

From: OCR
Sent: Wed, 10 Jan 2024 14:49:02 +0000
To: OCR Chicago
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Northwestern University, 633 Clark Street, Evanston, IL 60208 (National Origin – Jewish)

January 10, 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: Wednesday, January 10, 2024 9:41 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Northwestern University, 633 Clark Street, Evanston, IL 60208 (National Origin – Jewish)

You don't often get email from (b)(6); (b)(7)(A); (b)(7)(C). [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.

Submitted via email January 10, 2024

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 Northwestern University, 633 Clark Street, Evanston, IL 60208 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

Since the terrorist attacks on Israel of October 7, 2023, Jewish students have felt increasingly unwelcome at Northwestern University.

I am the editor-in-chief of Campus Reform and we reported on public outrage that Northwestern did nothing after October 7 to condemn Hamas or ensure a safe campus for Jewish students:

[Campus Reform | 'I am revolted': Guy Benson slams Northwestern for silence on Hamas attacks](#)

The October 7 Hamas terror attack on Israel killed over 1,400 innocent people including at least 30 Americans. This was the deadliest Palestinian militant attack on Israel in history and the deadliest day for Jews since the Holocaust.^[1]

On October 12, the Deering Library on campus was lit up to represent the colors of the Palestinian flag as the Students for Justice in Palestine group held a vigil to commemorate the lives lost in Gaza.^[2] Over 100 students attended.^[3]

Then on October 18, Northwestern's Asian American Studies Program faculty explicitly defended Hamas as a "political group" and objected to ISIS comparisons as Islamophobic. They also deny babies were beheaded by this "political group," calling those horrors (confirmed by multiple journalists) "baseless." It called on Northwestern to denounce anti-Hamas speech on campus and to stand behind its "victims."^[4]

On October 25, over 150 students participated in a walkout to demand Northwestern divest from organizations that support Israel, and to protect individuals at the school who support Palestine. Protesters at the rally held up signs reading "end Israeli apartheid now." They chanted "Palestine will never die" and "Northwestern, you can't hide — you're paying for genocide."^[5]

This walkout was organized by the campus's Students for Justice in Palestine chapter. As a recognized student group, they are eligible to receive funding from the university.^{[6][7]}

Several faculty members also attended the walkout to show their support. Asian American Studies and Black Studies Prof. Nitasha Tamar Sharma, the director of the Asian American Studies Program, said the walkout was a "source of comfort" for her.^[8]

Also on October 25, fake versions of Northwestern University's student newspaper, the Daily Northwestern, appeared on desks, in dorms, and around locations across campus. The top of the imitation front page, which seemed to have been created with the same template as the Daily itself, bore the words "According to the Palestinian Ministry of Health, Israel has killed 5,087 Palestinians. Including 2,055 children, 1,119 women, and 187 elderly." The Palestinian Ministry of Health in Gaza is controlled by Hamas, a group recognized by the United States and other nations as a terrorist organization. Below that was a headline, "Northwestern complicit in

genocide of Palestinians,” under which the faux newspaper’s creators wrote fake quotes from university administrators. ^[9]

These actions completely disregard the atrocities that Hamas committed against the people of Israel, including raping, murdering, and kidnapping civilians. There are still approximately 200 people held captive by Hamas, along with 50 others being held by other terror factions. ^[10]

I am writing to you as a journalist who has spoken to numerous Jewish students across this country to afraid to speak up. I’m choosing to speak up for them because the University takes no action to protect them.

Members of Congress are currently discussing additional protections from the Department of Education for Jewish college students amid the current wave of antisemitic incidents. ^[11] But no such discussions appear to be occurring at Northwestern University despite very clear threats. I am not alone among Jewish students in feeling threatened and discriminated against.

Therefore, I ask the U.S. Department of Education’s Office for Civil Rights to conduct an immediate investigation at Northwestern University.

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,

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

Zachary Marschall

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

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

² <https://twitter.com/LoganSchiciano/status/1712647802709217722>

³ <https://dailynorthwestern.com/2023/10/13/campus/students-for-justice-in-palestine-hosts-vigil-to-honor-lives-lost-in-gaza-this-week/>

⁴ <https://twitter.com/guypbenson/status/1714674322315297209>

⁵ <https://dailynorthwestern.com/2023/10/26/campus/nu-students-for-justice-in-palestine-leads-walkout-calls-for-university-divestment-and-support-for-palestinians/>

⁶ <https://northwestern.campuslabs.com/engage/organization/SJP>

⁷ <https://www.northwestern.edu/studentorgs/organization-officers/funding.html>

⁸ <https://dailynorthwestern.com/2023/10/26/campus/nu-students-for-justice-in-palestine-leads-walkout-calls-for-university-divestment-and-support-for-palestinians/>

⁹ <https://www.msn.com/en-us/lifestyle/lifestyle-buzz/northwestern-students-flood-campus-with-anti-israel-fake-news/ar-AA1iQY92>

[¹]⁰ <https://nypost.com/2023/10/17/israel-hamas-war-live-updates-and-latest-news/>

[¹]¹ <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>

Zachary Marschall

Editor in Chief

Campus Reform

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

[¹] <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

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[⁹] <https://www.msn.com/en-us/lifestyle/lifestyle-buzz/northwestern-students-flood-campus-with-anti-israel-fake-news/ar-AA1iQY92>

[¹⁰] <https://nypost.com/2023/10/17/israel-hamas-war-live-updates-and-latest-news/>

[11] <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

January 23, 2024

Zachary Marschall

Sent by email only to: (b)(6); (b)(7)(A); (b)(7)(C)

Re: OCR Docket # 05-24-2183

Dear Zachary Marschall:

On January 10, 2024, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint you filed against Northwestern University (University) alleging that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond appropriately to incidents of harassment in October, November, and December 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 allegation. Some information about the mediation process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before OCR completes its investigation if the 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 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.

You may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We will communicate with you periodically regarding the status of your complaint. If you have any questions about this letter, please contact Krenice Ramsey at krenice.ramsey@ed.gov.

Sincerely,

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

Marcela Sanchez-Aguilar
Supervisory Attorney

Enclosure



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

January 23, 2024

Michael Schill
President
Northwestern University
Sent by email only to: nupresident@northwestern.edu

Re: OCR Docket # 05-24-2183

Dear President Schill:

On January 10, 2024, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Northwestern University (University) alleging that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond appropriately to incidents of harassment in October, November, and December 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.

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

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

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;
 - b. Person authorized to resolve this complaint;
 - c. Person responsible for responding to Title VI complaints; and

- d. Person responsible for handling complaints of harassment and/or discrimination on the basis of national origin, including shared ancestry, at each level of the process.
3. 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 level of the process, the length of the process, and the types of records maintained.
4. All formal and informal reports/complaints, including records of oral reports/complaints, regarding the following during the 2023-2024 academic years:
 - a. An October 12, 2023 vigil at the Deering Library;
 - b. An October 18, 2023 statement posted by Asian American Studies Program faculty;
 - c. An October 25, 2023 walkout; and
 - d. An October 25, 2023 circulation of a "fake" version of the University's student newspaper.
5. All formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared Jewish ancestry. The University's response should include information for the 2022-2023 and 2023-2024 academic years.
6. For each report/complaint in response to Items 4 and 5 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.
7. All documentation related to any and/or all complaints/reports identified in response to Items 4 and 5, 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.

8. All relevant University's policies and procedures applicable to faculty or staff posting or issuing statements, both through University websites, documents, platforms, and accounts as well as through personal websites, documents, platforms, and accounts, concerning individual viewpoints or political commentary, including but not limited to Israel, Palestine, or Middle Eastern history/conflict.
9. To the extent not covered by any request above, copies of statements, emails, social media posts, or other written communications issued or posted by University faculty or staff regarding Israel, Palestine, or Middle Eastern history/conflict during the 2022-2023 and 2023-2024 academic years.
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 relating to Items 4 and 5 as well as any written or electronic notices or correspondence regarding antisemitic or hate incidents against Jewish and/or Israeli faculty, staff, or students, and any communications sent by the University to students, student organizations, faculty, faculty organizations, staff, alumni, applicants, and the public relating to Items 4 and 5.
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 at 202-987-1517 or by email at krenice.ramsey@ed.gov.

Sincerely,

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

MARCELA SANCHEZ-AGUIAR
Supervisory Attorney

Enclosure