



June 16, 2025

VIA EMAIL

Rebecca Nelson
Director and Freedom of Information Act Officer
408 West Circle Drive
Room 1, Olds Hall
East Lansing, MI 48824

Freedom of Information Act Request: Racial Demographic Statistics of Michigan State University's College of Human Medicine and College of Osteopathic Medicine Matriculants

Dear Ms. Nelson:

America First Legal Foundation ("AFL") is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.

Michigan law prohibits racial discrimination in public education. Michigan's Elliot Larsen Civil Rights Act,¹ the Michigan Constitution (as amended by Proposal 2),² and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, collectively forbid state universities from considering race in admissions. The U.S. Supreme Court reaffirmed these protections in *Students for Fair Admissions, Inc., v. President & Fellows of Harvard College*, holding that race-based admissions policies violate the Equal Protection Clause.³

In 2025, President Donald J. Trump issued a series of Executive Orders that revoked the Biden administration's DEI directives and required federal agencies to enforce long-standing civil rights laws uniformly, combat illegal DEI preferences, policies, and programs, and condition federal grants and contracts on certification that recipients, including public institutions like Michigan State University ("MSU"), do

¹ MICH. COMP. LAWS §§ 37.2402, 37.2102(1).

² MICH. CONST. art. I, §§ 2, 26 (guaranteeing equal protection and prohibiting preferential treatment in public employment, education, and contracting).

³ 600 U.S. 181, 230 (2023).

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

not engage in such discriminatory practices.⁴ Following these actions, the Department of Health and Human Services Office for Civil Rights issued a “Dear Colleague” letter reaffirming that medical schools are barred from using race-based criteria, racial proxies, or facially neutral policies that approximate race in admissions decisions.⁵

This legal framework applies to MSU’s College of Human Medicine (“CHM”) and College of Medicine (“COM”), which have adopted DEI policies, practices, and admissions criteria, including overt and facially neutral admissions practices, that may constitute unlawful race-based discrimination.

Publicly available class profile data from MSU CHM and COM suggest these institutions may still be employing DEI-driven admissions preferences. For example, the 2023 class profile includes race-specific data,⁶ while the 2024 class profile relies solely on race-neutral labels such as “underrepresented in medicine,” “disadvantaged,” “low income,” or “first generation college.”⁷ These inconsistencies hinder public oversight and obscure potential patterns of race-based decision-making.



I. Records Request

Pursuant to the Michigan Freedom of Information Act (“FOIA”), MICH. COMP. LAWS § 15.231, *et seq.*, AFL requests records regarding racial demographic statistics of matriculants to MSU’s CHM and COM through the regular admissions process and alternative admissions pathways. To be clear, this request does not seek any information that would identify individual matriculants. It is limited exclusively to non-identifiable, aggregate-level data reflecting the racial composition of admitted classes.

⁴ Exec. Order No. 14151, 90 Fed. Reg. 8339 (Jan. 29, 2025), <https://perma.cc/4XZP-KB4S>; Exec. Order No. 14173, 90 Fed. Reg. 8633 (Jan. 31, 2025), <https://perma.cc/8ASH-GVED>.

⁵ *Dear Colleagues: Guidance Addresses Federal Prohibitions on Explicit and Pretextual Race-Based Discrimination*, U.S. DEPT OF HEALTH & HUM. SERVS. (May 6, 2025), <https://perma.cc/92UG-GCTM>.

⁶ *2023 Entering Class*, MICH. STATE UNIV. COLL. OF HUM. MED., <https://perma.cc/85PJ-ZYYQ>.

⁷ *2024 Entering Class*, MICH. STATE UNIV. COLL. OF HUM. MED., <https://perma.cc/Y7UK-NVJX>.

AFL requests electronic copies of the following records for each class during the period from January 1, 2016, through June 16, 2025:

MSU College of Human Medicine

- A. Racial demographics of matriculants admitted through the regular medical school admissions process.
- B. Racial demographics of matriculants admitted through the Advanced Baccalaureate Learning Experience (“ABLE”).
- C. Racial demographics of matriculants admitted through the Early Assurance Program (“EAP”).
- D. Any aggregate matriculation data for ABLE and EAP, collectively referred to as “Outreach Programs.”

MSU College of Osteopathic Medicine

- E. Racial demographics of matriculants admitted through the regular medical school admissions process.
- F. Racial demographics of matriculants admitted through EAP, including:
 - i. The 3+4 Program, including the Osteopathic Medical Scholars Program (“OMSP”), Spartan OMSP, and Michigan OMSP.
 - ii. Conditional admittees via the Charles Drew Osteopathic Medical Pathway Program.
 - iii. Undergraduate participants in the Charles Drew Science Scholars (“Drew Scholars”) program.

This request includes data from class profiles for the “graduating” or “entering class” of each year. AFL also requests records referencing race-neutral labels or classifications, such as “underrepresented in medicine,” “disadvantaged,” “low income,” or “first generation college,” provided such terms are accompanied by race-specific data.

II. Processing

Pursuant to MICH. COMP. LAWS § 15.235(2), AFL requests a response to this FOIA request within five (5) business days of receipt of this letter. Processing shall strictly adhere to the statutory requirements set forth in § 15.235. If additional time is required, please notify AFL, consistent with § 15.235(2), stating the reason and estimated date of completion. AFL requests that all records be produced in electronic, searchable format (e.g., PDF or Excel), where available.⁸ If any records are withheld,

⁸ See MICH. COMP. LAWS § 15.235(10).

please cite the specific exemption under MICH. COMP. LAWS § 15.243(1) and its applicable subpart and explain in detail why it applies.

III. Fee Waiver Request

Under MICH. COMP. LAWS § 15.234(2), AFL requests a full waiver of all fees associated with this request on the grounds that disclosure is in the public interest and will primarily benefit the public.

AFL is a nonprofit organization with no commercial interest in this request. Our sole purpose in seeking these records is to inform public understanding of how publicly funded medical institutions may be using DEI to engage in race-conscious admission practices, in violation of state and federal civil rights law. The public has a strong interest in understanding how Michigan's publicly funded medical schools are complying with state and federal laws prohibiting racial discrimination, especially when operating under DEI policies. Because these medical schools receive public funds and produce healthcare professionals who serve the public, there is an urgent need for transparency in the criteria by which those professionals are selected and trained.

In this case, AFL will make the records and MSU's response publicly available to citizens, scholars, journalists, and policymakers. The public's understanding of the university's admissions policies will be enhanced through AFL's independent review, legal analysis, and publication of the requested information. If your office determines that AFL's request for a fee waiver is not granted in full, please contact us immediately.

IV. Conclusion

If you have any questions about how to construe this request for records or believe further discussions would facilitate a more efficient search or review of potentially responsive records of interest to AFL, please do not hesitate to contact us at FOIA@aflegal.org.

Thank you in advance for your cooperation in this matter.

Sincerely,

/s/ Megan D. Redshaw
America First Legal Foundation