

UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

Administrative Complaint

June 14, 2022

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 Office for Civil Rights' discrimination complaint resolution procedures.

Do No Harm brings this complaint against Nationwide Children's Hospital for discrimination on the basis of race, color, or national origin in programs or activities that receive federal financial assistance in violation of both Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

Do No Harm makes this complaint as an interested third-party organization that opposes racial discrimination in American medical schools and healthcare organizations. Supporting evidence is attached to this complaint as Exhibits A and B.

As the Department is no doubt aware, Title VI 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." 42 U.S.C. § 2000d. As a recipient of federal funds, the University must comply with Title VI and, by extension, the Equal Protection Clause. *See Gratz v. Bollinger*, 539 U.S. 244, 276

n.23 (2003) (holding that the requirements of Title VI are coextensive with the requirements of the Equal Protection Clause). The University is flagrantly violating these obligations.

The Nationwide Children's "Visiting Student Elective in Pediatrics for URiM Medical Students" program is a four-week subinternship that "focuses on fourth-year medical students who are from groups underrepresented in medicine." Awardees receive a "\$1,000 stipend for travel and living expenses," "[h]ousing provided by Nationwide Children's Hospital," social networking and "mentorship" from "dedicated URiM faculty," and an offer to interview for a follow-on position in the organization's pediatric residency program. Ex. A, pg. 1-2.

These financial benefits and professional opportunities, however, are limited to individuals of certain races or ethnicities. As Nationwide Children's openly admits—indeed, advertises—people "who are from groups underrepresented in medicine" are eligible to apply. To eliminate any confusion, the organization specifies which races can apply: "African American or Black, Hispanic or Latino, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander." Ex. A, pg. 1. The University enforces these racial distinctions by forcing students to specify their race when they apply: "Underrepresented group(s), with which you identify (must provide value): African American or Black; Hispanic or Latino; American Indian or Alaskan Native; Native Hawaiian or other Pacific Islander; Other." Ex. B (application form).

In light of Nationwide Children's facially discriminatory eligibility standards, we ask the Department to 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,

A handwritten signature in black ink, appearing to read "Stanley Goldfarb". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

Stanley Goldfarb
Chairman, Do No Harm

Encs. Exhibit A, Exhibit B.