

From: Mark Perry

Sent: Monday, November 6, 2023 11:17 AM

To: 'OCR Boston' <OCR.Boston@ed.gov>

Subject: Please Investigate the University of Vermont for Illegal Discrimination

Dear Boston OCR:

This is a federal civil rights complaint against the **University of Vermont** (University) for illegal discrimination based on race, color, national origin, sexual orientation, or gender identity. Specifically, the University's College of Medicine offers and administers the [Visiting Student Elective Scholarship Program \(VSESP\)](#) that restricts eligibility based on race, color, national origin, sexual orientation or gender identity. According to the program website, the scholarship will:

Provide mentorship and networking for fourth-year medical students underrepresented in medicine such as **racial and ethnic minorities, LGBTQ-identified or gender nonconforming individuals**, individuals from disadvantaged backgrounds, and those with special needs.

To apply for this scholarship an applicant is required to submit: "(1) a letter of interest (In 500 words or less, describe how your experience as an **underrepresented student in medicine** has shaped your path to pursue a career in emergency medicine), and (2) describe how you identify as one or more of the Larner College of Medicine's diversity categories (such as **Black/African American, Hispanic/Latino, Native American, Pacific Islander, or low socioeconomic status**)."

In violation of Title IV medical students who are not Black, Hispanic, Native American or Pacific Islander (e.g., students who are Asian, white, or Middle Eastern/North African) are illegally excluded from the scholarship and discriminated against based on their race, color, or national origin. In violation of Title IX, students who are not LGBTQ or gender nonconforming are illegally excluded and discriminated against based on their sexual orientation or gender identity.

Please investigate the University for illegal discrimination in violation of Title VI and Title IX.

Professor (em.) Mark J. Perry, University of Michigan
Senior Fellow, Do No Harm

Eligibility

- Full-time fourth year medical student in good standing at a LCME-accredited US medical school.
- Apply for a rotation through the [Visiting Student Learning Opportunities](#) program (formerly known as VSAS). This application process includes submission of a CV and one letter of recommendation from a faculty member at your medical school.
- In addition, email [Debbie McDonald](#), the clerkship coordinator, (1) a letter of interest (In 500 words or less, describe how your experience as an underrepresented student in medicine has shaped your path to pursue a career in emergency medicine), and (2) describe how you identify as one or more of the Larner College of Medicine's diversity categories (such as Black/African American, Hispanic/Latino, Native American, Pacific Islander, or low socioeconomic status).

[Information for visiting students.](#)

The Robert Larner, M.D. College of Medicine | University of Vermont | University of Vermont Medical Center

FW: Please Investigate the University of Vermont for Illegal Discrimination

Mark Perry

11/07/2023 at
10:31 AM

to Trenten.Klingerman, emily.mccarthy, jennifer.papillo, Meghan.Siket, Andrew.Zehner, debbie.mcdonald, Sarah.Schlein, Tessa.Lucey, Danielle.Slauzis, Richard.Page, President, Amer.Ahmed

Dear General Counsel Klingerman;

As a courtesy, I am providing you with a copy below of the federal civil rights complaint I filed yesterday against the University of Vermont for the College of Medicine's discriminatory **Visiting Student Elective Scholarship Program (VSESP)** that illegally restricts eligibility based on race, color, national origin, sexual orientation or gender identity. In addition to violating federal civil rights laws, the VSESP also violates your university's [own policy of non-discrimination](#):

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore **prohibits discrimination on the basis of** unlawful criteria such as **race, color**, religion, **national origin (sic)**, including shared ancestry or ethnic characteristics, age, **sex, sexual orientation**, marital status, disability, or **gender identity or expression**, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, **scholarship and loan programs**, athletic programs, and other institutionally administered programs or activities made available to students at the University.

How does your university reconcile your commitment to non-discrimination with a scholarship program that discriminates and excludes certain students based on race, color, national origin, sexual orientation, or gender identity?

While the Boston Office for Civil Rights processes, evaluates, and investigates my Titles VI and IX complaint vs. the University of Vermont, I would respectfully suggest that your office conduct a legal review of your discriminatory VSESP program for illegal discrimination. Perhaps this discriminatory program was never reviewed by your legal team for compliance with federal civil rights laws (Titles VI and IX) and given legal clearance?

To quote US Civil Rights Commissioner Peter Kirsanow, there are no “unless you have good intentions” exceptions to Titles VI or IX. Discrimination based on race, sexual orientation, and gender identity is still unlawful even if it advantages students of the “right” race, sexual orientation, or gender identity for the “right” reasons. It is a clear violation of Titles VI and IX (and your own policies) that your university illegally excludes certain medical students based on their race, sexual orientation, or gender identity.

Based on my extensive civil rights experience (900 federal civil rights complaints, 400 federal investigations, and 300+ resolutions in my favor) including more than 100 complaints for similar medical school scholarships for students who are URiM (underrepresented in medicine), I would suggest that your university can correct its illegal Title VI and Title IX violation in one of the following two ways: (1) discontinue the discriminatory VSESP or (2) open the VSESP to all medical students regardless of their race, color, national origin, sexual orientation or gender identity. Following option (2) would not only bring your university into compliance with federal civil rights laws, but it would also help to advance your commitment to Diversity, Inclusion, and Equity (DIE) by making the VSESP more equitable and more inclusive of all medical students, including students currently excluded who are cisgender, heterosexual, Asian, white, and/or Middle Eastern/North African.

Ever vigilant,

Professor (em.) Mark J. Perry, Ph.D., University of Michigan