



Arnold & Porter

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VIA E-MAIL

Craig Trainor
Acting Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W., 4th Floor
Washington, D.C. 20202
Email: OCR@ed.gov

Director Zachary Pelchat
Office for Civil Rights
San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
Email: ocr.SanFrancisco@ed.gov

Re: Civil Rights Violations at Scripps College

Dear Acting Assistant Secretary Trainor and Director Pelchat:

I. Introduction

The Louis D. Brandeis Center for Human Rights under Law (the “Brandeis Center”),¹ Anti-Defamation League (“ADL”),² and the law firm of Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”) (collectively, “Complainants”) ask the Department of Education’s Office for Civil Rights (“OCR”) to initiate an investigation into Scripps

¹ The Brandeis Center is a national non-profit legal advocacy organization that works to combat anti-Semitism on college and university campuses, in the workplace, and elsewhere.

² ADL is a leading anti-hate organization committed to stopping the defamation of the Jewish people and securing justice and fair treatment for all.

College³ (“Scripps” or “the College”), a recipient of federal financial assistance,⁴ for violations of Title VI of the Civil Rights Act of 1964⁵ and its implementing regulations.⁶

Jewish and Israeli students at Scripps have been subjected to severe and persistent harassment and discrimination on the basis of their shared ancestry, ethnicity, and national origin, which have created a hostile environment on campus. Among many examples: A student wearing a Star of David was told that her “Jewish necklace” makes others uncomfortable and that she should “take it off.” A [REDACTED] to blatant anti-Semitism [REDACTED] instead of rectifying the situation after hearing of the blatant anti-Semitic behavior.) The Motley Coffeehouse (the “Motley”), a student-run coffeehouse on the Scripps campus, refused to hire a “Zionist,” and its student employees complained that they did not want to associate with “crazy Zionists.” And while the Motley refused to allow its space to be used for a vigil to honor the victims of the October 7, 2023, Hamas terror attacks on Israel, it closed for an entire day in memory of a Hezbollah terrorist. Yet another [REDACTED] And, following an unpopular decision by the Scripps Administration (the “Administration”), members of the Scripps community widely and immediately blamed “rich Jewish donors” and Zionists, while the Administration remained silent about these anti-Semitic tropes, notwithstanding its duty to take responsibility for the decision that fueled this rhetoric

³ Scripps is part of a larger consortium of institutions known as “The Claremont Colleges,” which consists of five undergraduate liberal arts colleges: Claremont McKenna College, Harvey Mudd College, Pitzer College, Pomona College (“Pomona”), and Scripps College. The Claremont Colleges share contiguous campuses, allowing students access to facilities and events across the five colleges. Each college has its own student body, faculty, government, board of trustees, and administration. While all the other institutions are co-ed, Scripps is an all-women’s college. See *Seven Institutions. Infinite Choices.*, The Claremont Colleges, <https://www.claremont.edu> (last visited Feb. 23, 2025); see also *The Claremont Colleges*, Scripps College, <https://www.scrippscollege.edu/about/the-claremont-colleges> (last visited Feb. 23, 2025).

⁴ See *Federal Direct Loans*, Scripps College, <https://www.scrippscollege.edu/financialaid/loans#SUBUNSUB> (last visited Feb. 23, 2025).

According to the United States Department of Justice (“DOJ”), for purposes of Title VI, financial assistance includes “[g]rants and loans of Federal funds,” “[t]he grant or donation of Federal property and interests in property,” and “[a]ny Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance,” among other examples. Civ. Rights Div., DOJ, *Title VI Legal Manual*, <https://www.justice.gov/crt/book/file/1364106/dl?inline>, at Section V, pp. 5–6 (last visited Feb. 23, 2025). Federal loans are but one example of the federal assistance the College receives.

⁵ 42 U.S.C. § 2000d *et seq.*

⁶ 34 C.F.R. § 100.3.

and clearly denounce anti-Semitism.

Students, student groups, faculty, and [REDACTED] [REDACTED] have all repeatedly put the Administration on notice of the hostile environment for Jewish and Israeli students, including by emailing the Administration to bring these anti-Semitic incidents (and many more) to the College's attention. The Brandeis Center and ADL themselves sent a letter in July 2024 putting the College on notice of the hostile environment for Jewish and Israeli students on Scripps's campus. And multiple articles in the Scripps student newspaper contain shocking examples of anti-Semitic tropes.

Despite its knowledge about these and other anti-Semitic incidents, the Administration has not taken meaningful steps to eliminate the hostile climate for Jewish and Israeli students promptly and effectively. Contrary to President Trump's Executive Order 14188, "Additional Measures to Combat Anti-Semitism," which clarifies U.S. policy "to combat anti-Semitism vigorously, using all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence,"⁸ Scripps has failed to treat anti-Semitism with the seriousness and attention it requires; instead, the College has repeatedly abandoned Jewish and Israeli students targeted by anti-Semitic hostility.

The hostile anti-Semitic environment at Scripps has had a significant impact on Jewish and Israeli students and has forced them to conceal the Zionist component of their Jewish identities. As one Jewish student stated: "I felt like maybe it's best if I don't engage with my Judaism here, so I don't feel ostracized." Jewish students have transferred from Scripps (or intend to do so) to other colleges, and Jewish students have chosen to study abroad or graduate early from Scripps, among other impediments to Jewish students' educational experiences at Scripps, just to escape the hostile environment. One Jewish student who stayed at Scripps noted she learned to hide her Jewish identity and suppress her views. In her words: "I stopped wearing anything that would identify me as a Jew. I regret not transferring to a school that takes the concerns of Jewish students seriously."

We have not used students' names in this Complaint because the students prefer to remain anonymous—in most cases, due to fear of retaliation or being "canceled" or ostracized by other Scripps students. Both current and former students expressed this fear, which further demonstrates the impact of the hostile environment at Scripps. All the students discussed in this Complaint are willing and able to provide interviews or

⁷ [REDACTED]

⁸ Exec. Order No. 14188, 90 Fed. Reg. 8847, *Additional Measures to Combat Anti-Semitism* (Jan. 29, 2025), <https://www.federalregister.gov/executive-order/14188>, at Sec. 2 [hereinafter "EO 14188"].

testimony to OCR about the hostile environment that has developed for Jewish and Israeli students at Scripps.

II. Jewish Identity and Anti-Semitism

Since the Hamas terror attack against Israel on October 7, 2023—the deadliest day for the Jewish people worldwide since the Holocaust—campus life for Jewish and Israeli college and university students has been markedly altered. As President Trump’s Executive Order on Additional Measures to Combat Anti-Semitism (“EO 14188”) describes, the October 7 terrorist attacks “unleashed an unprecedented wave of vile anti-Semitic discrimination, vandalism, and violence against our citizens, especially in our schools and on our campuses,” and “Jewish students have faced an unrelenting barrage of discrimination; denial of access to campus common areas and facilities, including libraries and classrooms; and intimidation, harassment, and physical threats and assault.”⁹

With increasing frequency, Jewish and Israeli college and university students are being targeted due to the Jewish people’s connection to Israel. EO 14188, which reaffirms President Trump’s Executive Order 13899, “Combating Anti-Semitism”¹⁰ confirms the government’s commitment to using the International Holocaust Remembrance Alliance Working Definition of Antisemitism and its contemporary examples (the “IHRA Definition”) to determine whether conduct is anti-Semitic.¹¹ According to the IHRA Definition, which OCR uses in assessing anti-Semitism complaints, “[h]olding Jews collectively responsible for actions of the state of Israel” is an example of anti-Semitism.”¹²

On college campuses, including Scripps, the word “Zionist” is frequently used as a codeword, proxy term, or dog-whistle for “Jew” among those seeking to disguise their anti-Semitism. Students report being shunned, harassed, marginalized, and excluded as “Zionists.” 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

⁹ *Id.* at Sec. 1.

¹⁰ See Exec. Order No. 13899, 84 Fed. Reg. 68779, *Combating Anti-Semitism* (Dec. 11, 2019), <https://www.govinfo.gov/content/pkg/DCPD-201900859/pdf/DCPD-201900859.pdf> [hereinafter “EO 13889”].

¹¹ See *Working definition of antisemitism*, International Holocaust Remembrance Alliance, <https://holocaustremembrance.com/resources/working-definition-antisemitism>; see also EO 14188, *supra* note 8.

¹² *Working definition of antisemitism*, *supra* note 11.

essential or important part of what being Jewish means to them.¹³ It is not a mere viewpoint or political opinion. For most Jews, therefore, the ancestral connection to Israel (i.e., Zionism) represents an integral component of their Jewish identity.

Scripps College is one of the many campuses where Jewish students are being targeted as “Zionists” and, therefore, vilified and mistreated because of their actual or perceived connection to Israel. A hostile environment for Jewish students exists at Scripps because the Administration has failed to respond promptly and effectively to the problem, despite having been repeatedly put on notice.

III. Statement of Facts

The following incidents illustrate the presence of severe and pervasive harassment against Jewish students, which have created a hostile environment on the Scripps campus. We also detail below Scripps’s knowledge of each of these events and its failure to respond promptly and effectively.

A. Scripps’s [REDACTED] student who faced anti-Semitism [REDACTED]

During her first week of school, Student A, [REDACTED]

Student A was very disturbed by this display of anti-Semitism [REDACTED]

¹³ See *Jewish Americans in 2020: U.S. Jews’ connections with and attitudes toward Israel*, Pew Research Center (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>.

¹⁴ Chabad houses generally host classes, lectures, and workshops on Jewish topics; religious services; Shabbat meals; and special events, as needed, in their respective communities. Chabad on Campus has homes on more than 950 campuses worldwide to enable Jewish students to connect and obtain educational, social, and spiritual support. See *What is Chabad?*, Chabad-Lubavitch, https://www.chabad.org/library/article_cdo/aid/776104/jewish/FAQ.htm (last visited Feb. 23, 2025).

[REDACTED] (in other words, a Jew), and therefore not welcome to express her Jewish shared ancestral identity [REDACTED]. Accordingly, [REDACTED]

(Student A also [REDACTED] but the urgency of her request [REDACTED] due to the anti-Semitism).

The [REDACTED] told Student A the [REDACTED] in the next several weeks – that she would need [REDACTED]

[REDACTED]

Scripps’s response was unreasonable. Scripps had an obligation under Title VI to recognize this incident as a bias incident, requiring a prompt response and remediation.¹⁵ Instead, the [REDACTED]

[REDACTED] But mediation presumes that the problem to be mediated is a dispute that can be resolved with a compromise. Anti-Semitism cannot be compromised. It calls for training and remediation. [REDACTED]

As explained in the 2010 Dear Colleague Letter,¹⁶ by limiting its response to a discriminatory event to the response that would be applicable to other pertinent policies, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment. Thus, when a school addresses only the specific incident of which someone complains, but it fails “to acknowledge the racially hostile environment, the school fail[s] to meet its obligation to implement a more systemic response to address

¹⁵ Section 804 of the Fair Housing Act (42 U.S.C. § 3604) prohibits actions that make housing *effectively* unavailable. Specifically, 42 USC § 3604(b) states it is unlawful “to discriminate against any person in terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.”

¹⁶ See OCR, U.S. Dep’t of Educ., *Dear Colleague Letter* (October 26, 2010), <https://www.mass.gov/doc/commission-to-review-statutes-relative-to-implementation-of-the-school-bullying-law-testimony-6/download> [hereinafter “2010 Dear Colleague Letter”].

the unique effect that the misconduct had on the school climate.”¹⁷ Here, [REDACTED]

Whatever difficulties the [REDACTED]

Clearly,

the anti-Semitism Student A faced called for the [REDACTED]

if a student was targeted with other forms

of hate by [REDACTED]

. And it called for the [REDACTED]

Although Student A [REDACTED], the distress [REDACTED]

was a serious distraction during her introduction to college life and made it particularly difficult for her to acclimate to college and to her classes. [REDACTED]

with Student A’s ability to take advantage of educational benefits and opportunities at Scripps. [REDACTED]

B. Anti-Semitic comments are commonplace on the Scripps campus.

Student B is a non-Jewish student who is perceived as Jewish or in solidarity with Jewish students because she wears an Israeli pin and a Star of David necklace and she regularly attends Claremont Hillel and Chabad events. Student B hears anti-Semitic comments on campus frequently—at least two or three times a week during the past fall semester—including that “going to Hillel and Chabad dinner is immoral because Jewish people support Israel,” that Jewish people are “rich and control the media,” and that her “Jewish necklace” made students uncomfortable and she should “take it off.” Student B has been called a Zionist in a tone indicating that the term is intended as an insult. Her peers have ostracized her, and she has lost friends for attending weekly Shabbat dinners at [REDACTED].

On December 23, 2024, Student B emailed the Administration about the anti-Semitism she experienced this past semester.¹⁸ The sole response of the Dean of Students was to

¹⁷ *Id.* at 4.

¹⁸ See Email from [REDACTED]

[REDACTED]. As discussed below, Student B initially

arrange meetings for Student B with two Scripps administrators, but neither administrator took any action to address the anti-Semitic environment reflected in the frequent comments Student B was subjected to.

C. Scripps remained silent when its decision to close the Motley was attributed to “rich Jewish donors” and Zionists—classic anti-Semitic tropes.

As described on the Scripps website, the Motley is considered “the heart of the Scripps College campus.”¹⁹ It is the primary location for Scripps students to study together, socialize, and host events. Matters affecting the Motley have a high profile at Scripps. The Motley is owned by Scripps, but Scripps students manage and staff the Motley.

Scripps has been on notice since well before the beginning of the 180-day period covered by this Complaint that the Motley has not been an inclusive environment for Jewish and Israeli students. On July 17, 2024, the Brandeis Center and ADL sent a letter to Scripps President Amy Marcus-Newhall explaining, among other things, that Jewish student groups’ requests to host Jewish events at the Motley were ignored or rejected, while anti-Israel student organizations were permitted to hold weekly meetings at the Motley.²⁰ In addition, this letter detailed that, in violation of Scripps’s postering policy, the Motley was plastered with anti-Israel posters accusing Israel of being an apartheid and genocidal state and accusing its supporters of being racists and Nazis.

1. The Motley treated Jewish and Israeli students less favorably than other students in use of the Motley space during the Fall 2024 semester.

Problems arose again at the Motley this school year, when Motley’s student staff hung a large Palestinian flag on the wall, again violating Scripps’s postering policy.²¹

refrained from bringing these issues to the attention of Scripps administrators because she expected them to do nothing, given that they had done nothing about the Carnegie Hall incident, *see infra*.

¹⁹ See *Lattes and Leadership: The Motley Coffeehouse Brews Both*, Scripps College (April 8, 2022), <https://www.scrippscollege.edu/news/student-life/lattes-and-leadership-the-motley-coffeehouse-brews-both>.

²⁰ See Samson Zhang, *Scripps Dean Calls Motley “SJP headquarters,” demands poster censorship for re-opening*, Claremont Undercurrents (Feb. 12, 2024), <https://www.claremontundercurrents.com/scripps-dean-calls-motley-sjp-headquarters-demands-poster-censorship-for-re-opening/>.

²¹ The Administration clearly explained that the flag violated Scripps’s policy. Indeed, the [REDACTED] sent emails

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In response, [REDACTED] 5C organization,²² requested that the Motley hang an Israeli flag, to “stand in solidarity with Israeli students and students for whom the Jewish state is important.”²³ [REDACTED]

[REDACTED]²⁴ [REDACTED] made a similar request on behalf of Jewish students (adding a request for an American flag).²⁵ The Motley ignored these requests.

Motley staff also disfavored Jewish students’ requests to use the Motley space. On October 1, 2024, the Motley staff closed the Motley because the coffeehouse was on strike in support of Lebanon, apparently in mourning for terrorist leader Hassan Nasrallah, who was killed on September 27, 2024.²⁶ The Motley was only open and available that day for a meeting of the Claremont Students for Justice in Palestine (“SJP”) group. On October 2, 2024, Haverim asked the Motley to make an acknowledgment of Jewish suffering: the group sent a request to the Motley’s management asking to reserve space

to the Motley staff from September 9-12, 2024, stating that the Palestinian flag must be removed due to its violation of “campus policy and conduct standards.” See Undercurrents Staff, *Scripps tells Motley to take down Palestinian flag or stay closed. Students workers fight back*, Claremont Undercurrents (Sept. 13, 2024), <https://www.claremontundercurrents.com/scripps-tells-motley-to-take-down-palestinian-flag-or-stay-closed-students-workers-fight-back/>. The policy requires approval for public displays on or in college-owned property and restricts the display of authorized materials to designated spaces. The flag violated the policy because the College had not authorized Motley employees “to display symbols or signage endorsing a political position or perspective that could be erroneously attributed to Scripps College.” See 4.1 *Advertising, Publicity, and Solicitation Policy*, Scripps College Guide to Student Life & Code of Conduct (2024-2025), <https://www.scrippscollege.edu/titleix/wp-content/uploads/sites/62/2024-2025-GTSL-COC.pdf>.

²² The 5C organizations are comprised of students from all five Claremont Colleges. See, e.g., *Clubs and Student Organizations*, The Claremont Colleges, <https://www.claremont.edu/campus-life/clubs-organizations/> (last visited Feb. 23, 2025).

²³ Email from [REDACTED]

²⁴ Email [REDACTED]

[REDACTED] (September 16, 2024, 11:27 AM PDT) (on file with author).

²⁵ See Email [REDACTED]

[REDACTED] (Oct. 1, 2024, 12:58 am ET) (on file with author).

²⁶ Nasrallah oversaw Hezbollah’s involvement in multiple terror attacks targeting not only Israelis but also Americans, including the 1983 bombing of a U.S. Marine barracks in Beirut, which killed 241 people, mostly U.S. Marines.

for an October 7 vigil to honor the more than 1,000 Israelis who were brutally murdered on October 7, 2023.²⁷

Haverim did not receive a response to either of its requests and notified the Administration that the Motley had ignored its requests.²⁸

Notably, none of the requests above asked that the Palestinian flag be taken down or that anti-Israel clubs be denied space at the Motley. The requests simply asked for equal recognition of Jewish students “for whom the Jewish state is important.”

2. Scripps took no steps to address the anti-Semitic tropes that flooded the campus in response to its closure of the Motley.

Presumably in response to the above requests from Jewish students for equal treatment, Scripps repeatedly asked the Motley’s management if they would consider an “open call” to the Scripps community for submissions to the Motley explaining that “not all identities” were being represented at the coffeehouse. Motley management never acceded to this request. On October 5, 2024, President Amy Marcus-Newhall announced the closure of the Motley in a campus-wide email.²⁹ See Exhibit A.³⁰

The email announcing the Motley’s closure was ambiguous as to Scripps’s rationale, noting the “open call” request, but also referencing “potential business risks and negative impacts” of creating an “unwelcome atmosphere.”³¹ The vacuum left by this ambiguous email was immediately filled with vicious anti-Semitic explanations for the closure.

During this time, Jewish students recall comments by fellow students to the effect that the Motley’s closure was due to pressure from “rich Jewish donors” and Zionists. Those recollections are supported by an extensive record of reactions to the Motley’s closure in articles in the Scripps Voice³² (the Scripps student newspaper), the Motley’s Instagram

²⁷ See Email from [REDACTED]

²⁸ See Email [REDACTED]

²⁹ See Email from President Amy Marcus-Newhall to Scripps College Community Members (Oct. 5, 2024, 6:04 AM PDT) (on file with author).

³⁰ The Motley’s staff were paid for the entire period that the Motley was closed.

³¹ See *supra* note 29.

³² See *Complete Record of Responses to TSV Open Request Form*, The Scripps Voice (Oct. 10, 2024), <https://scrippsvoice.com/complete-record-of-responses-to-tsv-open-request-form/>

postings,³³ and a letter from the Middle Eastern Studies Association (“MESA”) to President Marcus-Newhall and other leadership of the Claremont Colleges.³⁴ These anti-Semitic tropes spread like wildfire throughout the Scripps campus.

We quote here a few of many examples:

The Motley “impacts their money, it impacts their donations . . . There is a tie between capitalism and Zionism. So the people who are in these positions of extreme wealth are probably going to have views that do not align with the voices in support of the Palestinian people.”³⁵

“The closing of the Motley is not just a clear statement of Zionist sentiments . . .”³⁶

“Ensuring the next paycheck from our wealthy donors is more important to the Consortium [sic] than exercising any of the values they pride themselves on.”³⁷

“Why is the comfort of Zionist Jews more important than that of Palestinians?”³⁸

“It is clear that this decision was made without considering any student input; rather, it was an action complicit in furthering the settler colonial, genocidal occupation of Palestine, funded by the dollars of the Scripps College endowment . . . [O]ur president sided with the profit-motivated Board of Trustees.”³⁹

“I don’t think that the decision was made with regard to anyone except donors who might take away their money.”⁴⁰

[hereinafter “*Complete Record*”]; see also Leah Gorence, *Bittersweet: The Motley Reopening*, The Scripps Voice (Dec. 7, 2024), <https://scrippsvoice.com/bittersweet-the-motley-reopening/>.

³³ See The Motley Coffeehouse (@motleycoffee), Instagram (Oct. 23, 2024), https://www.instagram.com/p/DBfCGnNyUHj/?hl=en&img_index=1.

³⁴ See MESA, *Letter to the leaders of the Claremont colleges regarding their repression of academic freedom and freedom of speech and assembly* (Nov. 4, 2024), <https://mesana.org/advocacy/committee-on-academic-freedom/2024/11/04/letter-to-the-leaders-of-the-claremont-colleges-regarding-their-repression-of-academic-freedom-and-freedom-of-speech-and-assembly>.

³⁵ TSV Copy Editors, “*Inclusive for Who?*”: *Motley Workers Fight Back Against Repression and Closure*, The Scripps Voice (Oct. 10, 2024), <https://scrippsvoice.com/inclusive-for-who-motley-workers-fight-back-against-repression-and-closure> (quoting a Motley manager).

³⁶ *Complete Record*, *supra* note 32.

³⁷ *Complete Record*, *supra* note 32.

³⁸ *Complete Record*, *supra* note 32.

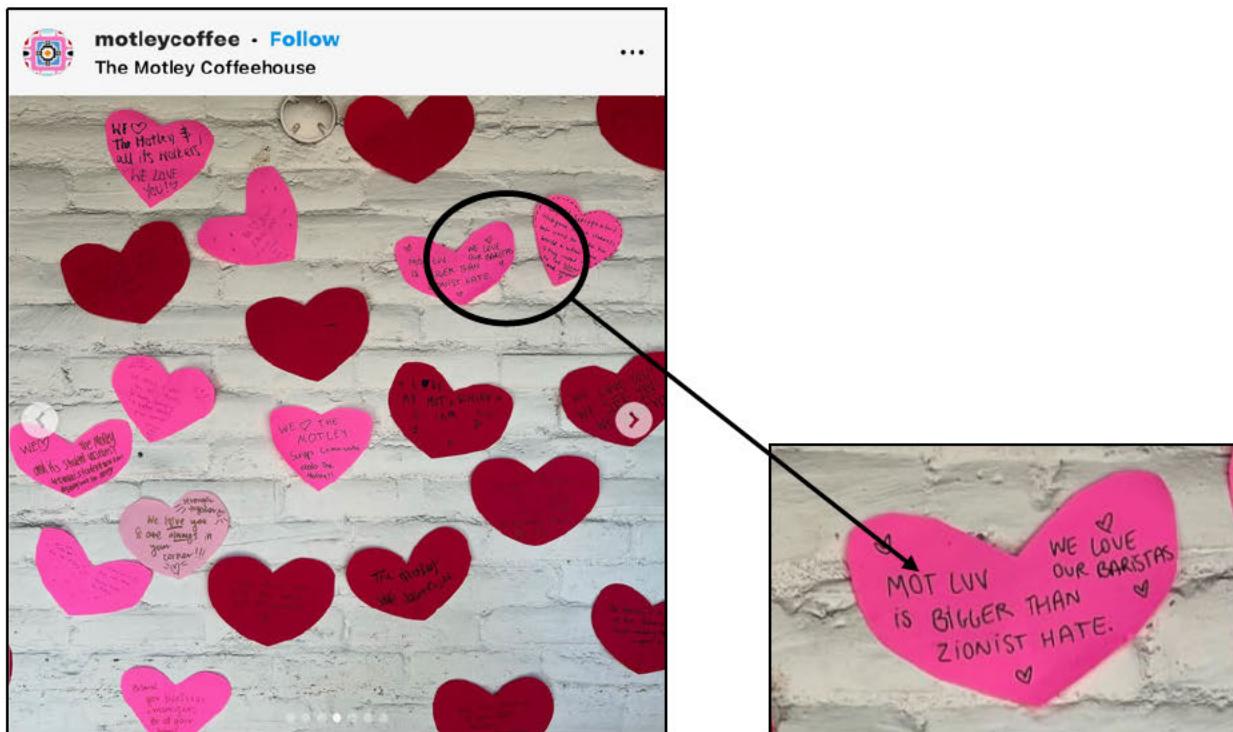
³⁹ *Complete Record*, *supra* note 32.

⁴⁰ *Complete Record*, *supra* note 32.

“Scripps does not give a s*** about intersectional feminism because they profit from Zionism”⁴¹

“The College is all for independence, courage, and critical thought until it comes into conflict with its profit or donors.”⁴²

An Instagram posting similarly stated: “MOT[LEY] luv is bigger than Zionist hate.”⁴³



Similarly, the MESA letter stated that MESA had learned that the opposition of “certain community members” to the Palestinian flag triggered the closure.⁴⁴ As their emails make plain, the faculty member, [REDACTED], and students who requested the hanging of the Israeli flag—presumably the “certain community members” MESA referenced—did not say anything in opposition to the Motley’s hanging of the Palestinian flag but rather simply requested that an Israeli flag be hung, too.

The caricature of rich Jews and Zionists controlling society is a classic anti-Semitic trope.

⁴¹ *Motley Solidarity Statements*, The Scripps Voice (Oct. 21, 2024) <https://scrippsvoice.com/motley-solidarity-statements/>.

⁴² Gorence, *supra* note 32.

⁴³ The Motley Coffeehouse, *supra* note 33.

⁴⁴ MESA, *supra* note 34.

“One of the most prominent and persistent stereotypes about Jews is that they are greedy and avaricious, hoping to make themselves rich by any means. . . . They are imagined to exert control over the world’s financial systems”⁴⁵

At this point, it was imperative for Scripps to loudly and clearly disavow the anti-Semitic explanations for Scripps’s decision to close the Motley and to clearly state that the closure was the independent decision of the Scripps Administration and not a result of Jewish or “Zionist” pressure. Scripps had a duty to address the anti-Semitic fantasy flooding the campus that the beloved coffeehouse was a victim of Zionists and rich Jews. But Scripps failed to say anything. Because the College failed to address the anti-Semitism and provide moral clarity, Jews were blamed for the closure,⁴⁶ leading to more anti-Jewish hostility and anti-Semitism.

When the Motley reopened in November 2024, President Marcus-Newhall continued to fail to disavow the negative and anti-Semitic rumors surrounding the Motley’s closure. Instead, she stated that there are “differing perspectives” on why the Motley closed.⁴⁷ In other words, rather than Scripps taking responsibility for its decision, President Marcus-Newhall implied that the reasons for the Motley’s closure were a matter of opinion, with no suggestion that certain widely-held opinions were anti-Semitic, malicious, and wrong.

In short, it was incumbent on Scripps to take responsibility for its own decision to close the Motley, and to put a swift end to the widespread and harmful lies that it had succumbed to pressure from “rich Jewish donors” and Zionists. Yet Scripps remained silent.

D. A Jewish student for whom Zionism is integral to her Jewish identity was compelled to resign [REDACTED] due to the anti-Semitic environment.

Student C is a Jewish student [REDACTED]. She felt compelled to hide the Zionist component of her Jewish identity throughout her employment. She had overheard conversations [REDACTED] about how they would not associate with “crazy” Zionist students. [REDACTED]

[REDACTED] his need to hide her identity had caused her stress, but she felt it was stress that she could manage [REDACTED].

⁴⁵ *Myth—Jews Are Greedy*, ADL, <https://antisemitism.adl.org/greed/> (last visited Feb. 23, 2025).

⁴⁶ *See id.*; *see also* Gorence, *supra* note 32; *Annotated Amy Marcus-Newhall Email*, The Scripps Voice (Oct. 10, 2024), <https://scrippsvoice.com/annotated-amy-marcus-newhall-email/>.

⁴⁷ President Amy Marcus-Newhall, *Reopening the Motley Coffeehouse*, Scripps College (Dec. 6, 2024), <https://www.scrippscollege.edu/president/messages-to-the-community/reopening-motley>.

E. After the anti-Semitic occupation and vandalization of an academic building at neighboring Pomona College, Scripps not only refrained from condemning or punishing the involved Scripps students but publicly assisted them in evading the consequences of Pomona’s sanctions.

1. Anti-Israel Scripps students occupied and vandalized an academic building with anti-Semitic graffiti and targeted Jewish students on October 7, 2024.

On October 7, 2024, in commemoration of Hamas’s murder, torture, rape, and kidnapping of Israelis on October 7, 2023, over 400 students from the Claremont Colleges (including a substantial number of students from Scripps) participated in an anti-Israel walkout and occupation of Carnegie Hall at Pomona College. The disruption and destruction created by the occupying students was substantial. They impeded students and faculty from entering or leaving the building by zip-tying and obstructing doors; they caused “extensive damage” to buildings, classrooms, offices, and carpeting with spray-painted graffiti; they destroyed audio-visual equipment; and they commandeered classrooms to lead “teach-in” sessions. The “extensive damage” forced Pomona to close Carnegie Hall for a period and relocate classes.⁵¹

The anti-Semitic and anti-Israel nature of the occupation was clear. To state the obvious, the event was planned for October 7 in homage to the Hamas terrorists who murdered and tortured 1,200 Israelis. A masked student at Carnegie Hall blamed Jews for the death of Jesus. The protesters’ chants also included demands for the elimination of Israel (“Hey hey ho ho! ISRAEL HAS GOT TO GO”) and celebrations of violence against Jews (“LONG LIVE THE INTIFADA”),⁵² as did their graffiti. Photos from inside the building show that the red spray paint that damaged the walls read “INTIFADA” and

⁵¹ Kendall White & Charlie Hatcher, *Protesters Occupy, Vandalize Pomona’s Carnegie Hall on One-Year Anniversary of Oct. 7 Attacks*, The Claremont Independent (Oct. 7, 2024), <https://www.claremontindependent.com/post/protestors-occupy-vandalize-pomona-s-carnegie-hall-on-one-year-anniversary-of-october-7th-attacks>; see also G. Gabrielle Starr, *Incidents at Carnegie Hall and the Road Ahead*, Pomona College (Oct. 11, 2024), <https://www.pomona.edu/administration/president/statements/posts/incidents-carnegie-hall-and-road-ahead>.

⁵² The chant is a reference to two periods of Palestinian violence against Israel—in the late 1980s and from 2000-2005—which saw Palestinian terrorists commit indiscriminate acts of violence against Israelis, including suicide bombings, shootings and stabbings, targeting people on city buses, eating in restaurants, or out at nightclubs, resulting in over 1,000 people killed. This slogan is generally understood as a call for indiscriminate violence against Israel, and potentially against Jews and Jewish institutions worldwide. See, e.g., *Slogan: Globalize the Intifada*, ADL (Jan. 16, 2024), <https://www.adl.org/resources/background/slogan-globalize-intifada>.

“From the River to the Sea,” which calls for the ethnic cleansing of Jews through the destruction of the only Jewish state, Israel.⁵³



Moreover, the protesters specifically targeted Jewish students. Student [REDACTED] and, as she explained in an [REDACTED]

[REDACTED]

⁵³ See *Gartenberg et al. v. The Cooper Union for the Advancement of Science and Art*, No. 24-CV-02669-JPC (S.D.N.Y. Feb. 5, 2025) (denying the motion to dismiss with respect to Plaintiffs’ Title VI claim). In *Cooper Union*, Judge John P. Cronan found that the context of phrases like “[l]ong live the intifada,” “[r]esistance is justified,” “[i]t is right to rebel,” and “[f]rom the river to the sea, Palestine will be free” “support at least a plausible inference of animus toward Jews.” *Id.* at 30-31.

⁵⁴ Email [REDACTED]

Student A was [REDACTED]
[REDACTED] undeterred by the ordinary prohibitions against causing physical damage.

2. Scripps never condemned its students' participation participating in the anti-Semitic occupation and vandalism, nor has the Administration announced any punishment of those students.

The Scripps Code of Conduct provides that Scripps students are to comply with the regulations of the other Claremont Colleges when they are on the campuses of those colleges,⁵⁵ and that cases of student disruption or non-peaceful action on other Claremont College campuses will be treated as violations of the Scripps conduct code.⁵⁶ Accordingly, while Pomona was empowered to ban the Scripps students from the Pomona campus, only Scripps could discipline the Scripps students for their conduct at Pomona.

Following the Carnegie Hall takeover, Pomona banned more than fifteen Scripps students from the Pomona campus for violating the Claremont Colleges Policy on Demonstrations.⁵⁷ It then sent disciplinary referrals as to those students to Scripps.

Scripps has never condemned its students' involvement in Carnegie Hall. Nor has Scripps addressed the fact that anti-Semitism was a prominent feature or motivating factor of the incident. Moreover, Scripps has failed to announce any disciplinary action against the Scripps students who had been banned from Pomona, even though the College is aware of their identities, having received referrals from Pomona College.⁵⁸ The assertion by a Scripps Dean that Scripps is legally prohibited from announcing that it has disciplined students is patently incorrect: the law prohibits disclosing personally identifiable information about students who have been disciplined, not announcing that, generally, students who engaged in certain conduct have been disciplined.⁵⁹

⁵⁵ See *Claremont Colleges Demonstration Policies and Procedures*, Scripps College, www.scrippscollege.edu/events/wp-content/uploads/sites/7/Claremont-Colleges-Policy-on-Demonstrations-2001.pdf (last visited Feb. 23, 2025) [hereinafter "*Demonstration Policies*"].

⁵⁶ See *id.*

⁵⁷ See *id.* ("Disruptive actions or demonstrations are those that restrict free movement on any of the campuses, or interfere with, or impede access to, regular activities or facilities of any of the Colleges or [Claremont University Consortium].").

⁵⁸ See Email [REDACTED]

⁵⁹ See Email [REDACTED]

3. Scripps publicly supported the student protestors in their appeals of Pomona’s sanctions and their evasion of the consequences of those sanctions.

In fact, far from condemning the vandalism and announcing any disciplinary action against the students who were involved, Scripps has bent over backward to publicly accommodate them so Pomona’s bans will have as limited an impact on them as possible.

First, the Dean of Students Office emailed all the banned students, offering them “support in brainstorming and preparing appeal letters” so that they could appeal the Pomona bans.⁶⁰ Then the Scripps Faculty Executive Committee sent a school-wide email,⁶¹ expressing its “support” for the banned students, which support it said is “consistent” with the College’s “mission.” This “support” includes having faculty and staff “scramble to find new locations for instruction” so the banned students would not face any educational impediments due to being banned from Pomona’s campus.

For instance, Scripps hosted an additional dance recital (“Program C”) so banned students could perform and receive credit because the originally scheduled recital was to take place on the Pomona campus.⁶² Similarly, Scripps has allowed the banned students to complete the courses being taught on the Pomona campus through Independent Study, which, as a matter of Scripps policy, is permitted only for courses not in the curriculum, meaning that this particular accommodation is contrary to the College’s policy.⁶³

_____ : see also _____

⁶⁰ See Frances Walton, *Pomona bans 15+ Scripps students without warning over Carnegie Hall protest*, The Scripps Voice (Oct. 25, 2024), <https://scrippsvoice.com/pomona-bans-15-scripps-students-without-warning-over-carnegie-hall-protest/>.

⁶¹ See The Scripps College Faculty Executive Committee (FEC), *Scripps FEC Response to Pomona Student Bans*, (Nov. 5, 2024, 2:51 PM PDT) (on file with author).

⁶² Program C took place at Richardson Dance Studio to accommodate the students who were unilaterally banned for allegedly participating in the October 7 occupation of Carnegie Hall. Program C acted as a repeat of many pieces, where dancers chose to participate alongside their cast members who were banned from the Pendelton showcase on Pomona’s campus. See Frances Walton, *Pomona bans 15+ Scripps students without warning over Carnegie Hall protest*, The Scripps Voice (Oct. 25, 2024), <https://scrippsvoice.com/work-it-in-the-works-showcases-5c-dancers/>.

⁶³ Independent study exists to provide opportunities for students to study subject matters in areas where a formal course is not offered. See *Independent Study: Reading and Research*, Scripps College, <https://catalog.scrippscollege.edu/content.php?catoid=33&navoid=4220#independent-study-reading-and-research> (last visited Feb. 23, 2025).

Scripps's failure to condemn and discipline these Scripps students—coupled with its active “scrambling” to support the anti-Semitic protesters—sends a message of support for the purveyors of anti-Semitism on campus and an additional message that, once again, the Jewish students need to fend for themselves.

As Student A [REDACTED] and others:

[REDACTED]

Student A has [REDACTED] in which she [REDACTED] the hostile campus environment. At her meeting [REDACTED], any bias incidents other than sexual harassment. [REDACTED] that the [REDACTED] needed to be fixed so there was a place to report complaints of anti-Semitism.

[REDACTED] emails on [REDACTED]. The only concrete step [REDACTED] agreed to take was to revise [REDACTED] as she had agreed to do on November 6. But, as of this writing, there is still no place on the [REDACTED] to report anti-Semitism. And none of the [REDACTED] contacted her or have otherwise taken any steps [REDACTED] address the concerns she raised.

⁶⁴ Email [REDACTED]

F. Jewish students felt compelled to leave campus and miss classes on October 7, 2024 to avoid being “outed” as Zionists when they failed to participate in the walk-out.

A planned walk-out at 10:07 a.m. accompanied the October 7, 2024 occupation of Carnegie Hall. Notwithstanding the Scripps policy prohibiting class cancellation in the absence of emergencies,⁶⁵ some faculty chose to cancel classes. Student B was in a required core class that morning. This class consisted of eight students, and at 10:07 am, seven students fully masked themselves and left the room. Student B was the only student who remained. Her professor canceled the remainder of the class.

At least two other faculty members themselves walked out during class with all the students in those classes. When a faculty member walks out during class, that not only effectively cancels the class, but it also pressures the students to join the walk out, so as not to displease the professor who will be grading them.

Many Jewish students left Scripps’s campus on October 7, 2024 and missed their classes to avoid being “outed” as Zionists when they chose not to celebrate the mass murder of Jews by joining the walk-out.⁶⁶

Scripps was well aware of the planned walk-out, having been apprised of it by at least two faculty members. The Administration did nothing to provide support to Jewish students who would be deprived of class instruction—and thereby denied an educational opportunity—because they feared being ostracized and shunned if they were alone in their classes after the rest of the students walked out.

Scripps does not appear to have taken any action to discipline these faculty for their violation of Scripps’s rules and for denying Jewish students the benefit of their classes.

G. The Scripps Administration has received extensive notice of the hostile environment on campus and has failed to act.

As set forth above, the Administration has been aware of the hostile environment on campus for Jewish and Israeli students from at least the following sources: the ADL/Brandeis Center letter of July 2024, and the detailed emails to the Administration from Students B and C, from faculty, from the [REDACTED], and from [REDACTED]. [REDACTED] has also made repeated offers to assist the Administration in addressing these problems. Her suggestions have been ignored, and administrators have shown no proactive interest in working together, despite her repeated offers. This is not

⁶⁵ See Faculty Handbook, section 3.25.

⁶⁶ Student [REDACTED]. See *Demonstration Policies*, *supra* note 55.

only a missed opportunity to develop remediation strategies but also demonstrates the College's lack of concern for the Jewish community for whom [REDACTED] is a senior representative on campus. The Administration was also aware of the articles in the Scripps student newspaper—which it undoubtedly reads—reflecting the campus community's widespread belief in anti-Semitic tropes regarding “rich Jewish donors and Zionists.”

Scripps had a duty to act in response to notice of all of the above. In many cases, as described above, its actions and its failure to act promptly and effectively have made matters worse.

H. Jewish and Israeli students at Scripps have been negatively impacted by the anti-Semitic harassment and hostile environment.

As a result of the hostile, anti-Semitic climate on campus, Jewish and Israeli students at Scripps have felt a need to hide their identity and miss classes, and have been denied opportunities to participate fully in campus life, free from intimidation, harassment, and discrimination. Student C was compelled to quit her job [REDACTED]. To make matters worse, the hostile environment [REDACTED] was taking a toll on her mental health, exacerbating her anxiety and culminating in a panic attack.

The severe and pervasive anti-Semitic harassment and anti-Jewish hostility at Scripps has resulted in Jewish and Israeli students leaving the campus entirely—going abroad, opting to graduate early, or transferring out. Last year, two Jewish students transferred from Scripps mid-year because of the rising anti-Semitism. Another Jewish student chose to spend the fall 2024 semester abroad so she would not have to be on campus. The climate was so toxic for Jewish students that Student D, an Israeli American who had deferred her admission for fall 2023 to take a gap year in Israel, ultimately withdrew her enrollment from Scripps. In her letter to the Administration, Student D cited “the invasive and escalating atmosphere of anti-Semitism on the Claremont campuses” as the “primary reason” for withdrawing her enrollment from Scripps.⁶⁷ She also wrote that the “lack of clear, concise, and pointed administration action against the dangerous and ever-growing . . . anti-Semitism,” was a “frightening prospect for an incoming freshman.”⁶⁸

⁶⁷ [REDACTED], *Last May, our daughter [REDACTED] got a very exciting email . . .* [REDACTED]

⁶⁸ *Id.*

III. Legal Argument: Scripps Has Violated Title VI.

A. Title VI protects Jewish students from harassment and discrimination based on their shared ancestry.

Title VI prohibits discrimination on the basis of race, color, or national origin in educational institutions that receive federal funding. OCR and DOJ guidance in 2004, 2010, 2017, 2023, and 2024 specifies that Title VI covers discrimination against Jews on the basis of their “actual or perceived shared ancestry or ethnic characteristics.”⁶⁹

According to EO 13899, which has been incorporated into OCR’s current policy guidance and recently reaffirmed via EO 14188,⁷⁰ 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.”⁷¹ EO 13899 incorporates the IHRA Definition, which states that “the denial to Jews of opportunities or services available to others” is “antisemitic discrimination.”⁷² 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

⁶⁹ OCR, U.S. Dep’t of Educ., *Dear Colleague Letter* (Nov. 7, 2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf> [hereinafter “2023 Dear Colleague Letter”]; see also OCR, U.S. Dep’t of Educ., *Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 2023), [FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#); OCR, U.S. Dep’t Educ., *Know Your Rights: Title VI and Religion* (January 17, 2017), [Know Your Rights: Title VI and Religion](#) [hereinafter “Know Your Rights”]; 2010 *Dear Colleague Letter*, *supra* note 16; OCR, Dep’t of Educ., Letter from Thomas E. Perez, Assistant Att’y Gen., to Russlyn H. Ali, Assistant Sec’y for CR, Dep’t of Educ., *Re: Title VI and Coverage of Religiously Identifiable Groups*, (Sept. 8, 2010), [090810 AAG Perez Letter to Ed OCR Title VI and Religiously Identifiable Groups.pdf](#); OCR, Dep’t of Educ., *Dear Colleague Letter* (Sept. 13, 2004), <https://www.ed.gov/media/document/religious-rights2004pdf>.

⁷⁰ EO 14188, *supra* note 8.

⁷¹ EO 13899, at Sec. 1, *supra* note 10; see also OCR, Dep’t of Educ., *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964* (Jan. 19, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

⁷² EO 13899, at Sec. 1, *supra* note 10; see also *Working definition of antisemitism*, *supra* note 11.

benefit from the recipient's education program or activity."⁷³ A Title VI recipient, like Scripps, "must take immediate and effective action to respond to harassment that creates a hostile environment."⁷⁴ 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."⁷⁵ 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."⁷⁶

B. Scripps has permitted a hostile environment for Jewish and Israeli students to develop and flourish on its campus.

Scripps has violated Title VI by allowing a hostile environment to develop on its campus and failing to address it. Scripps has a duty 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."⁷⁷

The Statement of Facts above recounts one example after another of severe or pervasive anti-Semitic conduct that was brought to the attention of the Scripps Administration and about which Scripps did nothing or, in the case of the Carnegie Hall occupation, made matters worse. The anti-Semitic roommate was also brought to the attention of the Scripps office with authority to act—the Office of Residential Life. It did nothing. The harassing anti-Semitic comments made to Student B were detailed in a letter to a Scripps administrator, who arranged meetings for Student B but did nothing. Anti-Semitic tropes plastered all over the Scripps student newspaper were met with silence from the Administration. And, when Scripps students engaged in anti-Semitic vandalism at Carnegie Hall, Scripps publicly "scrambled" to find ways to help the wrongdoers avoid the consequences of their actions.

IV. Suggested Remedies

In light of Scripps's failure to take prompt and effective steps to protect Jewish and Israeli students and eliminate the hostile environment on campus, the Brandeis Center, ADL, and Arnold and Porter urge OCR to require Scripps to take the following steps to come into compliance with Title VI:

⁷³ 2023 *Dear Colleague Letter*, *supra* note 69, at 2.

⁷⁴ 2023 *Dear Colleague Letter*, *supra* note 69, at 2.

⁷⁵ 2010 *Dear Colleague Letter*, *supra* note 16, at 1; *see also Know Your Rights*, *supra* note 69.

⁷⁶ 2010 *Dear Colleague Letter*, *supra* note 16, at 5-6.

⁷⁷ 2010 *Dear Colleague Letter*, *supra* note 16, at 2-3.

1. Incorporate Executive Order 13899 and 14188 and the IHRA Definition of anti-Semitism and its guiding examples into Scripps's policies and policy manuals related to non-discrimination and codes of conduct; clarify its commitment to use the IHRA Definition and its contemporary examples as intended under EOs 13899 and 14188 when evaluating complaints to determine anti-Semitic intent; and amend all codes, policies, and procedures concerning discrimination, retaliation, intimidation, harassment, bullying, and violence to clarify that conduct falling within the IHRA definition and its examples will be considered a violation of those codes, policies, and procedures.
2. Recognize and integrate into applicable policies and conduct code, that "Zionism" is often used as a codeword for "Jew" and that Zionism is integral to the Jewish identity of many Jewish Americans. This should be done to the standard found here, here, and here, or higher.
3. Provide training on anti-Semitism to all Scripps administrators, faculty, students, and staff who interact with Scripps students, including resident advisors. 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 the Scripps community will be able to better identify and respond to anti-Semitic incidents in the future, particularly those that involve Jewish ethnicity and shared ancestry connected to Israel. The individual(s) or entity conducting this training must be mutually acceptable to both Scripps and the Complainants.
4. Issue a statement denouncing anti-Semitism in all its forms. We recommend that Scripps use or model its statement on the following language:

We condemn anti-Semitism in all its forms. Scripps 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.

We recognize that Zionism is a key component of the shared ancestral and ethnic identity of many Jewish Americans, including many Scripps students. Efforts to harass, marginalize, and exclude Zionists because they express this part of their Jewish ancestral and ethnic identity is contrary to Scripps's institutional values and nondiscrimination and conduct codes. Anti-Semitic harassment, bullying, and targeting are unacceptable.

To that end, Scripps will utilize the IHRA Working Definition of anti-Semitism and its accompanying examples 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. Scripps 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.

5. Enforce Scripps's policies against vandalism and make clear that such conduct violates College policy and will not be tolerated.
6. Establish and enforce policies forbidding protests in classroom buildings, dormitories, libraries, dining halls, etc.
7. Implement a ban on masked protests (see here). Student groups that do not comply with this ban on masked protests will lose their Scripps recognition. Students who do not comply with this ban on masked protests will face appropriate discipline.
8. Implement a ban on non-student protest activity on campus.
9. Implement a "zero tolerance" policy for classroom and learning environment disruptions.
10. Modify relevant College educational programs and training to ensure appropriate inclusion of Jewish identity, including the Zionist component of Jewish identity, and communicate and enforce a zero-tolerance policy for anti-Semitic and anti-Zionist conduct. The individual(s) or entity conducting these educational programs and training must be mutually acceptable to both Scripps and the Complainants.
11. Add additional security measures to protect students, including security cameras in the dormitories and around the campus.
12. Publicly share and announce information on disciplinary outcomes to the extent allowable under FERPA.
13. Make a public acknowledgment that chanting "from the river to the sea," "intifada," "there is only one solution, intifada revolution," "by any means necessary," "resistance is justified," and any other similar chants constitutes a call to violence and the elimination of Jews and the Jewish state, which Scripps condemns.

14. Institute policies to ensure faculty and staff abide by the American Association of University Professors guidelines and stick to their fields of study, forbidding teaching staff from pressuring students to engage in political activism (including the canceling of class to promote attendance at campus protests, encouraging students to attend campus protests during class time, and offering extra credit or other incentives for attending such protests).
15. Extend an invitation to Claremont Hillel to participate in and meet new students at orientation programming, to the extent other organizations are permitted to have representatives attend such events or other community leaders are included in the programming.
16. Create a long-term task force, with a membership selection process agreed upon by the Parties, for addressing anti-Semitism on campus, with power, authority, and jurisdiction, to report directly to Scripps' President and the Scripps Board of Trustees. The Task Force should include students who have a demonstrated interest in the issue of anti-Semitism and the Claremont Hillel Executive Director, who will work directly with appropriate Scripps administrators to create programming and activities to improve the campus climate for the benefit of all students, faculty, and staff. The task force shall be responsible for, among other tasks:
 - a. Review of classes, panels, forums, and other academic programs, including student group programs, reported to have anti-Semitic content.
 - b. Ensure that relevant educational programs and trainings at Scripps include Jewish identity, including the Zionist component of Jewish identity, and communicate and enforce a zero-tolerance policy for anti-Semitic and anti-Zionist conduct.
 - c. Propose and implement broad initiatives to educate Scripps students and faculty about anti-Semitism. Conduct an audit and report of financial support to Scripps and the Claremont Colleges from actors that finance anti-Semitic speech and terrorist organizations.
17. Create an ombudsman to address anti-Semitism complaints on campus.
18. Create a permanent academic center for the study of anti-Semitism.
19. Commit to rejecting any Boycott, Divest, and Sanction measures targeting Israel, Israelis, or Israeli businesses.

20. Ensure that all students at the Claremont Colleges, including Jewish and Israeli students, can access, use, and/or reserve space in the Motley and all other Scripps and Claremont Colleges-wide facilities, and that the reservation process for space at the Motley is uniform for all students and student groups. Relatedly, ensure that the Motley and all other Scripps facilities adhere to Scripps's Advertising, Publicity, and Solicitation Policy, the Principles of Community, and any and all other relevant Scripps and/or Claremont Colleges-wide policies.

21. Conduct disciplinary proceedings for those Scripps students, faculty, staff, and/or 5C organizations known to have been involved in organizing, leading, and/or participating in the October 7, 2024 takeover of Carnegie Hall at Pomona, including those who vandalized and damaged Pomona property, disrupted classes or other College operations, and harassed Jewish and Israeli (and other) students in violation of any and all relevant Scripps, Pomona College, and/or Consortium-wide policies, including but not limited to, The Claremont Colleges Demonstration Policies and Procedures.

Acting Sec. Trainor
Director Pelchat
February 24, 2025
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IV. Conclusion

For the foregoing reasons, the Brandeis Center, ADL, and Arnold & Porter urge OCR to initiate an investigation of Scripps College, a recipient of federal funding, for violations of Title VI and the statute's implementing regulations.

Respectfully Submitted,



Denise Katz-Prober
Director of Legal Initiatives
denisekp@brandeiscenter.com



Deena Margolies
Staff Attorney
dmargolies@brandeiscenter.com



Baruch Weiss
Partner
Arnold & Porter Kaye Scholer LLP
baruch.weiss@arnoldporter.com



James Pasch
Vice President, Litigation
ADL
jpasch@adl.org

Exhibit A

Dear Scripps College Community Members,

It is with great regret and disappointment that I inform you that Scripps College has made the difficult decision to close the Motley Coffeehouse until further notice, pending a process to clarify the roles and responsibilities, operating protocols, and legal obligations of College administration and student employees.

We did not arrive at this decision lightly, as we recognize the Motley's centrality as a cherished campus hub for community engagement and entrepreneurial experience. As a College-owned business, the Motley and its employees are subject to the same rights and obligations of other community spaces and employees. Over the past four weeks, Dean of Students' staff have engaged in multiple conversations with Motley employees. These conversations aimed to highlight the importance of fostering an inclusive environment that welcomes diverse opinions, beliefs, and identities within the Scripps community. The discussions emphasized the potential business risks and negative impacts associated with actions that may inadvertently restrict free expression or create an unwelcoming atmosphere.

The College remains committed to working collaboratively to ensure that the Motley continues to be a space that reflects and celebrates the diversity of our campus. However, the Motley managers have ignored the Dean of Students' repeated requests to issue an open call for visual materials for display inside the business, refused to attend operational meetings with the Business Affairs team, and closed the business to the public for political purposes. For these reasons, the College has suspended the Motley business operation until the College can establish viable working protocols.

It is my sincere hope that we can commit to a constructive, informed dialogue process in which diverse perspectives are heard and all parties share accountability for this College-owned, student-run business that our community values. It is our aim to preserve the feminist and intersectional ethos that has shaped the Motley's culture and ensure that it also embodies the spirit of access and inclusion we strive to create on Scripps' campus.

In line with Scripps College's Principles of Community, our aim is to ensure that the Motley remains a welcoming space for all members of the Scripps and 7C communities.

As we voice undoubtedly divergent views about this decision, I urge you to do so with respect and consideration for your classmates, coworkers, and fellow community members.

Sincerely,

President Amy Marcus-Newhall