



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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June 21, 2024

VIA EMAIL ONLY

Dr. Nicole Hurd
President
Lafayette College
730 High Street
Easton, PA 18042
president@lafayette.edu

Re: OCR Complaint Number 03-24-2029
Lafayette College

Dear Dr. Hurd:

This letter is to advise you that the U.S. Department of Education, Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint filed against Lafayette College in Pennsylvania (the College). The Complainant alleges that the College discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment in October 2023. OCR investigated whether the College failed to respond to alleged harassment of students based on national origin in a manner consistent with the requirements of Title VI.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry, in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the College receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

In reaching a determination in this matter, OCR reviewed documentation provided by the Complainant and the College, including correspondence to the College community from the President and Chaplain; affidavits submitted by the campus police lieutenant, Director of Hillel Society, former Director of Hillel Society, and the Chair of Jewish Studies; as well as documentation of student organization training. OCR also reviewed documentation of 11 incidents of alleged harassment on the basis of shared Jewish ancestry that were reported during the fall 2023 semester. OCR also interviewed the College Chaplain, who serves as the chair of the Bias Response Team, and the individual serving as both the Director of Educational Equity and Title IX Coordinator. Based upon OCR's review of the evidence produced to date, OCR recognizes the College's responsiveness to notice it received regarding some incidents that could contribute to a hostile environment for students based on national origin, including shared

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ancestry; however, OCR also identified concerns regarding the consistency and effectiveness of the College's responses, as required by Title VI. This letter discusses OCR's concerns below.

LEGAL STANDARD

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies.

Title VI's protection from national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived shared ancestry or ethnic characteristics, such as students of Jewish, Palestinian, Muslim, Arab, and/or South Asian descent, or citizenship or residency in a country with a dominant religion or distinct religious identity, or their association with this national origin/ancestry. The existence of a hostile environment based on national origin that is created, encouraged, accepted, tolerated, or left uncorrected by a recipient constitutes discrimination on the basis of national origin in violation of Title VI.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on race, color, or national origin existed; (2) the recipient had actual or constructive notice of the hostile environment; and (3) the recipient failed to take prompt and effective action to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a recipient's education program or activity. Harassing acts need not be targeted at the complainant to create a hostile environment. The acts may be directed at anyone, and the harassment may also be based on association with others of a different national origin (the harassment might be referencing the national origin of a sibling or parent, for example, that is different from the national origin of the person being harassed whose access to the school's program is limited or denied).

The harassment must in most cases consist of more than casual or isolated incidents based on national origin to establish a Title VI violation. Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the harassment, as well as the identity, number, and relationships of the persons involved. If OCR determines that the harassment was sufficiently severe or pervasive that it would have limited the ability of a reasonable person, of the same age and national origin as the victim, under the same circumstances, from participating in or benefiting from some aspect of the recipient's education program or activity, OCR will find that a hostile environment existed.

A recipient may be found to have violated Title VI if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment based on national origin harassment of which it has actual or constructive notice. A recipient is charged with constructive notice of a

hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

If the alleged harasser is an agent or employee of a recipient, acting within the scope of their official duties, then the individual will be considered to be acting in an agency capacity and the recipient will be deemed to have constructive notice of the harassment.

Once a recipient has actual or constructive notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. The appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced as a result of the harassment.

FACTUAL SUMMARY

The College's Reporting Process and Policies

The College employs an online reporting database to report incidents of discrimination and harassment, called [OnePard](#). According to College staff interviewed by OCR, all new students and faculty are trained regarding how to file complaints through the OnePard system. A person filing a OnePard electronic report selects the category of the report and each report is routed to the appropriate person or group for response. For example, "Incidents of Bias" are directed to the Chair of the Bias Support Team, Director of Educational Equity, Assistant Dean of Students, and the Dean of Students. Complaints about sexual harassment or assault are directed to the Director of Educational Equity, Deputy Title IX Coordinators, and Dean of Students. Upon receiving a OnePard in which "Incidents of Bias" is selected, the College's [Bias Support Team](#) will reach out to and seek to support individuals who file a complaint, engage in voluntary, educational conversations with the subjects of the report, and monitor trends in the campus climate. The Bias Support Team consists of the College Chaplain, who is also the Chair of the Team, the Assistant Dean of Students, and the Dean of Students.

OCR interviewed the College Chaplain, who is the Chair of the Bias Response Team, as well as the individual serving as both the Director of Educational Equity and Title IX Coordinator. They told OCR that complaints of discrimination and harassment may also be made verbally to any faculty or staff or made informally. However, faculty, staff and administration are trained that they must direct the reporter to the OnePard online form or may file one themselves, in addition to presenting the reporter with supportive measures. If a OnePard is filed regarding discrimination or harassment, or incidents of bias occurring off campus such as on social media, the College responds to the reporter to discuss their concerns, offer counseling, discuss First Amendment rights, and explain the reporter's options if they should experience specific and targeted harassment in the future.

The College's [Policy on Equal Opportunity, Harassment and Non-Discrimination, effective August 14, 2020](#), prohibits discrimination on the basis of race, color, national or ethnic origin, disability, religion, age, military or veteran status, sex, sexual orientation, gender identity or

expression, marital or familial status, pregnancy, genetic information, or any other characteristic protected by law in its educational programs and activities, admissions or employment. The Policy also expressly prohibits discriminatory harassment of any employee, student, visitor or guest, and states that the College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. The Policy also states that, when speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College policy, though supportive measures will be offered to those impacted. The College also has a [Statement of Rights and Responsibilities of Students](#) that affirms students' rights of freedom of speech, peaceful assembly, and right of petition, and states that the College's "authority is not employed to inhibit the exercise of these rights of citizenship either on or off campus." In an October 25, 2023 statement to the College community, described in more detail below, the College President also referred to a "policy against hate speech" but OCR was unable to locate such a policy on the College's website.

With regard to online harassment and misconduct, the Policy on Opportunity, Harassment and Non-Discrimination (the Policy) states that the policies of the College are written and interpreted broadly to include online and digital manifestations of any of the behaviors prohibited by the Policy, when those behaviors occur in or have an effect on the College's education program and activities or use College networks, technology, or equipment. Although the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

The October 25 Incidents

The College told OCR in its narrative statement that, at noon on October 25, 2023, Pards for Palestine organized a peaceful walkout as part of a national event against the conflict in Gaza. Approximately 30 students participated in the event which was held on campus, outside of the Farinon College Center. According to the College, Pards for Palestine is not an official or College-recognized student group on campus.

Members of the College administration attended the protest to monitor the event. At the protest, a student held a poster that included the phrase, "From the River to the Sea." The College told OCR that College administration immediately notified the College President. A meeting was held with the President and members of the College administration to "discuss the hurtful nature of the poster," identify the student who held the poster, and the need for an immediate response to the incident. The student who held the poster was identified the same day and the College Chaplain called the student to discuss the poster at 4:30pm and 8:30pm that same day. The College told OCR that, during the phone calls, the College Chaplain spoke with the student about the poster and informed the student that the phrase was hurtful and could be viewed as antisemitic. According to the College, [redacted content]. The College Chaplain and the student agreed to meet in person to discuss the concerns further.

On that same day, the President released a statement to the campus community via email addressing the incident and the student's poster:

Dear Students, Faculty, and Staff,

As we all continue to follow the news from the Middle East, I hope we each are finding the time and space to take care of ourselves and one another. It is in times like this that our spirit of community as a college can express itself most meaningfully in our interactions with one another.

It is also in times like this that our dedication to living as a community means the most. We are aware on the national level that the war in the Middle East is causing antisemitism and Islamophobia to rise. We cannot allow that here. We owe it to each other to treat one another with care and respect, especially in times of fear and deep sorrow.

As you know, we have a policy against hate speech, and the College will take appropriate steps if violations of that policy emerge. An incident of deep concern occurred today when a poster bearing the words with antisemitic meaning was held up during what was an otherwise peaceful walkout, part of a national event against the violence in Gaza. This incident was immediately reviewed by our student life team, and will be addressed through our bias incident accountability process.

In joining Lafayette, we make a commitment to live up to our ideals as a college community where free expression and empathy are mutually vital principles. In a time of tension, fear, and grief, it is incumbent upon us all to continue to uphold these ideals with special care.

According to the Complainant, on that same day, following the protest, a letter was posted all over campus that he states was "calling for the death of all Jewish people and the elimination and destruction of the State of Israel." The Complainant provided OCR with a copy of the October 25 letter, which states:

During our peaceful walkout in solidarity with Palestinians, a student displayed a poster that read "From the river to the sea." This student was issued a One Pard report on the grounds of hate speech, and an email was sent out from President Hurd to the entire Lafayette Community.

As students from the Pards for Palestine coalition, **we stand against and detest hate speech**. Our core values include combating antisemitism, Islamophobia, and oppression in all forms. Our fight for Palestinian Liberation requires it. The Statement "From the river to the sea, Palestine will be free" is often conflated with antisemitism. Pro-Israel institutions and individuals claim that this statement calls for the genocide of Jewish Israelis or the destruction of the Jewish people as a whole. As Pards for Palestine, we wholly condemn this association. [Emphasis in original]

This slogan is a recognition of the oppression of Palestinians living under fragmented colonial rule from the Jordan River to the Mediterranean sea. It calls for dismantling colonization that denies rights and freedoms for Palestinians.

This statement is not antisemitic, but anti-Zionist, and is a common slogan used in the pro-Palestine movement. Anti-Zionism cannot be conflated with antisemitism; it is in fact wrong to associate any legitimate criticism of the actions of the Israeli government with antisemitism. Doing so contributes to the censorship and silencing of any voice who dares to speak up for the lives lost in Palestine.

We call upon President Hurd and Lafayette College to research the slogan and learn of its historic grounding in the Palestinian liberation movement for justice against oppression, instead of characterizing it as antisemitic.

We cannot help but also point out the sheer hypocrisy of this institution and President Hurd. There were no school-wide emails when a student on our campus Yik Yak used genocidal language and called to flatten the Gaza strip by stating “The Gaza strip is going to be a great location for a Walmart supercenter after Israel flattens it.” Or when another Yik Yak statement said, “Gaza deserves to burn.” Currently there are 2 million Palestinians in Gaza. Israel’s genocidal campaign against the Palestinians has led to the killings of over 6,500 Palestinians, nearly 2,500 of whom are children. [Emphasis in original]

To misinterpret a poster as antisemitic while omitting the rampant Islamophobia and support for genocide against Palestinians on our campus is sheer cognitive dissonance. While some have expressed concern over one of our posters, students broadly do not express concern for the genocide of 2 million people. We wholeheartedly urge our administration and campus community to do better.

We invite our whole campus community to join us at the Thursday Media teach-in to learn how the media and institutions villainize the pro-Palestine movement, and we urge our whole campus community to engage in critical learning about the occupation and colonization of Palestine moving forward.

Signed,

Pards for Palestine

OCR determined that the same contents of the letter were also published on October 27, 2023, as an Op-Ed in The Lafayette, an independent student-run newspaper whose advisor is external to the College. The author of the Op-Ed is noted as “Pards for Palestine,” which, as stated above, is not a College-recognized student club. The College Chaplain told OCR that she recalled reading the Op-Ed but did not believe that she “took any steps about that.” She further clarified that, if the College received a report about a Yik Yak posting, the College would have no way of tracing it as the application is not school-based, is anonymous and is not within the College’s control. However, the Chaplain explained that she would talk to the reporting student about how they feel and provide other support.

The College Chaplain told OCR she had heard about some letters posted on public campus bulletin boards available for general use, although she did not personally see them and was unsure whether they contained the same message as the Op-Ed. The College denies that it received any formal or informal reports or complaints about antisemitic posters and/or letters being posted on campus during the fall 2023 semester, including about the Op-Ed.

The Complainant told OCR that he learned from a Facebook group [redacted content] that, on October 27, 2023, members of Pards for Palestine stood in the student union asking students if they were Jewish. He acknowledged to OCR during an interview that he did not report this incident to College administration and he was not aware if anyone else did so. The College told OCR that it has not received any complaints, formal or informal, and has not observed anyone, including members of Pards for Palestine, standing in or outside of the student union asking people if they are Jewish, and no students, including Jewish students, have made anyone at the College aware that such conduct was allegedly occurring.

On October 31, 2023, the College Chaplain again met with the student who held the poster on October 25, to have an additional conversation about the poster and the concerns it raised. According to the College, the student indicated that he would not use that phrase again if he participated in future protests.

On November 8, 2023, Pards for Palestine sponsored an interfaith vigil which several members of the Hillel Society attended. The College provided OCR with documentation showing that, following the October 25 protest, some members of Pards for Palestine reached out to the Hillel Society as well as other organizations on campus about having a planning meeting to put together an interfaith vigil on campus. According to the College, a few members of the Hillel Society attended the planning meeting, which remained respectful and during which “appropriate discussions and suggestions were made.”

Recent Events

Per [publicly available information](#), Pards for Palestine conducted another protest on campus on April 20, 2024. Pards for Palestine posted on their Instagram page that students protested to demand that the College disclose their endowment due to concerns that the College invests in companies that “are aiding the state of Israel, as they lead genocide onto the Palestinian people.” An [article](#) in [The Lafayette](#) on April 26, 2024 noted that the protest “elicited formal complaints,” and that it disrupted the College’s “EarthFest” programming for that day, and that the protestors followed College tour groups. The article also notes that the Chief of Police had a discussion with at least one member of the group in response to a call about the protest for disruptive behavior. According to the article, the Vice President for Student Life sent a community-wide email in which she stated that the College is “devoted to the free exchange of ideas,” and it welcomes and encourages students to exercise their rights to peaceful assembly and freedom of speech. However, she also wrote that students “must also abide by the law and, as members of the College community, the Student Code of Conduct, which helps ensure that all students and employees share a safe learning and working environment.” The Vice President also acknowledged in her email that the College received formal complaints about the protest, and “this matter is now under review in keeping with the Student Handbook.”

Other Incidents of Alleged Harassment During Fall 2023

The College provided OCR with documentation of 11 other incidents of alleged harassment on the basis of shared ancestry that were reported during the fall 2023 semester. A summary of each incident is detailed below:

- **Incident 1: October 21, 2023**

The reporting student submitted a OnePard complaint about an offensive Instagram post made by a respondent student against Jews. The post compares a Palestinian dying with Jesus dying, and states “Same Picture, Same Land, Same Perpetrator.” The College provided OCR with an internal email exchange between the Title IX Coordinator and College Chaplain in which the Title IX Coordinator stated that she believed that the post was antisemitic but “does not appear to be a direct threat or targeted at any specific individual. With that being said, this would fall within the student’s free speech in their personal social media account.” As such, the College Chaplain informed the reporting student that it was “a free speech issue” and offered the reporting student supportive services.

- **Incident 2: October 23, 2023**

An anonymous individual filed a OnePard complaint naming the respondent student and stating that they were posting offensive material on their Instagram account regarding Jews. The complaint did not include any screenshots. The reporting student said that the respondent student had tried to start [redacted content] on campus and expressed that they were “scared to be Jewish on campus at this time because of the actions by this person.” The College told OCR that no direct threat against a student or student group was made and the posts were on the respondent student’s private social media account and therefore fell within the respondent student’s free speech rights. However, because the reporting student identified themselves as Jewish, the College Chaplain conducted meetings at the Hillel House on October 27, 2023 to support Jewish students.

- **Incident 3: October 24, 2023**

Campus Public Safety was alerted to the word “Jew” written on a whiteboard with an arrow pointing downwards in an empty classroom. The image was erased. Campus police investigated the incident but were unable to determine when the image was written on the whiteboard or who drew it.

- **Incident 4: October 25, 2023**

The reporting student submitted a OnePard complaint about an offensive Instagram post made by a respondent student against Jews. The post is a meme that depicts an Israel Defense Forces soldier as the same as a Nazi soldier and states “The irony of becoming what you once hated.” The complaint also included another post in which the respondent student wrote about losing followers with an image stating “Lost a follower... good. I don’t need ethnic cleansers on my team.” The College Chaplain met with the reporting student on October 27, and explained to her that, because the posts were made on a personal Instagram account,

there wasn't anything that the College could do. Nonetheless, the College Chaplain offered to have a mediated conversation with the reporting student and respondent student, but the reporting student declined. The College told OCR that, because the posts were made on the respondent student's private social media account, they fell within their free speech rights, and there was no direct threat directed at any individual or student groups on campus.

- **Incident 5: October 26, 2023**

The reporting student submitted a OnePard complaint about an offensive Instagram post in which the respondent student posted that "Israel kills a Palestinian baby every 15 minutes." The complaint did not include any screenshots, but did include the name of the respondent student. The College Chaplain attempted to view the Instagram of the respondent student but the account was private. The College Chaplain also attempted to reach the reporting student but was unable to reach anyone on the phone number that was listed in the complaint. The College told OCR that, because it did not have a copy of the complained of post, and was unable to access the account, the College was unable to determine if a direct threat was made to any individual or student group on campus, and whether the post fell within the respondent student's right to free speech on their private social media account.

- **Incident 6: October 26, 2023**

An anonymous OnePard complaint was submitted, in which the reporting party took issue with the discipline imposed on the student who participated in the October 25 protest and held a sign that said, "From the river to the sea," as described above. The reporting party said that the President's email response was a "textbook example of targeting pro-Palestinian students on campus." The College Chaplain emailed the reporting party offering to meet to discuss their concerns, but the reporting party declined.

- **Incident 7: November 11, 2023**

The reporting student submitted a OnePard complaint regarding an event that was held off-campus, organized by an off-campus group called the Muslim Youth in Lehigh Valley, the day prior. The event was a "March for Justice & Freedom" for Palestine and was reposted by the Lafayette College Middle Eastern Student Association (LAMESA). The reporting student said that the protest had been recorded, which showed that individuals, including students, were chanting, "when people are occupied, resistance is justified." The College told OCR that the event took place off campus and was not sponsored by the College, and that there was no direct threat to any individual or group of students. The College further added that students have a constitutional right to assemble and protest off campus. Nonetheless, the College Chaplain reached out to the reporting student to advise them that they could file another OnePard report if anything further happened at the event that was a direct threat to any student or student group.

- **Incident 8: November 13, 2023**

An anonymous OnePard complaint was submitted stating that the respondent student was calling for the annihilation of Jewish people on Instagram. The complaint included a

screenshot of the post, in which the respondent student wrote “From the river to the sea.” The College told OCR that the complaint was regarding a post on a student’s private Instagram account and was not a direct threat to any individual or student on campus, that the social media account fell within the student’s free speech, and as there was no contact information given, no follow-up was done.

- **Incident 9: November 15, 2023**

An anonymous OnePard complaint was submitted regarding a post made by LAMESA (Lafayette College’s Middle Eastern Student Association) on its Instagram account. The post is a repost of another account which states “How do you not feel embarrassed and ashamed as an American Jew posting about how ‘scared’ you are between posts of you out to dinner and partying with friends? As Palestinians dig through rubble to find pieces of their slaughtered children” The documentation shows that the Dean of Students emailed various campus administrators to discuss how to handle this incident as “[a]t some point with posts like this it could cross into a type of discriminatory harassment coming from an official group.” The Vice President for Student Life wrote, “I think the post here is problematic because it takes a slight turn from other posts we’ve seen where they call out a particular group.” As a result, several College administrators met with the executive board for LAMESA to discuss how the post may have made some College students feel uncomfortable and unwelcome.

- **Incident 10: November 17, 2023**

The reporting student submitted a OnePard complaint about the respondent student asking the reporting student and a friend if they were Jewish the year prior, and again after October 7. The reporting student said that they were Jewish [redacted content] and the question made them uncomfortable. The College Chaplain met with the reporting student, during which time she expressed that she felt that the respondent student was asking questions out of ignorance, not malice. The College Chaplain offered to meet with the respondent student, but the reporting student declined.

- **Incident 11: November 29, 2023**

An anonymous party submitted a OnePard report providing information about Students for Justice in Palestine (SJP), and asked that the College not allow a chapter of SJP to form on campus. The College noted to OCR that SJP applied to be a student organization on campus and that request had already been denied.

Proactive Efforts by the College

The College told OCR that the Office of Student Involvement hosts annual trainings with student organizations on campus, including trainings on student rights under Title VI, how to report violations of Title VI and the College’s obligations to respond to such complaints. These trainings are conducted in April when most new officers of student organizations are elected and student organizations are required to send at least two representatives to each training. The College provided OCR with the PowerPoint used at the most recent training that took place on

April 26, 2023, showing that it addressed hazing generally, and also reminded student organizations that they must follow college policies and adhere to the College's non-discrimination policy.

The College told OCR that it also discusses Title VI with new students during their Our Lafayette Community Orientation, and the most recent training was held in August 2023. Students are directed to view the College's policies online with respect to filing reports and how the College will respond to such reports. Additionally, the College stated that it provides Title VI training to Resident Advisors, Peer Educators, Orientation Leaders, and other Student Leaders annually at the beginning of each academic year. According to the College, the most recent training was conducted in August 2023. OCR reviewed the slides of the training, and while it reminds students that they must adhere to the College's non-discrimination policy, and addresses hazing generally, it does not specifically address harassment under Title VI.

In addition to the general steps that the College takes to address Title VI, the College told OCR that it also made extensive efforts to meet with and ensure the safety of all Jewish students, faculty and staff on campus following October 7, 2023. Campus police began to increase its presence and patrols around the College's Hillel House to ensure that Jewish students felt safe, and campus police also increased its presence and patrols in the vicinity of the Muslim prayer room in the basement of Hogg Hall. The College provided OCR with a copy of an October 10, 2023 email from the campus police lieutenant to various campus police officers stating that, due to security concerns regarding the conflict in Israel, checks were added to the patrol list for Hillel House and Hogg Hall. He stated that, at both locations, officers needed to be observant of derogatory postings and/or criminal mischief present.

In addition, the College Chaplain sent a campus-wide email on October 11, 2023, addressing the violence and incidents in the Middle East and offering support to all members of the College community. An emergency Hillel Executive Board meeting was held on October 11, 2023, which was attended by the College President to offer support. The College President also hosted a dinner at her home for all College Muslim students in the fall 2023 to provide support. The College also told OCR that the President and Office of Student Life also made efforts to meet with various student groups to offer their support and have discussions and open dialogue regarding best practices and support for diverse religious communities regarding the conflict in the Middle East. The College provided OCR with a list of each meeting that took place, including the following:

- October 12, 2023 luncheon with the College President, Chaplain, advisors, and student president of Hillel to provide and receive support;
- October 12, 2023 meeting between the College Chaplain and two interfaith fellows to discuss how to be supportive of peers in light of current events;
- October 12, 2023 meeting with the College Chaplain and 60 members of a sorority regarding best practices and support for diverse religious communities in light of current events;

- October 27, 2023 interfaith Shabbat service with the College Chaplain and approximately 50 community members, with a discussion afterwards by the College Chaplain regarding concerns related to the October 25 protest;
- October 30, 2023 meeting with the College Chaplain and 20 members of a different sorority regarding best practices and support for diverse religious communities in light of current events; and
- November 8, 2023 monthly interfaith council meeting where the College Chaplain discussed how to provide support to communities with religious differences in light of current events.

Further, the documentation shows that interfaith vigils were held during the fall 2023 semester, including one that took place on October 14, 2023, with the College President in attendance to support students, and another that took place on November 8, 2023, described above. The College President sent an email to the entire College community the day before the October 14 vigil to invite students, faculty and staff to a community gathering in response to the “horrific loss of life in Israel and Gaza.”

The College also provided OCR with thank you notes that were sent by the Hillel Society to the President and campus police, thanking the President for her dedication and support for the Jewish community on campus and indicating how grateful they were for what she had done so far. The note to campus police expressed gratitude to all the public safety staff for helping ensure that Jewish students felt safe on campus.

Affidavits

The College provided OCR with affidavits from the Director of Hillel Society, the former Director of Hillel Society, the current Chair of Jewish Studies, and the campus police lieutenant. Each stated in their affidavit that the College is “a good place to be a Jewish student” and that none had observed or heard from Jewish students that they felt that there was any pattern of harassment or discrimination. The current and former Director of Hillel Society and the current Chair of Jewish studies acknowledged that several students complained about social media postings, and that they directed these students to file OnePard complaints with the College. They also acknowledged that the social media postings were not directed to a College student or student organization, and the postings were not hosted by the University. They all also attested that they were comfortable with the College’s response to October 7, and to the poster displayed at the protest on October 25. The lieutenant attested to the increased security presence at Hillel House and Hogg House, and also denied having any knowledge of letters distributed on campus threatening Jewish students, or any knowledge of Pards for Palestine students asking students if they were Jewish at the student union.

LEGAL ANALYSIS

Based on the evidence to date, OCR is concerned that notwithstanding the College’s many efforts to respond proactively to prevent the operation of a hostile environment based on shared ancestry during fall 2023, the College’s practices particularly with respect to notice of harassing

conduct on social media were not reasonably designed, as required by Title VI, to redress any hostile environment. The College appears to have operated a categorical policy not to address allegations of harassment on private social media – as distinct from social media of a College-recognized student group as in Incident 9 – unless the harassment constituted a direct threat. This practice does not satisfy the Title VI obligation to take prompt and effective steps to redress a hostile environment about which the College knows; that requirement is not limited to conduct that occurs on campus or outside social media. OCR notes that the College response to a student protestor who carried a sign using a specific phrase on campus reflects College concern that the phrase could contribute to a hostile environment for students but the College declined to take responsive action to reported use of the same phrase on social media, in Incident 8. In this and repeatedly in other instances, the College documents reflect that it did not address whether social media and off campus conduct individually or collectively created or contributed to a hostile environment based on shared ancestry, which does not satisfy Title VI.

Notwithstanding OCR’s concerns, OCR recognizes that the College did take some important steps to address a possible hostile environment at the campus. For example, the College President’s message to all students, faculty, and staff on October 25 reflecting that “the war in the Middle East is causing antisemitism and Islamophobia to rise” and that “We owe it to each other to treat one another with care and respect, especially in times of fear and deep sorrow” communicated nondiscriminatory values to the College. In addition, the College increased security around the Hillel House and Hogg Hall (in the vicinity of the Muslim prayer room) in October and the College President and Chaplain and other administrators met with Hillel to offer support, and the College Chaplain also met with, among others, interfaith fellows to discuss how to be supportive of peers in light of recent events and sorority members to discuss how to support diverse religious communities. The College also informed OCR that it had engaged in trainings on student rights under Title VI, how to report violations of Title VI, and the College’s obligations to respond to complaints, although OCR notes that the materials provided by the College to OCR do not reflect that harassment, or national origin discrimination, were addressed during the training.

RESOLUTION AGREEMENT

Under Section 302 of OCR’s [Case Processing Manual](#), allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. In this case, the College expressed an interest in resolving the allegations prior to the conclusion of OCR’s investigation and OCR determined resolution was appropriate. The College signed the enclosed Resolution Agreement, which, when fully implemented, will address the evidence obtained and the allegation raised in the complaint.

Pursuant to the Agreement, the College will:

- Review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student’s actual or perceived shared ancestry or ethnic characteristics and revise its policies and procedures accordingly.

- Provide training to employees responsible for investigating complaints and other reports of discrimination, including harassment, based on national origin/shared ancestry to ensure thorough and impartial investigations, including how to determine whether it created a hostile environment.
- Provide training to staff and students addressing discrimination based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics, which will explain prohibited harassment and provide examples, explain the College's applicable policies and procedures, how to report harassment, the steps the College will take in response to alleged discrimination, including harassment, and notice to as to how to access the College's non-discrimination policies and procedures.
- Review the College's response to each report of discrimination and/or harassment it received on the basis of shared ancestry during the 2023-2024 school to ensure that the College made a determination regarding whether the alleged conduct created a hostile environment. If the College's review reveals that it did not make a determination, then the College will promptly determine whether the alleged conduct created a hostile environment and will provide the parties with notice of its determination.
- Provide OCR with information regarding its investigations of reports of alleged discrimination, including harassment, on the basis of shared ancestry for the 2024-2025 and 2025-2026 academic years.

CONCLUSION

When fully implemented, the Agreement will address the evidence obtained and the allegations investigated. OCR will monitor the College's implementation of the Agreement until the College is in compliance with the terms of the Agreement and the obligations under Title VI and its implementing regulations at 34 C.F.R. Part 100 that were at issue in the case.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Thank you for your cooperation during the resolution of this complaint. If you have any questions, please contact Catherine Deneke at [redacted content], or via email at [redacted content].

Sincerely,

/s/

Beth Gellman-Beer
Director
Philadelphia Office
Office for Civil Rights