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# Office for Civil Rights Discrimination Complaint Form: Submission #736228

## 1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number:

Your Email Address:

## 2. Who else can we call if we cannot reach you?

Contact's Name:

Daytime Phone Number:

Relationship to you: me

## 3. Who was discriminated against?

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Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: Jewish students/faculty, Union College, Schenectady

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You

(eg. son or daughter) I am a Union College alum

Injured Person's Address:

City:

State:

Zip Code:

#### 4. What institution discriminated?

Institution Name: Union College

Address: 6249 Cottonwood St.

City: Schenectady

State: New York

Zip Code: 12308

School or department involved: Administration

#### 5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

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Have you tried to resolve the complaint? Yes

Agency Name: Union College administration-Office of President

Date Filed

(MM/DD/YYYY): Thu, 11/02/2023 - 00:00

If yes, what is the current status of the complaint? <https://nypost.com/2023/11/02/business/petition-demands-union-college-expel-pro-palestine-student/>

[NY college refuses to condemn antisemitism | Watch \(msn.com\)](#)

Union Administration has gone from feckless (defending the student, Ayah Osman) to malignant. I've gone back and forth with Union's Office of the President and they're doing nothing meaningful to protect Jewish students in class, in the dorms...everywhere

## 6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: [NY college refuses to condemn antisemitism | Watch \(msn.com\)](#)

<https://www.msn.com/en-us/movies/news/ny-college-refuses-to-condemn-antisemitism/vi-AA1jx2GO>

<https://nypost.com/2023/11/02/business/petition-demands-union-college-expel-pro-palestine-student/>

Ayah Osman not only made the Burn In Hell comment at the student meeting, but she also sells shirts showing the Hamas paragliders, thereby celebrating the massacre of Jews.

Union administrators are apparently not enforcing its Student Code of Conduct for the protection of Jewish Students and faculty.

Do you have written information that you think will help us understand your complaint?

yes or no No

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## **7. Your complaint must be filed within 180 days of the discriminatory action**

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

### **When did the last act of discrimination occur?**

Enter the date: Thu, 11/09/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

### **Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?**

yes or no No

Reason for not filing complaint before 180 days: {Empty}

## **8. What would you like the institution to do as a result of your complaint?**

What remedy are you seeking? Stop federal funding to Union College  
Try to have the Administration replaced

## **9. Option to Participate in OCR's Early Mediation Process**

I am interested in participating in early mediation: No

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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

December 5, 2023

Sent by email only to: [president@union.edu](mailto:president@union.edu)

David R. Harris, Ph.D.  
Office of the President  
807 Union Street  
Union College  
Schenectady, New York 12308

Re: Case No. 02-24-2058 – Union College

Dear Dr. Harris:

On November 13, 2023, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against Union College (the College). The complaint alleged that the College discriminated against students on the basis of their national origin (shared Jewish ancestry) by failing to respond to incidents of harassment in October and November 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 College is subject to Title VI and its implementing regulations.

OCR will investigate the following issue: whether the College 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.

*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](http://www.ed.gov)

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 complaint'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 David Krieger, Senior Compliance Team Attorney, at (646) 428-3893 or [david.krieger@ed.gov](mailto:david.krieger@ed.gov); or Charles Skriner, Compliance Team Attorney, at (646) 428-3890 or [charles.skriner@ed.gov](mailto:charles.skriner@ed.gov).

Sincerely,

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

Jocelyn Panicali

Compliance Team Leader

Attachment

**Data Request**  
Case No. 02-24-2058  
Union College (the College)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is December 25, 2023**. 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 Charles Skriner to receive online portal information to upload data.

Email: [David.Krieger@ed.gov](mailto:David.Krieger@ed.gov) or [Charles.Skriner@ed.gov](mailto:Charles.Skriner@ed.gov)

Fax: (646) 428-3843

Mail: U.S. Department of Education  
Office for Civil Rights  
New York Office  
32 Old Slip, 25th 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.



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 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, 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 reports and complaints, including records of oral reports and complaints of alleged antisemitic/shared Jewish ancestry discrimination, including harassment, during academic years 2021-2022, 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, employee, or other individual 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, or others;
  - h. the name(s) and relationship to the College of any witnesses interviewed by the College;
  - 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, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures); and/or individual and/or College-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 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 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 College's contact person for this complaint.
  8. Any other information the College believes will assist OCR in this investigation.