

From: OCR
To: OCR Boston
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Brown University, 1 Prospect Street, Box 1860, Providence, RI 02912 (National Origin – Jewish)
Date: Thursday, December 7, 2023 11:12:16 AM
Attachments: [image001.png](#)

December 7, 2023

Dear OCR Boston 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: Thursday, December 7, 2023 10:51 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Brown University, 1 Prospect Street, Box 1860, Providence, RI 02912 (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
2023

December 7,

U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, DC 20202
Email: OCR@ed.gov

Re: Title VI Complaint Against Brown University, 1 Prospect Street, Box 1860, Providence, RI 02912 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

Since the terrorist attacks of October 7, 2023, in Israel, I am concerned that pro-Israel students are targeted and threatened on campus.

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

On October 10, Brown Students for Justice in Palestine (SJP) released a statement holding “the Israeli regime and its allies unequivocally responsible for all suffering and loss of life, Palestinian or Israeli. While all loss of life deserves to be mourned, we cannot stand by as the root cause of this violence is not only ignored but strengthened: Israel’s settler-colonial regime of apartheid and military occupation and its brutal 16-year blockade of Gaza,” the statement read. “We stand in solidarity with Palestinian resistance against Israeli occupation.”^[2]

SJP also criticized Brown President Christina Paxson, saying that she “has unequivocally privileged Israeli interests and initiatives.” SJP demanded that Paxson and the administration “end Brown’s complicity in the Israeli apartheid regime.”

As of Oct. 17, twenty-eight student and local organizations had signed on to SJP’s Oct. 10 statement. Among the signatories are the Graduate Labor Organization, Students for Educational Equity and Direct Action for Rights and Equality. Even the Brown Beekeeping Society and Burlesque at Brown signed on.^[3] As recognized student groups, these organizations are eligible to receive funding from the university.^[4]

On October 11, “Free Palestine” and a Palestinian flag was chalked onto the soldier’s arch memorial to the deceased Brown alumni who served in World War II.^[5]

On October 12, a pro-Palestine student at Brown University cried “glory to our martyrs” during a campus vigil organized by SJP. “Palestinians will die for justice and will die to return to our land,” the student said. “Glory to our martyrs from the river to the sea ... Palestine is the hope of the world.”

The phrase “from the river to the sea” advocates the expulsion, and even genocide, of Israel’s Jewish inhabitants. It rejects a peaceful solution to the conflict, where Israel and Palestine could have a two-state solution and live side-by-side. It calls for the eradication of Israel in its entirety. “Martyrs” in this context refers to Palestinians killed while committing terrorist acts against Israelis.^[6]

“It is absolutely sickening to witness students not just sympathizing but actually praying and holding a vigil for terrorists who committed atrocious acts of rape, slaughter, and the kidnapping of innocent Israelis,” Anthony D’Ellen wrote. “This is not a matter of free

speech; this is a betrayal of basic human decency." [7]

These Hamas supporters completely disregard the atrocities Hamas committed against the people of Israel, including raping, murdering, and kidnapping civilians. There are still approximately 200 people held captive by Hamas, along with 50 others being held by other terror factions. [8]

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. [9] But no such discussions appear to be occurring at Brown University despite very clear threats.

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

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

[2] <https://www.browndailyherald.com/article/2023/10/student-groups-release-statements-on-israel-hamas-war-criticize-paxsons-response>

[3] <https://nypost.com/article/israel-terror-attacks-how-major-us-colleges-have-reacted/>

⁴ <https://studentactivities.brown.edu/student-groups/student-group-management/finances-accounts>

⁵ <https://twitter.com/StopAntisemites/status/1712060621041115633>

⁶ <https://aish.com/why-the-from-the-river-to-sea-chant-is-antisemitic/>

⁷ <https://13wham.com/news/nation-world/glory-to-our-martyrs-brown-university-student-backs-palestine-after-terrorist-invasion-of-israel-hamas-palestinian-gaza-middle-east-conflict-terrorism-rhode-island-providence>

⁸ <https://nypost.com/2023/10/17/israel-hamas-war-live-updates-and-latest-news/>

⁹ <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://www.browndailyherald.com/article/2023/10/student-groups-release-statements-on-israel-hamas-war-criticize-paxsons-response>

[3] <https://nypost.com/article/israel-terror-attacks-how-major-us-colleges-have-reacted/>

[4] <https://studentactivities.brown.edu/student-groups/student-group-management/finances-accounts>

[5] <https://twitter.com/StopAntisemites/status/1712060621041115633>

[6] <https://aish.com/why-the-from-the-river-to-sea-chant-is-antisemitic/>

[7] <https://13wham.com/news/nation-world/glory-to-our-martyrs-brown-university-student-backs-palestine-after-terrorist-invasion-of-israel-hamas-palestinian-gaza-middle-east-conflict-terrorism-rhode-island-providence>

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

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

8TH FLOOR, 5 POST OFFICE SQUARE
BOSTON, MA 02109-3921

REGION I

CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

January 9, 2024

President Christina Paxson
By email: president@brown.edu

Re: Complaint No. 01-24-2116
Brown University

Dear President Paxson:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against Brown University. The Complainant alleges that the University discriminated against students on the basis of their national origin (shared Jewish ancestry) when it failed to respond appropriately to incidents of harassment during 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 in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the University receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

OCR will investigate whether the University 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 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 also note that complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

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

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 15 calendar days of the date of this letter. 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 as provided below prior to the expiration of the 15-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 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.

If you have any questions, you may contact Paul Easton at Paul.Easton@ed.gov or 617-289-0008.

Sincerely,

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

Paul Easton
Supervisory General Attorney

Data Request
OCR Complaint No. 01-24-2116
Brown University

Please submit the following information to Paul Easton (Paul.Easton@ed.gov) within 15 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 University should not provide, any social security numbers in response to this data request. You can send the information via email to the addresses noted above, or to the mailing address on the enclosed letter, or fax it to (617) 289-0150. 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 15-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 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 any time-frame specified in these requests and going forward 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 ensure that University employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Please provide the following:

1. The name, title, and contact information of the University's:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint; and
 - c. Person responsible for responding to Title VI complaints.
2. The University is invited, but not required, to provide a narrative response to the issue opened for investigation.
3. A copy of the University's policies and procedures, and/or a description of the University's practices, governing the investigation of complaints of discrimination, including harassment, on the basis of national origin/shared ancestry. 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 discrimination, including harassment, on the basis of national origin/shared ancestry at each level of the process.

4. For the 2022-23 and 2023-24 academic years, copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged discrimination, including harassment, based on shared ancestry, and the University's response to those reports/complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint/report. For each complaint/report, provide:
 - 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, as well as the names (and titles if applicable) of all who reported it;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - d. all actions the University took in response to the complaint/report;
 - e. the University's final determination regarding the complaint/report;
 - f. any corrective action taken;
 - g. the length of the process; and
 - h. any notice of the findings provided to any individuals who were involved in the incident.
5. State whether the University conducts trainings and/or holds informational sessions with the student community and/or University 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. Documentation of any efforts by the University during the 2023-2024 academic year to prevent or address race, color, or national origin discrimination at the University.
7. The names and titles of all persons who assisted in the preparation of these data responses.
8. Any other information that the University believes will be helpful to OCR or relevant in this investigation.