

From: OCR
To: OCR Seattle
Cc: (b)(6); (b)(7)(A);
Subject: FW: Title VI complaint
Date: Thursday, February 15, 2024 11:20:39 AM
Attachments: FCS Complaint and Consent Form Mason Russo 1-17-24.pdf
Title VI emails.docx

Good afternoon OCR Seattle,
We are forwarding the attached complaint and supporting documentation to you for review and appropriate handling.

Thank you,

OPEN Center Customer Service Team

Office for Civil Rights

From: Mason Russo (b)(6); (b)(7)(A); (b)(7)(C)

Sent: Thursday, February 15, 2024 2:17 PM

To: OCR <OCR@ed.gov>

Subject: Re: Title VI complaint

You don't often get email from (b)(6); (b)(7)(A); [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello OCR staff,

I have attached the documents below. Please let me know if there is anything else you need. I am a PhD candidate at the University of Hawaii at Manoa, and also the director of the Hillel Hawaii group. I filed this on my own initiative due to the pattern of antisemitic incidents that occurred. I hope that this complaint can be addressed and that some substantial progress can be made for Jewish and Israeli students to feel welcome and safe on campus.

Sincerely,

Mason Russo

On Thu, Feb 15, 2024 at 8:43 AM OCR <OCR@ed.gov> wrote:

Dear Mason Russo,

Would you please re-attach the complaint form that you sent to the Department of Justice so that we can forward it to the appropriate office?

Thank you.

From: OCR

Sent: Thursday, February 15, 2024 12:37 PM

To: Mason Russo (b)(6); (b)(7)(A); (b)(7)(C)

Subject: RE: Title VI complaint

Dear Mason Russo,

The complaint form appears to be for the U.S. Department of Justice. Did you also file a complaint with the Department of Education?

Sincerely,

OPEN Center Customer Service Team

Office for Civil Rights

U.S. Department of Education

From: Mason Russo (b)(6); (b)(7)(A); (b)(7)(C)



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section
950 Pennsylvania Ave., NW - NWB
Washington, DC 20530*

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

NOTICE OF COMPLAINANT AND INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding, or hearing conducted by Department of Justice (DOJ) are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A recipient may not force its employees to be represented by the recipient's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. An employee does, however, have the right to representation during an interview with DOJ. The representative may be the recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d7, and its implementing regulations, 28 C.F.R. § 42.401 et seq., govern DOJ's compliance and enforcement authority. These provisions provide that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under DOJ's jurisdiction, or has asserted rights protected by statutes DOJ enforces.

- Information obtained from the complainant or other individual maintained in DOJ's investigative files may be exempt from disclosure under the Privacy Act or under the Freedom of Information Act if the release of such information would constitute an unwarranted invasion of personal privacy

There are two laws governing personal information submitted to any federal agency, including the DOJ: The Privacy Act of 1974 (5 U.S.C. § 552a), and the Freedom of Information Act (5 U.S.C. § 552).

THE PRIVACY ACT protects individuals from misuse of personal information held by the federal government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- DOJ is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against recipients of Federal financial assistance. DOJ also is authorized to conduct reviews of federally funded recipients to assess their compliance with civil rights laws.

- Information that DOJ collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. DOJ staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. DOJ also may be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act.

- The personal information will be used primarily for DOJ's authorized civil rights compliance and enforcement activities. FCS will not disclose your name or other identifying information about you unless it is necessary for enforcement activities against an entity alleged to have violated federal law, or unless such information is required to be disclosed under the Freedom of Information Act, 5 U.S.C. § 552, or disclosure is allowed through the publication of a routine use in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a. <http://edocket.access.gpo.gov/2003/pdf/03-20342.pdf> To further the Department's enforcement activities, information FCS has about you may be given to: appropriate federal, state, or local agencies; Members of Congress or staff; volunteer student workers within the Department of Justice so that they may perform their duties; the news media when release is made consistent with the Freedom of Information Act and 28 C.F.R. § 40.2; and the National Archives and Records Administration and General Services Administration to perform records management inspection functions in accordance with their legal responsibilities.

- No law requires a complainant to give personal information to DOJ, and no sanctions will be imposed on complainants or other individuals who deny DOJ's request. However, if DOJ fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of DOJ to exercise authority to exempt systems of records only in compelling cases. DOJ may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of federal financial assistance. Complaint files are exempt in order to aid negotiations between recipients and DOJ in resolving civil rights issues and to encourage recipients to furnish information essential to the investigation.

THE FREEDOM OF INFORMATION

ACT gives the public access to certain files and records of the federal government. Individuals can obtain items from many categories of records of the government -- not just materials that apply to them personally. DOJ must honor requests under the Freedom of Information Act, with some exceptions. DOJ generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."



U.S. Department of Justice
Civil Rights Division

Federal Coordination and Compliance Section
950 Pennsylvania Ave. NW
Washington, DC 20530

COMPLAINT FORM

The purpose of this form is to assist you in filing a complaint with the Federal Coordination and Compliance Section (FCS). You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided if you submit something other than this form.

1. * Your name and address.

Name: Mason Russo
Address: (b)(6); (b)(7)(A); (b)(7)(C) _____ Zip: (b)(6); (b)(7)(A)
Telephone: Home: (b)(6); (b)(7)(A); (b)(7)(C) _____ Work or Cell: (b)(6); (b)(7)(A); (b)(7)(C) _____

2. * Person(s) discriminated against, if different from above:

Name: See attached document
Address: _____ Zip: _____
Telephone: Home: (____) _____ Work or Cell: (____) _____
Please explain your relationship to this person(s).

3. * Agency and department or program that discriminated:

Name: University of Hawaii at Manoa
Address: 2500 Campus Rd, Honolulu, HI 9 _____ Zip: 6822-2217
Telephone: Home: (808) 956-8207 _____ Work or Cell: (____) _____

4A.* Non-employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

Race/Ethnicity: Israeli, Jewish
 National origin: Israel
Sex: _____
 Religion: Jewish
Age: _____
Disability: _____

OMB No.1190-0008
Expires: 03/21/2023

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

____ Race/Ethnicity: _____
____ National origin: _____
____ Sex: _____
____ Religion: _____
____ Age: _____
____ Disability: _____

5. What is the most convenient time and place for us to contact you about this complaint?

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

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____
Telephone: Home: (____) _____ Work or Cell: (____) _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: _____
Address: _____ Zip _____
Telephone: Home: (____) _____ Work or Cell: (____) _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: (b)(6); (b)(7)(A); _____
Most recent date of discrimination: (b)(6); (b)(7)(A); _____

9. Complaints of discrimination generally must be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint and FCS will evaluate the explanation and decide if a waiver is appropriate.

OMB No. 1190-0008
Expires: 03/21/2023

10. * Please explain, as clearly and neatly as possible, what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.)

Please see the supporting document.

11. Title VI of the Civil Rights Acts of 1964, 42 U.S.C. §§ 2000d – 2000d7 and the nondiscrimination section of the Omnibus Crime Control and Safe Streets Act of 1968, 28 U.S.C.§ 3789d(c), prohibit recipients of Department of Justice funds from intimidating or retaliating against anyone because he or she has either taken action or participated in an action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #10), please explain, as clearly and neatly as possible, the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

12. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name	Address	Area Code/Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Do you have any other information that you think is relevant to our investigation of your allegations?

Please see the supporting document.

14. What remedy are you seeking for the alleged discrimination?

Please see attached document, "Title VI remedy".

15. Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Department of Justice (including the Office of Justice Programs, Federal Bureau of Investigation, etc.) or other Federal agencies?

Yes _____ No

If so, do you remember the Complaint Number?

What agency and department or program was it filed with?

Address: _____

Zip _____

Telephone No: (____) _____

Date of Filing: _____ Filed Against: _____

Briefly, what was the complaint about?

What was the result?

16. Have you filed a charge or complaint concerning the matters raised in this complaint with any of the following?

- U.S. Equal Employment Opportunity Commission
 Federal or State Court
 Your State or local Human Relations/Rights Commission
 Grievance or complaint office
 Other _____

17. If you have already filed a charge or complaint with an agency indicated in #16, above, please provide the following information (attach additional pages if necessary):

Agency: _____
Date filed: _____
Case or Docket Number: _____
Date of Trial/Hearing: _____
Location of Agency/Court: _____
Name of Investigator: _____
Status of Case: _____
Comments: _____

18. While it is not necessary for you to know about aid that the agency or institution you are filing against receives from the Federal government, if you know of any Department of Justice funds or assistance received by the program or department in which the alleged discrimination occurred, please provide that information below.

19. * We cannot accept a complaint if it has not been signed. Please sign and date this Complaint Form below.

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

(Signature)

1/17/24
(Date)

Please feel free to add additional sheets to explain the present situation to us.

We will need your consent to disclose your name, if necessary, in the course of any investigation. Therefore, we will need a signed Consent Form from you. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) See the "Notice about Investigatory Uses of Personal Information" for information about the Consent Form. Please mail the completed, signed Discrimination Complaint Form and the signed Consent Form (please make one copy of each for your records) to:

United States Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section - NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Toll-free Voice and TDD: (888) 848-5306
Voice: (202) 307-2222
TDD: (202) 307-2678

20. How did you learn that you could file this complaint?

21. If your complaint has already been assigned a DOJ complaint number, please list it here:

Note: If a currently valid OMB control number is not displayed on the first page, you are not required to fill out this complaint form unless the Department of Justice has begun an administrative investigation into this complaint.

OMB No. 1190-0008
Expires: 03/21/2023



U.S. Department of Justice
Civil Rights Division

Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW
Washington, DC 20530

COMPLAINANT CONSENT/RELEASE FORM

Your Name: Mason Russo

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

Complaint number(s): (if known) _____

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, that it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

CONSENT/RELEASE

CONSENT - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

CONSENT DENIED - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

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

1/17/2024
DATE

OMB No. 1190-0008
Expires: 03/21/2023

Re. Title VI Complaint Documenting Antisemitism and Lack of Appropriate UH Actions, since October 7, 2024

On October 12th, the University of Hawai'i at Manoa President Dr. David Lassner released a statement that noted the horrific events of October 7th in Israel, but made no effort to condemn Hamas, the perpetrators of rape, kidnapping and murder, as many other campus administrators have done. "Regardless of anyone's stance on the longstanding issues in the Middle East, this is a time when we need to not only keep hate and intolerance from our campuses and our classrooms, but also show compassion for one another. We need aloha."

The lack of a clear and strong statement condemning the brutal attacks might have contributed to the following examples of antisemitism on the UH Manoa Campus and, at the very least did nothing to prevent them. It certainly did not restore a sense of "aloha." As a result, Jewish and non-Jewish students have chronicled the following examples leading to an unsafe and hostile environment for those disagreeing with or questioning positions which are often both against Israel and the Jewish people, regardless of where Jews and their friends live. The uncivil attacks transcend the political argument against the nation-state of Israel – doing so in a demonizing, delegitimizing and double-standard way – and land securely in the unacceptable realm of antisemitism. That is, hatred of the Jewish people and of Judaism.

That is a violation of Title VI.

Among the examples creating that unsafe and hostile environment:

Explicit faculty praise for the brutal attacks against men, women and children in Israel on October 7th – attacks which continue to the present day. Praise for this "liberation" was expressed in the classroom, at faculty meetings and public rallies, and online. That praise was often accompanied by crude and untrue claims that Israel "deserved to be attacked" and "had started the war." Some of the faculty are associated with the Students and Faculty for Justice in Palestine, which is active on the Manoa campus but is not a registered student group, or RIO. Such faculty are members of several different departments, among which are Political Science, English, American Studies, Ethnic Studies and Women's Studies, who either officially as a Department of informally as individual professors, have signed onto the cultural boycott of Israel, a stance which, ironically, challenges academic freedom in its current form.

More specifically, (b)(6); (b)(7)(A); (b)(7)(C)

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

Students noted to (b)(6); (b)(7)(A); (b)(7)(C) along with Mason Russo, Director of Hillel Hawai'i, that classroom lectures and discussions celebrated those attacks or presented them as "just" retaliation for Israeli policies, took off in antisemitic directions, and did not provide time for questions and discussions connected to alternative views,

views that could be grounded in facts and critical thinking. Two (b)(6); (b)(7)(A); [redacted] instructors presented heavily biased interpretations of Middle East history and the current conflict without in any way being at the level of knowledge and reading on the subject that one would expect of a major research university classroom. There was no critical thinking, or intellectual diversity. There was only blame for one side and justification for the other, as discussion was locked into the colonizing-colonizer dichotomy. Israel and colonizing Jews were blamed for what has transpired over the last 100 or so years and claims were made about the "power" of "the Jews." Hamas and the Palestinians were only victims of colonization. (b)(6); (b)(7)(A); (b)(7)(C) [redacted] and the (b)(6); (b)(7)(A); [redacted] both argued for the end of Israel. One student was called "Islamophobic" when he questioned the meanings of "From the River to the Sea," a seemingly innocuous slogan which is, in fact, a call to not only eliminate Israel as a nation-state but also to remove Jews from the region.

Student concerns for the above have come from both Jewish and non-Jewish students, including Israeli students.

Hawaii celebrates diversity, so why would the (b)(6); (b)(7)(A); [redacted] and members of a registered university organization promote protests using demonizing language that calls for the erasure of Jews, while also validating support for the attacks? This situation has forced a Jewish member of the organization to essentially choose between their co-joined identities to feel safe and welcomed in the community. Last term, this particular student avoided campus activities, attending only their classes, and even removed the Jewish Star that they had worn around their neck.

That student is not alone. A (b)(6); (b)(7)(A); (b)(7)(C) [redacted]

(b)(6); (b)(7)(A); (b)(7)(C) [redacted]

Yet one more among other examples: a (b)(6); (b)(7)(A); (b)(7)(C) [redacted]

(b)(6); (b)(7)(A); (b)(7)(C) [redacted]

Faculty members and students did everything they could from "six feet away" to shout out, divert attention from and, in general, silence students and faculty holding a RIO-approved informational tabling at Campus Center. That information included the names and ages of the hundreds of hostages being held by Hamas at that time. It was not an event held to be anti-Palestinian. It was an event held to remember the hostages and to remind visitors of the events of October 7th. The "pro-Palestinian" students and faculty not only confronted other students, but also live-streamed the event, exposing participants to precisely the exposure and doxing that such "pro-Palestinian" activists claim that they are exposed to.

Within one week of those attacks, the English Department and the Center for Biographical Research, among other Departments and organizations, held a reception for and talk by a visiting Gazan artist. Putting aside the reasonable response of postponing the event until the community

could consider the art and the artist without the horrors of October 7th, those sponsors held the events and celebrated Gazan “resistance.” Not surprisingly, the reception was visited by several individuals waving Israeli flags. The response (b)(6); (b)(7)(A); (b)(7)(C) repeatedly said, “get the fuck out of here.” In contrast to the BDS embracing of confrontation, the visitors were told that their mere presence was an act of violence. We are not sure how we can have it both ways: one group gets to confront the other, but not vice versa?

In addition, one (b)(6); (b)(7)(A); (b)(7)(C) now (b)(6); (b)(6); (b)(7)(A); (b)(7)(C) has a long history of support of (b)(6); (b)(7)(A); (b)(7)(C). In (b)(6); (b)(7)(A); (b)(7)(C) signed a petition titled: (b)(6); (b)(7)(A); (b)(7)(C) that (b)(6); (b)(7)(A); (b)(7)(C) The petition described (b)(6); (b)(7)(A); (b)(7)(C) as a (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) should have no role in addressing any of these issues of antisemitism. The fact that a high-ranking administrator at UH Manoa holds these views, in of itself creates a hostile environment.

We ask you to consider how such praise for murder and rape is acceptable on a public university campus? How are such double-standards acceptable? What developments put students in classrooms led by instructors who have such limited and one-sided knowledge of a significant historical and contemporary issue?

While respecting freedom of speech and academic freedom, we find such expressions and actions violate the protections guaranteed under Title VI.

There might be very little that a University President can do in these circumstances – although some have been honest enough to call out support for Hamas as support for murder and terrorism – but it probably did not help the situation that President Lassner repeated his position five weeks after the initial brutality, when he said at the November 16th Board of Regents Meeting: “I have variously faced calls to condemn the actions of Hamas on October 7 or the Israeli response. You see this in testimony to the Board of Regents this morning. I again choose not to do so.” Also, Mason Russo has tried to engage on these issues with President Lassner without success.

“If not now, when?”

The spring semester started off with a statement from the administration saying, “As we begin 2024 and the spring semester, we want to take a moment to recognize all the complicated and complex ways we are entering the new year. On the one hand, we are starting with the excitement of new classes, new opportunities, and for some, the anticipation of graduation in a few short months. On the other hand, we are facing extreme climate, social, religious, and political turmoil; from Maui to Gaza, these challenges are real.” The failure to even mention Israel here highlights a pattern of exclusion throughout the University.

The Spring 2024 course selection includes “Contemporary American Global Issues,” which includes at least one module echoing the delegitimization of Israel and the blaming of Jews and Israel that was expressed in the above examples from the Fall 2024 term. (b)(6); (b)(7)(A); (b)(7)(C) has heard the author of the book being read for that section and he sees no reason to think that

the lectures and discussions will vary from or offer any helpful criticism of the orthodox argument that Israel is a settler-colonial project and that the Palestinians are colonized peoples.

The combination and probably continuation of these actions and events – in and outside of the classroom – highlight an environment where there is not combating antisemitism and anti-Israel attacks. Students from Israel do not feel safe on campus and the discrimination fits a Title VI violation. We hope efforts will be made to address this situation and secure the true aloha spirit for all students, regardless of their ethnicity, religion, race, and other identities protected from verbal, physical and educational discrimination.

14. What remedy are you seeking for the alleged discrimination?

We are calling on the University of Hawaii administration and the University of Hawaii Board of Regents to do the following remedies. We are seeking (b)(6); (b)(7)(A); (b)(7)(C) to be removed from administrative positions. We want the University of Hawaii at Manoa to be a place where antisemitism does not take place in the classroom and for faculty to not advocate for the elimination of Israel or support terror organizations in their classrooms. We want the University to take an active effort to address the antisemitic behavior of faculty and students alike.

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

REGION X

ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA ISLANDS
OREGON
WASHINGTON

March 18, 2024

Via e-mail only to: david@hawaii.edu

President David Lassner
University of Hawai'i at Mānoa
2500 Campus Road Hawai'i Hall
Honolulu, Hawai'i 96822

Re: University of Hawai'i at Mānoa, OCR Reference Number 10242101

Dear President Lassner:

The purpose of this letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against University of Hawai'i at Mānoa. The Complainant alleges that the University discriminated against students on the basis of their national origin (shared Jewish ancestry) by failing to respond to incidents of harassment during the 2023-2024 academic year.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry, in any program or activity receiving federal financial assistance from the Department. As the University receives federal financial assistance from this Department, it is required to comply with Title VI.

OCR is opening for investigation the following issue:

Whether the University failed to respond to alleged harassment of students based on national origin in a manner consistent with the requirements of Title VI.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the Case Processing Manual (<http://www.ed.gov/ocr/docs/ocrcpm.pdf>) (CPM).

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

Please note the section on resolution of a complaint prior to the conclusion of an investigation. If the University expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the University pursuant to CPM Section 302.

As part of its investigation, OCR is requesting information from the University. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6, requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

In addition, in accordance with the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), and the Title VI regulation at 34 C.F.R. § 100.6(c), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. Please do **not** provide any Social Security numbers in your data response. If any responsive documents contain Social Security numbers, please redact the Social Security numbers before producing the responsive documents to OCR.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. 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 any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Please submit the following information by **April 2, 2024**:

1. The name, job title, and contact information of the University's point of contact for this matter.
2. The name(s) and title(s) of University staff responsible for investigating incidents of discrimination and harassment based on national origin, including shared ancestry, during the 2022-2023 and 2023-2024 academic years.
3. A copy of the University's notice of nondiscrimination. In addition, provide all existing internet links to any notice or policies of nondiscrimination referenced in response to this item. Please also provide an explanation of where and how such notices and policies are otherwise publicized or disseminated to students, faculty, staff, administrators, and others.

4. A copy of the University's policies and procedures, and/or a description of the University's practices and protocols, governing the investigation of complaints of harassment and/or discrimination on the basis of national origin, including shared ancestry. Include a detailed description of the complaint process, including each level of the process, the designated timeframes to complete each stage or level in the process, and the types of records maintained.
5. Copies of all documentation of any formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin discrimination, including shared ancestry, at the University and/or in any University program or activity during the 2022-2023 and 2023-2024 academic years.
6. For each complaint or report made regarding the Item #5 above, please provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the length of the process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - e. all actions the University took in response to the complaint/report;
 - f. the University's final determination regarding the complaint/report;
 - g. any corrective action taken; and
 - h. any notice of the findings provided to the complainant.
7. Copies of all documentation related to any complaints/reports identified in Item #5, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel or student file documents, disciplinary documents, remedies provided, and notes generated for each complaint/report, if not provided in response to Items #6.
8. All other information the University believes will assist OCR in resolution of the issue OCR is opening for investigation, such as a narrative response to the issue opened for investigation.

To the extent that any responsive documents or information are published on the University's publicly accessible website, the response may consist of the exact web address where the relevant information is located. To the extent that other documents or information are available in digital format, please provide them digitally.

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 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions OCR's investigation, you may reach me at Lauren.Boothe@ed.gov or (202) 987-1250.

Sincerely,

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

Lauren Boothe
Attorney