

**From:** OCR  
**To:** OCR Philadelphia  
**Cc:** (b)(6); (b)(7)(A); (b)(7)(C)  
**Subject:** FW: Title VI Complaint Against Swarthmore College, 500 College Avenue, Swarthmore, PA 19081 (National Origin – Jewish)  
**Date:** Friday, February 16, 2024 11:57:53 AM  
**Attachments:** [image001.png](#)

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Good morning OCR Philadelphia,  
We are forwarding the complaint below to you for review and appropriate handling.

Thank you,  
OPEN Center Customer Service Team  
Office for Civil Rights

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**From:** (b)(6); (b)(7)(A); (b)(7)(C)  
**Sent:** Friday, February 16, 2024 10:06 AM  
**To:** OCR <OCR@ed.gov>  
**Subject:** Title VI Complaint Against Swarthmore College, 500 College Avenue, Swarthmore, PA 19081 (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](mailto:OCR@ed.gov)

February 16, 2024

Re: Title VI Complaint Against Swarthmore College, 500 College Avenue, Swarthmore, PA 19081 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

I am writing as a journalist deeply concerned about antisemitism at this university since October 7, 2023.

The October 7 surprise attack on Israel by Hamas terrorists killed more than 1,200 innocent people including at least 30 Americans. <sup>[1]</sup> This was the deadliest

Palestinian terror attack on Israel in history and the single deadliest day for Jews since the Holocaust.<sup>[2]</sup>

Immediately following the attack, on October 9, the Swarthmore chapter of Students for Justice in Palestine called the Hamas terrorists “martyrs” and affirmed the “right of Palestinian people to resist.”

Swarthmore College President Val Smith issued a statement in which she called students’ praise of Hamas terror actions examples of the “free exchange of diverse ideas and perspectives” that “we embrace” as a “liberal arts institution.”<sup>[3]</sup>

Just weeks later, more than 50 Swarthmore students occupied a building that is home to the office of President Smith. The protests come after students demanded that campus leaders speak out against Israel’s ongoing military response in Gaza. Around 30 student organizations have endorsed the pro-Palestinian demonstration, according to members of the Swarthmore Palestine Coalition.

At Swarthmore, students urged administrators to release a statement condemning “Israeli aggression in Gaza,” and to drop disciplinary warnings against pro-Palestinian student organizers. Students also called on the school to divest portions of its \$2.7 billion endowment from companies they believe are involved in the military-industrial complex, and to remove hummus made by Sabra, a company owned in part by an Israeli conglomerate, from student cafés.<sup>[4]</sup>

These violent words and actions come despite Hamas’s atrocities against the people of Israel, including raping, murdering, and kidnapping civilians. Hamas currently has more than 100 innocent Israeli citizens held hostage in Gaza.<sup>[5]</sup> At least 32 of these hostages are confirmed to be dead.<sup>[6]</sup>

Swarthmore already has a history of antisemitic and anti-Israel actions. The school passed a resolution on March 3, 2019 supporting Students for Justice in Palestine’s (SJP) Boycott, Divestment and Sanctions (BDS) campaign. Rather than hold a civil, arguments-based discussion about the merits of a BDS resolution, SGO oversaw a bullying session in which many SJP members locked arms, and labeled a couple brave Jewish and pro-Israel students “fascists” and “racists” for opposing BDS and the so-called Palestinian “Right of Return.”<sup>[7]</sup>

17% of the Swarthmore student body is Jewish. 75% of Jewish college students have experienced or witnessed antisemitism since this school year began just months ago. [9]

Members of Congress are currently discussing additional protections from the Department of Education for Jewish college students amid the current wave of antisemitic incidents. [10] but no such discussions appear to be occurring at Swarthmore despite very clear threats.

Therefore, I ask the U.S. Department of Education's Office for Civil Rights to conduct an immediate investigation of Swarthmore.

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)

[1] <https://www.foxnews.com/live-news/october-24-israel-hamas-war>

<sup>2</sup> <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

<sup>3</sup> <https://www.campusreform.org/article/swarthmore-president-calls-student-praise-of-hamas-terrorists-diverse-ideas-and-perspectives-report-/24138>

<sup>4</sup> <https://www.inquirer.com/education/protest-swarthmore-haverford-israel-hamas-ceasefire-palestinians-20231208.html>

<sup>5</sup> <https://www.nytimes.com/2023/12/20/world/middleeast/israel-hamas-hostages-update.html>

<sup>6</sup> <https://www.timesofisrael.com/at-least-32-of-the-136-hostages-held-in-gaza-killed-20-others-feared-dead-nyt/>

<sup>7</sup> <https://www.jns.org/bds-at-swarthmore-a-shameful-display-of-anti-semitism-and-bullying/>

<sup>8</sup> <https://www.hillel.org/college/swarthmore-college/>

<sup>9</sup> <https://www.adl.org/resources/press-release/nearly-three-quarters-jewish-students-experienced-or-witnessed-antisemitism>

[1]<sup>0</sup> <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>

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

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[1] <https://www.foxnews.com/live-news/october-24-israel-hamas-war>

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

[3] <https://www.campusreform.org/article/swarthmore-president-calls-student-praise-of-hamas-terrorists-diverse-ideas-and-perspectives-report-/24138>

[4] <https://www.inquirer.com/education/protest-swarthmore-haverford-israel-hamas-ceasefire-palestinians-20231208.html>

[5] <https://www.nytimes.com/2023/12/20/world/middleeast/israel-hamas-hostages-update.html>

[6] <https://www.timesofisrael.com/at-least-32-of-the-136-hostages-held-in-gaza-killed-20-others-feared-dead-nyt/>

[7] <https://www.ins.org/bds-at-swarthmore-a-shameful-display-of-anti-semitism-and-bullying/>

[8] <https://www.hillel.org/college/swarthmore-college/>

[9] <https://www.adl.org/resources/press-release/nearly-three-quarters-jewish-students-experienced-or-witnessed-antisemitism>

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



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

March 4, 2024

**IN RESPONSE, PLEASE REFER TO: 03-24-2148**

**Sent via email only to:** [president@swarthmore.edu](mailto:president@swarthmore.edu)

Valerie Smith  
President  
Swarthmore College

Dear President Smith:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against Swarthmore (the College). The Complainant alleges that the College discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment during the 2023-2024 school year.

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, in any program or activity receiving federal financial assistance from the Department. Because the College receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI. OCR is opening the following issue for investigation:

Whether the College failed to respond 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 the complaint for 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 College, and other sources, as appropriate. OCR will ensure its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the [Case Processing Manual](http://www.ed.gov/ocr/docs/ocrcpm.pdf) (<http://www.ed.gov/ocr/docs/ocrcpm.pdf>) (CPM).

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. In particular, please note the section on resolution of a complaint prior to the conclusion of an investigation. If the College expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the College pursuant to CPM Section 302.

Attached is a request for data necessary to investigate this complaint. The Department'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).

OCR requests that the College submit this information within 21 calendar days of the date of this letter (i.e., by **March 25, 2024**). We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us at the telephone number(s) provided below prior to the expiration of the 21-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 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, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Michael Branigan at 215-656-8516 or [michael.branigan@ed.gov](mailto:michael.branigan@ed.gov).

Sincerely,

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

Supervisory Attorney  
Philadelphia Office  
Office for Civil Rights

Attachment

**Swarthmore College**  
**OCR Complaint No. 03-24-2148**  
**Data Request**

Please submit the following information within 21 calendar days of the date of this letter. We prefer that you submit information electronically, if feasible. If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform. Additionally, if any of the information is available online, you may provide the URL in lieu of hard copy documents. Please note that OCR is not requesting, and the College should not provide, any social security numbers in response to this data request. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us prior to the expiration of the 21-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.

**Preservation of requested and relevant data and documents:** 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.

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 data by **March 25, 2024**:

1. The name, title, and contact information of the College'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/discrimination on the basis of national origin/shared Jewish ancestry, at each level of the process.
2. A copy of the College's policies and procedures, and/or a description of the College'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 of the process, the length of the process, and the types of records maintained.
3. Copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared ancestry, during the 2022-2023 and 2023-2024 academic years.

4. For each report/complaint in Item 3, provide the following:
  - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
  - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
  - c. the length of the process;
  - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
  - e. all actions the College took in response to the complaint/report;
  - f. the College's final determination regarding the complaint/report;
  - g. any corrective action taken including discipline and/or supportive measures; and
  - h. any notice of the findings provided to the complainant.
5. Copies of all documentation related to any complaint(s) identified in response to Item 3 and 4, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel file documents, disciplinary documents, supportive measures provided and notes generated for each complaint.
6. State whether the College conducts trainings and/or holds informational sessions with the student community and/or College 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.
7. The names and titles of all persons who assisted in the preparation of these data responses.
8. A narrative response to the issue opened for investigation.
9. Any other information that the College believes will be helpful to OCR or relevant in this investigation.

If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform.