



U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General
Washington, D.C. 20530

July 20, 2026

VIA E-mail to: dpark@ucsd.edu; tania.faransso@wilmerhale.com

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Re: United States' Title VI Inquiry Findings

Dear Mr. Park:

On March 25, 2026, the U.S. Department of Justice ("Department"), pursuant to an agreement with the U.S. Department of Education ("DOE"), initiated a compliance review to determine whether the admissions practices of the University of California San Diego School of Medicine ("San Diego Med") comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. ("Title VI"), as interpreted by the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023) ("*SFFA*"). Based on its review of San Diego Med's documents and data, **the Department finds that San Diego Med has intentionally discriminated against applicants by granting and denying admission based on their race after the Supreme Court's decision in *SFFA*.**

I. Legal Standard

Title VI prohibits recipients of federal funds from discriminating based on race, color, or national origin.¹ In *SFFA*, the Supreme Court held that racially discriminatory practices in higher education can rarely be squared with federal civil rights laws, no matter what a university's justification for the practices may be.² Applying strict scrutiny, the Court held that universities "may never use race as a stereotype...."³ The Court rejected the notion that considering race in admissions could survive strict scrutiny because of an interest in "producing new knowledge

¹ 42 U.S.C. § 2000d.

² 600 U.S. at 214–15.

³ *Id.* at 213; *see id.* at 218 (emphasizing "the twin commands of the Equal Protection Clause," i.e. "that race may never be used as a 'negative' and that it may not operate as a stereotype").

stemming from diverse outlooks.”⁴ The Court made clear that proxies for race also may not be used to discriminate, noting that “universities may not simply establish through application essays or other means the regime we hold unlawful today.”⁵

II. Procedural Background

Title VI authorizes the Department and DOE to conduct periodic compliance reviews and investigations of the recipients of federal funding. 28 C.F.R. § 42.107; 34 C.F.R. § 100.7. Enforcement under Title VI requires funding agencies to advise recipients of their failure to comply and to determine whether compliance can be obtained by voluntary means. 42 U.S.C. § 2000d-1. If the Department or DOE determines that the noncompliance with Title VI cannot be corrected by voluntary means, they may seek to compel compliance through an enforcement action. 28 C.F.R. § 42.108; 34 C.F.R. § 100.8.

The Department and DOE currently provide federal financial assistance to the University of California San Diego (“UC San Diego”).⁶ After the Department opened its investigation on March 25, 2026, it provided a deadline of June 12, 2026, for San Diego Med to complete its production. In that time, San Diego Med produced only 75 documents, including correspondence. It also produced applicant-level data for admissions cycles for the incoming classes of 2020 through 2025. Among its requests, the Department asked San Diego Med to produce an explanation for any deviation in test scores and GPAs between racial groups. San Diego Med failed to produce anything in response to those requests. The Department has carefully reviewed and analyzed the evidence San Diego Med produced, as well as other publicly available information, all of which forms the basis of the Department’s findings.

III. Intent to Discriminate

A. Background: San Diego Med’s Sorting and Interviews, Before and After *SFFA*

Before *SFFA*, San Diego Med sorted applicants into three groups:

- Group A: MCAT $\geq$ 93rd percentile and cumulative GPA $\geq$ 3.73
- Group B:
 - MCAT $\geq$ 83rd percentile and cumulative GPA $\geq$ 3.50 or
 - MCAT $\geq$ 50th percentile and cumulative GPA $\geq$ 3.10 **only if URM**
[underrepresented minority in medicine]⁷ or “disadvantaged background”

⁴ *Id.* at 214–15.

⁵ *Id.* at 230.

⁶ UC San Diego is the recipient of nine active grants from DOE for \$14,587,851, *see, e.g.*, https://www.usaspending.gov/award/ASST_NON_P047M220534_091, and a subrecipient of \$100,000 from an active grant from the Department, *see* https://www.usaspending.gov/award/ASST_NON_15PNIJ24GG03839RES015.

⁷ “Underrepresented Minorities” is a term used by San Diego Med to describe racial groups that make up a smaller proportion of degree recipients and the workforce compared to their population share in the United States. This primarily includes Hispanics and blacks and excludes whites and Asians.

- Group C: Only residents of California with MCAT $\geq$ 50th percentile and cumulative GPA $\geq$ 3.10, if not in Group B⁸

In other words, there was racial discrimination as applied to an out-of-state student or student not deemed to be “disadvantaged” whose MCAT fell between the 50–83rd percentile and whose GPA fell between 3.10–3.50. Those students would have a chance to submit a secondary application and potentially be interviewed **only** if they were a URM. This was in blatant violation of Title VI.

Since *SFFA*, San Diego Med has attempted to obfuscate its continued discrimination on the basis of race in its admissions process. To that end, it has sorted applicants based on MCATs and GPAs into three groups:

- Group A: MCAT $\geq$ 517 and cumulative GPA $\geq$ 3.73 (unchanged from pre-*SFFA*)
- Group B: MCAT $\geq$ 512 and cumulative GPA $\geq$ 3.50 (now regardless of race)
- Group C: MCAT $\geq$ 505 and cumulative GPA $\geq$ 3.10 (now regardless of residence)⁹

Within Groups A, B, and C, the director of admissions then reviews applicant-submitted information related to overcoming a “hardship.”¹⁰ San Diego Med’s admissions officers use this “hardship” designation to sort the applicants into six categories: Group A, Group A with hardship, Group B, Group B with hardship, Group C, and Group C with hardship.

Within each subgroup, “batches” of 30 applicants are created and given to a reviewer to rate.¹¹ Only a certain number of applicants in a batch can be given a rating guaranteeing them an interview—eight from Group A batches, six from Group B batches, and three from Group C batches.¹² In the 2023–2024 and 2024–2025 admissions cycles, reviewers had access to the applicant’s race when rating the applicants for interviews.¹³ Hardship categorization was used as a way to skirt *SFFA* by putting URMs into their own subgroups and thus ensuring that more URMs received interviews.

B. Evidence of San Diego Med’s Intent to Discriminate Based on Race

The evidence shows that San Diego Med deliberately discriminated against applicants because of their race both before and after *SFFA*. San Diego Med has sought to racially diversify its student body by using race and race-correlated proxies even in the face of federal law and California’s longstanding ban on affirmative action¹⁴. The school continued to use these measures after the Supreme Court held that Title VI banned the use of race and race proxies in *SFFA*. The school measures its success by how many so-called URM applicants are admitted. URM is a direct racial classification.

⁸ UCSDSOM-DOJ-000000011.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² UCSDSOM-DOJ-000000012.

¹³ UCSDSOM-DOJ-000000011.

¹⁴ Cal. Proposition 209 (1996) (codified at CAL. CONST. art. I, § 31).

From day one of his term, UC San Diego Chancellor Pradeep K. Khosla declared that the “culture on campus should be one of total inclusiveness.”¹⁵ On January 13, 2025, Chancellor Khosla made clear what he meant by “total inclusiveness” when welcoming Dr. Barbara Jung as Associate Vice Chancellor and Dean of the School of Medicine: “**Dr. Jung’s ... commitment to ... diversity and inclusion will strengthen our mission** to train the next generation of health care professionals, improve health outcomes and push the frontiers of innovative research.”¹⁶

Shortly before *SFFA* was decided, on June 8, 2023, San Diego Med discussed potential admissions practices changes in response to a decision in *SFFA* at a Recruitment and Admissions Committee meeting.¹⁷ The Admissions Committee materials suggest that San Diego Med was desperate to avoid change:

Proposals/things to chew on

- Continue as is!
- One interpretation is that we are in fact adhering to the law. Inviting more URM applicants to submit secondary applications does lead to more interviews. It does not equate to us giving preferential treatment when making final decisions.

San Diego Med admitted that before *SFFA*, it invited more URM applicants to submit secondary applications with the intention that it would lead to more URM interviews.

On June 15, 2023, Brian Zeglen, the San Diego Med Director of Admissions, proposed a subterfuge to use race in admissions to prefer URM students without doing it explicitly, as the school had done pre-*SFFA*: “[t]here are roughly 550 URM students that fall out of Group B and into Group C. Because of this, I would recommend that we purposely select some students from Group C...”¹⁸ Director of Admissions Zeglen created a chart that illustrated a “bump up group C” that could include as many as 62 additional applicants with substantially lower MCAT and GPA scores to interview that could potentially be admitted, with the goal of enrolling more URM students.¹⁹ In a July 31, 2023 email to his admissions team, Director of Admissions Zeglen elaborated on the scheme to

¹⁵ Brook Williamson, *Chancellor Sets the Stage for the Future in First 100 Days*, UC SAN DIEGO TODAY, (Nov. 8, 2012), <https://perma.cc/U7UG-XNNC>.

¹⁶ *New School of Medicine Dean Brings Visionary Leadership*, DIVERSITYMD.COM (Jan. 13, 2025), <https://perma.cc/2U4R-FEY2> (emphasis added).

¹⁷ UCSDSOM-DOJ-000000238–UCSDSOM-DOJ-000000240.

¹⁸ UCSDSOM-DOJ-000000283.

¹⁹ UCSDSOM-DOJ-000000283– UCSDSOM-DOJ-000000284.

manipulate batches to prioritize “hardship,” “disadvantaged,” or “distance traveled” applicants,²⁰ using proxies such as parental education or income, over “applicants with more advantages.”²¹

To racially diversify its classes, San Diego Med created an evaluation process that uses “hardship” as a racial proxy, specifically to achieve its diversity agenda. San Diego Med’s director of admissions uses “hardship” questions on the medical school’s application as a proxy for race, which he makes clear in emails to employees.²² The “hardship” questions encourage applicants to address how they overcame certain disadvantages. After sorting applicants into Groups A–C—from highest to lowest MCAT and GPA scores—San Diego Med purposefully uses “hardship” subgroups and invites more applicants from Group C to get more URM applicants to interview and bolster URM admissions.²³

This new system allowed San Diego Med to sort applicants by race by labeling URM as “hardship” applicants. San Diego Med’s internal December 2025 Admissions Procedure Overview confirms that the school added this designation to purposely increase lower credentialed “hardship” applicants in admissions by de-emphasizing MCAT scores and GPAs and prioritizing non-objective criteria, such as “applicants who exemplify the personal and professional attributes ... in alignment with the school’s mission, vision, and values.”²⁴

In sum, UC San Diego Med has used race and racial proxies in its admissions practices and has manipulated applicant data to achieve greater racial diversity in its admitted classes. The evidence shows that the Director of Admissions manipulated applicant pools in the school’s admissions process to create a more racially diverse class. San Diego Med’s documents show that admissions staff also used purportedly race-neutral subjective criteria of “hardship” to increase the admission of URM. Such methods violate Title VI and are precisely what the Supreme Court meant to ban.²⁵

IV. Statistical Evidence of Intentional Discrimination

The Department performed a data analysis of the applicant-level admissions data San Diego Med produced for school years 2019–2025. The Department’s analysis of this data shows significant disparities in MCAT scores and GPAs between different racial groups of admitted students. The analysis shows the **San Diego Med admission rates for black applicants were more than double the admission rates for white applicants** for the incoming classes of 2023, 2024, and 2025. For instance, in the 2023 incoming class, 2.45% of white applicants were admitted, while 6.18% of black applicants were admitted. In the 2024 class, 2.1% of white applicants were admitted, while 5.25% of black applicants were admitted. In the 2025 class, 1.96% of white applicants were admitted, while 5.14% of black applicants were admitted. In each of these three years, the average GPA and MCAT scores for black admitted applicants were consistently

²⁰ “Hardship,” “disadvantage,” or “distance traveled” are terms that often act as proxies for race.

²¹ UCSDSOM-DOJ-000000281.

²² See UCSDSOM-DOJ-000000281– UCSDSOM-DOJ-000000283.

²³ See *id.* at 81.

²⁴ UCSDSOM-DOJ-000000008.

²⁵ See *SFFA*, 600 U.S. at 230–31 (quoting *Cummings v. Missouri*, 71 U.S. 277, 325 (1867)). (“[W]hat cannot be done directly cannot be done indirectly. ... [T]he prohibition against racial discrimination is ‘levelled at the thing, not the name.’”)

significantly lower than the GPA and MCAT scores of the white and Asian admitted applicants they competed against.

The following chart shows the median data on admittees for the 2023 incoming class:

Race	Median GPA	Median MCAT	
		Score	Percentile ²⁶
Asian	3.92	517	94
Black or African American	3.79	514	88
Hispanic or Latino	3.71	511	80
White	3.86	518	95
Other or Unknown	3.84	516	92

The 2023 incoming class's median MCAT scores show significant differences across racial lines. Hispanics had the lowest median scores at the 80th percentile, and blacks were at the next lowest at the 88th percentile, while whites and Asians were at the 95th and 94th percentiles, respectively. This is a significant 15-percentage point difference between the Hispanics and whites that were admitted. The GPAs also show a disparity, with Hispanics having the lowest group median GPA, 0.21 grade points below the highest group, Asians.

The median data on admittees for the 2024 incoming class, the year after *SFFA* was decided, also included significant metric disparities:

Race	Median GPA	Median MCAT	
		Score	Percentile ²⁷
Asian	3.92	517	94
Black or African American	3.84	512	83
Hispanic or Latino	3.81	512	83
White	3.94	518	95
Other or Unknown	3.80	517	94

As with the incoming class of 2023, the median MCAT scores for the incoming class of 2024 exhibit significant differences across racial lines. Blacks and Hispanics had the lowest median scores at the 83rd percentile, while whites were at the 95th percentile and Asians were at the 94th percentile. The GPAs also continued to show a disparity, with Hispanics' median GPA 0.13 grade points below whites.

In San Diego Med's incoming 2025 class, the disparities between the academic qualifications of admitted students in different racial groups continued and even widened compared to pre-*SFFA* classes:

²⁶ <https://students-residents.aamc.org/media/13381/download>.

²⁷ <https://www.aamc.org/media/75901/download?attachment>.

Race	Median GPA	Median MCAT	
		Score	Percentile ²⁸
Asian	3.96	519	96
Black or African American	3.81	510	79
Hispanic or Latino	3.86	510	79
White	3.93	516	92
Other or Unknown	3.88	516	92

Black and Hispanic median MCAT scores were at the 79th percentile, while whites were at the 92nd percentile and Asians were at the 96th percentile. The GPAs also show a disparity, with blacks' median GPA falling 0.15 grade points below the highest group, Asians.

The applicant-level data produced by San Diego Med also indicated that a black or Hispanic student had a substantially higher likelihood of being admitted than a white or Asian student with the same academic credentials. The consistent difference in the test scores between students of different racial groups is substantial and cannot be explained by coincidence, and despite the Department's requests, San Diego Med provided no evidence to explain the discrepancies. The Department's statistical review indicates that San Diego Med has been illegally discriminating on the basis of race in violation of Title VI to increase the number of black and Hispanic students it admitted.

V. Findings

The Department finds that San Diego Med discriminated against white and Asian applicants to benefit black and Hispanic applicants. This is evident from the data analysis and confirmed through the information provided by San Diego Med and publicly available data. The school intended to tinker with the racial representation of its incoming classes, even after *SFFA* was decided. The data shows a significant disparity in objective academic metrics between black and Hispanic applicants compared with applicants from other races. San Diego Med's internal documents, including communications among the admissions staff, confirm that San Diego Med intended to racially discriminate in favor of so-called underrepresented minorities, such as blacks and Hispanics. As a result of these practices, more qualified white and Asian students were denied admission to San Diego Med on the basis of their race.

For these reasons, the Department concludes that San Diego Med discriminated on the basis of race in its 2022–2023, 2023–2024, and 2024–2025 admissions cycles, in violation of Title VI. Based on the Department's review of San Diego Med's documents and data, it is likely this discrimination is ongoing.

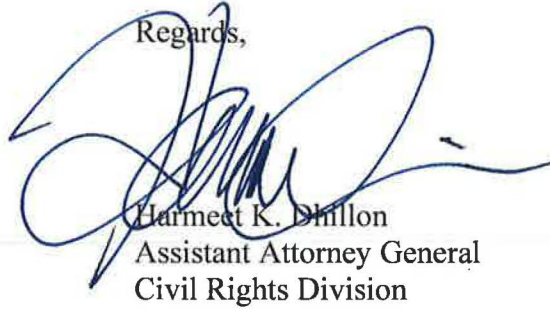
VI. Resolution

Having determined that San Diego Med discriminated on the basis of race in its admissions decisions, the Department seeks to enter into a voluntary resolution agreement with the university to ensure that its admissions practices are brought into compliance with Title VI.

²⁸ <https://www.aamc.org/media/75896/download?attachment>.

If you have any questions about this letter, please contact Deputy Assistant Attorney General Jeffrey Morrison at jeffrey.morrison@usdoj.gov or (202) 353-1845. Thank you in advance for your attention and cooperation.

Regards,

A handwritten signature in blue ink, appearing to read 'Harmeet K. Dhillon', is written over the typed name and title. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division