

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- FEPA
 EEOC

_____ and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Kristina Rasmussen, Executive Director of Do No Harm

Home Phone (Incl. Area Code)

703-243-9423 (counsel)

Date of Birth

N/A

Street Address

City, State and ZIP Code

11357 Nuckols Road PMB 115, Glen Allen, VA 23059

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Alliance for Regenerative Medicine

No. Employees, Members

20+

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

1015 18th Street NW Suite 1102, Washington, DC 20036

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY GENETIC INFORMATION
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest Latest
 Jan 1, 2020

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See attached for particulars.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

7/18/2024



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)



Do No Harm

11357 Nuckols Road PMB 115
Glen Allen, VA 23059

July 18, 2024

Director Mindy Weinstein
U.S. Equal Employment Opportunity Commission
131 M. Street, NE
Fourth Floor, Suite 4NW02F
Washington, DC 20507-0100

Investigation Request: Unlawful Racial Discrimination by the Alliance for Regenerative Medicine

Dear Director Weinstein,

Do No Harm requests that EEOC investigate the Alliance for Regenerative Medicine for operating a racially discriminatory internship program that is open only to black students, in conjunction with various host companies in the biotech industry. See Ex. A (Internship Information). Do No Harm has at least one member who meets all nonracial eligibility requirements but is ineligible to apply because of ARM's race requirement. This charge is submitted on behalf of that member. Alternatively, Do No Harm requests the issuance of a Commissioner's charge, which would also require EEOC to investigate ARM.

Do No Harm is a nationwide membership organization consisting of healthcare professionals, students, patients, and policymakers who want to protect healthcare from radical, divisive, and discriminatory ideologies. Do No Harm accomplishes its mission through education and advocacy about the dangerous ideas being embedded in medicine. It has, among other things, sued the federal government for introducing discriminatory "equity" criteria into Medicare, sued private medical organizations for creating racially exclusive fellowships, and filed Office of Civil Rights complaints against medical schools that create fellowships and scholarships that exclude students based on race.

ARM is an organization that engages in advocacy relating to the benefits of engineered cell therapies and genetic medicines.¹

ARM operates the GROW RegenMed Internship Program, which is designed to provide early-career, paid opportunities in the regenerative medicine sector for undergraduate and graduate students.² The internship program is open to "[a]ll majors" and students with all "career interests."³ And it runs for 12 weeks during summer.⁴ ARM works to match the intern with one of the host companies based on the intern's background, professional experience, position requirements, location, and career

¹ ARM, *Fact Sheet* (last visited July 5, 2024), perma.cc/4NWP-6QD5.

² ARM, *GROW Regen Med Internship Program* (last visited July 5, 2024), perma.cc/CM4T-L7SN.

³ *Id.*

⁴ *Id.*

goals.⁵ The host companies includes Arbor Biotech, Caribou Biosciences, Dark Horse Consulting, Ensoma, Lonza, National Hemophilia Foundation, Novartis, Regenxbio, Shape, Tenaya Therapeutics, and VOR Biopharma.⁶ In 2023, the host companies paid the interns an average hourly pay rate of \$25/hour and an average housing stipend of \$2,850.⁷ In addition, ARM will cover the travel cost (flight, hotel, meals, etc.) for the interns to attend the annual Cell & Gene Meeting conference so that the interns can network with industry professionals and attend expert panel presentations.⁸

But this lucrative internship program is open only to black students.⁹ ARM makes it clear that the internship's goal is to "increase the disproportionate number of Black employees and executives in ARM member organizations."¹⁰ ARM further asserts that it "believe[s] that improving the representation of Black employees at ARM member organizations ... is fundamental to achieving the full promise of [ARM's] work."¹¹ ARM also states that the GROWN Internship Program is only "open to Black undergraduate and graduate students" and that "identify[ing] as Black/African American" is one of the "Eligibility Requirements" to apply.¹²

This kind of racial bar violates Title VII of the Civil Rights Act of 1964. That law makes it "an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race." 42 U.S.C. §2000e-2(a)(1). It's also unlawful to "limit, segregate, or classify ... applicants for employment in ways which would deprive" them "of employment opportunities ... because of such individual's race." *Id.* §2000e-2(a)(2). Similarly, it's unlawful to "fail or refuse to refer for employment ... because of [an applicant's] race." *Id.* §2000e-2(b). Title VII also makes it unlawful to discriminate in connection to any "apprenticeship or other training or retraining" programs based on race. *Id.* §2000e-2(d).

EEOC, of course, has the duty to investigate violations of Title VII. EEOC "shall receive information concerning allege violations of title VII ... from any person." 29 C.F.R. §1601.6(a). A charge "may be made by or on behalf of any person claiming to be aggrieved." *Id.* §1601.7(a). And EEOC permits anonymous complaints filed on behalf of others. See *id.* §1601.7(a) ("The written charge need not identify by name the person on whose behalf it is made.").

Do No Harm files this charge on behalf of its members. Do No Harm has at least one member who meets all nonracial criteria. This member is currently enrolled in a graduate-level program, in good standing, and a U.S. citizen. But this member is ineligible to apply to the GROW Internship Program because he is white. He is, however, able and ready to apply once ARM stops discriminating based on race. ARM has injured this member because he is unable to compete on an equal footing (because of

⁵ARM, GROW Regen Med Intership Program Information Sheet 2, perma.cc/B33W-LBGJ.

⁶ *Supra* n.2.

⁷ *Supra* n. 5, at 2.

⁸ *Id.*

⁹ *Id.* at 1.

¹⁰ *Id.* at 2.

¹¹ *Supra* n.2.

¹² *Id.*

race). See *Gratz v. Bollinger*, 539 U.S. 244, 260-62 (2003); *Teamster v. United States*, 431 U.S. 324, 365-66 (1977) (“When a person’s desire for a job is not translated into a formal application solely because of his unwillingness to engage in a futile gesture he is as much a victim of discrimination as is he who goes through the motions of submitting an application.”).

In addition, Do No Harm alternatively requests that the Commissioners issue a charge and direct EEOC to investigate ARM. “Any person or organization may request the issuance of a Commissioner charge for an inquiry.” 29 C.F.R. §1601.6(a). And “[a]ny member of the Commission may file a charge with the Commission.” *Id.* §1601.11(a)(emphasis added).

Do No Harm requests that EEOC investigate ARM accordingly. Thank you for your consideration.

Sincerely,



Kristina Rasmussen
EXECUTIVE DIRECTOR
Do No Harm

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Cc: The Honorable Charlotte A. Burrows, Chair
The Honorable Jocelyn Samuels, Vice Chair
Keith E. Sonderling, Commissioner
Andrea R. Lucas, Commissioner
Kalpana Kotagal, Commissioner