



Do No Harm

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April 21, 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 Valley 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 Valley Health Systems, Inc.—a nonprofit community healthcare organization.¹ Valley Health is engaging in unlawful race discrimination against white students and other disfavored races through its “Minority Healthcare Scholarship.” Indeed, by Valley Health’s own telling, this scholarship is open only to members of select “minority racial or ethnic group[s].” Other races need not apply.

That unapologetic discrimination is illegal. Race discrimination is “invidious in all contexts.” *SFFA v. Harvard*, 600 U.S. 181, 214 (2023) (cleaned up). As a nonprofit community healthcare organization that receives public funds, Valley Health is subject to Title VI. And under Title VI, Valley Health—as a federal-funds recipient—cannot “use race as a factor” in its activities, including awarding scholarship funds to students. *Id.* at 204 (cleaned up). “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). The ACA likewise

¹ Valley Health Systems, Inc. is located at 4290 U.S. Route 60, Huntington, WV 25705. See Business Organization Detail, *Valley Health Systems, Inc.*, Virginia Secretary of State, perma.cc/A2UC-AFMX (archived Apr. 10, 2026).

guarantees that healthcare privileges and contractual opportunities will not be doled out on the basis of race. Illegal and discriminatory programs like Valley Health’s scholarship 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 Opportunities*, Exec. Order 14173, §1 (Jan. 21, 2025).

This Office has the statutory obligation to investigate and remedy 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 into Valley Health’s Minority Healthcare Scholarship and rectify the race discrimination committed by Valley Health.

I. Valley Health Systems, Inc.’s Minority Healthcare Scholarship discriminates on the basis of race.

Valley Health Systems, Inc. describes itself as “a progressive leader in quality healthcare” and operates “more than 60 healthcare facilities” to provide services to patients in West Virginia, Ohio, and Kentucky. *See* Valleyhealth.org, *Home*, perma.cc/Q9CD-SA3P (archived Mar. 10, 2026). “[T]o support students pursuing careers in healthcare,” Valley Health “proud[ly]” offers the Minority Healthcare Scholarship to its patients. *See* Valleyhealth.org, *Valley Health Systems Scholarships*, perma.cc/P6R4-2NR4 (archived Mar. 10, 2026). This “prestigious” scholarship is an opportunity for certain individuals pursuing careers in medicine, health sciences, or health administration. And winners collect generous \$5,000 awards. *Id.* To be eligible, applicants must be enrolled or in the process of enrolling in a post-secondary program offering degrees or certifications in various healthcare fields. *Id.* Applicants must also demonstrate a connection to Valley Health by attesting they received care from a Valley Health provider within 12 months of the application. *Id.*

This scholarship, however, blatantly discriminates against white students and other disfavored races. Valley Health emphasizes that the scholarship program is designed to “reinforc[e] our dedication to diversity, equity, and inclusion.” Valleyhealth.org, *Valley Health Awards \$15,000 in College Scholarships*, perma.cc/5LQA-32BZ (archived Mar. 10, 2026). Accordingly, to be eligible, an applicant must belong to a group that Valley Health considers “a minority racial or ethnic group.” *Valley Health Systems Scholarships, supra.* And Valley Health does

not hide the ball. It explicitly states on its website that only “Black/African-American, Latinx, Asian-American, Indian-American, [and] Native/Indigenous American” students are eligible to apply. *Id.* In Valley Health’s view, other racial groups—regardless of their academic ability, character, skills, experiences, and perspectives—would not “contribute to a more diverse” healthcare community or a “more equitable and accessible healthcare system” and so do not deserve a chance to apply for the scholarship. Instagram, *Healthcare Minority Scholarship*, perma.cc/3KLE-H6DX (archived Mar. 10, 2026); *Valley Health Awards \$15,000 in College Scholarships*, *supra*. But that racially discriminatory belief is not a lawful basis to deny scholarship opportunities to students.

II. Valley Health’s race discrimination violates federal law.

Valley Health’s race discrimination violates Title VI. Under Title VI, “[n]o person in the United States shall, on the ground of race, color, or national origin, 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.

Valley Health Systems, Inc. is a nonprofit community healthcare organization that receives federal financial aid and various grants. *See* [Valleyhealth.org](https://valleyhealth.org), *Home*, *supra*; [Valleyhealth.org](https://valleyhealth.org), *Annual Report 2019*, perma.cc/AAH5-QF3G (archived Mar. 10, 2026). Valley 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.” 42 U.S.C. §2000d-4a(3)(A)(ii). And its scholarship is a “program or activity” under Title VI because it is an “operatio[n]” of Valley Health Systems. 42 U.S.C. §2000d-4a. By design Valley Health has caused and will continue to cause students of disfavored races to be “excluded from participation in,” “denied the benefits of,” and “subjected to discrimination under” the Minority Healthcare Scholarship “on the ground of race, color, or national origin” because Valley Health believes that these individuals do not “contribute to a more diverse” or “accessible” healthcare community. 42 U.S.C. §2000d; *Valley Health Awards \$15,000 in College Scholarships*, *supra*. But under Title VI, “[o]ne of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.” *SFFA*, 600 U.S. at 220 (cleaned up). Valley Health’s racial stereotyping is illegal, and its discriminatory scholarship program thus violates Title VI.

Valley Health’s discrimination is also unlawful under the Affordable Care Act. Section 1557 of the ACA incorporates Title VI’s prohibitions on racial discrimination

and bans race discrimination by “any health program or activity, any part of which is receiving Federal financial assistance.” 42 U.S.C. §18116(a). Valley Health’s conduct thus constitutes an independent violation of the ACA.


Conclusion

For all these reasons, Do No Harm requests that the Office for Civil Rights open an investigation into Valley Health’s Minority Healthcare Scholarship and find that its blatant race discrimination violates Title VI and the ACA.

Sincerely,



Kristina Rasmussen
Executive Director



Cara Tolliver
Vice President of Legal Programs