
Office for Civil Rights Discrimination Complaint Form: Submission #735974

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number: {Empty}

Your Email Address:

2. Who else can we call if we cannot reach you?

Contact's Name:

Daytime Phone Number:

Relationship to you: Spouse

3. Who was discriminated against?

Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: Students Supporting Israel Club/SSI

Daytime Phone Number: 310-804-1132

Evening Phone Number: 310-804-1132

Relationship to You

(eg. son or daughter) SSI Student Club, (b)(6); (b)(7)(A); (b)(7)(C)

Injured Person's Address: Santa Monica College

City: Santa Monica

State: California

Zip Code: 90405

4. What institution discriminated?

Institution Name: Santa Monica College

Address: 1900 Pico Blvd.

City: Santa Monica

State: California

Zip Code: 90405

School or department involved: Associated Students

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: Date of Discriminatory Action: 10/19/23
Names of Individuals: Multiple SSI Club Officers attended; most walked out when antisemitic comments were being made.

What Happened: Students Supporting Israel (SSI) club, which is a long-standing club, was being officially installed during this meeting by Associated Students. Instead of being a perfunctory process it became a platform for antisemitic comments. College advisors were present and did not suppress or caution students that antisemitic remarks are unacceptable (per Rules of Student Conduct). SSI club members feared for their personal safety at this meeting and in their on-ground classes. SSI has been retroactively installed by (b)(6); (b)(7)(A); (b)(7)(C) SSI club members and other Jewish students fear for their personal safety. Online antisemitic remarks related to SMC clubs are overwhelming. I have e-mailed senior administration at SMC requesting accommodation for Jewish students who fear for their personal safety to be switched to online modality for their courses and be virtually represented in future AS meetings.

Do you have written information that you think will help us understand your complaint?

yes or no Yes

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: Thu, 10/19/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? I request an investigation at Santa Monica College to determine if they are in compliance with DOE guidelines for civil rights. Antisemitism and other forms of hate is a pervasive problem at all public institutions of higher education in California. It often takes Federal intervention to make sure the institution of higher learning are serving all students with unconditional respect.

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: Yes



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

December 4, 2023

Dr. Kathryn Jeffery
Superintendent/President
Santa Monica College
1900 Pico Boulevard
Santa Monica, California 90405

By email only to: Jeffery_Kathryn@smc.edu

Re: Santa Monica College - OCR Case No. 09-24-2053

Response required by: December 18, 2023

Dear Superintendent President Jeffery:

On November 1, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against Santa Monica College (the College). The Complainant alleges that the College discriminated against Jewish students on the basis of national origin (shared Jewish ancestry and/or Israeli) when College advisors present at a meeting to install the Students Supporting Israel (SSI) Club did not suppress allegedly antisemitic comments made by students at the meeting on October 19, 2023. The complaint further alleges that SSI club members feared for their safety at this meeting and in their classes during October and November 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the College is subject to Title VI.

OCR will investigate the following issue: whether the College failed to respond in a manner consistent with the requirements of Title VI to alleged harassment of students by other students based on national origin (shared Jewish ancestry and/or Israeli).

Please note that opening an investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and addresses the

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

allegation as required by OCR's Case Processing Manual (CPM) (July 18, 2022). Please open this link for additional information about OCR's Complaint Processing Procedures.

OCR is committed to resolving complaints as promptly as possible. OCR will contact you or your designated representative soon to discuss the allegation and the complaint resolution process. To reach an efficient and timely resolution of this matter, OCR is providing you an opportunity to present the College's response to these allegations and to submit supporting documentation. Please provide the information described in the attached data request by the date indicated at the top of this letter. OCR has determined that the information itemized in the attached data request is necessary to investigate the allegations. The regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulations implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR will take all proper precautions to protect the identity of any individuals named in the documents.

Complaints may be resolved in a variety of ways, including through mediation under Section 201(b) of OCR's CPM. Under that provision, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such a case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. OCR also would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

On receipt of this letter notifying the College that OCR has opened an investigation of the above-referenced issue, **please contact OCR San Francisco at malissa.mollberg@ed.gov** with the name, title, email, and telephone number of the person you designate to be OCR's primary point of contact for the investigation of this complaint.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released. Your cooperation is appreciated. If you have any questions, please contact Blake Mollberg at malissa.mollberg@ed.gov.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Sara Berman
Team Leader

Enclosures

U.S. Department of Education - Office for Civil Rights, San Francisco
Initial Data Request
Santa Monica College
OCR Docket No. 09-24-2053

OCR requests that this information reach our office by **December 18, 2023**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

- Mail:** U.S. Department of Education, Office for Civil Rights
50 United Nations Plaza
Mailbox 1200; Room 1545
San Francisco, CA 94102
- Email:** Blake Mollberg at malissa.mollberg@ed.gov
- Fax:** (415) 486-5570
- SharePoint:** OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Blake Mollberg at malissa.mollberg@ed.gov to receive online portal information to upload data.

Please do *not* provide the information via an electronic cloud format such as Google Docs. Please also do not include student social security numbers with any submission.

Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

For purposes of this data request and all subsequent data requests, “document” means a piece of written, printed, photographic, electronic, videotaped, audiotaped, or other matter.

Please note that this data request is of an ongoing nature, such that if documents relevant to this request are discovered or become available at a later time, we request that the recipient promptly provide such documents to OCR. OCR also requests that you provide any and all documents that are relevant to OCR’s review of this matter, regardless of whether OCR has specifically requested such documents.

Preservation of requested and relevant data and documents: To ensure that OCR can assess the recipient’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for the time-frame specified in these requests and going forward until OCR closes this complaint. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this complaint. The regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

Please provide the following information for the 2023-2024 academic year:

1. A narrative response to the issue opened for investigation.
2. A copy of or link to the College's policies and procedures, and a description of its practices, governing the investigation of and response to reports and complaints of discrimination, including harassment, against students, faculty, and staff on the basis of national origin (shared Jewish ancestry). Please also provide the name(s), job title(s), and contact information of the College employees responsible for handling such reports and complaints at the College at each level of the process.
3. An explanation of the means by which the College informs students, faculty, and staff of the policies and procedures referred to in Item. 2. Please provide copies of all materials disseminated to students, faculty, and staff or provide links to the webpages where these materials are posted.
4. A copy of the College's policies and procedures, and/or a description of its practices, governing student clubs at the College. Include (a) the process for becoming a recognized student club at the College, (b) the constitution of the Inter-Club Council (ICC), and (c) the requirements, rules, policies, and/or procedures imposed by the College on recognized student clubs.
5. Provide a list of recognized student clubs at the College and include the contact person and contact information for each recognized student club.
6. A detailed description of any formal and informal complaints and reports of discrimination, including harassment, based on national origin (shared Jewish ancestry and/or Israeli) of students at the College about the ICC meeting on October 19, 2023. Please include:
 - a. copies of any complaint(s) or reports received;
 - b. the name(s) and job title(s) of the person(s) to whom the complaint was made or who otherwise became aware of the alleged incident;
 - c. the name and relation to the College of the person making the report/complaint (e.g., student, faculty members, parent/guardian, counsel, member of the public);
 - d. the date of each complaint(s) or report received;
 - e. a detailed description of each complaint/report, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the complaint/report;
 - f. a detailed description of the procedures used to resolve the complaint or report;
 - g. the length of the process to resolve the complaint or report (e.g., 92 days);
 - h. the name(s) of any students involved in the alleged incident and their national origin (shared ancestry) if known;
 - i. the name(s) and job title(s) of the person(s) responsible for investigating and otherwise resolving the complaint or report;
 - j. the name(s) and relationship to the College of any witnesses interviewed by the College;
 - k. all actions taken by the College in response to the allegations raised by the complaint or report, including any individual and or College-wide corrective actions, and the date(s) of such action(s);

- l. the College's final determination, if any, regarding each complaint and report and the date of the determination;
 - m. any notice of the final outcome of the investigation or resolution provided to the reporting party or others with regard to the complaint or report;
 - n. if the University did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision; and
 - o. copies of any other documentation related to each complaint or report. including but not limited to, interview or other notes, emails, investigative reports, internal and external memoranda, witness statements, meeting minutes, correspondence, logs, forms, record of supportive measures and/or remedies offered and provided, and hearing transcripts generated by the College offices.
7. Please provide a list of all attendees at the ICC meeting on October 19, 2023, to include College students, College employees, and any other attendees known to the College. Please all provide any available minutes from the meeting, the recording, and transcript.
8. For the 2022-2023 and 2023-2024 academic years, a detailed description of all formal and informal complaints and reports of discrimination, including harassment, based on national origin (shared Jewish ancestry and/or Israeli) of students at the College. Please include:
 - a. copies of any complaint(s) or reports received;
 - b. the name(s) and job title(s) of the person(s) to whom the complaint was made or who otherwise became aware of the alleged incident;
 - c. the name and relation to the College of the person making the report/complaint (e.g., student, faculty members, parent/guardian, counsel, member of the public);
 - d. the date of each complaint(s) or report received;
 - e. a detailed description of each complaint/report, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the complaint/report;
 - f. a detailed description of the procedures employed to resolve the complaint or report;
 - g. the length of the process to resolve the complaint or report (e.g., 92 days);
 - h. the name(s) of any students involved in the alleged incident and their national origin (shared ancestry) if known;
 - i. the name(s) and job title(s) of the person(s) responsible for investigating and otherwise resolving the complaint or report;
 - j. the name(s) and relationship to the College of any witnesses interviewed by the College;
 - k. all actions taken by the College in response to the allegations raised by the complaint or report, including any individual and or College-wide corrective actions, and the date(s) of such action(s);
 - l. the College's final determination, if any, regarding each complaint and report and the date of the determination;
 - m. any notice of the final outcome of the investigation or resolution provided to the reporting party or others with regard to the complaint or report; and
 - n. if the University did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision; and

