

September 24, 2024

VIA E-MAIL

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Re: Civil Rights Violations at the University of Washington

Dear Assistant Secretary Lhamon and Director Malson:

I. Introduction

Jewish students at the University of Washington (“UW” or “the University”) have been subjected to severe and persistent harassment and discrimination on the basis of their shared ancestry and ethnicity, which has created a hostile environment on campus. Jewish students have been threatened with physical harm, excluded and forced out of areas on campus they are entitled to access, and unable to attend class. Vandals have repeatedly covered the campus with anti-Semitic graffiti calling for violence against Zionists. Just two weeks ago, aggressive anti-Israel protestors succeeded in shutting down a Board of Regents meeting at the University, where Jewish members of the University and community were testifying about anti-Semitism on campus, thereby further contributing to the ongoing hostile climate at UW.

Despite its knowledge about these and other anti-Semitic incidents, the University has not taken meaningful steps to address the hostile climate for Jewish students at UW.

For the reasons stated below, the Louis D. Brandeis Center for Human Rights Under Law (“the Brandeis Center”) requests that the Office for Civil Rights (“OCR”) initiate an investigation of UW, a recipient of federal financial assistance,¹ for violations of Title VI of the Civil Rights Act of 1964² and its implementing regulations.³

We further request mediation pursuant to Section 201(a) of OCR’s Case Processing Manual, to be followed by an investigation if mediation is not successful.

II. Jewish Identity and Anti-Semitism

With increasing frequency, Jewish college and university students are being targeted due to the Jewish people’s connection to Israel. Students report being shunned, harassed, and marginalized as “Zionists.” The U.S. National Strategy to Counter Antisemitism, released in May 2023, noted that “Jewish students and educators are targeted for derision and exclusion on college campuses, often because of their real or perceived views about the State of Israel. When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable.”⁴ According to the International Holocaust Remembrance Alliance Working Definition of Antisemitism (the “IHRA Definition”), which OCR uses to determine whether conduct is anti-Semitic, “[h]olding Jews collectively responsible for actions of the state of Israel” is an example of anti-Semitism.⁵

As illustrated by ADL’s pyramid of hate, shunning and exclusion do not occur in a vacuum.⁶ When biased attitudes are not addressed or challenged, they frequently escalate to biased and discriminatory conduct. As OCR recognizes, Jews share more than a common faith; they are a people with a shared history and heritage deeply rooted in the land of Israel. Indeed, according to a Pew Research Center survey, eight in ten Jews say that caring about Israel is an essential or important part of what being Jewish means to them.⁷ It is not a mere viewpoint or political opinion. For most Jews, Zionism represents their Jewish ancestry – the historic reality that the Jews as

¹ See Federal Loans, University of Washington, <https://www.washington.edu/financialaid/types-of-aid/loans/federal-and-university-loans/>.

² 42 U.S.C. § 2000d *et seq.*

³ 34 C.F.R. § 100.3.

⁴ White House, *The U.S. National Strategy to Counter Antisemitism*, at 9 (May 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

⁵ International Holocaust Remembrance Alliance (IHRA), *Working Definition of Antisemitism*, <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

⁶ ADL, *Pyramid of Hate*, (2021), https://www.adl.org/sites/default/files/pyramid-of-hate-web-english_1.pdf.

⁷ Pew Research Center, *Jewish Americans in 2020: U.S. Jews’ connections with and attitudes toward Israel*, (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>.

a people originated in ancient Israel. For most Jews, therefore, the ancestral connection to Israel (*i.e.*, Zionism) represents an integral component of their Jewish identity.

UW is one of the many campuses where Jewish students are vilified and mistreated because of their actual or perceived connection to Israel. Anti-Semitism has been allowed to run rampant at UW, creating a hostile environment for Jewish students because the administration has failed to adequately respond to the problem, despite having been repeatedly put on notice.

III. Statement of Facts

A. Background

Since shortly after the October 7 Hamas attacks in Israel, UW's Jewish student community has been subjected to anti-Jewish hostility that has persisted and escalated, thereby contributing to an increasingly hostile climate on campus. Shortly after October 7, the UW student group, SUPER UW, held a rally to "honor the martyrs of Palestine," venerating the Hamas terrorists who murdered, raped and tortured innocent Jewish children, babies, women, and the elderly in the deadliest attack on Jews since the Holocaust. At the rally, protestors chanted "from the river to the sea," a slogan calling for genocide through the ethnic cleansing of Jews from the State of Israel.

B. Anti-Semitic graffiti on UW's campus.

Within the last 180 days, vandals have covered UW's campus with anti-Semitic graffiti, which demeans and intimidates the Jewish community. The vile message "Zionist (piss on 'em)" was written on a urinal inside the Husky Union Building (known as the "HUB").⁸ The threat "mug Zionists only" was scrawled in black ink on a bench that was dubbed a "mugging bench." In May 2024, graffiti on buildings and campus structures included messages such as "Fuck off Zionists," "abolish Israel," and "escalate for Gaza." Anti-Semitic fliers that said "Zionists fuck off" were also displayed on campus. The message "Zionists home" was scrawled on campus trash dumpsters, evoking the classic anti-Semitic trope that Jews are dirty, which fueled accusations in medieval Europe that Jews spread the bubonic plague by poisoning wells. The George Washington statue on campus was spray painted with a threatening slogan, "Save a life... kill your local colonizer" along with an inverted red triangle, which is the symbol for the U.S. designated terrorist group Hamas, that slaughtered over 1200 innocent Israelis on October 7.

⁸ Sofia Schwarzwalder, "University allows pro-Palestinian protestors to occupy HUB overnight," (April 5, 2024), https://www.dailyuw.com/news/university-allows-pro-palestinian-protestors-to-occupy-hub-overnight/article_5b7f34d6-f3bd-11ee-b12b-f7fef8fdf2b6.html.



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On information and belief, the University allowed the graffiti on the GW statue to remain for over 24 hours and it was a faculty member who had to take matters into their own hands and clean it up.

Numerous students and faculty members emailed the administration to report the

anti-Semitic graffiti all over campus. And yet the administration did not take steps to promptly address it and prevent it from recurring.

UW's administration, including President Cauce, has admitted that the slogans graffitied all over campus are "vile and anti-Semitic," and "violent" and create an "unwelcome and fearful environment for many students, faculty and staff, especially those who are Jewish."⁹ And yet despite its acknowledgement of a hostile climate on campus for Jewish students, the University has not taken concrete, meaningful action to address the hostile environment created by the epidemic of anti-Semitic graffiti all over campus.

The anti-Semitic graffiti on campus that threatens, intimidates, and encourages physical violence against Jews contributes to the hostile environment on campus for Jewish students.

C. Student A

Student A is a Jewish student who attends UW and has been subjected to anti-Semitic harassment and discrimination on the basis of his shared ancestry and ethnic identity.

At the end of April 2024, student protesters erected an encampment in the campus quad, a grassy area surrounded by buildings with classrooms where students frequently hang out.

Initially, the students participating in the encampment allowed Student A to enter the area because they did not know he was Jewish. However, once they realized Student A was Jewish, members of the encampment started to follow him around and say, "Watch out, this guy is a known Zionist." Student A was compelled to leave the area because it became so intimidating and hostile.

On or about April 30, when Student A approached the area of the encampment, students wearing keffiyehs confronted him and stated threatening words to the effect of, "We're going to kill [you]" and "We're going to end your life."

On or about May 1, Student A approached the encampment area on UW's campus holding an Israeli flag. Encampment students yelled at Student A, tried to grab the Israeli flag he was holding and tried to surround him and cover the Israeli flag with umbrellas. Several people who were participating in the encampment encircled Student A, obstructed his movement and prevented him from walking through the quad. Student A, who understands Arabic, heard someone say in Arabic, "Let's go get

⁹ May 15, 2024 Message from President Ana Mari Cauce,
<https://www.washington.edu/president/2024/05/15/update-on-tent-encampment/>.

the knife,” which prompted Student A to run away.

Later that night, Student A had to walk through the encampment with a friend when they returned from a party. Student A and his friend were followed by encampment participants as soon as they were spotted and recognized. The individuals who followed Student A and his friend swore at them in Arabic. Then, members of the encampment ran up to them at full speed with hammers, threatening “Yo, bro, shut the fuck up, I’ll fucking end you.” The students held the hammer close to Student A’s face. When Student A said, “you’re not going to touch me,” the other student said, “I’ll kill you.” Student A and his friend backed away and left. Student A recognized one of students as the same student who had harassed him earlier that day.

On or about May 2 or May 3, 2024, Student A reported the incidents at the encampment to a school administrator who expressed that he was sorry but did not offer help or follow up with Student A. Student A began the process of filing a report with UW police but after learning that he could not retain his anonymity, decided not to do so for fear he’d be making himself a target for further violence. When Student A explained his safety concerns to a police officer, the officer expressed his understanding but neither campus police nor the University offered further assistance or protective measures for Student A.

D. Student B

Student B is a visibly Jewish student who attended UW during the 2023-2024 academic year. Student B left UW after he was subjected to anti-Semitic harassment and discrimination on the basis of his shared ancestry and ethnic identity.

In April 2024 Student B, along with other Jewish and Israeli students, attended a bowling event held in the “HUB” on UW’s campus that was hosted by the Jewish fraternity AEPi. The event was interrupted and shut down by pro-Palestinian protestors, who took over the building, yelling at the Jewish and Israeli students – many of whom were speaking Hebrew – “Get out of here,” “Zionists go home,” and “Free Palestine.” AEPi students were forced to end their event early out of fear for their physical safety.

On another occasion in or around May 2024, student protestors participating in the encampment on the quad, yelled at Student B, who is visibly Jewish, “Go home,” “You’re not welcome.” When Student B, tried to pass through the area of the encampment while wearing his yarmulke, protestors said to him, “We know who you are... go away.” Many of the individuals who participated in the encampment were dressed in black and carrying sticks and shields.

On multiple occasions, Student B approached both local law enforcement and campus

security to inform them about the harassment he faced at the encampment. Student B also discussed the incidents with Dean [REDACTED], UW's Vice President of Student Life. But the University did not provide support or protection in response to these complaints, and police told Jewish students to "go around" the encampment for their own safety.

As a result of the anti-Semitic harassment and intimidation he faced on campus based on his Jewish identity, Student B hid his yarmulke to avoid being recognized as a Jew and targeted. Student B missed classes and other opportunities on campus because he was afraid to walk through the encampment and had to avoid the area for fear that he would be further harassed and targeted on the basis of his Jewish identity.

Following his freshman year at UW, Student B transferred to another university due to the hostile climate and anti-Semitism he faced on UW's campus.

E. September 12, 2024 Board of Regents Meeting

On September 12, 2024, at a meeting of UW's Board of Regents that took place on campus at Zillow Commons, Jewish students and other members of the local Jewish community were subjected to verbal harassment and intimidation that contributed to the hostile environment at UW. At the meeting, members of the Jewish community and University who spoke about anti-Semitism and anti-Jewish hostility on campus, were interrupted, shouted down and verbally harassed by anti-Israel protestors in the audience, some of whom identified themselves as UW students.¹⁰ At least one Jewish UW student was present at the meeting.

During his remarks calling on the University to address anti-Semitism on its campus and protect Jewish students, the CEO of the Jewish Federation of Greater Seattle was shouted down and interrupted by the protestors. As the Federation CEO explained in a statement about the incident:

From the moment we arrived, it was clear we faced a hostile environment. A room full of loud demonstrators, many masked, greeted us. When it was time for Jewish voices to be heard, the demonstrators became disruptive. The Jewish community speakers were met with repeated heckles, boos, and constant interruption.... The failure to stop the demonstrators was a clear message that Jewish voices are not welcomed or protected on campus... Sadly, my experience today is reflective of the experience of many Jewish

¹⁰ Denise Whitaker, "Pro-Palestinian students disrupt UW Board of Regents meeting, demanding divestment," KOMO news (Sept. 12, 2024); *see also* https://www.instagram.com/reel/C_1dr1fR5cz/?igsh=MWZ3cm9oN3MwdjhqZg%3D%3D.

students on campus this past school year.¹¹

Rather than remove the hostile disrupters, the Board adjourned the meeting early. Police had to escort Jewish community members, other speakers and members of the board from the location, thereby conceding to the anti-Semitic protestors' intimidation tactics.

Although the Board issued a statement condemning the “disrespectful” actions of the anti-Israel disrupters “as antithetical to free dialogue and disrespectful of other UW community members,” the University has not since addressed the heightened hostile environment for Jewish students at the University.¹² The message from UW, based on the events that transpired at the Board meeting, is that UW will not have the backs of Jewish students who speak up about anti-Semitism on campus or ensure their access to opportunities at the University is not denied on the basis of their shared ancestral identity connected to Israel.

IV. Legal Argument: UW Has Violated Title VI.

A. Title VI protects Jewish students who are targeted on the basis of their shared ancestry.

Title VI prohibits discrimination on the basis of race, color, or national origin in educational institutions that receive federal funding.¹³ Guidance issued by OCR and DOJ in 2004, 2010, 2017, and 2023 specifies that Title VI covers discrimination against Jews on the basis of their “actual or perceived shared ancestry or ethnic characteristics.”¹⁴

¹¹ <https://www.jewishinseattle.org/urgent-update-what-happened-at-uw-today-requires-action/>.

¹² <https://www.washington.edu/news/2024/09/12/statement-on-uw-board-of-regents-meeting-disruption-and-adjournment/>.

¹³ 42 U.S.C. §2000d *et seq.*

¹⁴ See *Dear Colleague Letter*, U.S. DEPT OF EDUC.—OFFICE FOR C. R. (Nov. 7, 2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; (“2023 Dear Colleague Letter”); see also *FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; *Know Your Rights: Title VI and Religion*, U.S. DEPT EDUC.—OFFICE FOR C.R., January 17, 2017, <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; Letter from Assistant Secretary for Civil Rights Russlyn Ali, U.S. DEPT OF EDUC.—OFFICE FOR C. R., October 26, 2010, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (“2010 Dear Colleague Letter”); Letter from Thomas E. Perez, Assistant Att’y Gen., DEPT OF EDUC.—OFFICE FOR C. R., to Russlyn H. Ali, Assistant Sec’y for C.R., DEPT OF EDUC.—OFFICE FOR C. R., *Re: Title VI and Coverage of Religiously Identifiable Groups*, September 8, 2010, https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_ED_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Kenneth L. Marcus, *Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter*, DEPT OF EDUC.—OFFICE FOR C. R. (Sept. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

According to Executive Order 13899 (the “Executive Order”), which has been incorporated into OCR’s current policy guidance, Title VI must be enforced “against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”¹⁵ The Executive Order incorporates the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism (the “IHRA Definition”), which states that “the denial to Jews of opportunities or services available to others” is “antisemitic discrimination.”¹⁶ As the IHRA Definition states, criticism of Israel similar to that leveled against any other country is not anti-Semitism. But demonizing the Jewish State, calling for its destruction, blaming Jewish students for the actions of the Israeli government, denying the Jewish people the right to self-determination—and/or subjecting Israel to double standards are classic earmarks of anti-Semitism.

For purposes of Title VI, harassment creates a “hostile environment” when, based on the totality of the circumstances, the harassment “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 the recipient’s education program or activity.”¹⁷ A Title VI recipient like UW “must take immediate and effective action to respond to harassment that creates a hostile environment.”¹⁸ Further, a university can violate Title VI if peer harassment “is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”¹⁹ And a university must respond to discriminatory harassment when such harassment “negatively affect[s] the ability and willingness of Jewish students to participate fully in the school’s education programs and activities.”

B. UW fails to address the hostile environment on its campus.

¹⁵ EO 13899, §1; *see also* Questions and Answers on Executive Order 13899 (Combatting Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964, U.S. Dep’t Educ.—Office for C.R., January 19, 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

¹⁶ EO 13899, §2; <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

¹⁷ *See* 2023 Dear Colleague Letter at 2.

¹⁸ *Id.*

¹⁹ *See* 2010 Dear Colleague Letter at 1; *see also* 2017 Know Your Rights: Title VI and Religion.

UW has violated Title VI by allowing a hostile environment to develop on its campus and failing to address it. The hostile climate has prevented Jewish students from accessing the opportunities and benefits of their education at UW. Jewish students have been subjected to severe and persistent anti-Semitic harassment from their peers, excluded from areas of campus on the basis of their Jewish identity, and confronted with threatening anti-Semitic graffiti all over campus that disparages Jews and calls for physical violence against Jews because of their support for Israel. The harassment and discrimination has forced Jewish students to avoid certain areas of campus they are entitled to access, miss classes, and even transfer out to escape the hostile climate.

Despite knowing about the numerous anti-Semitic incidents on its campus and the hostile environment Jewish students are subjected to, the University has not fulfilled its legal obligation to “take prompt and effective action reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.”²⁰ Indeed, the hostile environment persists to this day, as demonstrated by events at the recent UW’s Board of Regents meeting.

V. Suggested Remedies

In light of UW’s failure to take prompt and effective steps to protect Jewish students and eliminate the hostile environment, the Brandeis Center urges OCR to require UW to take the following steps to come into compliance with Title VI:

- A. Enforce UW’s policies against vandalism and make clear that defacing buildings, sidewalks, benches, or other property with anti-Semitic language and symbols violates University policy and will not be tolerated.
- B. Ensure that all students have equal access to university facilities and services on a non-discriminatory basis and are provided with a safe environment protected from harassment, discrimination, and harm, by:
 - a. Establishing and/or revising existing policies and procedures to ensure that no UW student is harassed, assaulted, or excluded from full access to the benefits of campus, on the basis of shared ancestry. UW should provide notice to its community of this change and train all staff about such revised and/or new policies.
 - b. Conducting a full investigation of discriminatory, harassing and threatening conduct against Jewish students, including through UW’s internal grievance process, on the basis of their shared ancestral

²⁰ 2010 Dear Colleague Letter, at 2-3, *supra* note 2.

identity and take all appropriate measures, including disciplinary matters, that are recommended as a result of the investigation.

- C. Promptly remove all anti-Semitic graffiti, posters, banners, flags, images, and writings on school property and enforce the prohibition against the display of such items.
- D. Work with local law enforcement and/or the Campus Community Safety Division to enhance security measures and protections for Jewish and Israeli students in and around campus, especially at events and locations on campus where Jewish and Israeli students gather; install security cameras in the dormitories and around the campus to help identify perpetrators who engage in rule violations and unlawful conduct on campus.
- E. Ensure UW's community understands and recognizes the form of anti-Semitic discrimination that targets Jewish students, and how contemporary anti-Semitism manifests by:
 - a. Incorporating the IHRA Definition, including its guiding examples, into UW's policy manuals related to nondiscrimination, consistent with Title VI, Executive Order 13899, and the values of free speech and academic freedom; and
 - b. Providing training on anti-Semitism, including proper use of the IHRA Definition consistent with EO 13899, to UW administrators, faculty, students and staff. The training should familiarize all members of the community with traditional as well as contemporary anti-Semitic stereotypes and conspiracy theories and their social and political functions, so that the UW community will be able to better identify and respond to anti-Semitic incidents in the future, particularly those that involve Jewish shared ancestry connected to Israel.
- F. Issue a statement denouncing anti-Semitism in all its forms, recognizing that Zionism is a key component of Jewish identity for many students at UW, and condemning efforts to target any students on the basis of their identity. We recommend that UW use or model its statement on the following language:

We condemn anti-Semitism in all its forms. We recognize that Zionism is a key component of the shared ancestral and ethnic identity of many Jewish Americans. Efforts to exclude Zionists and make UW students feel unwelcome and unsafe expressing this part of their Jewish ancestral and ethnic identity is contrary to UW's basic values of mutual respect and inclusion. Anti-Semitic harassment, bullying, and targeting are

unacceptable. Our schools must be a place characterized by the free and open exchange of ideas and inclusivity for all students, including Jewish students who define their Jewish identity as including Zionism.

UW is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination and harassment based on actual or perceived shared ancestry or ethnicity, including anti-Semitism that manifests as anti-Zionism. To that end, UW will utilize the IHRA Working Definition of anti-Semitism as required by law when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by anti-Semitic animus or bias. UW encourages the campus community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

- G. Appoint an independent investigator to conduct a school climate survey to address the campus climate for its for Jewish and Israeli students, faculty, staff members of the UW community; and carry out such recommendations as are made by the investigator based on the survey and additional analysis.
- H. Create a task force on Jewish life comprised of Jewish student leaders and Jewish faculty members, including Jewish students and faculty for whom connection to Israel is integral to their identity, that will provide input to the UW administration about how best to address and improve Jewish life at UW, including how to address and ameliorate anti-Semitic harassment and discrimination based on shared ancestry and ethnicity, and ensure that UW's campus is a safe and inclusive community where Jewish students feel welcome and comfortable expressing their Zionist identity.

VI. Request for Section 201(a) Mediation

The Brandeis Center requests mediation at the time of filing pursuant to Section 201(a) of OCR's Case Processing Manual.

VII. Conclusion

OCR has stated that "Jewish students. . . and all other students who reside within our school communities have the right to learn in our nation's schools free from discrimination."²¹ This has not been the case for Jewish students at UW. For the

²¹ 2023 Dear Colleague Letter at 3.

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foregoing reasons, the Brandeis Center urges OCR to (1) initiate an investigation of UW, a recipient of federal funding, for violations of Title VI and the statute's implementing regulations, and (2) include this case in OCR's Section 201(a) mediation program.

Sincerely,



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