

**From:** [OCR New York](#)  
**To:** [Louis-Jean, Laica](#)  
**Cc:** [Carroll, John](#); [OCR New York](#)  
**Subject:** FW: referral  
**Date:** Tuesday, October 31, 2023 3:11:53 PM  
**Attachments:** FullCorrespondence(b)(6); [redacted]andDOCOCROct26-27,2023.pdf

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New Complaint – Cooper Union

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**From:** Redpath, Paul S (Federal) <pRedpath@doc.gov>  
**Sent:** Tuesday, October 31, 2023 12:26 PM  
**To:** OCR New York <OCR.NewYork@ed.gov>  
**Subject:** referral

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Good afternoon.

Enclosed for your review is complaint correspondence the Department of Commerce, Office of Civil Rights received from (b)(6); (b)(7)(A); [redacted] on October 26, 2023 concerning an alleged Title VI violation at Cooper Union College and the response our office sent on October 27, 2023, in response to (b)(6); (b)(7)(A); [redacted] October 26, 2023 email.

We are referring this correspondence to you for appropriate disposition.

(b)(6); (b)(7)(A); [redacted] will be informed of this referral.

Please contact me if you have any questions regarding this matter.

Thank you for your assistance.

Sincerely,

Paul S. Redpath  
Chief, Program Implementation Division  
Office of Civil Rights  
U.S. Department of Commerce  
(202) 482-2627 Phone  
[predpath@doc.gov](mailto:predpath@doc.gov)

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**From:** [Redpath, Paul S \(Federal\)](#)  
**To:** [\(b\)\(6\); \(b\)\(7\)\(A\); \(b\)\(7\)\(C\)](#)  
**Cc:** [Beat, Larry \(Federal\)](#)  
**Subject:** FW: Title VI and Cooper Union College  
**Date:** Friday, October 27, 2023 2:22:00 PM

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Dear [\(b\)\(6\); \(b\)\(7\)\(A\);](#)

Good afternoon. I am sending this response on behalf of Mr. Beat, who is out of the office today. This email is to acknowledge receipt of your email correspondence. We will review your concerns carefully and determine how we may assist you further and will be back in touch. Thank you for your patience and have a good day.

Sincerely,

Paul S. Redpath  
Chief, Program Implementation Division  
Office of Civil Rights  
U.S. Department of Commerce  
(202) 482-2627 Phone  
[predpath@doc.gov](mailto:predpath@doc.gov)

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-----Original Message-----

From: [\(b\)\(6\); \(b\)\(7\)\(A\); \(b\)\(7\)\(C\)](#)  
Sent: Thursday, October 26, 2023 5:44 PM  
To: Beat, Larry (Federal) <[LBeat@doc.gov](mailto:LBeat@doc.gov)>  
Subject: Title VI and Cooper Union College

Jerry Beat, Director  
Office of Civil Rights  
Department of Commerce  
1401 Constitution Ave. NW  
Washington, DC 20230

Dear Sir,

It has come to my attention that yesterday, October 25, 2023, a student led protest and rally at Cooper Union College threatened to become much less than a peaceful expression of First Amendment rights, to the extent that 11 orthodox Jewish Students felt the need to lock themselves into the school library while protestors banged on the doors, shouting antisemitic slogans. I also understand that police were slow in responding, leaving the students in the library for 40 minutes. When the police did show up, they also did not remove the threat, but instead escorted the students to safety through a rear exit.

I understand that Title VI protections have been extended to include antisemitism and national origin. I further understand that Title VI is supposed to protect students from harassment on these bases. At face, the October 25 incident appears to be a flagrant violation of Title VI protections. I respectfully request that either your office or the appropriate government agency conduct a full investigation. If the investigation finds a violation of Title VI protections, all Title VI funding to Cooper Union College should be cut immediately.

I am copying my congressional representatives on this letter. Thank you for your time in reading this.

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



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 25<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ  
DIRECTOR  
NEW YORK OFFICE

November 15, 2023

Sent by email only to [lsparks@cooper.edu](mailto:lsparks@cooper.edu)

Laura Sparks  
President  
The Cooper Union for the Advancement of Science and Art  
30 Cooper Square  
New York, New York 10003

Re: Case No. 02-24-2034 – The Cooper Union for the Advancement of Science and Art

Dear President Sparks:

On October 31, 2023, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against The Cooper Union for the Advancement of Science and Art (the College). The complaint alleged that the College discriminated against students on the basis of their national origin (shared Jewish ancestry) by being slow to send police to respond to an incident during a student-led protest on campus on October 25, 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §2000d *et seq.*, 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 College is subject to Title VI and its implementing regulations.

OCR will investigate the following issue: whether the College responded to the alleged incident in a manner consistent with the requirements of Title VI.

Please understand that opening this allegation for 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 \(CPM\) \(July 18, 2022\)](#).

Please open this link for additional information about [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.

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

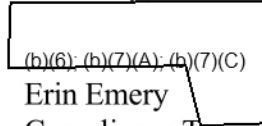
When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or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

Please be advised that the College 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 College 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, 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 Eric Bueide, Senior Attorney, at (646) 428-3851 or [eric.bueide@ed.gov](mailto:eric.bueide@ed.gov); or Coleen Chin, Senior Attorney, at (646) 428-3809 or [coleen.chin@ed.gov](mailto:coleen.chin@ed.gov).

Sincerely,

A rectangular box with a black border, containing the text "(b)(6); (b)(7)(A); (b)(7)(C)".

Erin Emery  
Compliance Team Leader

Attachment

## **Data Request**

OCR Case No. 02-24-2034

The Cooper Union for the Advancement of Science and Art (the College)

OCR requests that this information reach our office within **20 days from the date of the attached letter**. 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 Eric Bueide or Coleen Chin to receive online portal information to upload data.
- Email:** [Eric.Bueide@ed.gov](mailto:Eric.Bueide@ed.gov) or [Coleen.Chin@ed.gov](mailto:Coleen.Chin@ed.gov)
- Fax:** **(646) 428-3843**
- Mail:** U.S. Department of Education  
Office for Civil Rights  
New York Office  
32 Old Slip, 25<sup>th</sup> Floor  
New York, New York 10005

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 College's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that College 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 College 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.

**Response Due: December 5, 2023**

Please provide the following information for academic years 2022-2023 and 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. Copies of the College's policies and procedures, and/or a description of the College's practices, governing the investigation of complaints or incidents of which the College becomes aware pertaining to 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 College 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 College 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 College's policies and procedures, and/or a description of the College'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 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 reports and complaints, including records of oral reports and complaints of alleged antisemitic/shared Jewish ancestry discrimination, including harassment, that occurred during a student-led protest on campus on October 25, 2023, and any other such complaints made during academic years 2022-2023 and 2023-2024. 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 College 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 involved in the alleged incident(s) of discrimination/harassment;
  - g. the name(s) and relation to the College of any individual(s) who witnessed the alleged incident(s), including any College students, employees, police, or others;
  - h. the name(s) and relationship to the College of any witnesses interviewed by the College and/or police;



- 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 College has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, and supportive services and remedies offered and/or provided (e.g., counseling, safety measures); any individual and/or College-wide remedies; and any corrective actions or disciplinary sanctions imposed;
  - 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 College 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 College 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 College'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 College provided to College 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.
7. The name, job title, address, telephone number, fax number and email address of the College's contact person for this complaint.
8. Any other information the College believes will assist OCR in this investigation.