

From: OCR New York
Sent: Wed, 10 Jan 2024 15:33:29 +0000
To: (b)(6); (b)(7)(A); (b)(7)(C)
Cc: OCR New York
Subject: FW: Title VI Complaint Against Binghamton University, State University of New York, 4400 Vestal Parkway East, Binghamton, NY 13902 (National Origin – Jewish)

From: OCR <OCR@ed.gov>
Sent: Tuesday, January 9, 2024 3:11 PM
To: OCR New York <OCR.NewYork@ed.gov>
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Binghamton University, State University of New York, 4400 Vestal Parkway East, Binghamton, NY 13902 (National Origin – Jewish)

January 9, 2024

Dear OCR New York 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, January 9, 2024 3:04 PM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Binghamton University, State University of New York, 4400 Vestal Parkway East, Binghamton, NY 13902 (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
U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, DC 20202
Email: OCR@ed.gov

January 9, 2024

Re: Title VI Complaint Against Binghamton University, State University of New York, 4400 Vestal Parkway East, Binghamton, NY 13902 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

I urge the U.S. Department of Education to begin a Title VI investigation at Binghamton University.

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

During a recent anti-Israel protest on campus, students were “giving Nazi salutes and calling for death to Jews.”^[2] On October 25, Students for Justice in Palestine (SJP) staged a “Walk out for Palestine” protest, at which a student who served on SJP’s executive board said, “Israel is worse than Nazi Germany.”^[3] As SJP is a recognized student group, it is eligible to receive funding from the public university.^[4]

The university’s Zionist Organization (BUZO) responded to this language with an email saying, “Such a comparison profoundly diminishes the Holocaust’s atrocities, where 6 million Jews were systematically and brutally murdered. To draw upon such a tragic chapter in human history for political leverage is not only historically misguided but deeply offensive, especially to Jewish students who bear the weight of the Holocaust’s legacy.”^[5]

According to the university’s own website about campus speech, SJP’s hate-filled accusations would fall under both hate speech and unprotected speech.^[6]

These violent words not only completely disregard the atrocities Hamas committed against the people of Israel – including raping, murdering, and kidnapping civilians – they blame the victims for them. There are still approximately 200 people held captive by Hamas, along with 50 others being held by other terror factions.^[7]

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.^[8] But no such discussions appear to be occurring at Binghamton University despite very clear threats.

Therefore, I ask the U.S. Department of Education's Office for Civil Rights to conduct an immediate investigation against Binghamton University. We are seeking to force the University to ensure its funds are not sent to organizations spreading antisemitism as well as taking concrete steps to address antisemitism on campus.

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-amas-war-biden-jews-holocaust-palestine-iran-warning>

² <https://twitter.com/MikeNew19512115/status/1712550358436675839>

³ <https://twitter.com/ChayaRaichik10/status/1717301513612353581>

⁴ <https://careertools.binghamton.edu/organizations/students-for-justice-in-palestine/>

⁵ <https://www.bupipedream.com/news/campus-news/142640/sjp-holds-walkout-rally-for-palestine-speakers-comments-draw-intense-criticism/>

⁶ <https://www.binghamton.edu/diversity-equity-inclusion/resources/speech.html>

⁷ <https://nypost.com/2023/10/17/israel-amas-war-live-updates-and-latest-news/>

⁸ <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)

[@zachmarsch](#)

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

[2] <https://twitter.com/MikeNew19512115/status/1712550358436675839>

[3] <https://twitter.com/ChayaRaichik10/status/1717301513612353581>

[4] <https://careertools.binghamton.edu/organizations/students-for-justice-in-palestine/>

[5] <https://www.bupipedream.com/news/campus-news/142640/sjp-holds-walkout-rally-for-palestine-speakers-comments-draw-intense-criticism/>

[6] <https://www.binghamton.edu/diversity-equity-inclusion/resources/speech.html>

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

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31 – 100
NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLANDS

January 29, 2024

Sent by email only to: president@binghamton.edu

Dr. Harvey Stenger, Ed.D.
State University of New York at Binghamton University
Office of the President
P.O. Box 6000
Binghamton, New York 13902

Re: Case Number 02-24-2152 - State University of New York at Binghamton University

Dear President Stenger:

On January 9, 2024, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against the State University of New York at Binghamton University (the University). The complaint alleged that the University discriminated against students on the basis of their national origin (shared Jewish ancestry) by failing to respond to incidents of harassment by students at the University in October 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the University is subject to Title VI and its implementing regulations.

OCR will investigate the following issue: whether the University responded to alleged harassment of students based on national origin (including 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 allegation. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegation. OCR will ensure that its investigation is legally sufficient and addresses the allegation as required by OCR's [Case Processing Manual \(CPM\)](#) (July 18, 2022). You may find additional information in OCR's [Complaint Processing Procedures](#). Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

To reach an efficient and timely resolution of this matter, OCR is providing an opportunity for the University to present its response to the complaint's allegation and to submit supporting documentation. Within 20 days of the date of this letter, please provide to OCR the information

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

listed in the attached data request. 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 necessary for it to determine whether a recipient is in compliance with the regulations it enforces. 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 will take all proper precautions to protect the identity of any individuals named in the documents.

Complaint allegations may be resolved in a variety of ways, including through mediation pursuant to Section 201(b) of OCR's CPM. Under 201(b) mediation, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such a case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

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 (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact David Krieger, Senior Compliance Team Attorney, at (646) 428-3893 or david.krieger@ed.gov; or Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or yolanda.garcia@ed.gov.

Sincerely,

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

for Eboné Woods
Compliance Team Leader

Attachment

Data Request

Case No. 02-24-2152

State University of New York at Binghamton University (the University)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is February 18, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact David Krieger or Yolanda Garcia to receive online portal information to upload data.

Email: David.Krieger@ed.gov or Yolanda.Garcia@ed.gov

Fax: (646) 428-3843

Please do **not** provide the information via an electronic cloud format such as Google Docs.

Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation under investigation. To ensure that OCR can assess the University's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that University employees preserve the data and documents requested below for the time frame specified in these requests and going forward until OCR closes this case. Please also ensure that University employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. The regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

Please provide the following information for academic year 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. Copies of the University's policies and procedures, and/or a description of the University's practices, governing the investigation of complaints or incidents of harassment of and other discrimination against students on the basis of national origin, including shared ancestry. Provide a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also provide the name(s) and job title(s) of University staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry, at each level of the process.
2. Explain how the University informs students and employees of the policies and procedures referred to in Item 1 above. Submit copies of all materials disseminated and websites that contain this information.
3. Copies of the University's policies and procedures, and/or a description of the University's practices, governing:
 - a. disciplinary or corrective actions that may be taken to address harassment of and other discrimination against students on the basis of national origin, including shared ancestry; and
 - b. the provision of supports and remedies to students, employees, and other individuals found to have been discriminated against/harassed on the basis of national origin, including shared ancestry.
4. Copies and/or descriptions of all formal and informal oral and written reports and complaints of harassment and other discrimination based on national origin, including shared ancestry. For each report/complaint/incident, please provide:
 - a. the name(s) and job title(s) of the person(s) to whom the report/complaint was made, and the date the report/complaint was made;
 - b. the name and relation to the University of the person making the report/complaint (e.g., student, faculty members, parent/guardian, counsel, member of the public);
 - c. a detailed description of the report/complaint, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the report/complaint;
 - d. a detailed description of the grievance procedures or other complaint processing procedures employed to resolve the report/complaint;
 - e. the length of the investigation and complaint resolution process;
 - f. the name, national origin, ancestry, and/or ethnicity of each student, employee, or other individual involved in the alleged incident(s) of discrimination/harassment;

- g. the name(s) and relation to the University of any individual(s) who witnessed the alleged incident(s), including any University students, employees, or others;
 - h. the name(s) and relationship to the University of any witnesses interviewed by the University;
 - i. the name(s) and job title(s) of the individual(s) involved in the response to, investigation of, and resolution of the report/complaint;
 - j. all actions the University has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures); and/or individual and/or University-wide remedies;
 - k. the final outcome of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and any appeals;
 - l. if the University did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision;
 - m. any notice of the investigative findings provided to the complainant and/or other notice regarding the report/complaint, including notice of any outcomes on appeal; and
 - n. the complete case file for the report/complaint identified, including internal emails or other correspondence, internal and external memoranda, incident/investigative reports, video and audio recordings, witness statements, logs, forms, interview notes, notes regarding remedies provided, hearing transcripts, meeting minutes, and notes generated.
5. 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.
6. A detailed description of any training regarding discrimination, including harassment, based on national origin, including shared ancestry, that the University provided to University staff responsible for responding to such complaints. For each such training provide the date(s) it was delivered, 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.
7. The name, job title, address, telephone number, fax number and email address of the University's contact person for this complaint.
8. Any other information the University believes will assist OCR in this investigation.