



**Do No Harm**

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS**

**Administrative Complaint**

June 13, 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](mailto: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 The University of Utah School of Medicine 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 University’s “Ophthalmology Fellowship for Underrepresented Minorities in Medicine” is a four-week program supported by the Moran Eye Center for “rising MS2 students.” Awardees receive “\$1,000 scholarships for a summer clinical and research rotation” and the opportunity to “work with full-time faculty preceptors and research mentors.” Ex. A.

These financial benefits and professional opportunities, however, are strictly limited to individuals of certain races or ethnicities. As the University openly admits—indeed, advertises—only students “who identify as a member of a group that is underrepresented in medicine as designated by the American Academy of Ophthalmology” (see Ex. A) are eligible to apply. To eliminate any confusion, the University specifies which races can apply: “The groups are defined as Black or African American, Hispanic or Latino, and/or Native American (American Indian/Alaska Native/Native Hawaiian).” The University enforces these racial distinctions by instructing students to specify their “identification as a member of an underrepresented group listed above” when they apply. See also Ex. B (“Application Required Information.”)

In light of the University’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,

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Stanley Goldfarb  
Chairman, Do No Harm

Encs. Exhibit A, Exhibit B.

## EXHIBIT A: SCHOLARSHIP WEBPAGE

### Ophthalmology Fellowship for Underrepresented Minorities in Medicine

#### OPHTHALMOLOGY FELLOWSHIP FOR UNDERREPRESENTED MINORITIES IN MEDICINE

The Moran Eye Center is committed to increasing early exposure and providing training opportunities within the field of ophthalmology. To support and offset costs associated with travel and accommodations, the Moran Eye Center is offering \$1,000 scholarships for a summer clinical and research rotation to rising MS2 students who identify as a member of a group that is underrepresented in medicine as designated by the American Academy of Ophthalmology. The groups are defined as Black or African American, Hispanic or Latino, and/or Native American (American Indian/Alaska Native/Native Hawaiian).

The goal of the fellowship program is to provide motivated rising MS2s early exposure to ophthalmology with the ultimate goal of increasing diversity within ophthalmology.

During this four-week experience, students will work with full-time faculty preceptors and research mentors. Direct patient care opportunities will be provided in clinic and surgery, covering a broad range of comprehensive and/or subspecialty ophthalmology.

The experience is only offered from June through July.

All applications will be reviewed by Vice-Chair for Equity, Diversity, and Inclusion Dr. Liliانا Werner, and resident Abigail Jebaraj, MD. Selected applicants will be notified by Chandler Thompson.

#### Application Required Information

- Curriculum vitae (CV)
- Letter of recommendation from a medical school instructor
- Board scores from USMLE part 1 and part 2 if available
- Short personal statement (no more than one page double spaced) regarding why you want to come to Moran for this rotation and a statement indicating your identification as a member of an underrepresented group listed above.

## EXHIBIT B: SCHOLARSHIP APPLICATION

### Ophthalmology Fellowship for Underrepresented Minorities in Medicine Application Process

*The groups are defined as Black or African American, Hispanic or Latino, and/or Native American (American Indian/Alaska Native/Native Hawaiian).*

#### Application Required Information

- Curriculum vitae (CV)
- Letter of recommendation from a medical school instructor
- Board scores from USMLE part 1 and part 2 if available
- Short personal statement (no more than one page double spaced) regarding why you want to come to Moran for this rotation and a statement indicating your identification as a member of an underrepresented group listed above.

#### Application Deadlines 2023

- TBA

Submit applications to:

**Liliana Werner, MD, PhD:** [Liliana.Werner@hsc.utah.edu](mailto:Liliana.Werner@hsc.utah.edu)

**Abigail Jebaraj, MD:** [Abigail.Jebaraj@hsc.utah.edu](mailto:Abigail.Jebaraj@hsc.utah.edu)

Scholarships are generously made possible by former residents Brad Jacobsen, MD, and Chris Bair, MD.