Rights has the power and obligation to investigate UMass Amherst’s role in creating, funding, promoting and administering this program and to discern whether UMass Amherst is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. After all, “[t]he way to stop discrimination ... is to stop discriminating[.]” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

Accordingly, we respectfully ask that the Department of Education’s Office for Civil Rights promptly open a formal investigation, impose such remedial relief as the law permits for the benefit of those who have been illegally excluded from UMass Amherst’s programs based on discriminatory criteria, and ensure that all ongoing and future programs and programming at UMass Amherst comply with the Constitution and federal civil rights laws.

Respectfully submitted,

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