
Office for Civil Rights Discrimination Complaint Form: Submission #735553

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: {Empty}

Daytime Phone Number: {Empty}

Relationship to you: {Empty}

3. Who was discriminated against?

Yourself or Someone else Myself?

If someone other than yourself please include:

Injured Person's Name: {Empty}

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You
(eg. son or daughter) {Empty}

Injured Person's Address: {Empty}

City: {Empty}

State: {Empty}

Zip Code: {Empty}

4. What institution discriminated?

Institution Name: San Diego State University

Address: 5500 Campanile Dr

City: San Diego

State: California

Zip Code: 92182

School or department involved: Adela de La Torre - President of SDSU

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: On 10/09/2023

Adela De La Torre, president of San Diego state university, sent out a letter supporting the Jewish and Israeli communities of school, ignoring all Arabs and Palestinians who are enduring a worse outcome of the war. She showed unequivocal solidarity with the Israelis and discriminated against all Arab and Palestinian students and faculty in particular.

This letter has promoted hate and racism against (b)(6); (b)(7)(A); (b)(7)(C) and all Arabs and Muslims in general. (b)(6)

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

An educational institution should promote critical thinking and equality.

Adela de La Torre did not disclose the amount of damage Israel has done in Gaza nor did she mention the number of war crimes committed by the regimen.

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

yes or no No

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: Mon, 10/09/2023 - 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? 1- An apology to the Palestinian/Arab/Muslim communities for the hateful letter

2- A condemnation of the actions of Israel against the people of Gaza.

3- An "I stand with Justice" stance

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

I am interested in participating in early mediation: No



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

January 2, 2024

Adela de la Torre
President
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-8000

By email only to: presidents.office@sdsu.edu

Re: San Diego State University - OCR Case Number 09-24-2022

Response required by: January 20, 2024

Dear President de la Torre:

On October 16, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against San Diego State University (the University). The complaint alleges that the University discriminated against students on the basis of national origin (shared Islamic, Arab, and/or Palestinian ancestry) when on or about October 9, 2023, the University issued a letter supporting Jewish and Israeli communities while ignoring the harm experienced by the Palestinian community. The complaint further alleges that the letter promoted hate and racism against Arabs and Muslims, and that students feared for their safety on campus.

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

OCR will investigate the following issue: whether the University fulfilled the requirements of Title VI with respect to alleged harassment of students based on national origin (shared Islamic, Arab, and/or Palestinian ancestry).

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

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

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 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.

Complaint allegations 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 allegation, **please contact OCR San Francisco at Christina.Gonzalez@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 University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an 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 retaliation complaint against the University with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it 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 about this letter, please contact Christina Gonzalez at Christina.Gonzalez@ed.gov.

Sincerely,

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

for Monique Raco Fuentes
Team Leader

Enclosures

U.S. Department of Education - Office for Civil Rights, San Francisco

Initial Data Request

San Diego State University

OCR Docket No. 09-24-2022

OCR requests that this information reach our office by **January 20, 2024**. 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:

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 Christina.Gonzalez@ed.gov to receive online portal information to upload data.

Email: Christina.Gonzalez@ed.gov

Mail: U.S. Department of Education, Office for Civil Rights

50 United Nations Plaza

Mail Box 1200; Room 1545

San Francisco, CA 94102

Fax: (415) 486-5570

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 also 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 timeframe 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 academic years 2022-2023 and 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. A narrative response to the issue opened for investigation.
2. A copy of or link to the University's policies and procedures, and a description of the University's 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 (including shared Islamic, Arab, or Palestinian ancestry). Please also provide the name(s), job title(s), and contact information of the University employees responsible for handling such reports and complaints at each level of the process.
3. An explanation of the means by which the University 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 letter that the University's President issued on or about October 9, 2023, stating support for Jewish and Israeli communities.
5. A detailed description of any formal and informal reports and complaints of discrimination, including harassment, based on national origin (shared Islamic, Arab, or Palestinian ancestry) that occurred after the University issued a letter supporting Jewish and Israeli communities on or about October 9, 2023. For each report/complaint, 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 report/complaint was made or who otherwise became aware of the alleged incident;
 - c. the name and relation to the University 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 or report received;
 - e. a detailed description of the report/complaint, 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 report or complaint;
 - f. a detailed description of the procedures used to resolve the report or complaint;
 - g. the length of the process used to resolve the complaint or report (e.g., 92 days);

- h. the name(s) of any student involved in the alleged incident(s) 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 University of any witnesses interviewed by the University;
 - k. all actions taken by the University in response to the allegations raised by the complaint or report, including any individual and/or University-wide corrective actions, and the date(s) of such action(s);
 - l. the University'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.
6. 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 (including shared Islamic, Arab, or Palestinian ancestry) of students at the University. 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 University 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. 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., 62 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 University of any witnesses interviewed by the University;
 - k. all actions taken by the University in response to the allegations raised by the complaint or report, including any individual and/or University-wide corrective actions, and the date(s) of such action(s);
 - l. the University'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 or 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 University offices.
7. State whether the University conducts focus groups, other meetings, or trainings and/or holds informational sessions with students and/or staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the University's obligation to respond to Title VI complaints. If so, please provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
 8. A detailed description of any training regarding discrimination, including harassment, based on national origin (including shared Islamic, Arab, or Palestinian ancestry) provided to University staff responsible for responding to complaints based on Islamic or Arab ancestry. For each such training provide the dates of such training, a description of the training, a description of the training participants, and copies of any materials distributed during the training.
 9. To the extent not covered by any request above, copies of any email(s) and/or social media post(s) received by the University relating to the letter issued on or about October 9, 2023, as well as any written or electronic notices or correspondence sent from any University administrator regarding hate incidents in or after October 2023.
 10. The name, job title, address, telephone number, fax number and email address of the University's contact person for this complaint.
 11. Any other information the University believes will assist OCR in this investigation.