

July 12, 2022



Dr. Vineet Arora
Dean of Medical Education
University of Chicago, Pritzker School of Medicine

Sent via email

Dear Dr. Arora,

I am an attorney at the Foundation Against Intolerance & Racism (FAIR), a nonpartisan, nonprofit organization dedicated to advancing civil rights and promoting a common culture based on fairness, understanding, and humanity. We have more than ninety chapters and tens of thousands of members nationwide, including in Illinois. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

We write in response to an [incident report](#) submitted through our transparency website, fairtransparency.org regarding the University of Chicago Pritzker School of Medicine's [Underrepresented in Medicine Visiting Clerkship Program](#) (URiMVCP), which provides a \$2,000 stipend and various mentorship benefits to students who are “traditionally underrepresented in U.S. medical schools,” defined as “Black/African American, Hispanic/Latinx, Native Americans (American Indians, Alaskan Natives, and Native Hawaiians), and Asian (Hmong, Vietnamese, Laotian, and Filipino).”

As an organization committed to pro-human antiracism, FAIR supports efforts to achieve greater fairness and advance worthy initiatives in medical education. We believe, however, that establishing funding opportunities based on skin color or ancestry, as the URiMVCP does, violates Title VI of the Civil Rights Act. That statute provides:

No 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. As recipients of federal funds, private universities—including the University of Chicago—must comply with Title VI's prohibition on discrimination.

The URiMVCP is facially discriminatory, classifying people on the basis of their race and national origin to determine their eligibility for a benefit. Under Title VI (and the Equal Protection clause from which it is derived), all such distinctions based on skin color are “strictly scrutinized” by the courts. *Adarand Constr., Inc. v. Peña*, 515 U.S. 200, 227 (1995). Strict scrutiny “is a searching examination” that is rarely survived. *Fisher v. University of Texas*, 570 U.S. 297, 310 (2013); *Burson v. Freeman*, 504 U.S. 191, 211 (1992). Racial classifications such as those used in the URiMVCP racial eligibility criteria will

pass strict scrutiny only if the entity proves it has a “compelling interest” in treating individuals differently based on skin color, and the means used to achieve that interest are “narrowly tailored.” *Adarand*, 515 U.S. at 227. A policy is not narrowly tailored if a “less restrictive alternative is readily available.” *Boos v. Barry*, 485 U.S. 312, 329 (1988).

The racial classifications used in the URiMVCP do not satisfy strict scrutiny. While the University of Chicago undoubtedly has an interest in diversity, the courts have clearly established that furthering the compelling interest in diversity requires programs “flexible enough to consider all pertinent elements of diversity” beyond just racial categorization or ancestry. *Grutter v. Bollinger*, 539 U.S. 306, 309. Accordingly, any program that makes “race or ethnicity the defining feature of the application,” (as the URiMVCP does) cannot be narrowly tailored. *Ibid*.

We urge the University of Chicago to promptly revise the application criteria for the URiMVCP so that everyone can apply, regardless of their skin color or ancestry. We hope these changes will be made and announced as soon as possible so that anyone interested has an opportunity to apply. We believe that doing so would demonstrate the University’s commitment, reiterated in the University’s recent [diversity report](#), to “enable all people, regardless of identity, background, or institutional position, to thrive, realize their capabilities, [and] engage meaningfully in institutional life.”

We would like to give the University of Chicago an opportunity to respond. Please let us know within the next week if you intend to do so.

Very truly yours,



Leigh Ann O’Neill
Staff Attorney
Foundation Against Intolerance & Racism