

July 9, 2021

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Dear Provost Kumar and Vice Provost Shumpert,

We are representatives of the Louis D. Brandeis Center for Human Rights Under Law, a national public interest organization established to advance the civil and human rights of the Jewish people and promote justice for all, and StandWithUs, an international, non-profit educational organization supporting Israel and combating anti-Semitism.

As you may recall, both of our organizations wrote to members of University Leadership (specifically, Dr. Sunil Kumar, Shanon Shumpert, Ronald Daniels, and Dr. David Yarkony) on December 3, 2020, and January 25, 2021 (StandWithUs) and on January 21, 2021 (the Brandeis Center) regarding the publication of tweets by a graduate student teaching assistant (“TA”) containing false and bigoted statements about “zionist students” and purporting to poll others regarding her proposal to “fail” such students because of her hatred for Israel.

As we explained in our letters, the TA’s tweets constituted harassment of Jewish students who identify with the State of Israel, and created a hostile environment for these students.

We write now to respond jointly to the letters received by the Brandeis Center and StandWithUs (on February 3, 2021 and May 19, 2021) from Dr. Kumar “on

behalf of university leadership.” We appreciate the University’s inclusion of anti-Semitism in the upcoming anti-racist training. We also understand the University’s concerns that privacy laws (*inter alia*, FERPA) limit its ability to share information about the outcome of its investigation into the TA’s conduct. We are nevertheless concerned that the University’s understanding of privacy laws may limit its efforts to end the harassment and hostile environment generated by the TA’s conduct.

While investigation is an essential first step, it is just that—a first step. Not only is the University *able* to do more, it *must* do more, as a matter of federal civil rights law and University policy, as stated, *e.g.*, in its *Discrimination and Harassment Policy and Procedures* and its Media Guidelines.<sup>1</sup>

Simply put, privacy laws do not prevent the University from taking measures to communicate that it strongly condemns the type of conduct at issue here: namely, a TA’s public statement of her desire to “fail Zionist” students on account of their religion and ethnicity, without regard to their aptitude and/or command of the chemistry principles that she was charged with teaching them—in shocking derogation of her duties as a TA.<sup>2</sup>

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<sup>1</sup> For example, the school’s Discrimination Policy defines harassment to include: “[A]ny type of behavior which is based on an individual or group’s membership in a ‘protected class(es)’ that is: a) unwelcome and (b) creates a ‘hostile environment.’”

“Harassment when directed at an individual because of their membership in a ‘protected class(es)’ may include, but is not limited to: Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;

“Epithets, slurs, and/or negative stereotyping, jokes, or nicknames;

“Written, printed, or graphic material that contains offensive, denigrating, and/or demeaning comments, and/or pictures; and

“The display of offensive, denigrating, and/or demeaning objects, e-mails, text messages, and/or cell phone pictures.”

<sup>2</sup> Not only did she threaten to fail these students, she encouraged her audience to join her campaign of hatred by purporting to take a “poll” in favor of carrying out her threat. Even if the TA’s threat were an empty one, and she did not actually fail or lower the grades of any of the students for whom she evidently holds such contempt (which has yet to be demonstrated), it constituted harassment of those Jewish students for whom connection to Israel is a critical and deeply held component of their Jewish ancestral and ethnic identity. And by inviting others to agree with her, the TA actively sought to foster an environment hostile to these students at Johns Hopkins.

Indeed, the University must take further measures. As the Department of Education's Office for Civil Rights (OCR) has noted, when "behavior implicates the civil rights laws, school administrators should look beyond simply [investigating and] disciplining the perpetrators." Russlyn Ali, Dear Colleague Letter (Oct. 26, 2010), pp. 3-4.<sup>3</sup> Under Title VI of the Civil Rights Act, the University must also "take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring." *Id.*, p. 2.

Public silence by the University will not rectify the situation. In order to eliminate the hostile environment and prevent the harassment from recurring, the University must, at a minimum, make clear that conduct such as that exhibited by the TA runs counter to the University's values of mutual respect and inclusion and will not be tolerated.

We urge the University to issue a public statement recognizing that for many students at Johns Hopkins, Zionism is an integral component of their Jewish ancestral and ethnic identity, and any efforts made by faculty and staff that demean, marginalize, ostracize, harass, or discriminate against students on the basis of the Zionist component of their Jewish identity will not be tolerated. University Leadership must make clear that hostile and discriminatory conduct, including anti-Semitic conduct that targets pro-Israel Jewish students, is unacceptable, and will not be condoned, tolerated, or ignored.

The University of Illinois at Urbana Champaign recently issued just such a statement, advising its own community that:

For many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The university will safeguard the abilities of these students, as well as all students, to participate in university-sponsored activities free from discrimination and harassment. . . . We deplore anti-Semitic incidents on campus, including those that demonize or delegitimize Jewish and pro-Israel students or compare them to Nazis. This subjects them to double standards that are not applied to others. All Jewish students, including those who identify with Israel or Jewish

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<sup>3</sup> Russlyn H. Ali, Dear Colleague Letter, Dept. of Educ. OCR (2010) <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

campus organizations, should be able to participate in campus activities aimed at fighting racism and achieving social justice.<sup>4</sup>

Johns Hopkins University should issue a similar statement.

The University should take the opportunity to educate its community on how and why such conduct is anti-Semitic and divisive. It can do so by adopting the International Holocaust Remembrance Alliance (IHRA) Definition of Antisemitism, reaffirming the school's policy against discrimination, publicizing the means by which students may report such harassment, and providing training to students, faculty, and TAs so that they are able to recognize, report, and desist from engaging in incidents that vilify and seek to compromise the education of a student or group of students based on their Jewish ancestral and ethnic identity. *See id.*

The University of Michigan, for example, used strong words in 2018, when it admonished a professor who refused to write a promised letter of recommendation for a student after learning that the student wished to study in Israel. In a letter to the professor, the University said:

Supporting the academic aspiration of your students is fundamental to your responsibilities as a faculty member. You have an obligation to support your students' academic growth. [Instead], you used the student's request as a platform to express your own personal views.<sup>5</sup>

Johns Hopkins should send an equally strong message to its faculty and teaching assistants. Doing so in no way violates the privacy rights of any individual faculty or staff member but is a necessary step toward remedying the hostile climate this incident has created.

As the Brandeis Center suggested in its earlier letter, a statement like the following would be appropriate and consistent with the OCR guidance cited above:

We condemn anti-Semitism in all its forms, including anti-Zionism. We recognize that Zionism is a key component of the religious and ethnic identity of many students on our campus. Efforts to stigmatize Zionism and make Johns Hopkins students feel unsafe expressing this religious and ethnic identity is contrary to our

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<sup>4</sup> Joint Statement on Anti-Semitism,  
<https://blogs.illinois.edu/view/6231/1530347443>

<sup>5</sup> <https://www.michigandaily.com/news-briefs/second-university-instructor-denies-recommendation-letter-student-seeking-study/>.

university's basic values of mutual respect and inclusion. Our university is and must remain a place for the free and open exchange of ideas. It is never acceptable to harass, intimidate, marginalize, exclude, stigmatize, or demonize any part of our university community on the basis of identity.

Supporting the academic aspirations of our students is fundamental to our responsibility as an institution. Our faculty and teaching assistants have an obligation to conduct themselves in a manner that supports our students' academic growth. Conduct that violates this expectation by demeaning, marginalizing, ostracizing, or treating a student in a discriminatory fashion (or encouraging others to do so) on the basis of that student's identity, harms students, will not be tolerated, and will be addressed with serious consequences. Such actions interfere with our students' opportunities, violate their academic freedom and betray our university's educational mission.

By remaining silent and failing to address publicly the hostile campus climate created by the TA's tweets, the University is not only allowing the hostile environment against Jewish pro-Israel students to fester; it is also failing to ensure that such antisemitic conduct is not repeated. A public statement making the University's position clear is necessary to deter future similar acts of anti-Semitic harassment and maintain the University's compliance with its Title VI obligations.

No student at Johns Hopkins—whether in a science or humanities course—should have to wonder if her grades are suffering because of her religious or ethnic identity. No student should be afraid to seek help from her TA because the TA has expressed animosity toward members of the student's religious or ethnic group. Students who find themselves in this position are deprived of an equal opportunity to participate in Johns Hopkins' educational environment. Their ability to access and receive guidance from Johns Hopkins' teaching staff is compromised. The University has an obligation to make clear—both to the community that was victimized by the TA's tweets and to those who might engage in similar behavior—that there is zero toleration for such conduct at Johns Hopkins.

We invite you to share with us the nature of the steps the University has taken to ensure that the campus climate at Johns Hopkins is safe and welcoming for students of all ethnicities and backgrounds, including Jewish and pro-Israel students. Doing so would not violate your FERPA obligations.



The Louis D. Brandeis Center, Inc. (LDB) is an independent, non-partisan institution for public interest advocacy, research and education. The Center's mission is to advance the civil and human rights of the Jewish people and to promote justice for all.

**StandWithUs**

We would be happy to discuss our recommendations further, and to share our expertise in civil rights law. Please feel free to contact us via email or by phone as indicated below.

Sincerely yours,

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