

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DO NO HARM,

Plaintiff,

v.

AMERICAN CHEMICAL SOCIETY,

Defendant.

No. 1:25-cv-638-JEB

JOINT STIPULATION OF DISMISSAL

Per Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the following:

1. Do No Harm filed this lawsuit on March 5, 2025, challenging the American Chemical Society’s ACS Scholars Program. *See generally* Compl. (Doc. 1). When Do No Harm sued, the ACS Scholars Program stated that it was open only to black, Hispanic, and Native American students—including for the application cycle that had just closed on March 1, 2025. *Id.* ¶2, ¶53 & Ex. B. Do No Harm alleged that the program violated the Civil Rights Act of 1866, 42 U.S.C. §1981, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq. *Id.* ¶¶62-84.

2. The Society represents that, prior to this lawsuit, it had already made the decision to conclude the race-based eligibility criteria in its Scholars Program. Do No Harm takes no position on that representation.

3. Since the filing of the lawsuit, the Society has concluded the ACS Scholars Program and is in the process of creating a new scholarship program.

4. The new program will be subject to a new, independent admissions process. The Society will not automatically consider the applications that were submitted for the ACS Scholars Program on or before March 1, 2025, including by treating applications to the program as applications to the new program.

5. The new program will be equally open to all students regardless of race or ethnicity. Race or ethnicity will not be used as an eligibility criterion, a preference, or a positive or negative factor.

6. If the new program asks applicants to identify their race or ethnicity, that information will not be accessible to anyone with authority over the selection process until after all selections are final. If an applicant's race or ethnicity appears on the application incidentally, such as in a personal statement or essay, the Society will not consider that information except as contemplated in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 230-31 (2023).

7. The stipulations in paragraphs 3-6 will also apply to any interim scholarship program that the Society creates before launching the new scholarship program.

8. The case is hereby dismissed, with both sides bearing their own fees and costs.

Dated: May 7, 2025

/s/ Melissa Gomez Nelson

Melissa Gomez Nelson
Erin P. O'Sullivan
Dentons US LLP
1900 K Street NW
Washington, DC 20006
(202) 496-7137
melissa.gomeznelson@dentons.com
erin.osullivan@dentons.com

Attorneys for American Chemical Society

Respectfully submitted,

/s/ Cameron T. Norris

Thomas R. McCarthy (DC Bar #489651)
Cameron T. Norris
Lead Counsel
Frank H. Chang (DC Bar #1686578)
Zachary P. Grouev
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com
cam@consovoymccarthy.com
frank@consovoymccarthy.com
zach@consovoymccarthy.com

Attorneys for Do No Harm