



September 11, 2024

VIA E-MAIL

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**Re: Civil Rights Violations at the State University of New York -
Fashion Institute of Technology**

Dear Assistant Secretary Lhamon and Director Pomerantz:

I. Introduction

Following Hamas' heinous attacks against Israel on October 7, 2023, when terrorists massacred, tortured, and kidnapped over 1200 innocent Israeli civilians, the Fashion Institute of Technology ("FIT" or "the University") campus became a hotbed of anti-Semitic hate, which fueled the unlawful mistreatment of Jewish students. Since then, Jewish students have been subjected to severe and pervasive harassment, discrimination and disparate treatment on the basis of their shared ancestry. In a

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disturbing twist, the very mechanisms that are intended to redress incidents of bias and discrimination at FIT, including anti-Semitism, have been weaponized as part of a concerted effort to harass Jewish students on the basis of their ancestral and national identities connected to Israel.

But instead of intervening to stop the harassment, the University enabled the harassment by investigating baseless and bad-faith complaints against Jewish students. What is more, the University turned a blind eye to rule and policy violations by anti-Israel protestors. The University thus not only failed to address the anti-Semitic harassment, it also made the problem worse by failing to impose its rules in a non-discriminatory manner, thereby exacerbating the hostile climate for Jewish students at FIT.

With increasing frequency, Jewish college and university students are being targeted due to the Jewish people's connection to Israel. Students report being shunned, harassed, and marginalized as "Zionists." The U.S. National Strategy to Counter Antisemitism, released in May 2023, noted that "Jewish students and educators are targeted for derision and exclusion on college campuses, often because of their real or perceived views about the State of Israel. When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable."¹ According to the International Holocaust Remembrance Alliance Working Definition of Antisemitism (the "IHRA Definition"), which OCR uses to determine whether conduct is anti-Semitic, "[h]olding Jews collectively responsible for actions of the state of Israel" is an example of anti-Semitism.²

As illustrated by ADL's Pyramid of Hate, shunning and exclusion do not occur in a vacuum.³ When biased attitudes are not addressed or challenged, they frequently escalate to biased and discriminatory conduct. As OCR recognizes, Jews share more than a common faith; they are a people with a shared history and heritage deeply rooted in the land of Israel. Indeed, according to a Pew Research Center survey, eight in ten Jews say that caring about Israel is an essential or important part of what

¹ U.S. National Strategy to Counter Antisemitism at 9, <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

² International Holocaust Remembrance Alliance, *What is antisemitism?*, IHRA, <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

³ Anti Defamation League, *Pyramid of Hate* (2018), <https://www.adl.org/sites/default/files/documents/pyramid-of-hate.pdf>.

being Jewish means to them.⁴ 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.

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

Shortly after the October 7 attacks, anti-Semitic graffiti and stickers with threatening messages like “Punch a Zionist” and other calls for violence against Jews were plastered in FIT’s buildings. On social media, Jewish students were derided as “zionist pigs” by their peers, who also encouraged bullying and physical violence against Jewish students. And recurring anti-Israel protests spewing anti-Semitic chants shunned and marginalized Jewish students, thereby contributing to the hostile atmosphere on campus.

As part of the ongoing effort to target their Jewish peers, anti-Israel students filed frivolous and unwarranted complaints against them using FIT’s internal grievance process; the sole purpose of those complaints was to harass and intimidate Jewish students for being Jewish and pro-Israel. Worse yet, instead of halting the misuse of the systems intended to assist students in seeking redress against harassment and discrimination, FIT actively participated in the harassment of Jewish students by investigating baseless complaints and keeping them open without transparency or due process.

FIT also used its disciplinary process in a biased and discriminatory manner by opening investigations against Jewish students for alleged misconduct at anti-Israel protests, while providing immunity to scores of anti-Semitic protestors, who violated numerous campus policies at anti-Israel protests and encampments.

⁴ Pew Research Center, *U.S. Jews’ Connections with and Attitudes Toward Israel*, in JEWISH AMERICANS IN 2020 (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/#:~=Eight%2Din%2Dten%20U.S.%20Jews,state%20at%20least%20somewhat%20closely>.

Despite numerous reports and pleas for help made by Jewish students to the University about anti-Semitic hostility on campus, the University has not taken steps to protect Jewish students and address the hostile anti-Semitic climate at FIT. To the contrary, the University has bolstered the efforts of the pro-Hamas protestors to torment Jewish students by advancing biased and frivolous complaints that are clearly intended to harass Jewish students, while allowing anti-Israel students to violate campus policies without consequence, disrupt the normal operations of the University, and even take over a campus building for almost two weeks.

FIT's knowing failure to take prompt and effective steps reasonably calculated to address these incidents of harassment and discrimination has resulted in a hostile environment for Jewish students. FIT also treated its Jewish students differently and worse than other students on the basis of their shared ancestry.

The impact of the hostile anti-Semitic climate at FIT on Jewish students has been severe. They have experienced emotional distress, fear, anguish and extreme anxiety, which has interfered with their ability to learn. Some students have missed classes, withheld class participation to minimize attention drawn to them, or even avoided the campus entirely. Others have felt the need to hide their Jewish identity on campus to avoid mistreatment.

For the foregoing reasons, and as detailed more fully below, The Louis D. Brandeis Center for Human Rights under Law (the Brandeis Center), the Anti-Defamation League (ADL) and Hillel at Baruch (Baruch Hillel) which serves the FIT campus, (collectively, Complainants) ask the Department of Education's Office for Civil Rights (OCR) to initiate an investigation into FIT, a recipient of federal financial assistance,⁵ for violations of Title VI of the Civil Rights Act of 1964⁶ and its implementing regulations.⁷

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

⁵ See Federal Direct Stafford Loan Program, FIT, <https://www.fitnyc.edu/admissions/costs/financial-aid/educational-loans/federal-direct-stafford.php>.

⁶ 42 U.S.C. §2000d *et seq.*

⁷ 34 C.F.R. § 100.3.

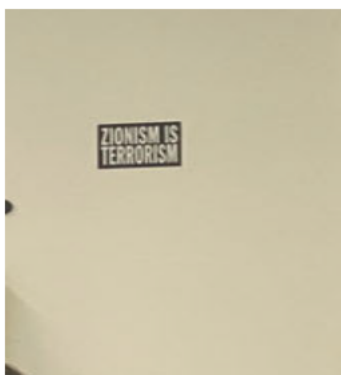
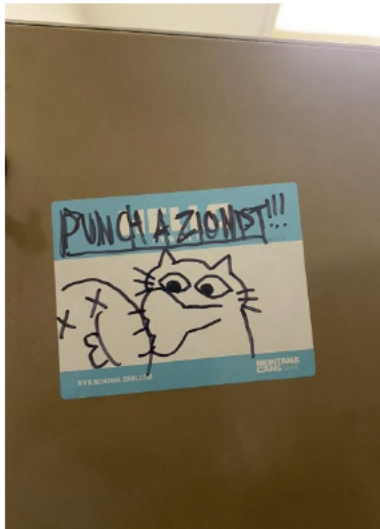
II. Statement of Facts

A. Jewish students are subjected to a hostile climate at FIT that deprives them of a safe learning environment and interferes with their educational opportunities and benefits.

Since the October 7 attacks, Jewish students at FIT have been threatened with violence by their peers online and on the physical campus and inundated with intimidating anti-Semitic graffiti all over campus that celebrates Hamas' violence against Jews. As part of the effort to target and isolate Jewish students due to their real or perceived connection to Israel, anti-Israel protestors have used the very system intended to root out bias and discrimination, including anti-Semitism, to harass Jewish students by filing frivolous and often baseless complaints through FIT's internal grievance process. Instead of protecting Jewish students from such abuse, the University has emboldened these anti-Israel students by advancing investigations and disciplinary procedures based on those complaints. What is more, in the cases of Student A and Student B, the University did not investigate the students who filed false complaints, for violations of FIT's rules prohibiting the filing of false complaints. The anti-Jewish harassment at FIT has created a hostile climate that has deprived numerous Jewish students of a safe learning environment and interfered with their studies.

1. After the October 7 terrorist attacks, Jewish students face a torrent of anti-Semitic harassment, violent threats, and anti-Semitic graffiti that causes them to fear for their safety.

Shortly after the October 7 terrorist attacks, anti-Semitic graffiti and calls for violence against Jews appeared throughout FIT's campus, including on walls, lockers, bathroom stalls and classroom chalkboards. Jewish students were subjected to threatening messages like "Punch a Zionist" with an accompanying hand-drawn picture of a violent act. Anti-Semitic graffiti on campus lockers and walls stated "resistence (sic) is JUSTIFIED When people are OCCUPIED," and "from the river to the sea, Palestine will be free," phrases justifying Hamas' terrorist violence against Jews on October 7 and calling for the elimination of all Jews from the State of Israel.



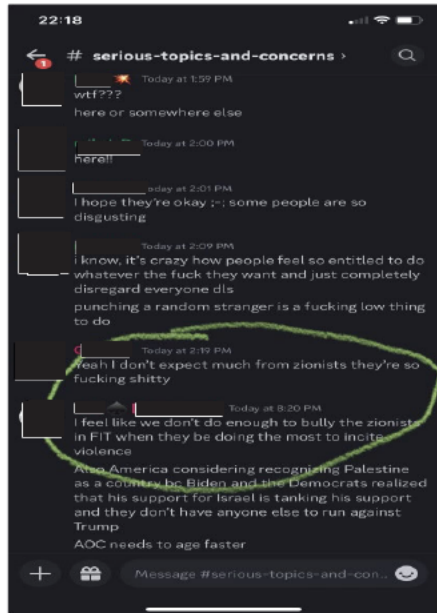
On social media, FIT students degraded and encouraged the mistreatment of Jewish students based on their connection to Israel. Such posts referred to Jews as “zionist pigs” and “zionists they’re so fucking shitty” and stated that “we don’t do enough to bully the zionists at FIT.”

Another post advocated for violence against a Jewish student, stating, “beat her ass as an example” and referred to Jews as “zios” who have “all types of support and money” and “literally control our school,” promoting classic anti-Semitic tropes about Jewish greed, power and control. The term “zio” is an anti-Semitic code word for Jews⁸ and was popularized by David Duke, the former Klu Klux Klan leader and “perhaps America’s most well-known racist and anti-Semite.”⁹ The terms “zio” and “Zionist,” are frequently used by anti-Semites in a derogatory manner as substitutes for the word “Jew” and are therefore indicia of anti-Semitism. Indeed, UNESCO has cautioned that “Jew” and “Zionist” today are often used interchangeably in an attempt by anti-Semites to cloak their hate.¹⁰

⁸ Ben Samuels, *How Chicago Dyke March Used ‘Zio’ – David Duke’s Favorite Anti-Semitic Prefix*, FORWARD (June 17, 2017), <https://forward.com/news/377160/how-chicago-dyke-march-stumbled-onto-zio-david-dukes-favorite-anti-semitic/>; Ariel Sobel, *Why Are Progressives Using an Anti-Semitic Slur Coined by the KKK?*, JEWISH J. (June 19, 2019), <https://jewishjournal.com/commentary/columnist/300241/why-are-progressives-using-an-anti-semitic-slur-coined-by-the-kkk/>.

⁹ *David Duke*, ADL (2013), <https://web.archive.org/web/20171010104637/https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/David-Duke.pdf>;

¹⁰ See UNESCO & OSCE, ADDRESSING ANTI-SEMITISM THROUGH EDUCATION: GUIDELINES FOR POLICYMAKERS 21, 24, 82–83 (2018), available at <https://unesdoc.unesco.org/ark:/48223/pf0000263702.locale=en>.



"Anonymous" 4mins

It's quite hilarious seeing Zionists genuinely tweakin over the fact that they've finally been exposed for all their dirty work not only in Palestine but here in nyc. Here on our own campus



"Anonymous" 4mins

I agree but dealing with zios is difficult. These crybabies have all types of support and money. They literally control our school. We gotta play it smarter until we beat them

"Anonymous"

Bruh if this were a different school, where people were really friends, Jillian would have gotten folded before she could walk away. fuck a picture, beat her ass as an example.. (good, but not great)

"Anonymous 2" 2mins

What you mean by that 😊

"Anonymous" OP 1min

I mean until we liberate Palestine and expose them to the point where their money won't get them away with everything, we need to play it smarter

Even after Jewish students informed the University of these threatening anti-Semitic posts, FIT did not investigate or take responsive action.

2. Anti-Semitic protests at FIT that demonize and marginalize Jews, contribute to the hostile environment for Jewish students.

Intimidating protests featuring anti-Semitic rhetoric have been commonplace at FIT from October 7 through the end of the 2023-2024 academic year. At these protests, student regularly chant and display signs with anti-Semitic messages such as "globalize the intifada," "PALESTINE IS ARAB AND MUST BE LIBERATED FROM THE RIVER TO THE SEA," "BY ANY MEANS NECESSARY," and "IT DOESN'T END WITH A CEASEFIRE," which are calls to engage in violence against Jews.



According to OCR's recent guidance, FIT may not look away when speech, even protected speech, contributes a hostile environment on its campus.¹¹ To the contrary, OCR has made clear that FIT must investigate whether the speech has created or contributed to a hostile environment for Jewish students on its campus, and then the university must take steps to address the hostile environment (although they must do so in ways that do not violate the First Amendment).¹²

To date, FIT has failed to conduct such an investigation and has failed to take any meaningful steps to address the growing anti-Jewish climate of hostility on campus. These campus protests, many of which are unauthorized, serve to intimidate, threaten, harass and marginalize Jewish students. After encountering these protests and hearing their peers justify the murder of Jews, Jewish students have been seen shaking and crying, and many report being unable to concentrate in class.

3. Anti-Israel students weaponize FIT's internal grievance process to harass Jewish students.

FIT has allowed anti-Israel students to misuse its disciplinary procedures to target Jewish students by pursuing baseless, discriminatory and lengthy prosecutions that, in some cases, are still ongoing to this day. Several of the recent and ongoing

¹¹ See *Dear Colleague Letter*, U.S. DEP'T OF EDUC.—OFFICE FOR C. R. (May 7, 2024), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>.

¹² *Id.*

disciplinary actions stem from an anti-Israel protest that took place on November 9, 2023, on 27th Street. At this protest, anti-Israel students targeted and harassed Jewish students standing nearby, screamed anti-Semitic slogans that promote violence against Jews, and hit a Jewish student over the head with a sign.¹³ Afterwards, protesters badgered and intimidated Jewish students, photographed and doxxed them (i.e. revealed personal information about them on social media), and ultimately began filing baseless complaints against them using the internal grievance procedures at FIT that are intended for reporting conduct in violation of the University's *Nondiscrimination and anti-Harassment Policy*.

Instead of shutting down the abuse of its investigative and adjudicative procedures and addressing the hostile climate reported by Jewish students, FIT actively participated in the anti-Semitic harassment by opening bogus investigations of Jewish students and pursuing baseless claims that were clearly intended to harass Jewish and pro-Israel students. The experiences of Students A and B, described below, are emblematic of a larger pattern, whereby FIT's internal grievance process is weaponized against Jewish students to harass them based on their ancestral and national identity connected to Israel.

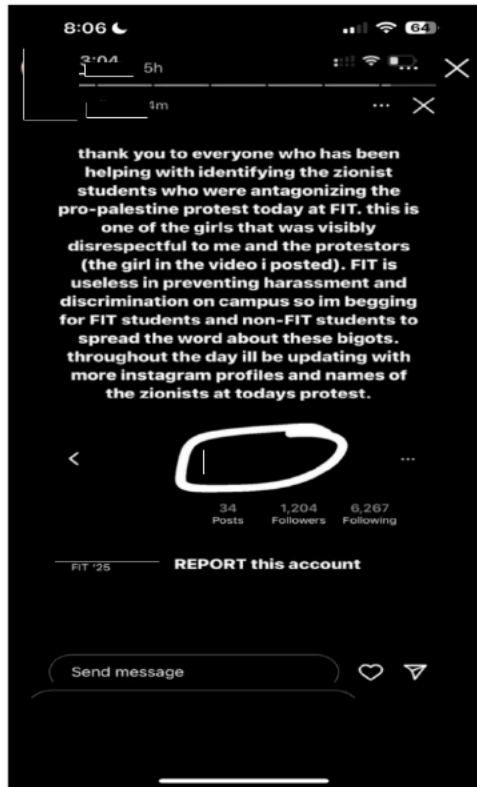
FIT also selectively pursued disciplinary measures against Jewish students standing near anti-Israel protests, but refused to discipline, and ultimately granted immunity to, the anti-Israel protestors who harassed Jewish students and violated campus policies at the same protests.

a. FIT investigates the baseless and harassing complaint filed against Student A.

Student A was subjected to a hostile, discriminatory and harassing grievance process initiated by an anti-Israel student and advanced by FIT, that dragged on for four long months until mid-March 2024. Student A's months of institutionalized persecution stemmed from the November 9 protest where Student A stood with a small group of Jewish students witnessing chants calling for the genocide of the Jewish people. Unbeknownst to her, she was filmed by a protestor who then posted her picture on Instagram with the caption "FIT students who support genocide and zionism." The same protestor also posted her name and picture with the statement, "thank you to everyone who has been helping with identifying the zionist students. . . im begging for FIT students and non-FIT students to spread the word about these

¹³ Although this protest took place outside of OCR's 180-day window, these incidents are part of a continuing violation and pattern and practice of discrimination per Section 106 of the OCR's Case Processing Manual.

bigots.”



The same day that her name and photo were posted online, Student A began facing unwanted attention, including a private message disparaging her appearance. Frightened by the social media assault, she asked Dean [REDACTED] for help. The Dean replied that because the protest on 27th Street took place on public property, not on FIT property, no disciplinary action could be taken against the student protestor and Student A could not file a complaint.

Three days later, in a Kafkaesque twist, Student A received an email from FIT's Title IX investigator, stating that a complaint was filed against *her* and that FIT was taking disciplinary action against *her* for her alleged conduct at the same off-campus protest on 27th Street. The complainant, who Student A believed was the same student who doxxed her on social media, falsely alleged that Student A called them a "terrorist" at the November 9 protest. Instead of immediately dismissing the baseless claim and informing the complainant that no disciplinary action could be taken because the protest was not on FIT property, as Dean [REDACTED] had just informed Student A, FIT opened an investigation.

In another absurd twist, the complainant changed their allegations stating that Student A called them a "terrorist," not because of their Muslim faith as originally

alleged, but because they were perceived to support Hamas. Once more, instead of shutting down this charade and investigating the complainant for violating FIT's policy against false reporting, FIT informed Student A that the matter no longer belonged in the EEO office because it no longer involved a protected class, and that the matter would be transferred to the Dean's Office.

Student A told the investigator that she wanted to file a complaint against the complainant for reporting a false claim in violation of FIT's policy prohibiting false reporting, but the investigator stated that it was not up to him to determine whether the complainant filed a false complaint.¹⁴

Student A followed up with the school repeatedly about the status of her complaint, inquiring whether the matter had been transferred to the Dean's Office, whether she was still being investigated, the status of any open investigation, the specific allegations against her, and what specific rules, policies and/or codes of conduct she was alleged to have violated. She was stonewalled and ignored for months by Dean [REDACTED].

Student A ultimately discovered that the complaint had in fact been transferred to Dean [REDACTED]'s office. By refusing to let Student A file a complaint about an off-campus incident while allowing another student to file a complaint against Student A for an alleged incident at the same off-campus location, FIT applied one standard to Jewish students who report anti-Semitic harassment and another standard to non-Jewish students who harass Jewish students.

The complaint was active for four months, during which Student A lived with the constant dread and uncertainty of having a disciplinary action pending against her, with no notice of the charges against her or what policy she was alleged to have violated, causing distress and anxiety that interfered with her ability to fully access her education.

On March 15, 2024, Dean [REDACTED] requested that Student A meet with her "as the final step in the process" to close a matter which should never have been opened in the first place. Rather than finally dismissing the matter outright in writing, Dean [REDACTED] insisted that Student A meet with her to review the FIT Student Code of Conduct and the "incident," further harassing Student A and diverting time from her studies. Student A met with Dean [REDACTED] on March 20, 2024, the culmination of

¹⁴ See FIT Code of Student Conduct at p.8, <https://www.fitnyc.edu/documents/policies/em003-code-of-student-conduct.pdf> ("members of the FIT community who knowingly make false reports will be subject to disciplinary action").

4 months of ongoing harassment. By legitimizing the bogus complaint that was filed against Student A while refusing to investigate the actual perpetrator who harassed and doxxed her, FIT compounded the harassment that Student A experienced. By subjecting Student A to FIT's disciplinary process, but refusing to subject the perpetrator who filed the false complaint against Student A to the same disciplinary process, FIT again selectively enforced its rules.

b. FIT investigates the baseless and harassing complaint filed against Student B.

Student B has been subjected to disciplinary harassment that continues to this day. Student B was also at the November 9 protest. Witnessing calls for genocide of the Jewish people, she stood on the sidelines crying. Soon after the protest, a video of her crying at the protest appeared on Instagram with the caption:

WHITE WOMAN TEARS
WHITE WOMAN TEARS
WHITE WOMAN TEARS
!! !! !! !! WOMP WOMP

Student B, who is an Arab Jew and who does not identify as white, was terrified to go back to FIT after being doxxed on social media. She reported the harassment to the FIT administration, but they told her that they could not do anything because the harassment took place over social media. Feeling afraid and unprotected by the University, Student B missed classes and received absences that impacted her final grade. When she returned to class, her participation plummeted because she was afraid to draw attention to herself.

While she was still reeling from the protest and subsequent harassment, FIT's EEO and Title IX Investigator notified her that a student from the protest filed a complaint against *her*, alleging that she called them a terrorist based on their Muslim faith. Student B was being targeted with the same baseless accusations as Student A. Student B informed the investigator that the complaint was false. Once more, instead of immediately dismissing this baseless and harassing complaint against a Jewish student or investigating the complainant for violating FIT's policy prohibiting false reporting, FIT proceeded to investigate Student B.

After Student B told the investigator that she herself is Arab and that the allegations were false, the complainant changed their story – exactly as the complainant who harassed Student A had done – and said that Student B called them a terrorist not because they are Muslim as they had originally alleged, but because of a perception that they support Hamas. Still, the investigator refused to act immediately to end the

obvious use of the disciplinary process to harass Student B because she was Jewish. Instead, the investigator compounded the harassment, transferring the false complaint to the Dean's Office for further action. Student B was never informed what specific rules, policies and/or codes of conduct she was alleged to have violated. The case against Student B remains open to this day, perpetuating the harassment of Student B as a continuing violation of Title VI.¹⁵ To this day, Student B attends school with the threat of discipline looming over her with no resolution or dismissal of the false complaint against her.

In addition to Students A and B, other Jewish students have been similarly targeted and harassed on the basis of their shared ancestry through the abuse of FIT's internal grievance procedures and disciplinary process. These cases are additional examples of how the University enforces its rules in a discriminatory fashion by initiating conduct investigations and disciplinary proceedings against Jewish students in response to complaints arising from anti-Israel protests, while the university turns a blind eye and even grants immunity from discipline to anti-Israel protestors who violate university policies at such protests. The University has thus not only failed to address the anti-Semitic harassment perpetrated through the complaint process, but it has also made the problem worse by failing to impose its rules in an equitable manner, thereby facilitating and exacerbating the hostile climate for Jewish students.

4. FIT applied the wrong legal standard when assessing the discrimination complaint filed by a Jewish student.

When Jewish students attempt to use FIT's internal grievance process affirmatively to rectify anti-Semitic discrimination, the University fails to act promptly as required by law and when it does act, applies the wrong legal standard. On March 7, 2024, Student C filed an internal grievance with the University for anti-Semitic discrimination. In her complaint she states, "I'm Jewish and pro-Israel and I've been getting some flack for that. The incident I'm writing about here is that I got kicked out of a club board for being Jewish."

On February 21, 2024, Student C received an offer to be president of the [REDACTED] Club. Immediately after she received the offer, another club member, Student Z, who knows that Student C is Jewish and pro-Israel (based on earlier discussions between the two students), began posting on a social media group chat,

¹⁵ See OCR Case Processing Manual, Section 106 ("Timely allegations may include those where OCR determines that the complainant has alleged a continuing violation and/or a pattern or practice of discrimination.")

that the person representing this club should not “support killing and violence towards women in a different country,” referring to the war in Gaza between Israel and Hamas. Student Z’s post implies that Student C, as a Jew who supports the Jewish homeland, is collectively responsible for actions of the state of Israel, a common expression of contemporary anti-Semitism. On the same chat, other students referred to Student C as “supporting genocide,” another common anti-Semitic meme, and stated “i think you should definitely bring it up to [the then-current president of the club].” Another post stated “I feel like we dont do enough to bully the zionists at FIT when they be doing the most to incite violence.” The very next day, the then-current president of the club contacted Student C stating “i regret to inform that we have decided to rescind the offer for presidency in favor of a more experienced candidate.”

Although Student C reported to the University that she was wrongly denied an opportunity to participate in an educational opportunity on campus due to her ancestral Jewish identity connected to Israel and provided the investigator with documentary evidence in support of her claim, the investigator did not issue a decision until August 13, 2024, over 5 months after the initial complaint was filed, and did not apply the correct legal standard in issuing the decision.

Remarkably, the investigator denied that the statement. . . “I feel like we don’t do enough to bully the zionists at FIT when they be doing the most to incite violence,” implicates discriminatory harassment under the Code of Student Conduct. The investigator also stated that Student C had stated in her application for the presidency that:

“for religious obligations, I won’t be able to do anything on Friday night to Saturday evenings.” The Investigator determined that it was reasonable to assume that someone practices Judaism upon disclosure of this information. However, despite the disclosure of this information, Respondent 1 and Respondent 2 still initially offered the position to [Student C]. The Investigator used this as an assessment in-part to conclude that [Student C’s] religious faith was not a factor in considering who would be selected for the presidential role.

FIT applied the wrong legal standard by considering whether the incident involved religious discrimination (*ie* discrimination against a person based on their religious practice) rather than national origin discrimination based on shared ancestry and

ethnicity as required by Title VI. In failing to apply the correct legal standard, FIT failed to find anti-Semitic discrimination when a Jewish student was blatantly targeted based on her shared Jewish ancestry and identity connected to Israel.

In referring the matter to the Dean of Students Office as “non-discriminatory harassment,” the University admits that the conduct was harassment, while simultaneously refusing to recognize that the harassment and discrimination targeted Student C on the basis of her shared Jewish ancestry and was clearly anti-Semitic. In so doing, the university failed to redress the anti-Semitic discrimination *and* simultaneously perpetuated it by denying that it exists. The university also failed to apply comparable legal standards to OCR.¹⁶

B. Jewish students are subjected to disparate treatment on the basis of their shared ancestry and/or national origin.

While the University investigated the groundless complaints filed by anti-Israel protestors against Jewish students, the University shielded anti-Israel protestors from investigation and discipline for engaging in unauthorized protest activity that violated numerous provisions of FIT’s code of conduct and other University policies, and adversely impacted Jewish students. As detailed below, anti-Israel protestors violated campus policies, e.g., by erecting encampments that took over buildings, but FIT did not investigate or discipline the vast majority of perpetrators.

1. Goodman Center encampment.

FIT’s inaction in the face of growing anti-Semitic hostility on its campus set the stage for anti-Israel protestors to infiltrate and take over a campus building with impunity. On April 25, 2024, an anti-Israel mob stormed the Goodman Center building, a major campus hub containing classrooms and communal gathering spaces, and erected an encampment inside the building in violation of university rules.¹⁷ FIT even issued communications noting that certain exits were unavailable due to the encampment.

¹⁶ See OCR Case Processing Manual Section 110 (a) (1) (“OCR reviews the results of the other entity’s determination and decides whether the other entity provided a comparable resolution process in which it applied comparable legal standards.”)

¹⁷ See Lambert Lau (@lambertlau), INSTAGRAM (April 25, 2024), <https://www.instagram.com/lambertlau/photo/reel/C6MZcMeusyo/>. See also *Fashion Institute of Technology STORMED by Student Protesters Establishing Gaza Solidarity Encampment Zone - NYC*, FREEDOMNEWS.TV (April 26, 2024, 12:09 AM), <https://freedomnews.tv/fashion-institute-of-technology-stormed-by-student-protesters-establishing-gaza-solidarity-encampment-zone-nyc/>.



The encampment, which also spread to the outside of the building and other parts of campus, lasted for 13 days. The lobby of the Goodman Center was packed with protesters, tents and unauthorized signs plastered over the windows and walls.¹⁸



¹⁸ *Id.* See also @fit.sjp, INSTAGRAM (April 26, 2024), <https://www.instagram.com/p/C6OvmKhu4k-/>.



In occupying these campus spaces without authorization, large numbers of protestors violated various provisions of FIT's Code of Conduct and FIT Policies, including but not limited to the following:

- **Campus Posting Policy** (Prior approval is required for all posters and flyers on the FIT campus and “[a]ny student who posts unapproved items will be subject to discipline”);¹⁹
- **Theft /Unauthorized Possession/Damage/Misuse of Property** (“[U]nauthorized or improper use of, or entry into, college facilities is prohibited”);²⁰
- **Disruption** (“Behavior that substantially disrupts college activities, academic or otherwise, is prohibited;”);²¹
- **FIT Campus Card and Campus Access/Unauthorized Persons on Campus** (“Unauthorized or improper use of, or entry into, college property and facilities is prohibited. The FIT Campus Card and Campus Access policy requires students to display a valid FIT ID card to enter campus buildings”);²²
- **On-Campus Demonstration or Protest** (“Students shall not engage in substantially disruptive activities while on the college campus or property” and “on-campus protesting that. . . interferes with the college’s ability to

¹⁹ FIT, Campus Posting Policy, <https://www.fitnyc.edu/documents/policies/em002-campus-posting.pdf>.

²⁰ FIT, Code of Student Conduct VI.B.iii, <https://www.fitnyc.edu/documents/policies/em003-code-of-student-conduct.pdf>.

²¹ FIT, Code of Student Conduct VI.B.viii, <https://www.fitnyc.edu/documents/policies/em003-code-of-student-conduct.pdf>.

²² FIT, Code of Student Conduct VI.B.xii, <https://www.fitnyc.edu/documents/policies/em003-code-of-student-conduct.pdf>.

function as an educational institution is prohibited. All demonstrations/protests must be registered and scheduled in advance;”);²³

- **Campus Safety and Security Policy** (Prohibits “using FIT property. . . without authorization,” “entering into and remaining in any campus building for any purpose other than its authorized uses or in such manner as to obstruct its authorized uses;” “remaining in any campus building after it is closed without authorization;” “refusing to leave a campus building after being required to do so by an authorized administrative officer or public safety officer;” and “obstructing the free movement of people and vehicles in any place to which these rules apply;”);²⁴ and
- **FIT’s Nondiscrimination and Anti-Harassment Policy** prohibits “discriminatory harassment” which is defined as

subjecting an individual on the basis of. . . protected characteristics . . . to humiliating, abusive, or threatening conduct that denigrates or shows hostility or aversion toward an individual or group that is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person’s ability to participate in or benefit from FIT’s programs or activities. Discriminatory harassment can take different forms and can consist of oral, written, graphic, or physical conduct relating to an individual’s protected characteristics.²⁵

Although protestors at the encampments blatantly violated these provisions, the University allowed them to continue doing so for 13 days without intervention or consequence. The encampment did not end until the New York Police Department finally broke it up on Tuesday May 7, 2024 and arrested approximately 50 protestors.

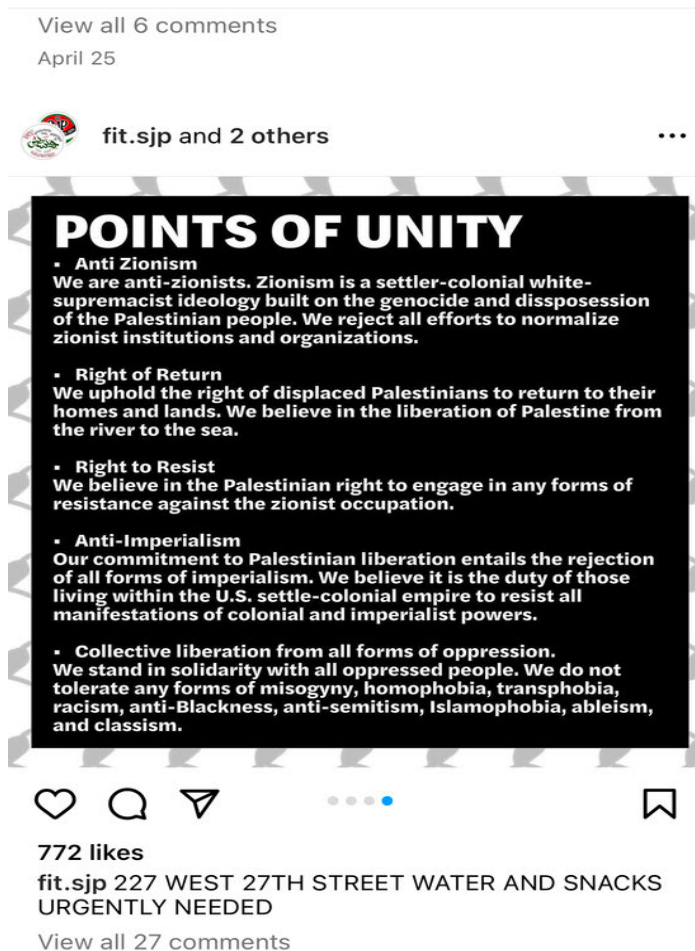
While the entire campus community was impacted by the substantial disruptions caused by the encampment’s activities, including its occupation of the Goodman Center building, the impact was greatest on the Jewish students. The event as a whole was directed against Zionism, which is a core component of Jewish identity for many Jews, including Jews at FIT. The same day that the anti-Israel mob stormed the Goodman Center and erected an encampment there, FIT’s Students for Justice in Palestine, who organized the encampment, published an anti-Semitic manifesto for

²³ FIT, Code of Student Conduct VI.B.xiii,
<https://www.fitnyc.edu/documents/policies/em003-code-of-student-conduct.pdf>.

²⁴ FIT, Campus Safety and Security Policy, SS003,
<https://www.fitnyc.edu/documents/policies/ss003-campus-safety-and-security.pdf>.

²⁵ FIT, Nondiscrimination and Anti-Harassment Policy, CP001,
<https://www.fitnyc.edu/documents/policies/cp001-harassment-and-discrimination.pdf>,
at 2.

the “Gaza Solidarity Encampment,” openly revealing the anti-Semitic vitriol at the core of this unauthorized protest. These “points” declare that “Zionism is a settler-colonial white-supremacist ideology” and “[w]e believe in the Palestinian right to engage in any forms of resistance against zionist occupation,” thereby justifying the use of violence against Jews and Israelis by Hamas on October 7. In addition, referring to Jews in Israel as “settler-colonial[ists]” erases and denies the Jews’ 3000-year-old history in the land of Israel, thereby denying and disparaging an integral component of Jewish ancestral identity.



Anti-Semitic chants at the encampment expressly promoted violence against Jews, including “from the water to the water, Palestine is Arab” (translated from Arabic), “intifada,” “long live the intifada,” and “globalize the intifada.”²⁶ Unauthorized signs

²⁶ See FREEDOMNEWS.TV *supra* note

16. <https://brandeiscenter.egnyte.com/navigate/file/6d0c7d02-99fe-4b45-942e-511423a77846>

also displayed messages encouraging violence against Jews, including “it is right to resist,” and “by any means necessary.” And the encampment’s agenda publicly displayed the inverted red triangle, a symbol of support for the terrorist group Hamas and its use of violent “resistance” including on October 7.²⁷



On information and belief, Jewish students avoided buildings and other areas of campus occupied by the anti-Semitic encampments. And it is no wonder that they did so, after Jewish students had been tormented on prior occasions by anti-Israel protestors who threatened, harassed and doxxed them just because they are Zionists who were in the vicinity of anti-Israel protests.

Presumably, school rules prohibiting, *inter alia*, damage to FIT’s property, unauthorized demonstrations, and disruptive behavior are generally enforced at FIT. In this circumstance, however, where the impact of the violations was felt most keenly by Jewish students, the rules were not enforced. On information and belief, the majority of students who violated FIT’s rules in connection with the encampments did not face conduct proceedings.

²⁷ See ADL, *Inverted Red Triangle*, ADL Center On Extremism, [https://extremismterms.adl.org/glossary/inverted-red-triangle#:~:text=\),.using%20the%20inverted%20red%20triangle.](https://extremismterms.adl.org/glossary/inverted-red-triangle#:~:text=),.using%20the%20inverted%20red%20triangle.)

The University's failure to enforce its policies against the protestors who violated them is not only disparate treatment, but also a substantial contributor to the hostile environment at FIT. The administration's inaction signaled to Jewish students that campus rule violations which adversely affect their lives on campus will not be enforced.

2. May 16 Protest

On May 16, 2024, FIT sent an email to the community warning that an "unauthorized rally" was planned for noon on 27th Street and that access to campus buildings would be restricted. At the rally, students blocked the entrance to the Feldman Center, which includes the academic advisement center, writing studio, foreign language multimedia center, fashion labs and many classrooms. The protestors erected tents, covered the doors with a banner, blocked the entrance to the building with their bodies, affixed signs to the ground and walls, and blocked the sidewalk.



Over the course of the afternoon, the protestors engaged in speeches and chants that included threatening rhetoric glorifying Hamas' atrocities, such as "resistance is glorious, we will be victorious" and "it is right to rebel, Israel go to hell."²⁸ Graffiti scrawled on a bench in Arabic flanked by the inverted triangles symbolizing Hamas translates to "as long as our sister's blood is cheap, every ruler shall fall," echoing the violent sentiments of Hamas.

²⁸ @FreedomNTV, X (May 14, 2024, 11:39 PM),
<https://x.com/FreedomNTV/status/1790587748182536400>.



The protestors called the event a “de-occupation,” and threatened to erect an additional tent every 30 minutes until the University agreed to their demands. Throughout the day, the mob of protestors violated numerous campus policies including its Nondiscrimination and Anti-Harassment Policy,²⁹ On-Campus Demonstration or Protest provision,³⁰ Disruption provision,³¹ and Campus Safety and Security Policy.³² But FIT did not discipline these protestors. To the contrary, the University rewarded and protected them.

In a letter from Dean [REDACTED], the University thanked the protestors for meeting with them, agreed to demands related to FIT’s finances and investments, and stated that “[n]o one involved in today’s rally will be subject to disciplinary action.” Exhibit A.

C. Jewish students at FIT are harmed.

As a result of the hostile anti-Semitic climate on campus, Jewish students have felt a need to hide their identity, miss classes, withhold class participation to minimize attention and in some cases, avoid the campus entirely. Jewish students have experienced emotional distress, fear, anguish and extreme anxiety which has interfered with their ability to access their education to the same degree as non-Jewish student. Jewish students were also excluded from spaces on campus, further preventing them from participating in and benefiting from aspects their educational programs and activities. The protest activity of the anti-Israel students was so disruptive and threatening that many Jewish students felt they could not learn in this environment.

²⁹ See Nondiscrimination and Anti-Harassment Policy, *supra* note 25.

³⁰ See Code of Student Conduct VI.B.xiii, *supra* note 23.

³¹ See Code of Student Conduct VI.B.viii, *supra* note 21.

³² See Campus Safety and Security Policy, SS003, *supra* note 24.

D. FIT failed to take prompt and effective steps to respond to the anti-Semitic environment.

FIT had ample notice of the incidents giving rise to a hostile anti-Semitic environment on campus. Jewish students reported anti-Semitic incidents to the University administration on numerous occasions, and FIT employees and administrators were present at the protests where anti-Semitic rhetoric celebrating violence against Jews was espoused. FIT was also fully aware of the encampments, which dominated and disrupted everyday life on its campus for nearly two weeks and generated substantial media coverage. And FIT was aware of the harassing investigations and disciplinary proceedings initiated against Jewish students that the University itself was advancing.

Despite sufficient notice of campus anti-Semitism, FIT failed to investigate whether there was a hostile environment on campus for Jewish students or otherwise act in an effective and meaningful way to address it. As a result, the hostile environment at FIT continued to fester.

III. Legal Argument: FIT Violated Title VI by discriminating against Jewish students

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

Title VI prohibits discrimination on the basis of race, color, and national origin in educational institutions that receive federal funding.³³ Guidance issued by OCR and DOJ in 2004, 2010, 2017, and 2023 specifies that Title VI covers discrimination against Jews on the basis of their “actual or perceived shared ancestry or ethnic characteristics.”³⁴

According to Executive Order 13899 (the Executive Order), which has been incorporated into OCR’s current policy guidance, Title VI must be enforced “against

³³ 42 U.S.C. §2000d *et seq.*

³⁴ See *Dear Colleague Letter*, U.S. DEPT OF EDUC.—OFFICE FOR C. R. (Nov. 7, 2023), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf> (“2023 Dear Colleague Letter”); see also *FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; *Know Your Rights: Title VI and Religion*, U.S. DEPT EDUC.—OFFICE FOR C.R., January 17, 2017, <https://www2.ed.gov/about/offices/list/ocr/docs/know->

prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”³⁵ 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.”³⁶ 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.³⁷

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

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.”³⁸ A Title

[rights-201701-religious-disc.pdf](#); Letter from Assistant Secretary for Civil Rights Russlyn Ali, U.S. DEP’T OF EDUC.—OFFICE FOR C. R., October 26, 2010, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (“2010 Dear Colleague Letter”); Letter from Thomas E. Perez, Assistant Att’y Gen., DEP’T OF EDUC.—OFFICE FOR C. R., to Russlyn H. Ali, Assistant Sec’y for C.R., DEP’T OF EDUC.—OFFICE FOR C. R., *Re: Title VI and Coverage of Religiously Identifiable Groups*, September 8, 2010, https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Kenneth L. Marcus, *Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter*, DEP’T OF EDUC.—OFFICE FOR C. R. (Sept. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

³⁵ 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>.

³⁶ EO 13899, §2; <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

³⁷ *Id.*

³⁸ *See* 2023 Dear Colleague Letter, *supra* note 34, at 2; *see also* 2010 Dear Colleague Letter, *supra* note 34, (stating that harassment creates a “hostile environment” when

VI recipient “must take immediate and effective action to respond to harassment that creates a hostile environment.”³⁹ 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.”⁴⁰ 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.”⁴¹

B. FIT fails to address the hostile environment for its Jewish students.

OCR has explained that “harassing conduct may take many forms...which may include the use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.”⁴² OCR has also acknowledged that conduct that occurs on social media or off campus can contribute to a hostile environment.⁴³

Since the Hamas terrorist attacks on October 7, 2023, Jewish students have experienced countless incidents of anti-Semitic harassment at FIT, including unauthorized anti-Semitic posters and graffiti – some with messages threatening physical violence against Jews, the harassment and doxxing of Jewish students on social media, and the misuse of FIT’s bias complaint procedures and disciplinary process to torment Jewish and pro-Israel students. The occupation of communal campus buildings and spaces by students spewing anti-Semitic hatred and anti-Semitic chants calling for violence against Jews has also isolated and marginalized Jewish students and contributed to the hostile climate on campus.

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”).

³⁹ See 2023 Dear Colleague Letter, *supra* note 34, at 2; see also 2010 Dear Colleague Letter, *supra* note 34, (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”).

⁴⁰ See 2010 Dear Colleague Letter, *supra* note 34, at 1; see also 2017 Know Your Rights: Title VI and Religion, *supra* note 34.

⁴¹ See 2010 Dear Colleague Letter, *supra* note 34, at 5–6.

⁴² 2010 Dear Colleague Letter, *supra* note 34, at 2.

⁴³ University of Michigan Resolution Agreement of Complaint Number 15-24-2066 and 15-24-2128 at 1,

<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/15242066-b.pdf>

The hostile climate at FIT has interfered with the ability of Jewish students to participate and enjoy the educational programs they are entitled to at FIT. Some Jewish students chose to hide their Jewish identity or to stop participating in class to avoid undue attention and harassment. Jewish students have been unable to walk freely through campus without fear of being derided and harassed based on their identity; they have been effectively excluded from certain spaces on campus and their studies have been impaired due to fear, distress, and anxiety.

The school was aware of these circumstances but took no effective or meaningful action to address the hostile climate. Jewish students reported the threatening and intimidating social media posts, and the University was well aware of the anti-Semitic graffiti all over campus. Jewish students complained to investigators that the complaints filed against them through FIT's grievance procedures were false and were filed by the same anti-Israel protestors who harassed and doxxed them on social media, in order to further harass them. Despite having notice, the university did not take action to address the concerns raised by Jewish students, stop the harassment or eliminate the hostile climate.

The hostile environment described in the Statement of Facts, *supra*, began after October 7 and has persisted as a continuing violation and pattern and practice of discrimination, which continued through the 2023-2024 academic year.

C. FIT has itself discriminated against its Jewish students.

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

As discussed above, FIT has allowed students to harass their Jewish peers who were near anti-Israel protests or protest activity by pursuing groundless investigations and disciplinary actions against them and simultaneously refusing to open investigations into the harassment reported by Jewish students. At the same time, FIT has refused to enforce its policies against students who violate them while participating in anti-Semitic protests that disproportionately impact Jewish students on campus. When anti-Israel protestors infiltrated and occupied a campus building and blocked access to other campus buildings and communal spaces, while expressing support for violence perpetrated by the anti-Jewish terrorist group Hamas, FIT allowed the students to violate campus policies for 13 days. Instead of intervening to stop the rule violations, enforcing its policies and disciplining the offenders, FIT took no meaningful action. Ultimately, FIT granted immunity from

("conduct that occurs off campus or on social media is within the scope if it creates, based upon the totality of the circumstances, a hostile environment within a University program or activity").

discipline to all of the anti-Israel protestors at a large, unauthorized campus protest, thereby allowing the protestors to violate FIT policies with impunity and lending FIT's imprimatur of endorsement to their anti-Semitic agenda.

While FIT granted immunity to anti-Israel protestors who blatantly violated numerous university rules, Jewish students who happened to be in the vicinity of anti-Israel protests continue to be caught in FIT's disciplinary system as a result of frivolous investigations. By turning a blind eye to the conduct of anti-Israel protestors who have obstructed, intimidated, and harassed Jewish students, while pursuing conduct charges against Jewish students based on allegations arising from the same protests, FIT is failing to apply its investigation and disciplinary procedures indiscriminately and is preventing Jewish and Israel students from obtaining the benefits of student life at FIT.

The selective and discriminatory use of FIT's internal grievance procedures and disciplinary process began soon after October 7 and has persisted as a continuing violation and pattern and practice of discrimination, which continued through the end of the 2023-2024 academic year and is continuing into the 2024-2025 school year.

IV. Suggested Remedies

For the foregoing reasons, the Brandeis Center, ADL and Baruch Hillel urge OCR to require FIT to take the following steps to protect its Jewish students and ensure that members of the FIT community are held accountable for engaging in unlawful harassment and discrimination:

1. Enforce its code of conduct indiscriminately to all students, employees, faculty members, and contractors and announce that anyone who engages in discriminatory conduct or otherwise violates Title VI and/or FIT's code of conduct will be held accountable, including by suspension and expulsion (students) or suspension and termination (employees and contractors), including violations occurring prior to the filing of this Complaint.
2. Dismiss all baseless or frivolous pending complaints, conduct charges or disciplinary proceedings against Jewish students that were initiated after October 7, 2023, and expunge any school records that reflect disciplinary action as a result of bogus complaints.
3. Investigate any students who knowingly filed groundless or frivolous complaints against Jewish students and, where appropriate, institute disciplinary action pursuant to FIT's student conduct code procedures.

4. Ensure the FIT community understands and recognizes anti-Semitic discrimination by incorporating the IHRA Definition, including its guiding examples, in FIT's policy manuals related to discrimination, consistent with Executive Order 13899 and the values of free speech and academic freedom; and providing training on anti-Semitism to FIT administrators, faculty, students and staff. The training should familiarize all members of the community with traditional as well as contemporary anti-Semitic stereotypes and conspiracy theories and their social and political functions, so that the FIT 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.
5. 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 FIT. We recommend that FIT 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 FIT students feel unwelcome and unsafe expressing this part of their Jewish ancestral and ethnic identity is contrary to FIT's basic values of mutual respect and inclusion. Our staff are key leaders in our schools 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 harassment, bullying, and targeting are unacceptable. Our schools must be a place characterized by inclusivity and the free and open exchange of ideas.

FIT is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination and harassment based on actual or perceived shared ancestry or ethnicity, including anti-Semitism that manifests as anti-Zionism. To that end, FIT will utilize the IHRA Working Definition of anti-Semitism as required by law when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by anti-Semitic animus or bias. FIT 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.

6. Appoint an independent investigator to examine the campus climate for its students, faculty, staff, with specific attention to the climate for Jewish members of the FIT community; charge the investigator with conducting a school climate survey to address the climate for students, and especially for Jewish students; and carry out such recommendations as are made by the investigator based on the survey and additional analysis.
7. Create a task force comprised of Jewish student leaders and Jewish faculty members, including Jewish students and faculty for whom connection to Israel is integral to their identity, that will provide input to the FIT administration about how best to address and improve Jewish life at FIT, including how to address and ameliorate anti-Semitic harassment and discrimination based on shared ancestry and ethnicity.
8. Promptly remove all anti-Semitic graffiti, posters, banners, flags, images, and writings on school property and enforce the prohibition against the display of such items.

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.

VI. Conclusion

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

Respectfully submitted,

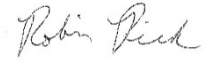


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A handwritten signature in cursive script, reading "Robin Pick".

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EXHIBIT A

