

April 12, 2024

VIA E-MAIL

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**Re: Civil Rights Violations at Yale**

Dear Assistant Secretary Lhamon and Director Ajami:

**I. Introduction**

This complaint is filed on behalf of the Louis D. Brandeis Center for Human Rights under Law (the Brandeis Center), a national non-profit legal advocacy organization that works to combat anti-Semitism in higher education and protect the rights of Jewish students, the Anti-Defamation League (ADL), a leading anti-hate organization committed to stopping the defamation of the Jewish people and securing justice and fair treatment to all, and two Yale College undergraduates who are clients of the Brandeis Center: Sahar Tartak, a Jewish sophomore, and Netanel Crispe, a Jewish and Israeli-American junior (the Complainants).<sup>1</sup> Both students

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<sup>1</sup> At Yale, all incoming undergraduate students are assigned to one of Yale's fourteen residential colleges and remain affiliated with their residential college for all four years (and as alumni). Each residential college has its own Head of College, Dean and dining hall. *See* Yale Housing, *Residential Colleges*, (visited March 29, 2024),

have experienced discrimination, disparate treatment, and exclusion from Yale events. Other Yale College and Yale University students have also reported antisemitic discrimination and harassment. We include their experiences here but honor their preference to remain anonymous. All of the students discussed in this complaint are able and willing to provide testimony to the Office for Civil Rights (OCR) about the hostile environment that has developed for Jewish and Israeli students at Yale. We respectfully submit this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI).

A survey released in March 2024 by ADL and Hillel International shows that 73% of Jewish college students have experienced or witnessed anti-Semitism since the start of the school year. The same survey found that more than half of Jewish university students feel physically unsafe on campus because of their Jewish identity. A majority of students—Jewish and non-Jewish—feel that their university has not done enough to address anti-Jewish prejudice on campus.<sup>2</sup> According to another recent survey, more than one-third of Jewish college students have felt compelled to conceal their Jewish identity on campus.<sup>3</sup>

With increasing frequency, Jewish college and university students across the country 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."<sup>4</sup> According to the International Holocaust Remembrance Alliance Working Definition of Antisemitism

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<https://housing.yale.edu/undergraduate-housing/residential-colleges#:~:text=All%20incoming%20undergraduates%20are%20assigned,community%20within%20every%20residential%20college.>

<sup>2</sup> ADL Center for Antisemitism Research, *Campus Antisemitism: A Study of Campus Climate Before and After the Hamas Terrorist Attacks*, (Nov. 29, 2023),

<https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks.>

<sup>3</sup> Hillel International, *More Than One-Third of Jewish College Students Are Forced to Hide Their Jewish Identity, New Hillel Poll Finds*, (Nov. 20, 2023),

[https://www.hillel.org/more-than-one-third-of-jewish-college-students-are-hiding-their-jewish-identity-on-campus-new-hillel-international-poll-finds/.](https://www.hillel.org/more-than-one-third-of-jewish-college-students-are-hiding-their-jewish-identity-on-campus-new-hillel-international-poll-finds/)

<sup>4</sup> 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>.

(the “IHRA Definition”), “[h]olding Jews collectively responsible for actions of the state of Israel” is an example of anti-Semitism.<sup>5</sup>

As illustrated by ADL’s Pyramid of Hate,<sup>6</sup> shunning and exclusion do not occur in a vacuum. 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 survey, eight in ten Jews say that caring about Israel is an essential or important part of what being Jewish means to them.<sup>7</sup> It is not a mere viewpoint or political opinion. For most Jews, Zionism represents their Jewish ancestry—the historic reality that the Jews as 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.

Anti-Semitic discrimination and harassment of Jewish and Israeli students on the basis of their national origin and shared ancestry have flourished on Yale’s campus in the wake of October 7, 2023, when Hamas carried out a terrorist attack in Israel massacring, torturing, and kidnapping 1400 innocent civilians, including infants, children, and the elderly. The October 7 massacre was the deadliest day for Jews worldwide since the Holocaust.

Since that day, anti-Israel protests have interfered with Jewish and Israeli students’ ability to attend class and move about the campus freely. Many Jewish students report they have taken refuge in their dormitories to avoid harassment during the numerous pro-Hamas demonstrations on campus. The administration has ignored Jewish students’ complaints, thereby enabling pro-Hamas students who continue to engage in inflammatory anti-Semitic conduct.

Yale has contributed to a hostile climate for Jewish and Israeli students through inconsistent actions, refusal to enforce its own policies, and dismissiveness toward Jewish students’ concerns. As a result, Jewish students have been deprived of the ability to fully and equally participate in the educational opportunities available to other Yale students.

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

<sup>6</sup> ADL, *Pyramid of Hate*, (2021), [https://www.adl.org/sites/default/files/pyramid-of-hate-web-english\\_1.pdf](https://www.adl.org/sites/default/files/pyramid-of-hate-web-english_1.pdf).

<sup>7</sup> 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/>.

Yale administrators have not only failed to quash the hostile environment but have engaged in discriminatory conduct of their own.

For example, the head of a residential college ordered Mr. Crispe to remove an Israeli flag from his window while Palestinian flags flew freely across campus.

Another residential college head chastised Ms. Tartak for including in the college council newsletter an invitation for a Shabbat dinner being held the Friday after the October 7 attack to demonstrate support for the Yale Jewish community. Until Ms. Tartak included this item, the newsletter had regularly included a “Yale Gems” section recommending a variety of campus events, including, *e.g.*, a Halloween party and a sustainability event. Suddenly, administrators invoked an obscure rule prohibiting the addition of anything other than college council business—a rule that had never been enforced. For the college Head, Ms. Tartak’s invitation to stand in solidarity with the Jewish community in its time of need was anathema. It was preferable to take out the “Yale Gems” than permit mention of a Jewish Sabbath dinner.

In another instance, the University not only failed to act when Yale students were barred from a campus event based on their Jewish appearance, it publicly denounced the students who spoke out about their experience. In early November 2023, academic departments hosted an event called “Gaza Under Siege,” which was ostensibly open to all students with Yale ID. But when several visibly Jewish students tried to attend, event hosts told them they could not enter because they hadn’t pre-registered. The students watched while other students and faculty who had not pre-registered were allowed in. After two of the students filed formal complaints with the administration and wrote about their experience in *The Wall Street Journal*, the University took no steps to address the discriminatory treatment that the students had experienced, choosing instead to ignore the evidence and deny that the discrimination had ever happened.

Yale professors have made their own animus clear. As soon as the reports of the massacre emerged, a number of Yale professors and students began to make hateful, anti-Semitic statements on social media. For example, on the day of the massacre, Yale Associate Professor of American Studies, [REDACTED], posted the following message on X (formerly Twitter), “Israeli [sic] is a murderous, genocidal settler state and Palestinians have every right to resist through armed struggle...”<sup>8</sup> Professor

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<sup>8</sup> [REDACTED], *Radical Yale professor faces calls to be fired over comments on Hamas attacks*, New York Post, (Oct. 12, 2023), <https://nypost.com/2023/10/12/radical-yale-professor-faces-calls-to-be-fired-over-comments-on-hamas-attacks/>.

█ later celebrated the attack by retweeting a news video covering the initial onslaught, with the caption, “It’s been such an extraordinary day!”<sup>9</sup>

On the same day, Yalies4Palestine (Y4P), an officially recognized student organization, absolved Hamas of the murders in an Instagram post holding “the Israeli Zionist regime responsible for the unfolding violence.”<sup>10</sup> The next day, Y4P called for the Yale community to come together “to celebrate the resistance’s success.”<sup>11</sup>

The attitude reflected in the social media of Y4P and a few Yale professors encouraged a number of Yale students to harass Jewish and Israeli students in the classroom and on campus by, *e.g.*, walking out of class at any mention of the word Israel; staging pro-Hamas sit-ins and vigils in main libraries during finals; engaging in performative anti-Israel displays that prevent Jewish students from moving comfortably around campus or leading tours for incoming students; and dropping counterfeit “bloody” (fake) hundred-dollar bills on the heads of students at the main dining hall while announcing on a loudspeaker that Israel is guilty of genocide.

For these reasons, detailed below, the Brandeis Center and ADL request that OCR initiate an investigation of Yale University, a recipient of federal financial assistance,<sup>12</sup> for violations of Title VI and the statute’s implementing regulations.

We also request mediation at the time of filing pursuant to Section 201(a) of OCR’s Case Processing Manual.

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<sup>9</sup> *Id.*

<sup>10</sup> See Yalies 4 Palestine [@yalies4palestine] (2023, October 9). “Yalies4Palestine stands in unwavering support of the Palestinian people’s right to resist [Photograph]. Instagram. [https://www.instagram.com/p/CyLbSibAU5A/?hl=en&img\\_index=1](https://www.instagram.com/p/CyLbSibAU5A/?hl=en&img_index=1).

<sup>11</sup> *Id.*

<sup>12</sup> See Yale University, *Financial Aid: Federal Direct Subsidized Loan*, <https://finaid.yale.edu/costs-affordability/types-aid/federal-direct-subsidized-loan>.

## II. Statement of Facts


### A. Ms. Tartak and Mr. Crispe are subjected to discrimination and disparate treatment on the basis of their Jewish identity.

#### 1. The Dean and Head of Ms. Tartak's residential college reprimand her for promoting a Shabbat communal dinner for all students the Friday evening following the October 7 massacre.

Ms. Tartak is one of two Yale College Council (YCC) Senators representing Pierson College in student government. At the beginning of the Fall 2023 semester, Ms. Tartak and her co-senator were granted access to the YCC listserv by the Dean of Pierson College, [REDACTED], and Pierson Head of College, Professor [REDACTED], to send bi-weekly updates to the Pierson community about YCC happenings. These emails traditionally conclude with recommendations about activities or upcoming events such as invitations to Pierson's annual Halloween party, a food drive led by the Yale Sustainability Liaison, a running group led by Ms. Tartak's co-senator, and a promotion to encourage flu vaccinations.

A few days after the Hamas massacre, Ms. Tartak included in the newsletter an invitation to a Shabbat dinner at Yale Chabad, open to all students. The invitation read, "Let's Get Together for Shabbat of Solidarity and Unity" to unite the campus community after the horrific events the world had just witnessed.

**And finally, a note from Sahar:** As many of you know, this has been a hard week for the Jewish community at Yale and across the world. The massacre of over 1,200 innocent lives in Israel has affected many Yalies directly, whether it means calling family across the world to check in or losing actual relatives and friends. So the Jewish community at Yale is choosing light over darkness and extending an invitation to all students, Jewish or not, to attend Shabbat dinner tonight (yes, it's free food). More info on this flier:



**LET'S GET  
together  
FOR SHABBAT  
OF SOLIDARITY AND UNITY**

**FRIDAY, OCTOBER 13 | 7:00PM**  
To RSVP: Text 'Shabbat Dinner' to 203-350-7174

We will gather at 5:45pm for candle lighting and Tefillin then will flow into a Kabbalah Shabbat. Shabbat dinner will begin at 7:00pm.

Chabad at Yale, 36 Lynwood Place | New Haven CT 06511 **Am Yisrael Chai**

Hours after the newsletter was circulated on a Friday, Dean ██████████ and HOC ██████████ sent a stern email to Ms. Tartak and her co-senator instructing them to come to a meeting Monday morning to discuss “their use of the Pierson pan<sup>13</sup> email list to send out information that is unrelated to council business”; “in the meantime,” they were told, they must “cease” using the listserv until “we’ve had a conversation about your privileges moving forward.”<sup>14</sup>

At the meeting, the administrators admonished Ms. Tartak and her co-senator for breaking a rule that only official YCC business be included in the newsletter. Until this meeting, however, the rule had never been enforced at Pierson (or, on information and belief, at any other residential college). This rule does not even appear in the handbook for student senators.

Professor ██████████ acknowledged that this policy had never been enforced, but stated she was now choosing to enforce it—simply because Ms. Tartak had chosen to share an event of significance to Jewish students horrified by and reeling from the massacre of their fellow Jews.

**2. The head of Mr. Crispe’s residential college orders him to remove the Israeli flag he hung from his dorm room window while Palestinian flags fly freely across campus.**

Two days after Hamas’ barbaric attack on Israeli civilians, Mr. Crispe, who is Jewish and was born in Israel, hung an Israeli flag outside his dorm window. A week later, he received a notice from his head of college, ██████████, telling him to remove it.<sup>15</sup> Mr. Crispe observed that other students were freely hanging flags from their dorm room windows, including Palestinian and BLM flags. None of these were removed. The head nevertheless insisted Mr. Crispe take his flag down.

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<sup>13</sup> The Pierson pan email list contains the emails of all Pierson College residents including students and faculty.

<sup>14</sup> Email from ██████████, Dean of Pierson College, to Sahar Tartak (Oct 14, 2023, 4:34 pm) (on file with author).

<sup>15</sup> The email said, “I am writing to ask you...to remove the flag/banner hanging from the suite’s window on the exterior wall of the college. This is in accordance with the Undergraduate Regulations. I am also keen for this to happen today...,” See Email from ██████████, Head of College, to Netanel Crispe (Oct. 16, 2023, 7:24 PM GMT) (on file with author).



Approved by Yale.



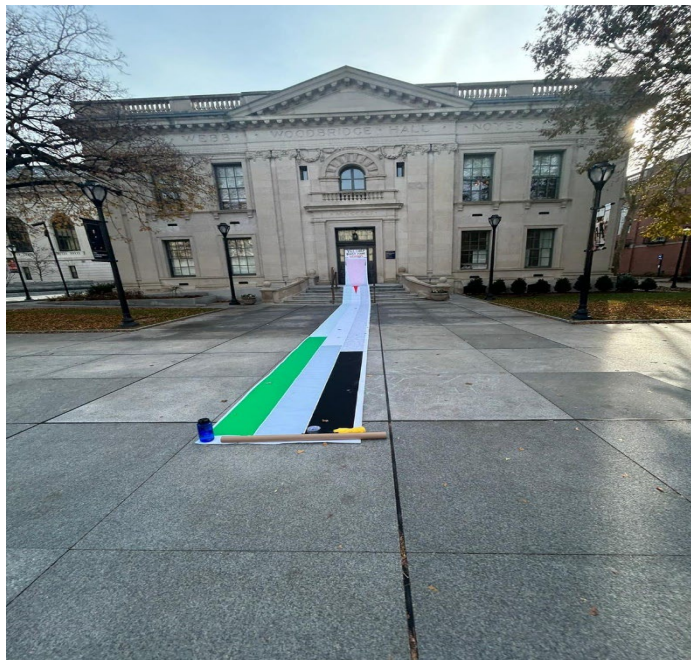
Rejected by Yale.



Approved by Yale.

### 3. Administrators allow pro-Hamas students to violate school rules.

On Friday, December 1, Mr. Crispe was heading back to his dormitory when he noticed a 60-foot banner covering the door of Woodbridge Hall, an academic building on Yale's campus. It listed the names of all the Palestinians (including members of Hamas) who had been killed during the Israel-Hamas War.





Mr. Crispe knew this was a violation of a Yale policy providing that banners may not exceed a certain size and cannot block an entrance.<sup>16</sup> He approached ██████████, the Assistant Vice President for University Life, who was standing by the building and asked that the banner be removed per Yale policy. ██████████ stated that the University would not be removing the banner but that any student was free to do so.<sup>17</sup>

After receiving this permission from ██████████,<sup>18</sup> Mr. Crispe carefully removed the banner.<sup>19</sup> Anti-Israel protestors recorded him doing so and followed him back to his dormitory, where he went to prepare for Shabbat. They sat outside his window for 15 minutes with cameras filming him inside his room. Mr. Crispe contacted the Head of College and security, but no action was taken.

Mr. Crispe asked the administration why the University had allowed a 60-foot anti-Israel banner to block a door and create a potential fire hazard in violation of several Yale policies<sup>20</sup> when it was so quick to remove posters showing support for Israel. The University had no answer.

#### **4. Mr. Crispe is unable to give paid campus tours due to pro-Hamas protests and harassment.**

Mr. Crispe, a Chassidic Jew who wears traditional Jewish garb—a black hat, Yarmulke, and Tzizit, has worked for two years as a student tour guide for high school students interested in applying to Yale. This year, however, pro-Hamas protesters have shouted at, pushed, or obstructed his path repeatedly. This continual harassment has made it difficult for him to walk through campus, and all but

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<sup>16</sup> This policy prohibits students from blocking or obstructing doorways, for fire safety and other operational reasons, and from hanging posters or similar items on undesignated spaces including exterior walls and doors. See Yale University, *University Postering and Chalking Policy*, (visited March 29, 2024), <https://provost.yale.edu/policies/university-postering-and-chalking-policy>.

<sup>17</sup> ██████████ & ██████████, *University administrator allows student to take down banner naming killed Palestinians, admits 'administrative errors*, Yale Daily News, (Dec. 3, 2023), <https://yaledailynews.com/blog/2023/12/04/university-administrator-allows-student-to-take-down-banner-naming-killed-palestinians-admits-administrative-errors/>.

<sup>18</sup> *Id.*

<sup>19</sup> Mr. Crispe brought the banner to ██████████ who returned it to student leaders on December 4, 2023. See *id.*

<sup>20</sup> See *University Postering and Chalking Policy*, *supra* note 16; see also ██████████ & ██████████, *supra* note 17.

impossible for him to lead tours through areas of Yale’s campus occupied by anti-Israel protestors.

He shared his concerns with the administration, who failed to ensure his safety or find ways to enable him to move about campus freely without harassment. Mr. Crispe and other Jewish tour guides were forced to cancel tours or create new tour routes to avoid conflict, often losing the wages upon which they rely.

**5. Faculty and students deny Ms. Tartak and Mr. Crispe entry to an academic event.**

On November 6, 2023, Y4P co-sponsored an anti-Israel event entitled, “Gaza Under Siege” with the Department of American Studies, the Department of Anthropology, the Program on Ethnicity, Race and Migration, the Department of Religious Studies, Women, Gender, and Sexuality Studies, the Yale Ethnography Hub, Edward J and Dorothy Clarke Kempf Memorial Fund, and Black Feminist Collective. The event advertisement directed Yale students “to bring your Yale ID to enter”—nothing more.



Ms. Tartak and Mr. Crispe, who are outspokenly and visibly Jewish, decided to attend the event and offer attendees flyers presenting their own views of the Israel-Gaza conflict.

When they arrived at the door, however, event organizers refused to admit them and several other visibly Jewish students. The organizers claimed the Jewish students could not attend because they had not pre-registered, even though the event advertisement (shown above) said nothing about pre-registration.

Ms. Tartak then saw the organizers admit two other Yale students whose names were not on the registration list. She witnessed the organizers grant entry to an individual who had not registered but told them she was a member of the Chaplain's office. One of the Jewish students seeking entry was also a member of the Chaplain's office, but the organizers nevertheless excluded her.<sup>21</sup>

#### **6. Ignoring evidence to the contrary, Yale publicly denies that any students were excluded.**

Mr. Crispe sent an email to Yale President Peter Salovey explaining that Jewish students, “were barred from entry and forced to sit outside” during the event. He received no response. Ms. Tartak and Mr. Crispe also co-wrote an article that was published the following day in the *WSJ*, relating the story of their exclusion from the “Gaza Under Siege” event.<sup>22</sup>

Rather than address the discrimination, or even apologize to the Jewish students who had been denied entry, the University chose instead to respond to the article by publicly denying that any students had been improperly denied access, a statement that flew in the face of witness testimony.<sup>23</sup>

The University's release of this statement led to further harassment on campus for both students. Ms. Tartak was told to “go kill yourself,” called “Yale's premier grifter,” by students and blamed for her own exclusion.<sup>24</sup> She was ostracized by her

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<sup>21</sup> According to Ms. Tartak, after [REDACTED] of the Chaplain's office was granted entry, she then pointed to her Orthodox Jewish friend and said, “she is also with the Chaplain's office.” Her friend then said, “Yes I am Peer Liaison, a Chaplain's office employee.” Yet, she was also denied entry into the event.

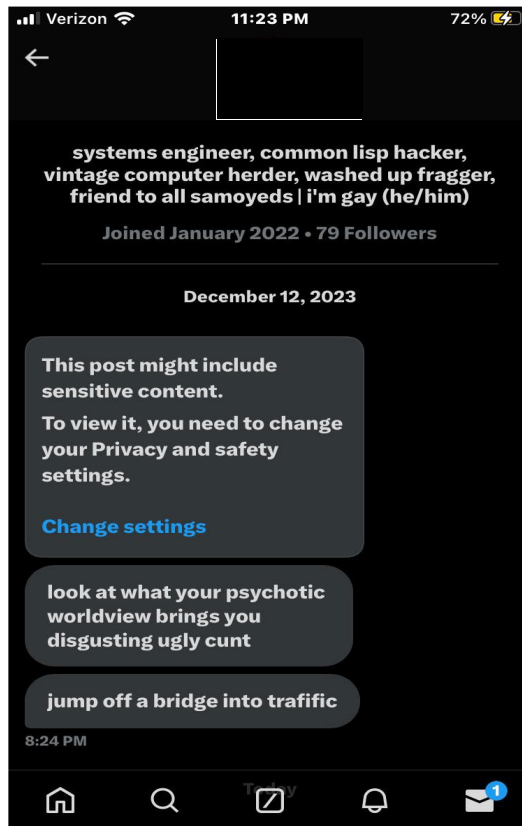
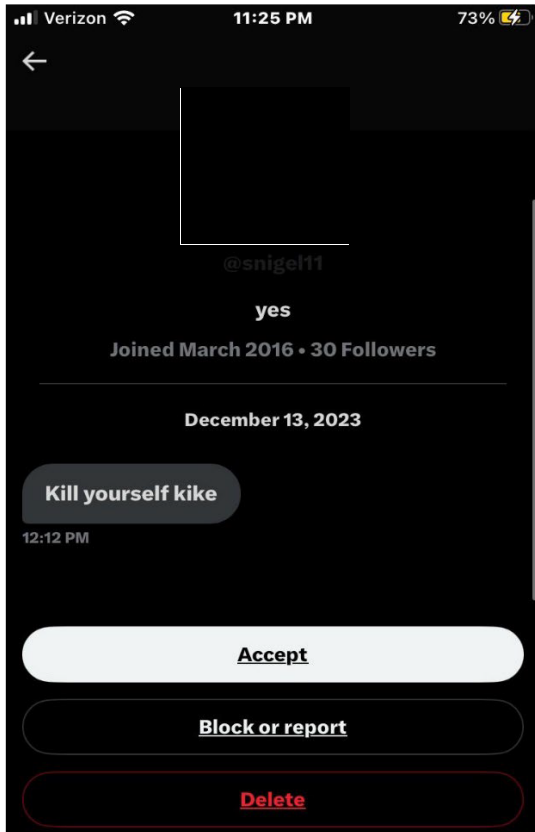
<sup>22</sup> Sahar Tartak & Netanel Crispe, *Jewish Students Meet Hostility at Yale*, Wall Street Journal, (Nov. 7, 2023), <https://www.wsj.com/articles/jewish-students-meet-hostility-at-yale-israel-hamas-violence-terrorism-anti-semitism-1d6f81da>.

<sup>23</sup> *University statement on faculty-led event held on Monday, Nov. 6*, Yale News, (Nov. 8, 2023), <https://news.yale.edu/2023/11/08/university-statement-faculty-led-event-held-monday-nov-6>.

<sup>24</sup> One student posted, “Well, you should register ahead of time instead of assuming everyone will make space for you. Your entitlement was not the event organizer's emergency.”

peers and disparaged and threatened on social media. As a result, Ms. Tartak avoided classes and club meetings and was too distraught to take exams. Her college essay tutoring program was also impacted. The previous year, she had 11 students. Due to the constant harassment this past semester, she was emotionally unable to meet students.

Pictured below are examples of the hostile words and images directed at Ms. Tartak on social media.



Mr. Crispe similarly experienced increased harassment from members of the Yale community. He saw a significant increase in anti-Semitic messages on his social media. In many cases, these posts directly referred to Yale's statement and painted him as a liar. For the remainder of the semester, Mr. Crispe had to defend himself to friends and classmates who doubted his honesty in the wake of Yale's statement.

**B. Jewish and Israeli students are targeted and harassed on Yale's campus.**

**1. Y4P takes over the main library and the law library during finals, making it impossible for Jewish and Israeli students to study there.**

Jewish and Israeli Yale students were effectively precluded from using Sterling Memorial Library (Yale's main library) and the Yale Law School Library during finals last semester. In December 2023, Y4P, Law Students for Justice in Palestine (LSJP), and Law Students for a Free Palestine (LSFP) organized demonstrations and occupied these libraries on Yale's campus, rendering them off-limits to Jewish and Israeli students.

Throughout December, Y4P held "study-ins" for Palestine in Sterling Memorial Library and encouraged participants to wear keffiyehs and display Palestine solidarity signs on their laptops. Similarly, Yale LSJP announced on their official Yale Instagram account that "Yale Law students occupied [sic] the law school library during finals season as part of the global strike for Palestine, following the lead of our fellow organizers at NYU and Harvard Law."<sup>25</sup>



The protestors put posters and signs all over their laptops and on library tables stating, "Free Gaza" and "End the Occupation" and handed out anti-Israel propaganda to incoming students. Several Jewish and Israeli students were approached by protestors while they were trying to study and asked why they were not joining the "study-in" to protest the occupation. They were accused of being

<sup>25</sup> See Yale Law Students for Justice in Palestine [@yalelsjp] (2023, December 11). "Today, Yale Law students occupied the law school library during finals [Photograph]. Instagram. [https://www.instagram.com/p/C0vEy\\_SM1St/?img\\_index=1](https://www.instagram.com/p/C0vEy_SM1St/?img_index=1).

“colonizers” and supporting genocide in front of their peers. This made it impossible for Jewish and Israeli students to focus on their studies in the main study areas for undergraduates and law students.

As a result, many Jewish students, including Ms. Tartak, Mr. Crispe, and others, avoided the libraries during finals because they feared humiliating and embarrassing confrontations. Yale staff and administrators did nothing to ensure that these students could be left alone to study. Ms. Tartak stated, “After hearing that my friend could not get to his job in the music library because of a ‘death-in’, in which security guards just watched and did nothing about, I started avoiding Sterling entirely.”

Yale has policies that, if enforced, could have allowed Jewish students access to the libraries free of harassment. Under Yale University Free Expression Policy Guidance, “sitting in or otherwise occupying a building in a way that blocks access or otherwise interferes with university event or operations is not permitted.”<sup>26</sup> Yet, this policy continues to be unenforced at Yale’s libraries. This semester, Y4P staged a die-in on February 28, 2024, in Sterling where students screamed, “Free, Free, Palestine,” and taped photos of the slain Hamas terrorists who they referred to as “martyrs” to the library floor.<sup>27</sup> These activities violate Yale policies, but Yale elected not to mention, let alone enforce, its rules when Jewish students complained about the violations.

## **2. Jewish students are harassed in Yale’s main dining hall.**

On January 29, 2024, thousands of bloodstained “hundred-dollar bills”<sup>28</sup> onto unsuspecting students eating lunch that afternoon. Members of Y4P used paper-blowing devices (canons) to rain down fake bloody bills onto students while a booming audio announced, “Attention all, attention all. At this time, we invite you to stop eating, stop talking, and listen to the following announcement about the ongoing genocide in Gaza...”<sup>29</sup> One side of the bill contained a printed image of a 100-dollar

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<sup>26</sup> Yale University, Office of the Secretary and Vice President for University Life University, *Guidance Regarding Free Expression and Peaceable Assembly at Yale*, (visited March 29, 2024), <https://secretary.yale.edu/student-life/guidance-regarding-free-expression-and-peaceable-assembly-yale>.

<sup>27</sup> See Yalies4Palestine [yalies4palestine]. (2024, February 28). “50 students staged a die-in at Sterling Memorial Library to send a message [Video]. Instagram. [https://www.instagram.com/p/C36es\\_FM8EC/?hl=en&img\\_index=1](https://www.instagram.com/p/C36es_FM8EC/?hl=en&img_index=1).

<sup>28</sup> The Commons is one of Yale’s largest dining halls and it is described as a central destination for undergraduate, graduate and professional students as well as faculty and staff. See *Commons*, Yale Schwarzman Center, (visited March 29, 2024), <https://schwarzman.yale.edu/commons>.

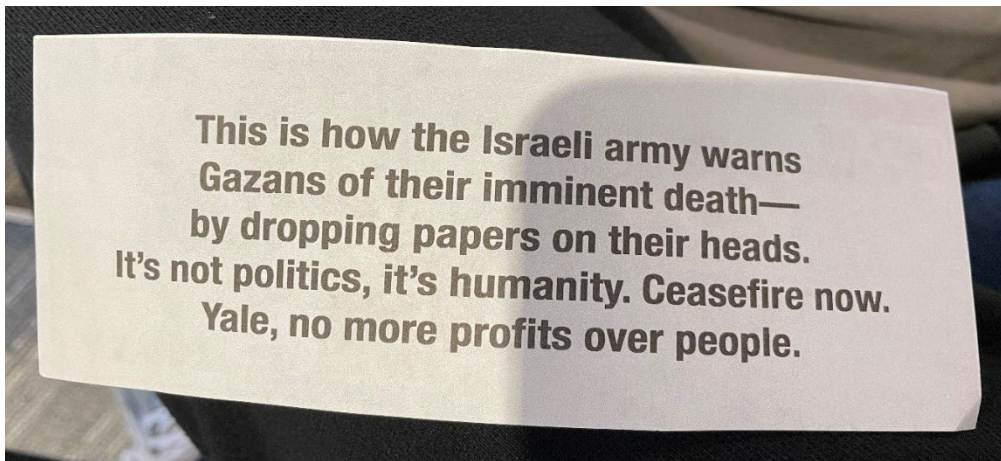
<sup>29</sup> See Yale Palestine Actions [@yalepalestineactions]. (2024, January 29). “On

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bill covered in fake blood with the words, “100 Days of Genocide” and “Yale, Your money talks.” On the other side was a note which read, “This is how the Israeli army warns Gazans of their imminent death— by dropping papers on their heads. It’s not politics. It’s humanity. Ceasefire Now. Yale, no more profits over people.”



(Front view)



(Back view)

The association of Jews and money is one of the oldest anti-Semitic tropes and has fueled anti-Semitism throughout history.<sup>30</sup> This trope dates back to the Middle Ages — when Christians were forbidden by the Church to lend money for interest— moneylending, and trade were among the few professions Jews were allowed to

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*January 29, 2024, Yale students gathered in the largest dining hall on campus [Video]. Instagram.*

<https://www.instagram.com/yalepalestineactions/reel/C2s4KhZvqHH/>. The announcement also said, “While you go about your day, living and thriving at the heart of this empire, Israel kills Fifteen Palestinians every hour, six of whom are children.” *Id.*

<sup>30</sup> American Jewish Committee, *Greed: When It's Antisemitic, Translate Hate Glossary*, (visited March 28, 2024), <https://www.ajc.org/translatehate/greed>.

undertake.<sup>31</sup> Jews were blamed for usury, or the act of charging high rates of interest, and this association led to stereotypes about Jewish greed and wealth. From Shakespeare's Shylock, the greedy Jewish money leader in *The Merchant of Venice* to Nazi propaganda on Jewish economic control, this anti-Semitic Jewish trope reflects a widespread depiction of Jews as unscrupulous and money-hungry and working against the interest of honest citizens.<sup>32</sup>

Student 1, a Jewish senior at Yale, described how the event affected her. She was sitting in Commons at a table under the balcony when she heard the loud announcement blaming Jews for the murder of thousands of Palestinians including children.<sup>33</sup> A moment later, students from the balcony above began blasting artificial money smeared with red paint to simulate blood. Student 1 was seated directly below the balcony and hundreds of the bills were dumped all over her. Neither the faculty nor staff present in the dining hall intervened to stop the anti-Semitic demonstration from continuing. Instead, Student 1 remained in her seat, shaking, believing that as a Jewish student, she was no longer welcome at Commons. Her reaction was similar to that of many Jewish students who were dining in the Commons that day.

Although Yale received complaints about this disturbing display of anti-Semitism, it took no action and did not even issue a statement condemning the incident. Ms. Tartak brought up the bloodstained money incident at a meeting with Dean [REDACTED] and was told that the display was in the realm of political expression and that the only consequence that Y4P could face would be for littering.

Although the Dean failed to mention it, Yale *does* have policies addressing such misconduct in the dining halls.<sup>34</sup> Under the Yale College Undergraduate Regulations, "loudness and offensive boisterousness are inconsiderate invasions of the rights of others and are not allowed."<sup>35</sup> And "public announcements, except with the approval of the dining hall manager and the head of the college are not allowed during meals."<sup>36</sup> There are penalties for these violations including suspension from the

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<sup>31</sup> Jews were moneylenders because they were not permitted to own land. See *Anti-Semitism in Medieval Europe*, Britannica, <https://www.britannica.com/topic/anti-Semitism/Anti-Semitism-in-medieval-Europe>; see also *id.*

<sup>32</sup> Anti-Defamation League, *Myth Jews are Greedy*, (visited March 27, 2024), <https://antisemitism.adl.org/greed/>.

<sup>33</sup> The full message can be viewed in the video Yale Palestine Actions took of the incident. See Yale Palestine Actions, *supra* note 29.

<sup>34</sup> Yale University, *Dining Services*, Yale College Undergraduate Regulations 2023-2024, (visited March 29, 2024), <https://catalog.yale.edu/undergraduate-regulations/regulations/dining-services/>.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*



dining hall. But Yale chose not to discipline the students responsible for this anti-Semitic and disruptive event.

### **3. Jewish and Israeli students across campus report being impacted by the hostile environment.**

Since October 7, pro-Hamas student and faculty protestors have subjected Jewish and Israeli students to ongoing harassment and intimidation on the basis of their shared ancestry. Pro-Hamas protests, rallies, and demonstrations during the fall 2023 semester (including on October 9, 22, 25, November 3, 18, 22, 29, and December 1, 10, 14) saw thousands of students, faculty staff and members, many of whom were masked, and members of the greater New Haven Community marching across Yale's campus.

During these protests, Jewish and Israeli students report having been pushed, obstructed, threatened, and terrorized by Hamas supporters calling for the end of Israel, screaming "Intifada," and "The resistance is justified when the land is occupied." Jewish and Israeli students are afraid to walk past these angry mobs calling for their death, and have missed numerous classes, meetings, and extracurricular activities as a result. Some have stayed in their dorm rooms to avoid these confrontations. Others have avoided the campus altogether.

Due to the ongoing harassment on campus, many Jewish students have been fearful, anxious, isolated, and uncomfortable at Yale. The following statements were provided to the Brandeis Center by Yale students, some of whom asked that their names be withheld to protect their identities.

**Ms. Tartak and Mr. Crispe:** "Yale has become a hostile environment for Jewish students. We've seen multiple protests with hundreds of students yelling "resistance is justified"; a petition with 1,200 student and staff signatures accusing Israel of genocide and Yale of "criminalizing" Palestinians' "right to resist"; the words "I [heart] Gaza" and "love 4 Gaza" written in chalk throughout campus, and Instagram posts by the student group Yalies4Palestine declaring "the Israeli Zionist regime responsible for the unfolding violence" and calling on "the Yale community to celebrate the resistance's success."

**Student 1:** "Since October 7, 2023, I have felt nervous and have been reserved in expressing my Jewish identity. I now make efforts not to talk with friends about Shabbat dinner or other Jewish events before or after class, in fear that my professor or classmates will overhear, and my learning environment will become one of hostility or one where I may even be graded down for my identity."

**Student 2:** An Israeli graduate business student stopped speaking Hebrew on campus during these demonstrations and rallies as he feared being harassed by pro-Hamas protestors. When his parents came to visit, he was unable to take them on a campus tour during the October 25 demonstration because he feared his parents would be targeted since they communicate only in Hebrew.

**Student 3:** “I’ve found it tremendously difficult to focus on my academics amidst disturbances.... Continued rule breaking, such as chalk violation and event disruptions, further renders Yale’s campus as unwelcoming to its Jewish populace.”

**Student 4:** “Radical students have created an environment unwelcoming toward Israelis and Jews and adverse to teaching, learning, and free discussion. I have been socially ostracized in some cases.”

### III. Yale Has Violated Title VI.

#### A. Under Title VI, federally funded schools are required to prevent discrimination against and severe or pervasive harassment of protected groups, including Jewish and Israeli students.

Title VI prohibits discrimination on the basis of race, color, and national origin in educational institutions that receive federal funding.<sup>37</sup> Guidance issued by the 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.”<sup>38</sup>

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<sup>37</sup> See 42 U.S.C. § 2000d et seq.

<sup>38</sup> See *Dear Colleague Letter*, U.S. DEPT OF EDUC.–OFFICE FOR C. R. (Nov. 7, 2023), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; 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, available at <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, available at <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., U.S. Dep’t of Just.–C.R. Div., to Russlyn H. Ali, Assistant Sec’y for C.R., U.S. 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\\_P](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_P)

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.”<sup>39</sup> 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.” 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.

Discriminatory actions include selective enforcement of rules, failure to adequately address and investigate anti-Semitic incidents on campus, and disparate treatment of students on the basis of their Jewish ethnic identity and Israeli national origin.

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.”<sup>40</sup> A Title VI recipient “must take immediate and effective action to respond to harassment that creates a hostile environment”<sup>41</sup> 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

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[erez 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*, U.S. DEPT OF EDUC.–OFFICE FOR C. R. (Sep. 13, 2004), available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

<sup>39</sup> 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>.

<sup>40</sup> *See* 2023 Dear Colleague Letter, *supra* note 38, at 2; *see also* 2010 Dear Colleague Letter, *supra* note 38, (stating that harassment creates a “hostile environment” when it “is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school”).

<sup>41</sup> *See* 2023 Dear Colleague Letter, *supra* note 38, at 2 (emphasis added); *see also* 2010 Dear Colleague Letter, *supra* note 38 at 2-3 (stating that a Title VI recipient “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring”).

employees.”<sup>42</sup> 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.”<sup>43</sup>

**B. Yale has discriminated against its Jewish and Israeli students by subjecting them to disparate treatment.**

Yale has violated Title VI by failing to enforce its policies uniformly and treating Jewish and Israeli students differently than others.

As discussed above, Mr. Crispe was forced by the Head of his residential college to remove his Israeli flag because it allegedly violated Yale’s policies while other students were allowed to display Palestinian flags from their windows—in one case based on the feeble excuse that the flag was “propped,” not “hung.” And Ms. Tartak was unfairly singled out and reprimanded by the Yale College Council for promoting a Shabbat Dinner in a newsletter, when other non-council events, such as a Halloween party, had traditionally been listed in the same newsletter.

When the University became aware that pro-Hamas students on their campus were hanging oversized banners blocking doorways or flags in their windows, in violation of Yale’s rules, administrators found exceptions to the rules or chose not to enforce them. The University selectively enforced time, place, and manner restrictions against Jewish students who hung fliers of hostages kidnapped by Hamas on October 7 removing them within 24 hours, while allowing Pro-Hamas banners to stay up for days and even weeks. Y4P and similar groups have repeatedly covered campus sidewalks and academic buildings with anti-Israel graffiti without recourse.

Despite repeated complaints to the administration by Jewish students, the University has taken no action to regulate these demonstrations and rallies to ensure that Jewish students can freely move about campus.

By turning a blind eye to the conduct of pro-Hamas protestors who have obstructed, pushed, intimidated, and harassed Jewish and Israeli students during campus protests, Yale has played a significant role in preventing these students from getting to class or engaging in extracurricular activities at Yale, thereby denying them access to educational opportunities.

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<sup>42</sup> See 2010 Dear Colleague Letter, *supra* note 38, at 1; see also 2017 Know Your Rights: Title VI and Religion, *supra* note 38.

<sup>43</sup> See 2010 Dear Colleague Letter, *supra* note 38, at 5–6.

**C. Yale has permitted a hostile environment for Jewish and Israeli students to develop and flourish on its campus.**

As discussed above, 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.”<sup>44</sup> A Title VI recipient “must take immediate and effective action to respond to harassment that creates a hostile environment”<sup>45</sup>

Yale has violated Title VI by failing to take effective steps “reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring.” Instead, the administration has allowed the hostile environment to develop and encouraged it by giving its tacit consent to anti-Semitic activities on campus.

As discussed in the Statement of Facts, *supra*, Jewish and Israeli students have reported feeling fearful, anxious, isolated, and uncomfortable at Yale. Others have become concerned and frightened about their safety at school due to threatening statements made at rallies, die-ins, dining halls, and the occupation of libraries during finals. Many have chosen to hide their Jewish identity to avoid harassment. It is critical that students feel safe to engage in their daily university activities, including studying for exams at libraries, and wholeheartedly participating in classes and extracurricular events which often includes openly expressing their religion or ethnic background without fear of reprisal or negative treatment of those in positions of power. Yale’s selective enforcement of campus policies and refusal to take action after repeated complaints by Jewish students has allowed a hostile environment to continue on campus.

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<sup>44</sup> See 2023 Dear Colleague Letter, *supra* note 38, at 2; see also 2010 Dear Colleague Letter, *supra* note 38, (stating that harassment creates a “hostile environment” when it “is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school”).

<sup>45</sup> See 2023 Dear Colleague Letter, *supra* note 38, at 2 (emphasis added); see also 2010 Dear Colleague Letter, *supra* note 38 at 2-3 (stating that a Title VI recipient “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring”).

#### **IV. Suggested Remedies**

For the foregoing reason, the Brandeis Center and ADL urge OCR to require Yale to take the following steps to protect its Jewish and Israeli students and to ensure that members of the Yale community are held accountable for engaging in or supporting discriminatory conduct.

- A. Enforce Yale's code of conduct, which applies to all students, employees, and faculty members, in a manner that treats all individuals equally regardless of race, color, or national origin, including shared ancestry. The school should announce that any member of the community who engages in discriminatory conduct in violation of Title VI and Yale's code of conduct will be held accountable, including suspension and expulsion and take appropriate action against those engage in discriminatory conduct.
- B. Enforce Yale'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.
- C. 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 Yale student is harassed, assaulted, or excluded from full access to the benefits of campus, on the basis of shared ancestry. Yale 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 and harassing conduct against Jewish students, including through Yale's internal grievance process, on the basis of their shared ancestral identity and take all appropriate measures, including disciplinary matters such as suspension or termination, or selection of replacement staff, that are recommended as a result of the investigation.
- D. Ensure that the Yale community understands and recognizes the type of anti-Semitic discrimination that targets Jewish students on the basis of their shared ancestry by:
  - a. Incorporating the IHRA working definition of anti-Semitism, including its guiding examples, into Yale's Policy Against Unlawful Discrimination, Harassment, and Retaliation (the Policy) consistent with Executive Order 13899 and the values of free speech and academic freedom; and

- b. Providing training on anti-Semitism to university administrators, faculty, students and staff – including mandatory training for university staff – based upon Yale’s revised Policy. The training should familiarize residential staff, administrators, and other 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 campus 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.
- E. Issue a statement denouncing anti-Semitism in all its forms and recognizing that Zionism is a key component of Jewish identity for many students at Yale. We recommend that Yale 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 Yale students feel unwelcome and unsafe expressing this part of their Jewish ancestral and ethnic identity is contrary to our university’s basic values of mutual respect and inclusion. Our staff are key leaders on our campus who are charged with fostering and facilitating community development and inclusion for all students, including Jewish students who define their Jewish identity as including Zionism. Anti-Semitic vandalism, harassment, and assault are unacceptable. Our college must be a place characterized by inclusivity and the free and open exchange of ideas.

Yale 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 ethnic characteristics, including anti-Semitism that manifests as anti-Zionism. To that end, the University will apply 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. Yale encourages the Yale community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

- F. Appoint an independent investigator to examine the campus climate for its students, faculty, staff, with specific attention to the climate for Jewish and Israeli members of the Yale community; charge the investigator with conducting a campus climate survey to address the climate for students, and especially for Jewish and Israeli students; and carry out such recommendations as are made by the investigator based upon the survey and additional analysis.
- G. Ensure that the anti-Semitism Task Force includes Jewish students for whom connection to the State of Israel is integral to their identity.
- H. Compensate Ms. Tartak and Mr. Crispe for wages lost as a result of the hostile environment that Yale allowed to exist on campus.

#### **V. Request for Section 201(a) Mediation**

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

#### **IV. Conclusion**

For the foregoing reasons, the Brandeis Center and ADL urge OCR to initiate an investigation of Yale, a recipient of federal funding, for violations of Title VI and the statute's implementing regulations, and to include this case in OCR's mediation program.

Respectfully Submitted,



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