Do No Harm

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November 25, 2026

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

VIA EMAIL: OCRComplaint@hhs.gov

Re: Complaint Under Title VI and the ACA Against Sista Afya Community Care – Race Discrimination in Mental Health Programs

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 Sista Afya Community Care—a nonprofit mental health provider.[1] Sista Afya is unlawfully discriminating against white women, Asian women, and women of other races by "prioritiz[ing] … Black women and girls" in its mental health services. *See About - About SACC*, perma.cc/87FB-TM3K (archived Sept. 30, 2026).

That blatant discrimination is illegal. Racial discrimination is "invidious in all contexts." *SFFA v. Harvard*, 600 U.S. 181, 214 (2023) (reemphasizing longstanding equal protection precedent applicable to Title VI race discrimination claims) (cleaned up). As a nonprofit mental health provider that takes federal funds, Sista Afya is subject to Title VI, which prohibits Sista Afya from "us[ing] race as a factor" in its activities, including providing mental health services and programming. *Id.* at 204 (cleaned up). Likewise, the ACA incorporates Title VI's prohibition on race discrimination for "any health program" that receives federal funding and makes doubly clear that health care privileges may not be handed out on the basis of race. 42 U.S.C. §18116(a).

Illegal, discriminatory programs like Sista Afya's "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." *E.g.*, *Ending Illegal Discrimination and Restoring Merit-Based Opportunities*, Exec. Order 14173, §1 (Jan. 21, 2025); *Barbour v. WMATA*, 374 F.3d 1161, 1170 (D.C. Cir. 2004) ("Simple justice requires that public funds,

[1] Sista Afya Community Care is located at 5022 S. State St. Chicago, IL 60609. *See Home*, *Sista Afya Community Care*, perma.cc/MF2S-5GX5 (archived Nov. 10, 2026).

to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.").

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 Sista Afya's race discrimination.

I. Sista Afya discriminates on the basis of race.

Sista Afya Community Care is a nonprofit that states it "was founded as a response to the mental health inequity impacting the lives of Black women in Chicago." *See About - About SACC*, *supra*. The organization offers mental health services for "Black women" to "connect and heal." *See Sista Afya Community Care (Homepage)*, perma.cc/222S-DVJQ (archived Sept. 30, 2026).

Sista Afya operates various initiatives, among them: Thrive in Therapy, Community Care, Authentic Alignment, Heal TogetHER, and Developing Mental Wellness Warriors. *Id.* Briefly, the organization describes these as follows:

- The "Thrive in Therapy" program "provides accessible, affordable, and personalized mental health support" to adults and teens. *See Services - Thrive in Therapy*, perma.cc/4PJT-PS5B (archived Sept. 30, 2026). The program offers free or reduced therapy costs based on a client's income. *See Therapy – Adult Client Registration Form*, perma.cc/D4HF-SU6N (archived Sept. 30, 2026).

- The "Community Care" program "offers workshops, groups, and wellness classes where Black women can connect, learn, and support one another with their mental wellness." *See Services - Community Care*, perma.cc/WKV5-U9F8 (archived Sept. 30, 2026).

- The "Authentic Alignment" program "empowers Black women to embrace their authenticity, ambition, and alignment in wellness and work." *Services - Authentic Alignment*, perma.cc/SNV8-PQZ7 (archived Nov. 10, 2026). The next "3-month cohort for early-career professionals begin[s] Spring 2027." *Id.*

- The "Heal TogethHER" initiative is a "mental health peer support model of care" "for Black women to be seen, heard, and build authentic connections that empower mental well-being." *Services - Heal TogethHER*, perma.cc/E69Y-CE8D (archived Nov. 10, 2026). The program "provide[s] 5 free brief 30-minute virtual sessions," offering "emotional support" and "problem-solving strategies." *Id.*

- The "Developing Mental Wellness Warriors" program "is a low-cost professional development course that trains organizations in Mental Health First Aid." *See Developing Mental Wellness Warriors*, perma.cc/J82U-78D7 (archived Sept. 30, 2026).

These programs, however, discriminate on the basis of race. Each of Sista Afya's programs "focuses … on serving Black women and girls." *See Sista Afya Community Care*, *supra*; *see also About - About SACC, supra* (Sista Afya "prioritize[s] … Black women and girls"); *2025 Impact Report (Letter from Executive Director)*, at 2 perma.cc/FF6U-B6B8 (archived Oct. 1, 2026) (explaining the "accomplish[ments]" and collective efforts of the SACC Team and Board of Directors "to meet Black women and girls where they are").

And Sista Afya's discrimination is pervasive. In 2025 alone, Sista Afya served over 300 women through more than 2,700 free therapy sessions. *See 2025 Impact Report*, at 8. But Sista Afya doesn't "show[] up" for all women equally. *See id* at 12. In Sista Afya's view, white women, Asian women, and women of other disfavored races are not worth the same "priorit[y]" or "focus" as black women, regardless of their needs, stories, or experience with "inequity." *See Sista Afya Community Care*, *supra*; *About - About SACC*, *supra*.

As if that all is not enough, as yet another potential layer of race-based discrimination accomplished through this organization, Sista Afya may further prioritize race in its hiring policies as evidenced by its administrative and clinical care team profiles. *See About - Team*, perma.cc/698A-Q4J9 (archived Nov. 10, 2026); *About – Clinical Care Team*, perma.cc/NZC9-R3FD (archived Nov. 10, 2026).

II. Sista Afya's race discrimination violates federal law.

Sista Afya's race discrimination violates both 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.

Sista Afya is a nonprofit mental health provider that 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 Cook Cnty. Bd. of Comm'rs, Proposed Resolution for ARPA Cook County Behavioral Health Services Program Initiatives*, perma.cc/7KB7-CKMU (archived Oct. 31, 2026) (listing Sista Afya Community Care as a subrecipient of nearly $500,000 in federal ARPA funding); 42 U.S.C. §2000d-4a(3)(A)(ii). Sista Afya's mental health programs are a "program or activity" under Title VI because they are an "operatio[n]" of Sista Afya. 42 U.S.C. §2000d-4a. And Sista Afya causes non-black women to be "excluded from participation in, be denied the benefits of," and/or "be subjected to discrimination under" its programs "on the ground of race, color, or national origin" in violation of Title VI's anti-discrimination provisions. 42 U.S.C. §2000d.

Title VI does *not* permit the organization to advance "pernicious stereotype[s]" lumping together and proclaiming that "members of the same racial group—regardless of their age, education, economic status, or the community in which they live—[are all] alike." Nor may Sista Afya use race as a "negative" to overlook and deprioritize individuals of less favored racial classes. *SFFA*, 600 U.S. at 220, 218.

Sista Afya's discrimination also violates the ACA, which 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). Sista Afya is a "health program or activity" within the meaning of Section 1557. The Department's implementing regulation defines a "health program or activity" to include "[a]ny project, enterprise, venture, or undertaking to … [p]rovide or administer health-related services," as well as "all of the operations of any entity principally engaged in the provision or administration of" such services, expressly including a "community-based health care provider" or "other similar entity." 45 C.F.R. §92.4. Sista Afya—a nonprofit that provides mental health therapy, wellness workshops, and related support services to the public—easily qualifies. Sista Afya's conduct therefore runs afoul of the ACA for the same reasons it contravenes Title VI.

Whether a particular patient needs care most does not change "simply because he was not the right color." *SFFA*, 600 U.S. at 209. Bare deference to skin pigmentation is a particularly irresponsible

and dangerous practice in the healthcare context; and treating individual patients as racial archetypes to fix purported group differences is beyond the remit of a healthcare provider. In any event, it is illegal.

* * *

For all these reasons, Do No Harm requests that the Office of Civil Rights open an investigation into Sista Afya Community Care's mental health programs 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