

From: OCR
To: OCR DC
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI complaint against The University of North Carolina at Chapel Hill
Date: Thursday, December 7, 2023 11:08:50 AM

December 7, 2023

Dear OCR District of Columbia 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: (b)(6); (b)(7)(A); (b)(7)(C)

Sent: Thursday, December 7, 2023 10:17 AM

To: OCR <OCR@ed.gov>

Subject: Title VI complaint against The University of North Carolina at Chapel Hill

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.

From: (b)(6); (b)(7)(A); (b)(7)(C) Complainant

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

Email: ocr@ed.gov

Date: December 7, 2023

COMPLAINT, PURSUANT TO TITLE VI, AGAINST THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, FOR UNLAWFUL DISCRIMINATION AND FOR BREACH OF A RESOLUTION AGREEMENT

Complainant, (b)(6); (b)(7)(A); (b)(7)(C) files this complaint with the Office for Civil Rights, U.S. Department of Education, pursuant to Title VI of the Civil Rights Act of 1964 (“Title VI”), and alleges that The University of North Carolina at Chapel Hill (“UNC”) has unlawfully discriminated against Jewish students based on actual or perceived shared ancestry or ethnic characteristics in violation of Title VI, and has also thereby breached a prior resolution agreement with the Office for Civil Rights (“OCR”)

Complainant

The complainant is (b)(6); (b)(7)(A); (b)(7)(C)

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

Injured Persons

The injured persons are Jewish students enrolled at UNC and, in particular, those Jewish students who have positive sentiments toward the State of Israel, the nation-state of the Jewish people.

Offending Institution

The offending institution is UNC, a public university that is a creature of the State of North Carolina and is located in Chapel Hill, NC. UNC receives substantial funding annually from the U.S. Department of Education and therefore is subject to the jurisdiction of the OCR pursuant to Title VI.

Relevant Facts

Complainant alleges that events that occurred in October and November of 2023 constitute independent violations of Title VI, and also constitute breaches of a previously executed resolution agreement between UNC and the OCR. To fully understand the latter aspect of this complaint, it is necessary to discuss events that occurred several years ago. These events, which are summarized below, are fully recounted in a letter dated November 6, 2019, from the OCR to UNC; the letter is linked

here.

Relevant events in 2019

From March 22 to March 24, 2019, a conference, titled “Conflict over Gaza: People, Politics and Possibilities,” was held on the UNC campus. That conference was organized and presented by the Consortium for Middle East Studies, which was a collaboration between the Duke University Middle East Studies Center and the Center for Middle East and Islamic Studies at UNC. The conference featured an offensive and antisemitic performance by a person who was identified as an entertainer. In addition, approximately two weeks after the conference, numerous antisemitic flyers were distributed in the UNC campus. The Zionist Organization of America filed complaints with the OCR against both Duke University and UNC.

The complaint against UNC was dealt with in a resolution agreement executed by UNC on October 14, 2019 (“Resolution Agreement”); a link to the Resolution Agreement is here. The Resolution Agreement recites that, when fully implemented, it would resolve complaints that UNC had discriminated against students of Jewish descent. In the Resolution Agreement, UNC “agrees to continue to take all steps reasonably designed to ensure that students enrolled in the University are not subjected to a hostile environment and to respond to allegations of anti-Semitic harassment.”

Relevant events in October and November of 2023

The events recounted above are relevant to much more recent and independent incidents of discriminatory behavior. These recent incidents include both statements in the classroom and statements made outside the classroom, all in violation of Title

VI and also of the Resolution Agreement.

Violations in the classroom

The most troubling in-classroom incident involves Assistant Professor E. Chebrolu, a member of the UNC Communications Department. On October 17, 2023, while he was in the classroom ostensibly teaching a class (COMM 170), Prof. Chebrolu made a series of offensive, disdainful, and antisemitic comments about Israel. A link to a newspaper account of the rant of October 17, which account apparently has not been disputed by the professor, is [here](#). One of Prof. Chebrolu's in-class statements was this: "Israel and the United States do not give a shit about international law or war crimes." He also said that the existence of the State of Israel is "somewhat ridiculous." These statements, and many other in-class accusations and defamations expounded by Prof. Chebrolu, had no conceivable connection to any valid educational goal or objective.

But Prof. Chebrolu was not finished on October 17. On October 31, 2023, again in a classroom filled with UNC students, Prof. Chebrolu informed those students that Israel is "a clearly fascist state committing a genocide under the guise of it supposedly being the only democracy in the Middle East." In addition to this bizarre antisemitic statement, he said, "The United States government is trying to cover up a genocide and make you all want it, desire it." Again, these are only a few of his comments; a more complete recitation is [here](#).

Violations outside the classroom

Independent of Prof. Chebrolu's antisemitic in-class statements, there have been recent events at UNC outside of the classroom that also violate Title VI. On November 28, 2023, the UNC

Department of Geography and Environment and the UNC Center for Middle East and Islamic Studies jointly hosted, in the auditorium of UNC's Genomic Science Building, an event entitled "No Peace Without Justice: A Round-Table Talk on Social Justice in Palestine."

One of the speakers at the Round-Table Talk was Dr. Rania Masri, who is not employed by UNC but was invited to participate in the event. Dr. Masri told her audience: "October 7, for many of us from the region, was a beautiful day. It was a day on which we saw ... men break out of a concentration camp." She also asserted that Zionism is a "cancer." She went on to urge: "Let us demand the eradication of Zionism. Let us have that be our goal." A newspaper op-ed reporting on the Round-Table Talk is [here](#), and an audio recording of Dr. Masri's presentation is [here](#). According to the newspaper op-ed, no participant in the Round-Table Talk made any statements in any way supportive of Israel, and no questions were taken from the audience.

As noted, the Round-Table Talk was sponsored by two UNC academic departments and was held on UNC property. One of the academic departments involved was the UNC Center for Middle East and Islamic Studies—the same UNC department involved in the antisemitic incidents that supposedly were resolved in the 2019 Resolution Agreement. And, according to the flyer (linked [here](#)) publicizing the Round-Table Talk, the participants were to include four UNC faculty members and/or Ph.D. candidates: Sharon P. Holland (American Studies Department), Tara Di Cassio (Geography Department), Zachary Faircloth (American Studies Department), and Kylie Broderick (History Department). Also participating in the event was UNC

Prof. Sara Smith (Geography Department).

Argument

The U.S. Department of State has asserted ([link here](#)) that the United States, as a member of the International Holocaust Remembrance Alliance (“IHRA”), now uses the IHRA working definition of antisemitism and encourages others to use it as well. One of the prototypical instances of antisemitism, according to the IHRA working definition, is “[d]enying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.” A second instance cited in the IHRA working definition consists of “drawing comparisons of contemporary Israeli policy to that of the Nazis.”

Prof. Chebrolu asserted, in front of a classroom of UNC students, that Israel is a “fascist state,” and he also asserted that the existence of the State of Israel is “somewhat ridiculous.” Dr. Masri, at an event sponsored by two UNC academic departments and held on the UNC campus, urged: “Let us demand the eradication of Zionism. Let that be our goal.” The eradication of Zionism obviously entails denying the Jewish people their right to self-determination. Deriding the existence of Israel as “somewhat ridiculous,” and characterizing Israel as “a clearly fascist state,” similarly deprecates the right of the Jewish people to self-determination.*

Moreover, Prof. Chebrolu’s reference to a “fascist state” inevitably invites comparisons to Nazi Germany, which again runs afoul of the IHRA working definition. The same is true of Dr. Masri’s claim that the terrorist attack on October 7 was equivalent to “men break[ing] out of a concentration camp.” The

use, in that context, of the term “concentration camp” necessarily summons up comparisons to the Nazis. Particularly in light of the heated, well-nigh hysterical context in which they were made, these are clear instances of antisemitic statements either by UNC faculty members in their capacity as classroom teachers or by non-faculty persons in a setting that would nevertheless reasonably imply UNC approval of the offensive statements.**

It is indisputable that, pursuant to both Title VI and the Resolution Agreement, UNC is required to take all steps reasonably designed to ensure that UNC students are not subjected to a hostile educational environment, including UNC students who are of Jewish descent and who entertain positive feelings toward the modern State of Israel. Moreover, it similarly cannot be denied that a substantial number of UNC students are of Jewish descent and do have such sentiments.

The creation and perpetuation of virulent anti-Israel sentiment by faculty members in UNC’s classrooms, such as occurred in Prof. Chebrolu’s classroom on October 17 and 31, 2023, amounts to harassment of, and discrimination against, students of Jewish descent. Those events violated both Title VI and the Resolution Agreement of 2019. And when on-campus events hosted by UNC academic departments feature speakers who broadcast blatantly anti-Zionist, antisemitic remarks, Title VI and the Resolution Agreement again are both plainly violated. The fact that the Resolution Agreement was signed more than four years ago indicates that antisemitism at UNC is a persistent problem that in fact has not been resolved.

There are real grounds for concern that the aforementioned recent incidents are a relatively small visible tip of a very large

and dangerous iceberg. On www.change.org, a petition directed to UNC and demanding that “UNC Stop Antisemitism Now” has been signed (at this date) by more than 6,200 persons. That petition raises serious concerns regarding antisemitic incidents on the UNC campus since the Hamas attacks of October 7, 2023. It may well be that the ongoing conflict in Gaza will only embolden more faculty members, and others in the UNC community or on the UNC campus, to create hostile educational environments for students, Jewish and non-Jewish alike, who have positive feelings towards Israel.

Conclusion

The unlawful behavior described above requires that decisive steps be taken to protect the right of UNC’s Jewish students, and particularly those Jewish students who entertain affirmative feelings for the State of Israel, to be afforded a positive, productive educational environment that is not suffused with anti-Israel hostility and marinated in blatant antisemitism. The fact that the Resolution Agreement executed in 2019 has been violated in 2023 indicates very clearly that stronger remedies are called for today. The OCR should impose such remedies as soon as it is able to do so.

Respectfully submitted,

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

Complainant

* In the period from 2018 to 2022, Israel had no less than five (5) democratic national elections, so one has to wonder in what universe Israel would qualify as a “fascist” state.

** The events that precipitated the Resolution Agreement in

2019 involved (a) an event sponsored by UNC's Center for Middle East and Islamic Studies (b) held on the UNC campus, which featured (c) antisemitic remarks by (d) a speaker who was not a UNC faculty member. These four features were replicated exactly in the Round-Table Talk of November 29, 2023.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

December 22, 2023

By email only to gus@email.unc.edu, chancellor@unc.edu

Kevin M. Guskiewicz
Chancellor
University of North Carolina at Chapel Hill
103 S. Building CB 9100
Chapel Hill, NC 27599

Re: Case No. 11-24-2119
University of North Carolina at Chapel Hill

Dear Dr. Guskiewicz:

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint on December 7, 2023, against the University of North Carolina at Chapel Hill (University). The Complainant alleged 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 and November 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, in any program or activity receiving federal financial assistance from the Department of Education. Because the University receives federal financial assistance from the Department of Education, OCR has jurisdiction over it pursuant to Title VI.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. OCR will investigate the following issue:

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

Please note that opening an 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 that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*. Please open this link for additional information about [OCR's Complaint Processing Procedures](#).

When appropriate, a complaint may be resolved before the conclusion of an investigation if the university expresses an interest to OCR in resolving the allegation(s) and OCR determines that it

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

is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the university. This agreement must be supported by the evidence obtained during the investigation, and it must be consistent with the applicable statute(s) and regulations(s). Additional information about this voluntary resolution process may be found in OCR’s *Case Processing Manual*.

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 25 calendar days of the date of this letter (i.e., by January 16, 2024). We prefer that you submit information electronically, if feasible.¹ If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us as provided below prior to the expiration of the 25-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

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

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Sharon Goott Nissim, the OCR attorney assigned to this complaint, at 202-245-7261 or sharon.nissim@ed.gov.

Sincerely,

DAN
GREENSPAHN

Digitally signed by DAN
GREENSPAHN
Date: 2023.12.22 09:56:44
-05'00'

Dan Greenspahn
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights

¹ If your submission cannot be sent via email, OCR can set up a secure site for you to upload your submission. You may contact us for more information about this option.

**University of North Carolina at Chapel Hill
OCR Case No. 11-24-2119**

Data Request

Please provide the following data by January 16, 2024. The Department of Education’s regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(c), gives OCR the authority to request this information. Please note that OCR has the right of access to records that are necessary for OCR’s investigation, even if those records contain names or other personally identifiable information. *See* 20 U.S.C. §§ 1232g(b)(1) and 1232g(b)(3) regarding the applicable provisions of the Family Educational Rights and Privacy Act; *see also* 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii). However, please remove any social security numbers from responsive records due to the sensitive nature of this information.

OCR may request supplemental data and documents that are relevant to the issue under investigation. If the University obtains any additional information or documents responsive to this data request or otherwise relevant to the allegation in this case, the University must promptly inform OCR of its existence and supplement the data response within 15 days of its discovery. OCR reminds the University that a failure to provide requested information may be considered a denial of access in violation of the regulation cited above. Please ensure that University employees preserve all data and documents that are relevant to the allegation under investigation until OCR closes this case.

1. The name and contact information of the individual who will serve as OCR’s contact person during the investigation of this complaint.
2. The University’s narrative response to the issue under investigation and all documents or records referenced in the narrative response.
3. A copy of the University’s policies or procedures, and/or a description of the University’s practices, governing the investigation of reports/complaints of harassment and/or discrimination on the basis of national origin, including shared ancestry or ethnic characteristics. Include a detailed description of the complaint process, including each level of the process, articulated timeframes for resolution, and the types of records maintained. Also identify the names and titles of University staff responsible for handling complaints of harassment and/or discrimination on the basis of national origin, at each level of the process.
4. A copy of the syllabus for the Fall 2023 Rhetoric and Public Issues communications course (COMM 170); any recordings of class discussions or lectures; and any notes or outlines generated by the professor of the course related to class discussions or lectures.
5. All documentation regarding an event held at the University on November 28, 2023, entitled “No Peace Without Justice: A Round-Table Talk on Social Justice in Palestine.”
6. Copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged shared ancestry discrimination, including harassment, that occurred during a communications class on October 17 and 31, 2023, a

round-table event on November, 28, 2023, and any other such reports/complaints made during the 2022-23 and 2023-24 academic years. For each complaint/report, provide:

- a. the name or unique identifier of the reporting individual, and that individual's relation to the University (e.g., current student, faculty member, alumnus, member of the public);
 - b. the name(s) and title(s) of the person(s) to whom the report/complaint was made, and the date the report/complaint was made;
 - c. a detailed description of the procedures employed to resolve the report/complaint;
 - d. the length of the process to resolve the report/complaint;
 - e. the name(s) and title(s) of the individual(s) responsible for investigating or otherwise resolving the report/complaint;
 - f. a description of any interim measures put in place during any investigation;
 - g. the name(s) and relation(s) to the University of any witnesses interviewed by the University;
 - h. all actions taken by the University in response to the allegations raised in the report/complaint, including any individual or University-wide corrective actions, and the date(s) of such action(s);
 - i. the University's final determination, if any, regarding the report/complaint, and the date of the determination;
 - j. any notice of the final outcome of the investigation or resolution provided to the reporting party or others with regard to the report/complaint;
 - k. if the University did not investigate any report/complaint, the reason(s) why and the name(s) and title(s) of the individual(s) who made the decision; and
 - l. copies of all records pertaining to each report/complaint and the University's response to the report/complaint, including but not limited to correspondence with the reporting individual, correspondence among University staff members, internal and external memoranda, investigative reports, witness statements, interview notes, logs, forms, meeting minutes, records of supportive measures and/or remedies offered and provided, hearing transcripts and notes generated for each report/complaint.
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, 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 ancestry or ethnic characteristics, that the University provided to University staff responsible for responding to such complaints. For each such training provide the dates of such training, a description of the training, a list of the names and job titles of the individuals who attended the training, and copies of any materials distributed during the training.
9. Any additional information that the University believes may be helpful in resolving this complaint.