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July 28, 2026

VIA *ELECTRONIC MAIL*: OCRComplaint@hhs.gov

U.S. Department of Health and Human Services
Office for Civil Rights
Hubert H. Humphrey Bldg.
200 Independence Avenue, SW
Washington, DC 20201-0004

Re: Complaint Under Title VI and the ACA Against Atlantic Health System – Race Discrimination in Scholarship Program

To whom this may concern:

Pursuant to Title VI of the Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act (ACA), Do No Harm files this complaint against Atlantic Health System, Inc.—a nonprofit healthcare provider.¹ Atlantic Health is unlawfully discriminating against white students and other races it disfavors through its Minority Visiting Clerkship Program in pediatric medicine at Goryeb Children’s Hospital. As stated on Atlantic Health’s website, the opportunity is open only to students of “underrepresented” racial groups. *See Atlantic Health, Pediatrics*, perma.cc/Y72G-VXAR (archived June 27, 2026). Other races need not apply.

That blatant discrimination is illegal. Racial discrimination is “invidious in all contexts.” *SFFA v. Harvard*, 600 U.S. 181, 214 (2023) (cleaned up). As a nonprofit healthcare system that takes federal funds, Atlantic Health is subject to Title VI. But Title VI prohibits Atlantic Health from “us[ing] race as a factor” in its activities, including in awarding scholarship funds to students. *Id.* at 204 (cleaned up). The ACA, which incorporates Title VI’s prohibition on race discrimination for “any health

¹ Atlantic Health System, Inc. is located at 475 South Street, Morristown, NJ 07960. *See Healthcare and Related Services, Atlantic Health System*, Morris County Chamber of Commerce, perma.cc/9QP5-Z9Z2, (archived June 27, 2026).

program” that receives federal funding, makes doubly clear that healthcare programs and activities may not be handed out on the basis of race. 42 U.S.C. §18116(a).

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.” *Barbour v. WMATA*, 374 F.3d 1161, 1170 (D.C. Cir. 2004). Illegal and discriminatory programs like Atlantic Health’s clerkship program “not only violate the text and spirit of our longstanding Federal civil-rights laws,” but “they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system.” *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order 14173, §1 (Jan. 21, 2025).

This Office has the statutory duty to investigate and rectify violations of Title VI and the ACA by healthcare providers that accept federal funds. *See* 45 C.F.R. §§80.3, 80.7. Do No Harm respectfully requests that the Office open an investigation and remedy Atlantic Health’s race discrimination.

I. Atlantic Health’s Minority Visiting Clerkship Program discriminates on the basis of race.

Boasting of its “award-winning hospitals,” Atlantic Health System, Inc. says diversity is “at the core of what makes [Atlantic Health] great.” *See* Atlantic Health, *About Us*, <https://perma.cc/N5VY-YYV5> (archived July 10, 2027); *Diversity, equity, and inclusion*, perma.cc/3TA2-WBFX (archived June 27, 2026).

As part of its mission, Atlantic Health operates the Minority Visiting Clerkship Program. *See* Atlantic Health, *Pediatrics*, *supra*. This program offers training in pediatric medicine and is an “exemplary” opportunity for fourth-year medical students to learn from medical and house staff. Students who are selected benefit from inpatient residency rotations, an interview for full-time residency after medical school, a faculty advisor, and networking opportunities with other hospital staff. *Id.* To be eligible, applicants must be in good standing at an accredited medical school; pass all their core clinical clerkships by the start of the rotation; supply common application material such as a CV, transcript, and a photo; *and meet certain racial criteria. Id.*

Further elaborating on the latter criterion's blatant race discrimination, Atlantic Health explains that it "value[s] diversity" and is "committed to inclusivity" in the workplace. See Atlantic Health, *Diversity and inclusion*, perma.cc/8WVY-9KQW (archived July 9, 2026). Indeed, "Diversity + Inclusion" are core elements of the hospital's "PRIDE Promise," which guides its "commitment" to providing "quality care and service." See Atlantic Health, *Approach to care*, perma.cc/9HBH-HNGE (archived June 27, 2026). To meet these ends, the Minority Visiting Clerkship implements its selection process on the basis of race by restricting applicants to only those who are "from underrepresented in medicine (URIM) groups as defined by the AAMC." See Atlantic Health, *Pediatrics*, *supra*. The Association of American Medical Colleges (AAMC) defines URIM students as "any individual who self-identified as ... American Indian or Alaska Native; Black or African American; Hispanic or Latino; or Native Hawaiian or Pacific Islander." AAMC, *FACTS Glossary*, perma.cc/YHZ9-YM8P (archived June 27, 2026). Students who don't belong to these select "underrepresented" racial backgrounds are ineligible, despite the academic ability, skills, life experiences, or other qualifications they may offer.

II. Atlantic Health's race discrimination violates federal law.

Atlantic Health's race discrimination violates Title VI and the ACA. Under Title VI, "[n]o person in the United States shall, on the ground of race ... 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.

Atlantic Health is subject to Title VI because it receives federal funds and, at minimum, is an entity that is "principally engaged in the business of providing ... health care." See L. Margolis, *Atlantic Health Gets Federal Grant for Nursing Education*, perma.cc/8HPB-VKZX (archived June 27, 2026); 42 U.S.C. §2000d-4a(3)(A)(ii). The Minority Visiting Clerkship is also a "program or activity" under Title VI since it is an "operatio[n]" of Atlantic Health. *Id.* §2000d-4a.

Atlantic Health violates Title VI, willfully causing students of disfavored races to be "excluded from participation in," "denied the benefits of," and "subjected to discrimination under," the Minority Visiting Clerkship "on the ground of race, color, or national origin." *Id.* §2000d. All this because Atlantic Health thinks these students would not contribute to the "diversity" that "makes [Atlantic Health] great." See Atlantic Health, *Diversity, equity, and inclusion*, *supra*. But under Title VI, "the

pernicious stereotype that a [minority] student can usually bring something that a [nonminority] person cannot offer” is not a permissible mechanism to decide which students deserve job training opportunities. *SFFA*, 600 U.S. at 220. Indeed, *there is no legally justified basis for Atlantic Health’s race discrimination*.² Atlantic Health’s clerkship program thus clearly violates Title VI.

Atlantic Health’s discrimination also constitutes an independent violation of the Affordable Care Act. The ACA incorporates Title VI’s prohibition on racial discrimination by “any health program or activity, any part of which is receiving Federal financial assistance.” 42 U.S.C. §18116(a). Atlantic Health’s conduct therefore runs afoul of the ACA for the same reasons it contravenes Title VI.

Conclusion

Despite the organization’s commitment to “a culture that is open and accepting of ideas, where everyone belongs,” Atlantic Health tramples upon well-established civil right laws, ensuring that whites and other races it disfavors are not equally welcome to the same career training opportunities offered to those racial groups the organization prefers. Atlantic Health, *Approach to care, supra; Pediatrics, supra*.

For all these reasons, Do No Harm requests that the Office for Civil Rights open an investigation into Atlantic Health’s Minority Visiting Clerkship Program and find that its brazen race discrimination violates Title VI and the ACA. The Office should also consider referring the matter to the Department of Justice for further or concurrent action.

Sincerely,

DO NO HARM, INC.

² The United States Supreme Court has “identified only two compelling interests that permit resort to race-based” action; neither are applicable here. *See SFFA*, 600 U.S. at 207; *see also id.* at n.2 (noting that Title VI claims are analyzed “under the standards of the Equal Protection Clause”) (citing cases).