

From: OCR
Sent: Tue, 13 Feb 2024 18:28:26 +0000
To: OCR Chicago
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Illinois Wesleyan University, 1312 Park Street, Bloomington, IL 61701 (National Origin – Jewish)

February 13, 2024

Dear OCR Chicago Office,

The email below is being forwarded to your office for review and appropriate handling.

Thank you,

OPEN Center Customer Service Team
Office for Civil Rights
U.S. Department of Education

From: Zachary Marschall (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Tuesday, February 13, 2024 10:11 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Illinois Wesleyan University, 1312 Park Street, Bloomington, IL 61701 (National Origin – Jewish)

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

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*Submitted
email
2023*

*via
February 13,*

U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, DC 20202
Email: OCR@ed.gov

Re: Title VI Complaint Against Illinois Wesleyan University, 1312 Park Street, Bloomington, IL 61701 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

I am writing as a journalist deeply concerned about antisemitism at the University of Massachusetts Amherst since October 7, 2023.

The October 7 Hamas surprise attack on Israel killed more than 1,200 innocent people including at least 30 Americans. ^[1] This was the deadliest Palestinian militant attack on Israel in history and the single deadliest day for Jews since the Holocaust. ^[2]

I am the editor-in-chief of the daily news site Campus Reform, which published an October 20, 2023, article on students' public pro-Hamas display.

Article: <https://www.campusreform.org/article/display-at-illinois-university-defends-hamas-for-firing-rockets-because-israel-is-like-a-rapist/24224>

As you can see from the photographs and article text, the campus display crossed the line from political speech about Palestine to a hate-fueled attack on Jewish civilians with its justification for the terror attack.

"BLAMING HAMAS FOR FIRING ROCKETS IS LIKE BLAMING A WOMAN FOR PUNCHING HER RAPIST," one sign on the display read.

I have no indication from Campus Reform reporting or sources that the university took substantive steps to remove the display. It's also unclear whether the display violated the university's signage policy but nonetheless remained up.

Other news outlets have reported on antisemitism at this university. Below are additional news reports and contextual information:

Just weeks after the terrorist attack, more than 100 students, staff and activists gathered on Illinois Wesleyan's campus to show support for Palestinians and call for an immediate ceasefire in the Israel/Gaza conflict. There were chants of "Free, free Palestine" and "From the river to the sea." ^[3]

The phrase "from the river to the sea" supports the expulsion, and even genocide, of Israel's Jewish inhabitants. Additionally, it rejects a peaceful solution to the conflict, calling for the eradication of Israel in its entirety. ^[4]

These violent words come after the Hamas atrocities against the people of Israel, including raping, murdering, and kidnapping civilians. Hamas currently has more than 100 innocent Israeli citizens held hostage in Gaza. ^[5] At least 32 of these hostages are now believed to be dead. ^[6]

Almost 75% of Jewish college students have experienced or witnessed antisemitism since this school year began just months ago. ^[7]

Members of Congress are currently discussing additional protections from the Department of Education for Jewish college students amid the current wave of

antisemitic incidents.^[8] But no such discussions appear to be occurring at Illinois Wesleyan despite very clear threats.

Therefore, I ask the U.S. Department of Education's Office for Civil Rights to conduct an immediate investigation against Illinois Wesleyan. I ask that OCR make the university ensure its funds are not sent to organizations spreading antisemitism.

For the record, I do give OCR my consent to disclose my name nor other personal information contained in this Title VI complaint to others for OCR's investigation of, and enforcement activities related to, the complaint. I understand that OCR may have to close my complaint. I am not interested in participating in early mediation. I do not have an attorney representing me in this matter. I have not complained about these allegations to the University.

Sincerely,

Zachary Marschall

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

Zachary Marschall

Editor in Chief

Campus Reform

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

[1] <https://www.foxnews.com/live-news/october-24-israel-hamas-war>

[2] <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

[3] https://pantagraph.com/news/local/more-than-100-rally-for-palestinians-during-event-at-illinois-wesleyan/article_5a26fb34-7382-11ee-8015-9b4bd8f6c944.html

[4] <https://aish.com/why-the-from-the-river-to-sea-chant-is-antisemitic/>

[5] <https://www.nytimes.com/2023/12/20/world/middleeast/israel-hamas-hostages-update.html>

[6] <https://www.timesofisrael.com/at-least-32-of-the-136-hostages-held-in-gaza-killed-20-others-feared-dead-nyt/>

[7] <https://www.adl.org/resources/press-release/nearly-three-quarters-jewish-students-experienced-or-witnessed-antisemitism>

[8] <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

March 5, 2024

S. Georgia Nugent
President
Illinois Wesleyan University
Sent by email only to: president@iwu.edu

Re: OCR Docket #05-24-2261

Dear Dr. Nugent:

On February 13, 2024, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Illinois Wesleyan University (University) alleging that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond appropriately to harassment of students in October 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin, including shared ancestry, in any program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the University is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR will investigate the following issue:

- Whether the University failed to respond to alleged harassment of students on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint.

OCR offers, when appropriate, a mediation process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the mediation process is in the enclosure to this letter.

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

www.ed.gov

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after a recipient expresses an interest in resolving the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must address all of the allegations that OCR determines are appropriate to resolve before the conclusion of an investigation. Information about this is in the enclosure to this letter.

Please read the enclosed document, which includes information about:

- OCR’s complaint processing procedures;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of 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 a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation 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 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.

Accordingly, please provide the following information to us within twenty-one (21) calendar days. Wherever possible, please provide the requested information in electronic format. If responsive data are available through the Internet, please provide the link to the data. Please do not provide OCR documentation or electronic information containing social security numbers (SSN); if SSN appear on a document or file that is otherwise responsive to OCR’s request, please redact the SSN before producing to OCR. Further, it would be helpful if the pages in your response are numbered.

1. A detailed narrative response to the issue opened for investigation.
2. The name, title, and contact information of the University’s:
 - a. Contact person for this complaint; and
 - b. Person(s) responsible for handling complaints that the University receives of harassment and/or discrimination on the basis of national origin, including shared ancestry, and an

explanation of each person's role(s) and responsibilities at each step of the process.

3. A copy of the University's notice of nondiscrimination. In addition, provide all existing internet links to any notice of nondiscrimination referenced in response to this item. Please also provide an explanation of where and how such notices are otherwise publicized or disseminated to University students, faculty, staff, administrators, and others.
4. A copy of the University's policies prohibiting discrimination and/or harassment based on national origin (including shared ancestry) in effect for the 2022-2023 and 2023-2024 academic years, and all existing internet links the policies. State how the University makes these policies available to University students, faculty, staff, administrators and others, including where such policies are published, if applicable.
5. If not included in response to Request #4, a copy of the University's policies and procedures and a description of the University's practices 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 step of the process, the length of the process, and the types of records the University maintains.
6. All formal and informal reports/complaints, including a written summary and all records of verbal reports/complaints, regarding a display at the University in October 2023 that included an image referring to Hamas firing rockets and comparing Israel to rapists.
7. All formal and informal reports/complaints, including a written summary and all records of verbal reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared ancestry. The University's response should include information for the 2022-2023 and 2023-2024 academic years.
8. For each report/complaint in response to Items 6 and 7 please provide the following:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, and the date of the incident;
 - b. a detailed description of the complaint processing procedures employed to resolve the report/complaint;
 - c. the length of the investigative process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the report/complaint;
 - e. all actions the University took in response to the report/complaint, including whether there was police involvement;
 - f. the University's final determination regarding the report/complaint;
 - g. any corrective action taken, including discipline and/or supportive measures; and
 - h. any notice of the findings provided to the complainant.
9. All documentation related to any and/or all complaints/reports identified in response to Items 6 and 7, including but not limited to emails and other forms of correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes,

University communications sent to students, student organizations, staff, alumni, applicants, and the public, personnel file documents, disciplinary documents, supportive measures provided, and notes generated for each complaint.

10. To the extent not covered by any request above, copies of any email(s) and/or social media post(s) received by the University regarding incidents of possible discrimination or harassment based on national origin, including shared ancestry, and copies of all written or electronic notices or correspondence the University issued regarding antisemitic or hate incidents against Jewish and/or Israeli students, including but not limited to any communications sent by the University to students, student organizations, alumni, applicants, and the public in October 2023 or anytime thereafter.
11. Any additional information that the University believes might be helpful to OCR's investigation of the issue opened for investigation.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview relevant personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

OCR will provide you with a link to a SharePoint folder. Please upload the data and information responsive to OCR's request in the SharePoint folder. Thank you for your attention to this matter. If you have any questions, please contact Krenice Ramsey, OCR Attorney, by email at krenice.ramsey@ed.gov.

Sincerely,

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

Marcela Sanchez-Aguilar
Supervisory Attorney

Enclosure