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VIA ELECTRONIC MAIL: OCR@ed.gov

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

**Re: Complaint Under Title VI Against Northeastern State University
and Northeastern Oklahoma A&M College – Race Discrimination
in Nursing Scholarship Program**

To whom this may concern:

Pursuant to Title VI of the Civil Rights Act of 1964, Do No Harm files this complaint against Northeastern State University (NSU) and Northeastern Oklahoma A&M College (NEO)—two public institutions of higher learning in Oklahoma that administer the Northeast Oklahoma Recruitment and Advancement of American Indians into Nursing (NEORAAIN) program scholarship.¹ Through the NEORAAIN scholarship program, these institutions are unlawfully discriminating against white students and other races they disfavor. As the schools candidly admit, this nursing scholarship is available only to “American Indian students.” Other races need not apply.

That blatant discrimination is illegal. Racial discrimination is “invidious in all contexts.” *SFFA v. Harvard*, 600 U.S. 181, 214 (2023) (cleaned up). As public schools, NSU and NEO both accept federal funds. They are, therefore, subject to Title VI,

¹ The main campus for Northeastern State University is located at 600 N. Grand Ave. Tahlequah, OK 74464. See Northeastern State University, *Contact Us*, perma.cc/U7KE-QF4Y (archived July 3, 2026). Northeastern Oklahoma A&M College is located at 200 I Street Northeast, Miami OK, 74354. See NEO A&M College, *Connect*, perma.cc/HQB5-RMQK (archived July 3, 2026).

which prohibits them from “us[ing] race as a factor” in their activities, including in awarding scholarship funds to students. *Id.* at 204 (cleaned up).

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.” *Barbour v. WMATA*, 374 F.3d 1161, 1170 (D.C. Cir. 2004). Illegal and discriminatory programs like this nursing scholarship “not only violate the text and spirit of our longstanding Federal civil-rights laws,” but “they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system.” *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order 14173, §1 (Jan. 21, 2025).

This Office has the statutory duty to investigate and rectify violations of Title VI by schools that accept federal funds. *See* 34 C.F.R. §§100.3, 100.7. Do No Harm respectfully requests that the Office open investigations and remedy Northeastern State University’s and Northeastern Oklahoma A&M’s racial discrimination.

I. The NEORAAIN scholarship program discriminates based on race.

The NEORAAIN scholarship program is a competitive program for students pursuing their careers in nursing. *See* Northeastern State University, *NEORAAIN*, perma.cc/GL7M-M4PU (archived June 23, 2026). The program generously covers tuition, books, fees, and living expenses for recipients of the awards in addition to providing mentorship and access to professional events. *See id.*

But this scholarship blatantly discriminates on the basis of race. To be eligible, applicants must maintain membership in a federally recognized Indian tribe. *See id.* In addition, applicants must be admitted to or enrolled in a pre-health sciences program at one of the two colleges offering the scholarship. *See id.* If selected, students must also sign an Indian Health Services Scholarship Program Contract, obligating them to practice at an “Indian health facility” for a minimum of two years upon completion of their academic training. *Id.*

The NEORAAIN scholarship emphasizes that its mission is to “increase the number of Native American nurses,” “support Native American students pursuing nursing degrees,” and “prepare” Native American students “to serve in Indian health facilities after graduation.” *See id.* Accordingly, to be eligible for the scholarship, an

applicant must be “American Indian.” *Id.* In the views of NSU and NEO, students of other races—regardless of their academic ability, skills, experiences, or perspectives—do not deserve a chance to apply for the scholarship, even if they commit to serving in Indian health facilities. *Id.*

II. Northeastern State University’s and Northeastern Oklahoma A&M’s race discrimination violates federal law.

The schools’ race discrimination violates Title VI. Under Title VI, “[n]o person in the United States shall, on the ground of race ... be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. §2000d.

NSU and NEO are public institutions that benefit from substantial federal funding. *See, e.g.,* Northeastern State University, *Types of Grants*, perma.cc/VPX9-G457 (archived July 13, 2026); Northeastern Oklahoma A&M, *NEO A&M College awarded Department of Education Title III grant*, perma.cc/W2HJ-GVCS (archived July 13, 2026). NSU and NEO are subject to Title VI because they receive federal funds and, at a minimum, are “principally engaged in the business of providing education.” 42 U.S.C. §2000d-4a(3)(A)(ii). The NEORAAIN scholarship is also a “program or activity” under Title VI since it is an “operatio[n]” of the schools. 42 U.S.C. §2000d-4a.

NSU and NEO violate Title VI by causing students of all races other than “American Indian” to be “excluded from participation in,” “denied the benefits of,” and “subjected to discrimination under,” the NEORAAIN scholarship “on the ground of race.” 42 U.S.C. §2000d.

That this racial discrimination is in favor of American Indians makes no difference. *Morton v. Mancari*, 417 U.S. 535 (1974), relating to preferences for American Indians, is not to the contrary. *Mancari* was a “sui generis” decision involving “a specific provision applying to a very specific situation.” 417 U.S. at 550, 554. It turned on the “unique fashion” in which the Department of the Interior governed Indians’ “lives and activities” and the perception that Bureau of Indian Affairs (BIA) employment preferences were “directed to participation by the governed in the governing agency.” *Id.* at 554. Thus, “[t]he opinion was careful to note ... that the case was confined to the authority of the BIA.” *Rice v. Cayetano*, 528 U.S. 495, 520 (2000). Nothing justifies extending *Mancari*’s “limited exception” for certain federal employment programs to the “new and larger dimension” of race-based

scholarships. *Id.*; *see also Haaland v. Brackeen*, 599 U.S. 255, 333-34 (2023) (Kavanaugh, J., concurring) (recognizing that racial preferences for American Indians “raise significant questions under bedrock equal protection principles and [the Supreme] Court’s precedents”). And because there is no other legally justified basis for the schools’ race discrimination, NSU’s and NEO’s racial discrimination violates Title VI.²

Conclusion

For all these reasons, Do No Harm requests that the Office for Civil Rights open an investigation into NSU’s and NEO’s NEORAAIN Scholarship and find that its brazen race discrimination violates Title VI. The Office should also consider referring the matter to the Department of Justice for further or concurrent action.

Sincerely,

DO NO HARM, INC.

² The United States Supreme Court has “identified only two compelling interests that permit resort to race-based” action, which must be further narrowly tailored to advance those interests; neither interest is applicable here. *See SFFA*, 600 U.S. at 207; *see also id.* at n.2 (noting that Title VI claims are analyzed “under the standards of the Equal Protection Clause”) (citing cases).