



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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**August 2, 2024**

**VIA EMAIL ONLY**

Donald A. Daugherty, Jr.  
Senior Litigation Counsel  
Defense of Freedom Institute  
[martha.astor@dfipolicy.org](mailto:martha.astor@dfipolicy.org)

Re: OCR Complaint Number 03-24-2062

Dear Mr. Daugherty:

This letter is to advise you that the U.S. Department of Education, Office for Civil Rights (OCR) has resolved the above-referenced complaint you (the Complainant) filed against Drexel University (the University). The Complainant alleges that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to an incident of harassment in October 2023. By letter dated December 18, 2023, OCR opened the following issue for investigation:

Whether the University failed to respond to alleged harassment of students on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

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, and national origin, including shared ancestry, 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.

In reaching a determination in this matter, OCR conducted interviews of University staff and reviewed documentation provided by the Complainant and the University, including the University's non-discrimination, social media and freedom of expression policies and procedures; correspondence to the University community from the President; publicly available information; and documentation of training. OCR also reviewed documentation of 36 incidents of alleged harassment on the basis of shared Jewish ancestry that were reported to the University from October 2022 through January 2024. Based upon OCR's review of the evidence produced to date, OCR recognizes the University's proactive responsiveness to notice it received regarding some incidents that could contribute to a hostile environment for students based on national origin, including shared Jewish ancestry; however, OCR also identified concerns regarding the University's response to reported incidents of possible discrimination or harassment on the basis of shared ancestry. Specifically, the information provided during the investigation to date reflects

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that the University generally failed to fulfill its obligations to assess whether the incidents of shared ancestry discrimination and harassment reported to it created a hostile environment, and where the University did conduct this assessment, it misapplied the legal standard. The University appears not to have applied the appropriate policy to the conduct of a staff member, and the documentation to date reflects that the University did not adequately assess the conduct of that staff member in creating a possible hostile environment after receiving multiple complaints regarding her conduct. This letter discusses OCR's concerns below.

## **LEGAL STANDARD**

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies.

Title VI's protection from national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived shared ancestry or ethnic characteristics, such as students of Jewish, Palestinian, Muslim, Arab, and/or South Asian descent, or citizenship or residency in a country with a dominant religion or distinct religious identity, or their association with this national origin/ancestry. The existence of a hostile environment based on national origin that is created, encouraged, accepted, tolerated, or left uncorrected by a recipient constitutes discrimination on the basis of national origin in violation of Title VI.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on race, color, or national origin existed; (2) the recipient had actual or constructive notice of the hostile environment; and (3) the recipient failed to take prompt and effective action to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a recipient's education program or activity. Harassing acts need not be targeted at the complainant to create a hostile environment. The acts may be directed at anyone, and the harassment may also be based on association with others of a different national origin (the harassment might be referencing the national origin of a sibling or parent, for example, that is different from the national origin of the person being harassed whose access to the school's program is limited or denied).

The harassment must in most cases consist of more than casual or isolated incidents based on national origin to establish a Title VI violation. Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the harassment, as well as the identity, number, and relationships of the persons involved. If OCR determines that the harassment was sufficiently severe or pervasive that it would have limited the ability of a reasonable person, of the same age and national origin as the victim, under the same

circumstances, from participating in or benefiting from some aspect of the recipient's education program or activity, OCR will find that a hostile environment existed.

A recipient may be found to have violated Title VI if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment based on national origin harassment of which it has actual or constructive notice. A recipient is charged with constructive notice of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

If the alleged harasser is an agent or employee of a recipient, acting within the scope of their official duties, then the individual will be considered to be acting in an agency capacity and the recipient will be deemed to have constructive notice of the harassment.

Once a recipient has actual or constructive notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. The appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced as a result of the harassment.

## **FACTUAL SUMMARY**

### **The University's Reporting Process and Policies**

#### *Reporting Process*

Prior to November 2023, all reports of discrimination, harassment and retaliation involving student respondents were handled by the Title IX team. Starting in November 2023, these cases were transferred to the Equal Employment Opportunity (EEO) team, housed in the Office for [Institutional Equity and Inclusive Culture](#) (EIC). The Vice President and Chief Diversity Officer (Vice President) directs the EIC and, in that role, she oversees the University's response to Title VI complaints, including complaints of harassment and/or discrimination on the basis of national origin, including shared Jewish ancestry. There are two Assistant Vice Presidents who report to the Vice President: the Assistant Vice President, Title IX and Equal Opportunity Coordinator (Title IX and Equal Opportunity Coordinator), who is responsible for compliance and enforcement, and an assistant vice president who is responsible for the inclusive culture team, which is primarily responsible for outreach to the campus community. The EIC team reports to the Title IX and Equal Opportunity Coordinator, who reports to the Vice President. The team is also staffed by several case managers who conduct intake, and by investigators who conduct the investigations. Staff in the EEO office interviewed by OCR explained that all complaints and case updates are recorded in a web-based case management system called Maxient. The case managers are responsible for uploading complaints and case updates into Maxient, and the investigators are responsible for conducting the investigation, in consultation with the Title IX and Equal Opportunity Coordinator. According to staff OCR interviewed, the Title IX and Equal Opportunity Coordinator is responsible for analyzing each case and determining whether to move the case forward to an EIC inquiry. Then, the investigator will make a recommendation to

the Title IX and Equal Opportunity Coordinator regarding whether to proceed with a full investigation. At the conclusion of the inquiry, it is the responsibility of the Title IX and Equal Opportunity Coordinator to determine if a formal investigation should take place.

If an incident that is reported to the EEO office is determined not to rise to the level of a policy violation, the EEO office often refers the matter to other offices for an educational or other kind of intervention component. The documentation that OCR reviewed reflects that these individuals included the Assistant Director of Diversity, Equity and Inclusion and the Assistant Vice President for Cultural and Belonging.

*The University's Discrimination, Harassment and Bias Incident Prevention Policy (EIC-1)*

The Discrimination, Harassment, and Bias Incident Prevention [Policy](#) (EIC-1, last amended in November 2017) governs the University's prohibition against discrimination and harassment, including on the basis of national origin. The Policy addresses discrimination and harassment on the basis of race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, and any other characteristic prohibited by law.

The EIC-1 Policy Summary states: "Our University's founder, Anthony J. Drexel, was committed to providing a welcoming, inclusive and respectful educational environment for all students, regardless of religion, race, gender or socioeconomic status...Drexel considers acts of discrimination, harassment and bias to be unacceptable and counter to its core mission and values. At the same time, freedom of expression and the right to disagree are fundamental to the educational experience and culture of our University. Nothing in this policy should be regarded as suppressing such intellectual freedom so long as any disagreements, arguments and/or debates are conducted in an atmosphere of tolerance and mutual respect."

The EIC-1 Policy Summary also states that the University will respond promptly and equitably to all allegations of Discrimination, Harassment or Bias Incidents based on a Protected Category and will take all appropriate steps to end the Discrimination, Harassment or Bias Incident, prevent its recurrence and address its effects. EIC-1 also states that the University provides support options and resources to students, faculty and professional staff to address concerns covered under the policy. EIC-1 also explains that the University will provide interim measures to address individual safety and well-being, provide an adequate and reliable investigation, fair adjudicatory and resolution processes, and take remedial and corrective action if and when it is determined that a violation of policy has occurred.

EIC-1 also includes two Appendices: (1) [Appendix A - Procedures for Resolving Reports Against Students](#), and (2) [Appendix B - Procedures for Resolving Reports Against Employees](#).

The University's website also provides a [direct link](#) to the EIC-1 Policy. The Policy states:

**All students and employees of the University are responsible for their actions and behavior as it relates to the University and each other, whether the conduct in question occurs on campus, in the surrounding community, or in another location. As such,**

**this policy applies to all prohibited conduct that affects Drexel’s educational environment and University Community wherever it occurs, including on campus, off campus, and online.**

With regard to “Expression, Speech and Academic Freedom,” the Policy states that “working to maintain an inclusive learning and work environment does not, and must not, mean chilling or restricting free expression about the salient and controversial issues of our times. This balance requires taking thoughtful steps to create space for open and constructive dialogue, while also dealing swiftly with actions that create an unlawful hostile environment.”

The Policy defines a bias incident as “conduct or behavior (verbal, nonverbal, or written) that is threatening, harassing, bullying, discriminatory, and is based on a person’s identity or affiliation such as race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, or any other characteristics prohibited by law (i.e., creed, marital status, citizenship status, etc.)” When discussing bias incidents, the Policy reiterates that:

“[T]he University is committed to the free expression of ideas and recognizes that mere disagreement with an individual concerning an idea, concept or interpretation of an event, circumstance or other factor does not, in and of itself, constitute bias under this Policy or indicate that a Bias Incident has taken place. A person can be passionate about his or her position or idea without exhibiting bias as defined in this policy so long as the individual remains respectful and tolerant of those who hold a different view and/or position. All bias incidents will be evaluated under this Policy to determine whether they constitute discrimination and/or harassment... [I]t is not the purpose of this policy to suppress controversial opinions or points of view or promote/support such suppression by Drexel employees or students. However, while this value of openness protects the expression and discussion of controversial ideas, it explicitly does not protect harassment or expressions of bias or hate aimed at individuals or groups.”

The Policy provides examples of bias incidents, which may include “defacement of posters or signs, intimidating, or harassing comments or messages, vandalism to personal or university property, or similar acts, if there is evidence that the target or victim was chosen because of a factor such as race, color, ethnicity, national origin, religion, gender, gender identity or expression, sex, sexual orientation, disability, age, status as a veteran, socioeconomic status and/or any characteristics prohibited by law (i.e., creed, marital status, citizenship status, etc.)”

The Policy also expressly defines Harassment as unwelcome verbal, written, electronic or physical conduct when that conduct is:

- A. Based on a Protected Category as defined in the Policy; and
- B. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance by creating an intimidating, hostile, humiliating, demeaning or offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of the Complainant.

The Policy states that it covers harassment committed by an organization or a group.

*The University's Social Media Policy*

The University has a policy on social media usage for employees and for student organizations. The social media policy for [Employees](#) cautions employees to be responsible for their posts and remember that what they post is a reflection upon the University and themselves. The policy asks employees to make it clear in personal posts and messages that they are not speaking on behalf of the University.

Student Life also publishes guidelines for student organizations entitled, “Guidelines for Social Media Use as a Student Organization,” that is not available online. The University provided OCR with a hard copy of the guidelines, which were last updated November 8, 2023, and require that “[a]ll uses of social media must adhere to the policies and guidelines outlined in the University Student Code of Conduct, OED-1, OED-3, Student Organization Empowerment Guide, provisions of state and federal law and any governing documents associated with student organization.” The guidelines caution that social media posts of a student organization are a reflection of the organization and that users be constructive and respectful and careful not to target specific individuals.

The University told OCR that it is not aware of any instances in which a student organization was found to have violated the University’s social media guidelines for the past two academic years.

*Policy Updates*

In an all-campus [message](#) dated March 12, 2024, the University President announced that the University had chosen proactively to launch “a rigorous external review” of its policies and procedures related to non-discrimination, free speech and campus activism. He wrote that one part of the review would focus on the University’s institutional response to issues related to discrimination and harassment, and a second part of the review would focus on the University’s free speech policies and their intersection with the non-discrimination policies, with the goal to protect academic freedom while ensuring the safety and well-being of all students, faculty and professional staff.

In a May 9, 2024 [message](#) to the campus community, the University President announced that a local law firm was leading the external review of the University policies. The University President stated that the law firm and senior leadership team were enlisting the expertise of Drexel faculty to co-chair an Advisory Committee of faculty, trustees, students and professional staff to review the University’s policies and procedures, solicit broad community input and chart next steps. At the same time, a Community Engagement Group comprised of faculty, professional staff and student representatives would provide further insight and perspective to the Advisory Committee and serve as ambassadors.

## **Title VI Training**

The University told OCR that, prior to the fall 2023, it did not provide standalone trainings specific to Title VI and/or shared ancestry discrimination/harassment. However, as part of other broader trainings, workshops, and informational sessions relating to Title IX and Diversity, Equity and Inclusion (DEI), the University addresses issues relating to discrimination and harassment, including discrimination and harassment based on national origin, as described in more detail below.

The University provided OCR with sample screenshots of slides of an online module that all incoming first year students are required to complete as part of their orientation. The module, “U Got This,” focuses primarily on Title IX, but contains broader information regarding discrimination and harassment and is customized to include reporting information specific to EIC and the University’s policies and procedures.

As part of orientation, new students are also required to watch an [informational video](#) about EIC that explains the services provided by EIC and the University’s commitment to fostering a safe, inclusive environment free from discrimination and harassment. Students who do not view these videos have holds placed on their registration until they do so. In addition, all student organization leaders are required, as part of the University’s annual student organization recognition process, to watch an EIC [training video](#) that addresses the Policy and responsible employee reporting. The University also provided OCR documentation of EIC live training that has been provided to various University staff on an ad-hoc basis, in addition to workshops and informational sessions related to inclusion, bias, microaggressions, anti-racism and conflict resolution.

Starting in the fall 2023, after October 7, the University started educational programming for combating and addressing antisemitism, specifically. The University told OCR that Student Life representatives have been working in tandem with EIC’s DEI staff on a series of passive and active programming for residential life employees and on-campus student residents. The active programming, which was rolled out in January 2024, included plans for additional EIC-hosted workshops and training sessions for Resident Advisors on the topics of incident reporting and community building. In its supplemental data response on February 7, 2024, the University stated that the initiative included a series of three one-hour trainings by EIC for Resident Assistants in January 2024 to discuss implicit bias and its impact on community building; the creation of community agreements by Resident Assistants; a refresher by EIC on responsible employee reporting; and a series of bulletin board messages posted within residence halls on topics such as microaggressions, building an inclusive culture, and reporting of bias, discrimination and harassment incidents to EIC. The three one-hour trainings for Resident Assistants were conducted by EIC’s Assistant Vice President for Inclusive Culture and Belonging during the weekend of January 13, 2024. The University provided OCR with the presentation slides for the training and examples of the bulletin board materials; none of the materials explicitly address national origin discrimination and harassment, including shared ancestry discrimination and harassment.

Separately, Student Life conducts trainings with Residence Life staff in September and January as part of routine summer and winter Resident Assistant (RA) trainings. Since October 7,



Residence Life also held a series of residence hall meetings, where RAs reinforced to students the importance of maintaining a respectful environment in the dormitories and the available resources and reporting options. The University provided OCR with a sample agenda, which addresses “maintaining a respectful environment,” and “How to report incidents,” including how to submit an EIC discrimination, harassment or bias incident, but does not explicitly address national origin discrimination and harassment, including shared ancestry discrimination and harassment. In addition, during the first series of mandatory meetings, RAs were instructed to read a statement to the residents regarding respecting the property of others, including property like religious symbols, and how disrespect of such items could constitute a violation of University policy.

The University Hillel Rabbi also told OCR that she conducted training for the entire EIC team and an individual from the Provost’s office for approximately 2.5 hours in December 2022, specific to identifying antisemitism in today’s culture.

During an interview with OCR, the Title IX and Equal Opportunity Coordinator explained that she was moved into this role on March 1, 2024 and has experience in compliance in higher education in prior roles at the University and other institutions. She explained to OCR that, while the University has experienced a high degree of transition in the EIC office, as of March 1, 2024, the EIC office is fully staffed, and since that time, the staff has completed training on the EIC-1 Policy and equal opportunity training provided by an external firm. The Title IX and Equal Opportunity Coordinator told OCR that she is also attending a summer institute on antisemitism and Jewish inclusion.

### **The Complaint – October 10, 2023 Arson Incident**

This complaint was filed based on an incident that occurred at a University dormitory on October 10, 2023. Specifically, on that date, during the late evening hours, the University received a report of a fire on the door of a third-floor suite in Race Hall, a residence hall for first year students. The University told OCR that the fire was extinguished shortly thereafter with no injuries sustained. The Philadelphia Fire Marshal conducted an investigation, including interviews with the four suitemates, and categorized the incident as arson. However, the University maintains that neither the Fire Marshall nor the Department of Public Safety was able to identify the perpetrator or any eyewitnesses to the event.

The University provided OCR with documentation of its investigation of the incident, which included the Department of Public Safety contacting every resident on the third-floor of Race Hall, as well as every guest who was admitted that evening. The Department of Public Safety spoke with over three dozen individuals in total, and also reviewed hours of security camera footage from inside the lobby of Race Hall, as well as security camera footage from outside of Race Hall’s front doors and the surrounding area. The Police Report notes that there is a camera on the first-floor entrance, but no cameras in the hallway or elevators, or on the third-floor.

The University told OCR that the Department of Public Safety has not found evidence of a bias or hate crime. Since the incident, the University has added an extra security detail to Race Hall and has been working with Facilities services on a pilot program to install security cameras on the residential floors of the dormitory. The first phase of the pilot program commenced over



winter break in December 2023, with the installation of additional security cameras within Race Hall that are now operational.

The University told OCR that there was insufficient evidence to suggest, and no formal complaint alleging, that this was a hate crime. However, the University does acknowledge that the interviews revealed that one of the four students living in the impacted suite is Jewish with ties to Israel. It provided OCR with documentation showing that, while it was reported that the door had Jewish decorations on it, the decorations were actually Halloween related (jack-o-lanterns and pumpkins). Although the University was unable to identify the offender, or the motivation for the arson, nonetheless, on October 11, the University President issued a [message](#) to the University community reiterating that “targeting any individual for discrimination, intimidation or hate” crossed the line beyond the expression of strong opinions. The University Hillel Rabbi also sent an [email](#) to the Hillel listerv, clarifying that the door decorations were Halloween-related. She also shared information about available resources for support. The University told OCR that the Director of Residence Life emailed all residents of Race Hall about available campus resources, and the University’s Resident Directors emailed every on-campus residential student with information about available support and resources, including contact information for EIC and the Department of Public Safety.

In mid-October, 2023, each Assistant Director/Resident Director sent an email to their corresponding residence halls, with information about counseling, and encouragement to check-in with Resident Assistant staff for additional support and resources. The email also provided the contact information for public safety, the link to report an incident of misconduct, and the EIC Incident Reporting Form. The University also coordinated three one-hour long training sessions for Resident Assistant staff during winter training in January 2024, addressing implicit bias.

The University also reported that, following the arson incident, Student Life met with the campus’ Jewish and Muslim leaders to proactively inform them of the incident and to reiterate the available resources and reporting options. Specifically, on October 11, the Dean of Students convened a Zoom meeting that included rabbis, the Co-Directors of the University Chabad House, executive director/campus Rabbi of Drexel Hillel, the Israel Engagement Director for Drexel Hillel, the Muslim Student Association Professional Staff Advisor and the Assistant Vice President for Inclusive Culture and Belonging.

### **Other Complaints of Shared Jewish Ancestry Discrimination and/or Harassment**

In addition to documentation of the arson incident, the University also provided OCR with documentation of 35 other reports/complaints concerning alleged harassment and/or discrimination based on shared Jewish ancestry from October 2022 through January 2024. Below is a summary of some of those incidents, in addition to other incidents since January 2024 that have been publicly reported upon:

#### ***Incident #1: October 6, 2022 Computer Sciences Lab Incident***

On October 12, 2022, the reporting student reported to his professor that while 10-12 students were participating in a brainstorming session via whiteboard, an online platform, a student wrote on the whiteboard that “communism was the solution.” Subsequently, a different student wrote,

“If we’re talking about communism, I have a solution for that,” and drew a swastika. The professor reported the incident to EIC, and EIC reached out multiple times to the reporting student, but no response was ever provided, and the reporting student never identified the offending students. The case was therefore closed by EIC.

*Incident #2: November 10, 2022 Complaint about Roommate*

On November 10, 2022, the reporting student submitted an EIC complaint about his roommate making racist and discriminatory jokes including mocking people who wear hijabs by joking that they are "hijabbed up," making jokes about how Indian people smell, saying mean things about the reporting student's white Irish-Catholic girlfriend and saying that "Ashkenazi Jews are inferior to his kind." EIC arranged to change the reporting student's room. The case was closed on January 19, 2023 because the reporting student did not wish to file a formal complaint.

*Incident #3: November and December 2022 Complaints about Doxing by the Same Club*

On November 9, 2022, the reporting student submitted an EIC complaint of doxing by the University club, Students for Justice in Palestine (SJP). The reporting student wrote a private message to the group in response to a post that they made, accusing SJP of posting racist content. In response, SJP posted the reporting student's message to its Instagram account, including the reporting student's name, account information and profile picture. The documentation shows that, on November 11, 2022, EIC advised the reporting student that, “based on the report we received, the matter(s) reported to us would not, if true, rise to the level of an EIC-1 or EIC-3 policy violation.” The documentation shows that EIC nonetheless conducted outreach and offered to meet with the reporting student. During that meeting on November 29, 2022, the reporting student also raised concerns regarding the alleged antisemitic content posted by SJP to their account. Internal emails show that University administrators discussed that the University traditionally did not stop student organizations from posting political speech, but that Student Life would be contacted to follow up with SJP to ensure that they followed social media guidelines. EIC also attempted an educational discussion with the SJP but the SJP refused to attend.

Approximately three weeks later, on December 1, 2022, a different reporting student filed an EIC complaint of doxing by SJP. Specifically, the reporting student sent a private message to SJP and the club then posted the private message publicly on its account while keeping personal details of the reporting student, including their name, in the post. The University provided OCR with documentation showing that EIC emailed the reporting student on December 13, 2022, January 4 and 27, 2023 to conduct outreach, but the reporting student never replied, so the case was closed on February 3, 2023.

*Incident #4: December 8, 2022 Discord Group Chat*

On December 8, 2022, the Club President for the Drexel Game Developers Group filed an EIC complaint regarding offensive comments made in a group chat, including insensitive jokes about the LBGQTQ community, African Americans, oversized individuals and Jewish people. The jokes about Jewish people included comments about the "Jewish media," and jokes about Hitler and

Nazis. The University told OCR that the discord server was not affiliated with the University, and the server was not public but invite-only. However, several students participated in the group chat. EIC sent an outreach email to the reporting student, providing a link to the relevant EIC policy and information about resources and supportive services. EIC met with the reporting student on December 12, 2022.

The case notes for the complaint reflect that EIC determined that the screenshots “would not meet the threshold for a violation of EIC policy and occurred in a private social media chat. [O]nly one individual was presented as a potential complainant, and the content reported relating to that individual did not appear to make any references to identity. [T]hese comments appeared to relate to other students' opinions of the complainant in relation to group project work in class and frustration with the way the complainant handled their leadership position. EIC plans to address the matter through educational conversation and to refer the content that is potentially threatening to student conduct for review.” Nonetheless, EIC conducted outreach with the reporting student again on December 13, 2022, and the Assistant Director of DEI held educational conversations with each of the Respondents in December and January, with follow-up letters to each as well.

*Incident #5: October 11, 2023 Classroom Incident*

On October 11, 2023, the reporting student told a faculty member that she heard two students make antisemitic comments in her course and that she no longer felt safe in the learning environment. Specifically, she reported that in her Arabic 101 class, two classmates said "Jews are stupid. They have no right to be upset about what is happening in [Israel/Palestine]. . . Did you know that American cops are trained in Israel? That is why the cops here are so bad." She also reported that the professor teaching the class heard the commentary but did nothing in response.

The faculty member filed an EIC complaint the next day and told EIC that the reporting student was very reluctant to share details because she did not want EIC to take any action. The documentation provided by the University shows that the Director of Advising and Student Success emailed EIC about the report and asked for guidance on how to support the reporting student from an academic perspective, as dropping the class would have a detrimental impact on the reporting student, but also that the reporting student did not feel comfortable talking to the instructor or department head.

On October 13, 2023, the Director, Labor Relations and EEO (the Director), sent an outreach email to the reporting student, in which he provided a link to the relevant EIC policy and information about resources and support. The Director also offered to conduct an intake meeting with the reporting student and discuss available resources with her. An EIC investigator also sent an outreach email to the reporting student on October 16 and 24, 2023, with no response. As a result, EIC closed the matter on November 2, 2023.

The Director told OCR that the reporting student's parent later emailed him about a refund for the course, so the case was reopened and he worked with the University Registrar to have the W removed from her transcript and to issue her a refund for the course. The Director told OCR that in follow-up conversations with the reporting student, he believed that he asked how she knew

that the professor heard the comments, and “relative to where the students were placed, we couldn’t conclude that the student was able to pinpoint that the professor heard the comment based on what was initially reported.”

*Incident #6: October 12, 2023 Social Media Threat*

On October 12, 2023, the reporting student filed a complaint with Student Conduct that she received threatening messages after making a social media post regarding the Israeli-Palestinian conflict. In response to her story on Instagram in support of Israel, the Respondent sent her a message stating: "Fuck you and fuck Israel. Palestine free forever. Being in usa as Indonesian girl doesn't mean your American. You are nothing but a dummy in hand of the American and jews. Fuck you again and in follow. I hope to encounter in in future I will change your face. Palestine is place of free men. Full stop." The University provided OCR with a screenshot of the communication showing that the Respondent noted that they are a Drexel student in their Instagram handle.

The University told OCR that Student Conduct referred the matter to the EIC and provided documentation to OCR showing that EIC sent an outreach email to the reporting student on October 12, 2023. The email stated: “Based on the report we received, the matter(s) reported to us would not, if true, implicate an individual we have disciplinary authority over. I have been unable to verify the person’s affiliation with the school.” However, the email also provided information about resources and supportive services. On October 20, 2023, the EIC emailed the reporting student a closure letter.

*Incident #7: October 18, 2023 Hillel Social Media Post*

The reporting party – the University Hillel Rabbi – filed an EIC complaint on October 18, 2023, regarding a response to a post on Hillel’s social media. Specifically, in response to Hillel’s social media post with the message, “Drexel Stands With Israel,” a former student posted a comment stating, “You either stand with Genocide or you stand against it! Free Palestine [Palestinian flag emoji].” The Rabbi wrote on the complaint form, “While we recognize this Drexel community member’s right to free speech, we believe the choice to voice their opinions on our page was intentionally perpetrated as an act of intimidation and harassment.”

According to the University, on October 24, 2023, the EIC Vice President and Chief Diversity Officer met with the Rabbi to discuss the report. During this meeting, the Vice President “explained to the [Rabbi] that the reported conduct did not rise to the level of a policy violation, but that the Complainant should continue reporting to EIC any further incidents.” EIC then closed the case on October 24, 2023.

In an interview, the University Hillel Rabbi clarified that the Respondent was a former student, and had been harassing staff in her office and some other students online. Her primary concern was whether the Respondent had any interest in returning to campus, so she wanted to have a record of the harassment. The Rabbi could not recall the details of the harassment but recalled that it was mostly online and characterized it as a “horrible cesspool for a while.”

*Incident #8: October 19, 2023 Law School Incident*

On October 19, 2023, law school Dean 1 filed an EIC complaint on behalf of the reporting student, who is a student in the law school. The report stated that the reporting student said that “other students have been spreading untrue rumors that he made comments that Palestinians should die.” EIC conducted outreach with the reporting student and met with him on November 2, 2023, during which time the reporting student clarified his allegations. Specifically, the reporting student alleged that two other law students (Students 1 and 2) falsely spread rumors that the reporting student said that all Palestinians should die. He also alleged that he sent an email to Dean 2, who serves as Dean of DEI at the law school and faculty advisor for the Middle Eastern Law Student Association (MELSA), raising a concern with an upcoming MELSA event to engage in a dialogue about the Israel-Gaza conflict that did not have equal representation from the Jewish Law Student Association. The reporting student alleged that he learned that Dean 2 shared his email with other students, including Student 1, which only further escalated the harassment and rumors about him. The notes of the meeting reflect that the reporting student conveyed that he felt concerned for his safety, felt uncomfortable in the law school and that, due to the rumors, he felt like a social outcast and was unable to eat, sleep or work properly. The email documentation shows that EIC staff offered supportive services and resources to the reporting student and also offered supportive services to Student 1 and 2 while they were being investigated.

Initially, the Director of Labor Relations and EEO (the Director) handled the complaint and started scheduling meetings with relevant staff in mid-December 2023. However, in January 2024, the complaint was referred to an external investigator. The complaint referred to the external investigator only addressed the reporting student’s allegations against Students 1 and 2 and did not include the reporting student’s concerns about Dean 2. On July 18, 2024, the University told OCR that the external investigator finalized the investigation report and the next step was likely adjudication.

Although the reporting student stated in his EIC complaint and subsequent emails to the Director that he believed that Dean 2’s actions were discriminatory and fostered an environment of harassment, and that he wanted to add her as a Respondent to his complaint, the University’s documentation shows that, on February 21, 2024, the Director emailed the reporting student, advising him that it appeared that Dean 2’s actions “correlate under Drexel’s Human Resources purview” and the School of Law Handbook. In a second email that day to the reporting student, the Director confirmed that he and the reporting student spoke, and that they discussed the referral of Dean 2’s allegations to Human Resources. The Director further advised the reporting student that, after further review, Dean 2’s supervisor was the most appropriate to investigate the reporting student’s complaint against Dean 2, as the allegation against Dean 2 “does not fall under EIC purview.” Appendix B to Policy EIC-1 clearly addresses discrimination, including harassment by University faculty. In subsequent email exchanges between the Director and the reporting student, the reporting student sought assistance with filing a Human Resources complaint. In response, the Director referred the reporting student to the School of Law Handbook, and directed the reporting student to inquire with Dean 2’s supervisor if the complaint would be investigated by the School’s Human Resources Business Partner or whether it would be investigated by Dean 2’s supervisor. The following day, February 22, 2024, the

reporting student emailed the Director to inform him that Dean 3, the individual the Director suggested the reporting student contact, “seemed very confused,” that Dean 3 wasn’t sure who was responsible for handling the complaint against Dean 2 or where to find the policies that Dean 2 violated. In an email the next day, February 23, 2024, the Director informed the reporting student that Dean 2 “was removed as a respondent based on her conduct did not appear to rise to a level of a EIC-1 policy violation” because her conduct “did not appear to be motivated by your protected class.” The Director asked the reporting student to confirm if this was true, which the reporting student confirmed in a reply email. In subsequent email exchanges, the reporting student continued to ask for assistance with going through the Human Resource policies and identifying possible violations by Dean 2. In a March 1, 2024 email to the reporting student, the Director stated that the Human Resource Business Partner for the School of Law would be reaching out to assist the reporting student.

OCR notes that the interview notes for another incident reflect that two other Jewish law school students noted concern with Dean 2. One expressed concern about the same MELSA event and the content of the dialogue and how Dean 2 did not handle the discussion in an unbiased manner. Another stated that she also had concerns about the same event and felt that the discussion was one-sided. She also complained that Dean 2 often held important events on Jewish holidays and that Dean 2 could use additional training on antisemitism, particularly as the Dean of DEI at the Law school.

*Incident #9: October 28, 2023 House Party*

On October 29, 2023, the reporting student filed an EIC complaint regarding an event that occurred at an off-campus house party she attended the previous day where the Respondent started talking about Hitler, did a Nazi salute with his hand several times and then repeated the N-word at least 10 times. EIC sent the reporting student an outreach email with a link to the relevant policy and information about supportive services and resources. The University told OCR that EIC handled the incident through alternative resolution. Specifically, on November 15, 2023, the Assistant Director of DEI held an educational conversation with the Respondent reminding him of the impact of his words and behavior on the broader community. The case was then closed on November 15, 2023.

*Incident #10: November 5, 2023 Newspaper Article*

On November 5, 2023, a parent, donor and member of the President’s Real Estate Advisory Council sent an email to the University President calling to his attention an article featuring a graduate student who “called for armed aggression to wipe Israel off the map.” Per the article: “[Student], a Drexel graduate student whom several newspapers have identified as one of the coalition’s organizers, tweeted: ‘Our fighters know what they are doing. They know decolonization is a practice and that our liberation necessitates armed struggle.’ In January 2022, she tweeted that ‘the Zionist entity has absolutely no right to safety or security’ and that Israel ‘must cease to exist.’” Internal emails show that EIC staff researched the Respondent and found multiple social media postings that called for “globalizing the intifada,” stating that “the Zionist entity has absolutely no right to safety or security” and that “Palestinians have every legal/moral right and duty to engage in armed resistance.” She also wrote in one post that “our fighters know

what they are doing. They know decolonization is a practice and that our liberation necessitates armed struggle,” on October 7, 2023.

The documentation shows that the Director met with the Respondent on November 9, 2023, to discuss the allegations with her. The Director also met with her and her advisor on January 24, 2024, to ask about several of her social media postings. On March 7, 2024, the Director emailed the Respondent that no EIC-1 policy charges would be brought against the Respondent and the case was closed at that time. University staff concluded that this incident did not create a hostile environment or a potential hostile environment but provided different accounts for reaching that conclusion. A University staff member told OCR that it determined that no charges would be brought “because there was no evidence of a potential hostile environment on campus, as the reported behavior and comments occurred off campus and on social media.” The Title IX and Equal Opportunity Coordinator, however, told OCR that when she was consulted on this incident by the Director she considered the impact on the community and did “climate checks on whether we received other reports,” and whether it was impacting the educational environment. She told OCR that it appeared at the time that it was not having an impact on the educational environment, and so the matter was closed with an education conversation with the Respondent.

*Incident #11: November 5, 2023 TikTok Posting*

On November 5, 2023, the reporting student sent an email to various University administrators with a link to a TikTok video of the Respondent wearing a Drexel shirt stating, “Do I condemn Hamas? Of course not. What do I look like, a fucking idiot? Also, it’s funny that I’m wearing my University shirt because I got an email from Drexel saying ‘we condemn Hamas.’ Shut the fuck up! Like, shut the fuck up!” The caption to the video said, “This is only a safe some (sic) if youre (sic) not a Zionist (sic) #freepalestine.” Although EIC sent the reporting student an email detailing supportive services and resources, the University told OCR that it was unable to identify the Respondent so the case was closed. The Title IX and Equal Opportunity Coordinator told OCR that she worked with the Drexel ID system and the Drexel University police department to identify the Respondent but they were unable to identify the account owner. She also told OCR that the University reported the video on TikTok.

*Incident #12: November 18, 2023 Classroom Incident*

On November 18, 2023, the parents of various students from a class with a nursing professor emailed the University President because the nursing professor had encouraged her students to attend a pro-Palestine demonstration and ended her class early so that the students could attend the day prior. The University President forwarded the email to EIC.

On November 28, 2023, EIC sent the parents an outreach email and offered to meet with them to discuss the incident and discuss available resources and support. The Director and the Assistant Vice President for Inclusive Culture and Belonging also held an educational conversation with the nursing professor. The Director emailed the parents about the educational conversation, and the case was closed on December 4, 2023. OCR notes that this nursing professor was also the subject of another complaint in October 2022, when a student wrote in an anonymous course evaluation that she “made comments throughout the quarter that were racist, ableist, homophobic



and antisemitic, as well as one that condoned sexual harassment." With respect to the antisemitic comment, the evaluation noted that the nursing professor "called Jewish people 'Hebrews' which has been used in a derogatory way throughout history." As a result of that complaint, the Director conducted an educational conversation with the nursing professor and she agreed to enroll in the Drexel Institute for Inclusive and Equitable Teaching.

*Incident #13: November 18, 2023 Law Student Incident*

On November 19, 2023, the reporting student – a law student – emailed Dean 1 and 3 that the Respondent – another law student – was recorded the day before tearing down posters of Israeli hostages. She said that she was also aware that the School had been made aware of the Respondent's social media postings directing "hate towards the Jewish state, his comparisons of Israel to the Nazi occupation including a picture containing a swastika flag, and his depictions of Benjamin Netanyahu as Adolf Hitler." The University provided OCR with ten screenshots from the Respondent's Instagram account in which he referred to Israelis as "capitalist swine," compared Benjamin Netanyahu to Hitler, compared IDF soldiers to the Nazis, stating that Hitler would be proud of the U.S. and Israel, and more. The documentation that the University provided to OCR reflects that three other law students complained via email to the law school Deans regarding the Respondent's Instagram posts and removal of posters.

The documentation shows that the Deans referred the matter to EIC, and EIC sent outreach emails to all of the reporting students, with a link to the relevant policy and information about supportive services and resources. One student did not respond to the outreach. According to the University, the three others met with EIC staff, but wanted to remain anonymous and declined to proceed with a formal complaint.

The Director communicated with the Respondent to meet with him regarding the complaints; they met on February 5, 2024. On February 20, 2024, the Director emailed the Respondent to inform him that, based on EIC's preliminary inquiry, he recommended that the Respondent attend an educational conversation with EIC's Assistant Director of DEI. On March 7, 2024, the Director contacted the Respondent to inform him that the proposed educational conversation would be paused for the time being. The following day, the Respondent sent the Director approximately 30 graphic and disturbing images of injured and deceased Palestinians and asked the Director to forward the images to the reporting students. The Director replied that same day with extensive information about mental health resources and other services available through the University.

On March 14, 2024, the Title IX and Equal Opportunity Coordinator took over the case and emailed the parties. She also emailed the Respondent on March 15, 2024, to meet with him to discuss his recent circulation of photographs to the Director. In an interview with the Title IX and Equal Opportunity Coordinator, she told OCR that she offered to the reporting parties that the University could move forward with an investigation, with the reporting parties serving only as witnesses, but they declined. She also told OCR that she spoke with the Respondent after he completed his final exams and provided him with an educational conversation before he graduated. The case was then closed.

Incident #14: December 20, 2023 Fashion Professor Complaint

On December 19, 2023, a faculty member in the Fashion Program (Fashion professor) reported to the Department Head that a student in her class had been engaging in “discriminatory antisemitic behaviors focused on [the Fashion professor]” during the fall 2023 term. The Department Head filed an EIC report the next day and EIC staff sent an outreach email to the Fashion professor that same day providing a link to the relevant policy and information about supportive services. The documentation shows that the Fashion professor did not want to be identified and declined a formal investigation. She also did not provide any specific details regarding the alleged antisemitic behaviors. The department head approached the Respondent to ask if she would consider moving to a new section under the guise that students in another section had asked to move to the Respondent’s section. The documentation shows that the Respondent agreed to the move, which satisfied the Fashion professor’s concerns.

**Other Incidents of Vandalism/Graffiti**

The following is a list of vandalism/graffiti incidents either reported to OCR by the University, or obtained by OCR from publicly available information:

- March 1, 2023: An RA discovered a swastika carved with a pen by the window of the 14<sup>th</sup> floor lounge in Millenium Hall. Public safety took photos and a work order was submitted for the wall to be fixed.
- October 13, 2023: “Fuck the Jews” with a swastika was found written in a women’s bathroom at a University academic building. The reporting student was offered counseling and the opportunity to meet with EIC. The next day, the University President sent a community-wide [message](#) condemning the incident.
- October 15, 2023: “Fuck Israel” was written in red marker next to a sticker calling for support of Israel in the Race Hall elevator. Custodial staff erased the graffiti and removed the accompanying sticker. The reporting students were offered counseling and the opportunity to meet with EIC.
- October 16, 2023: “Free Palestine” was found written in an elevator in Millenium Hall by a Resident staff member. Custodial staff removed the graffiti.
- November 13, 2023: Several students reported to public safety that the mezuzahs on their dormitory door were removed. EIC communicated supportive services and resources to each of the students, and the EIC also met with the Residence Life Director to implement other interventions, such as reading a statement to every residence hall member at their first mandatory floor meeting of the new year about respecting the property of others, particularly religious symbols.
- November 16, 2023: A security officer at the Drexel University Academy of Natural Sciences reported to Public Safety that a swastika was carved into the stone facade. Maintenance staff removed the swastika.
- February 7, 2024: “Free Gaza” graffiti was found on the driveway sidewall of the Hillel building. Maintenance staff removed the graffiti and the University is still investigating the incident.
- April 2, 2024: A group of masked individuals vandalized the Raymond G. Perelman Center for Jewish Life by removing several letters on the brick marquee backdrop that

greet visitors. That same day, the University President issued a [statement](#) condemning the vandalism. The Hillel Rabbi told OCR that the sign was replaced within 24 hours and the University was engaged in discussions about lighting and video recording improvements.

- [April 12, 2024](#): In an April 13, 2024 [message](#) to the campus community, the University President addressed recent vandalism of a sign of Students Supporting Israel with “hateful labels and phrases.”

### **Proactive Efforts by the University**

The University told OCR that it has had a longstanding commitment to fostering a safe community for students of all religions and national origins, including those of shared Jewish ancestry, which predates the events of October 2023. Specifically, the Jewish population is served by [Hillel](#) and [Chabad](#), which offer a variety of programs and community events, including Shabbat dinners and religious celebrations, and trips to Israel through Birthright. The University also supported the fundraising and construction of the [Perelman Center for Jewish Life](#) which opened in 2016 and serves as the hub for Jewish life at the University. The Perelman Center houses Hillel and a [kosher cafeteria](#). The University also partnered with Hillel to ensure that there are kosher and Shabbat-friendly [housing options](#) for first and second-year undergraduates students required to live on campus.

In addition, the Center for Interdisciplinary Study offers a Minor in Jewish Studies program, and the University has partnered with several academic institutions in Israel. The University also maintains a documented [Policy](#) on excused absences and accommodations for religious observances, which is circulated to faculty every fall and spring around the religious holidays. Jewish spiritual leaders are available to campus constituents through [the Office of Spiritual and Religious Life](#). The University also told OCR that the EIC and Hillel have partnered regularly with the Anti-Defamation League (ADL) Philadelphia and its Regional Director over the years to address any issues involving antisemitism on and around campus, including since October 2023.

The University also reported that, following the events of October 7, 2023, it has supplemented its regular programming with additional communications, events and information sessions about resources and support systems available to the entire community. For example, in addition to the community-wide message sent by the University President on October 10, 2023, the University President also issued community-wide messages in the wake of October 7 and other antisemitic events at the University. The University provided OCR with the link to where these messages may be located on the [University's website](#).

In addition, on October 7, 2023, the Department of Public Safety, at the request of and in coordination with the Offices of Student Life and Spiritual Life, added additional security patrols focusing on the University’s Jewish-affiliated organizations. The University provided OCR with a spreadsheet showing that the Department of Public Safety conducted more than 1,600 security rounds in these areas since October 7.

During an interview with OCR, the Title IX and Equal Opportunity Coordinator said that the University is awaiting the results of a spring 2024 climate survey they administered in response to a recommendation by the University’s antiracism task force. The Title IX and Equal

Opportunity Coordinator also met with faculty and the Director of Jewish Studies to talk about programming around antisemitism and told OCR that the Hillel Rabbi has conducted antisemitism training for students. She also stated that, in her new role, she is attending new employee orientation every other week to conduct a session on mandated reporting and climate, which also addresses the EIC-1 Policy and she has specifically addressed shared ancestry discrimination, including antisemitism.

Last, the University provided OCR with documentation of the following events:

- October 17, 2023: [Stand Up for Jewish Drexel Dragons](#) event at the Perelman Center;
- October 26, 2023: informational session on available resources for navigating challenges and conversations surrounding the Israel-Hamas war;
- November 2023: meetings between University leaders and external Jewish organizations to discuss how the University was addressing antisemitism;
- December 2023: National Leadership Council meeting to hear from University partners with EIC, Student Life and the Provost's Office to discuss Title VI, available resources and initiatives undertaken by EIC to support Jewish students and reporting options and trends; and
- A spreadsheet that contains a sampling of the student identity group-led programming that has occurred on campus since October, including initiatives by the Drexel Muslim Students Association, the Jewish Student Association, Alpha Epsilon Pi and Chabad.

## RECENT EVENTS

Publicly available information indicates the existence of ongoing incidents. Because these reported incidents postdate the University's document production to date, OCR does not have information from the University regarding any relevant University evaluation of or response to these events.

On May 18, 2024, news articles reported that protesters set up an encampment on the University's campus. In response, also on May 18, the University was placed on lockdown and the University President issued the following statement:

Drexel Police and Public Safety are closely monitoring this demonstration to ensure that it is peaceful and non-disruptive to normal operations, and that participants and passersby will behave respectfully toward one another. We will be prepared to respond quickly to any disruptive or threatening behavior by *anyone* against anyone.

We will not tolerate the destruction of property; the harassment or intimidation of our students, faculty or professional staff; or threatening behavior of any kind, including speech that is explicitly racist, antisemitic, or Islamophobic, that creates a hostile environment for members of our community based on race, color, national origin, religious affiliation, or shared ancestry. Nor will we allow anyone who is not a member of the Drexel community to

trespass into our buildings and student residences. At the present time, our buildings are on lockdown and open only to those with clearance from Drexel's Public Safety.

On May 23, 2024, Philadelphia Police and University Police removed the encampment and the University resumed normal operations. Media reports indicate that the removal was peaceful.

In a statement released by the President on May 23, the President stated that the encampment had been set up in violation of the University's policies and local trespassing ordinances by the Drexel Palestine Coalition, which the statement described as a group that is not a registered University organization with a considerable majority of members who are not affiliated with Drexel. The President explained that abusive and discriminatory language the protesters subjected members of the University community to is not protected speech and that the demonstrations had "interfered with normal teaching and research activities, singled out members of our community for harassment and intimidation, and forced us to severely restrict access to the central part of Drexel's campus." The statement further explained that the University had first tried to communicate with the protesters because some of them were University students, but those efforts were not successful.

## **LEGAL ANALYSIS**

OCR confirmed during its investigation that the specific event that gave rise to the complaint OCR investigated did not involve antisemitic discrimination at the University, and OCR found no evidence raising Title VI concerns regarding the University response to that incident. The evidence obtained by OCR shows that, separate from that incident, there were multiple reports of shared Jewish ancestry discrimination and harassment during the 2022-2023 and 2023-2024 school years, including multiple incidents of antisemitic vandalism and graffiti. In addition to the dozens of complaints submitted via email or through the EIC reporting system, students repeatedly encountered graffiti including swastikas, "Fuck Israel," "Fuck the Jews," and the removal of religious symbols such as mezuzot.

OCR recognizes that the University took important steps to address a possible hostile environment at the campus. For example, the Hillel Rabbi conducted training specific to antisemitism for EIC staff in December 2022. In addition, in January 2024, Residence Life conducted mandatory residence hall meetings with students to reinforce respecting the property of others, including religious symbols. The University also added additional security patrols since October 7 focusing on the University's Jewish-affiliated organizations, and the University President issued multiple community-wide messages since October 7 condemning the antisemitic incidents that were occurring on and off campus. Despite these efforts, however, the incidents continued and increased in severity, with an incident of vandalism occurring on April 12, 2024, during an event where an individual vandalized a sign of Students Supporting Israel with hateful labels and phrases. As noted by the University President in his April 13 community-wide message, the incident is particularly disturbing as it "took place in broad daylight and in plain sight of dozens of Drexel students."

OCR is concerned that the University generally did not conduct an assessment as to whether the conduct reported to it created a hostile environment, and when the University did consider the

existence of a hostile environment it misapplied the legal standard in making its determination. In several cases, the University simply offered supportive resources and outreach to the reporting student, without any assessment or determination regarding whether the underlying conduct created or contributed to a hostile environment (e.g., Incidents #1 and #2). In another case, while the University advised the reporting party that the incident did not “rise to the level of an EIC policy violation,” the University did not provide any explanation for why it determined that the conduct did not rise to the level of a violation (Incident #3).

In the few instances where the University provided an explanation as to whether or not the conduct rose to the level of a policy violation, its assessment does not appear to be based upon an accurate application of the legal standard. For example, in Incident #4, where students were subjected to antisemitic jokes and comments, the University determined that the remarks did not meet the threshold for a policy violation because only one individual was presented as a potential complainant and the content reported did not relate to any particular individual. However, harassing conduct need not always be targeted at a particular person in order to create a hostile environment for a student or group of students. In another instance, in Incident #10, the University presented differing accounts for concluding that the incident did not create a hostile environment or a potential hostile environment. While the Title IX and Equal Opportunity Coordinator stated she considered whether the incidents were impacting the educational environment, another university staff member determined that no EIC-1 policy charges would be brought against the Respondent because “there was no evidence of a potential hostile environment on campus, as the reported behavior and comments occurred off campus and on social media.” The relevant Title VI nondiscrimination standard requires the University to take steps reasonably calculated to end and redress any hostile environment related to shared ancestry affecting the education program if one exists, even if the conduct occurs off campus or on social media.

OCR is also concerned that, in at least once incident, the University after receiving notice from the reporting student of a Title VI complaint placed the burden on the reporting student to file a separate complaint with another staff member in order to seek any relief. Specifically, in Incident #8, although the reporting student clearly articulated his belief that Dean 2’s behavior was discriminatory and/or harassing on the basis of his shared Jewish ancestry, the Director of Labor Relations and EEO did not include Dean 2 as a Respondent to the complaint that was referred to the external investigator. While the reporting student agreed to remove Dean 2 as a Respondent from the reporting student’s EIC complaint, he did not do so until after it was suggested by the Director. Once Dean 2 was removed from the EIC complaint, the burden was placed on the reporting student to research applicable Human Resources policies to draft and develop a separate complaint against Dean 2, with little to no guidance in how to do so. Further, when the reporting student sought to file such a complaint with Dean 3, the Dean seemed unsure and confused about the process. While the University employs a procedure – Appendix B to Policy EIC-1 – that clearly addresses staff and faculty conduct, the University did not employ this procedure and instead created confusion for all parties involved. Additionally, OCR is concerned that although the reporting student’s complaint was first reported in October, as of July 18, 2024, the case still has not been resolved. Last, OCR is concerned that two other students in the law school also expressed concern regarding potential bias by Dean 2, and that these concerns were never addressed or explored further.

OCR is concerned that the University appears not to have taken prompt and effective steps reasonably calculated to end the hostile environment and prevent it from recurring. Specifically, for the past 18 months, the University had repeated notice of a growing, pervasive hostile environment, and yet, in response to almost all of the incidents reported to it, the University's actions were limited to addressing each incident on an individual basis, instead of responding to the accumulation of evidence of a hostile environment that necessitated more effective responsive action. Aside from messages from the University President condemning several incidents, the University's actions in most cases were limited to outreach and individual remedies for the reporting individual, and in some instances, educational consultation with the Respondent. In addition, when the University developed new training materials after October 7, none of these newly created materials provided to OCR explicitly address national origin discrimination and harassment, including shared ancestry discrimination and harassment, responsive to the incidents reported to the University that prompted the generation of these new materials. However, the Title IX Coordinator has informed OCR that since assuming her role in March 2024, she has conducted some antisemitism training for new staff.

## **RESOLUTION AGREEMENT**

Under Section 302 of OCR's [Case Processing Manual](#), allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In this case, the University expressed an interest in resolving the allegations prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate.

Pursuant to the Agreement, the University will:

- Review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics and revise its policies and procedures accordingly.
- Continue to provide training to employees responsible for investigating complaints and other reports of discrimination, including harassment, based on national origin/shared ancestry to ensure thorough and impartial investigations, including how to determine whether it created a hostile environment.
- Provide training to all faculty, staff and students addressing discrimination based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics, which will explain prohibited harassment and provide examples, explain the University's applicable policies and procedures, how to report harassment, the steps the University will take in response to alleged discrimination, including harassment, and notice to as to how to access the University's non-discrimination policies and procedures.
- Provide OCR with documentation of the University's spring 2024 and winter 2025 climate survey and the results of its analysis of the climate survey results, including the University's recommended steps in response.



- Review the University’s response to each report of discrimination and/or harassment it received on the basis of shared ancestry during the 2022-2023 and 2023-2024 school years to ensure that the University made a determination regarding whether the alleged conduct created a hostile environment. If the University’s review reveals that it did not make a determination, then the University will promptly determine whether the alleged conduct created a hostile environment and will provide the parties with notice of its determination.
- Provide OCR with information regarding its investigations of reports of alleged discrimination, including harassment, on the basis of shared ancestry for the 2024-2025 and 2025-2026 academic years and respond to OCR’s feedback, if any.

## **CONCLUSION**

When fully implemented, the Agreement will address the evidence obtained and the allegations investigated. OCR will monitor the University’s implementation of the Agreement until the University is in compliance with the terms of the Agreement and the obligations under Title VI and its implementing regulations at 34 C.F.R. Part 100 that were at issue in the case.

This concludes OCR’s investigation of the complaint. This letter should not be interpreted to address the University’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, 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.

If you have any questions, please contact Bradley Moore at 215-656-8502, or via email at [Bradley.Moore@ed.gov](mailto:Bradley.Moore@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Gellman-Beer". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Beth Gellman-Beer  
Director  
Philadelphia Office  
Office for Civil Rights

**VOLUNTARY RESOLUTION AGREEMENT**  
**Drexel University**  
**OCR Complaint No. 03-24-2062**

Drexel University (the University) enters into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR's Case Processing Manual prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to resolve this complaint and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance.

**Action Item I – Review of Policies and Procedures**

The University will review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. During its review, the University will identify the relevant policies and procedures currently in effect to ensure that they consistently provide that the University must assess whether incidents of reported shared ancestry discrimination or harassment have created a hostile environment within the University's education program or activity, acknowledging that conduct that may have taken place off campus or on social media can contribute to a hostile environment within a University program or activity.

The University will ensure its Policies and Procedures include the following provisions:

1. A statement setting forth the University's commitment to fostering an environment free from discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, and a commitment to take appropriate action to address and ameliorate such discrimination, including when it involves student organizations or social media postings.
2. A statement clarifying that the University's prohibition of, and commitment to fostering an environment free from discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, extends to all of the University's programs and activities, including all academic, extra-curricular and University-sponsored activities.
3. A description of the forms of antisemitism and other shared ancestry discrimination that can manifest in the University environment and provide examples of discrimination on the bases of shared ancestry and ethnic characteristics.
4. A statement that the University must assess whether each reported incident has created a hostile environment within the University's education program or activity, including where the alleged conduct occurred off campus or on social media.
5. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate.
6. The name or title, office and email address, and telephone number for the University employee(s) responsible for receiving and investigating reports of discrimination and retaliation.
7. A description of the procedures that will be used to receive, investigate, and resolve complaints, including how to file complaints, the availability of supportive measures, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint. The description of the procedures includes the following:

- a. A requirement for documented interviews with individuals who have information about the complaint, including but not limited to, the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information.
  - b. Review of any records, notes, statements, or other documents related to the complaint.
  - c. Notice of the outcome of the complaint following its investigation.
  - d. An expressed commitment that after a finding of discrimination, the University will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.
8. A statement that retaliation is prohibited against persons who report discrimination or participate in related proceedings and how to report retaliation.

### **Reporting Requirements:**

- a) Within 90 calendar days of the signing of this Agreement, the University will submit to OCR, for review and approval, copies of its Antiharassment Policies and Procedures drafted and/or revised in accordance with Action Item I above.
- b) Within 30 calendar days of OCR's approval of the revised Antiharassment Policies and Procedures, the University will provide documentation to OCR demonstrating that it adopted the revised Antiharassment Policies and Procedures and disseminated the Antiharassment Policies and Procedures to University students and employees through its website, as well as by any other means the University deems effective to ensure that the information is widely disseminated.

### **Action Item II – Annual Investigator Training**

- A. The University will continue to provide training to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics (which includes antisemitism) to ensure the investigators know how to identify relevant witnesses to interview and how to conduct interviews about such harassment. The training will continue to be provided to all staff involved in responding to reports of race, color and national origin discrimination and harassment. The University will repeat this training on an annual basis, which will address:
1. The University's obligations under Title VI to respond to alleged discrimination, including harassment based on shared ancestry, including Jewish ancestry;
  2. The University's obligations to assess whether alleged conduct reported creates a hostile environment on the basis of shared ancestry, even when the conduct occurs off campus or on social media postings;
  3. Examples of the type of harassment conduct and behavior that is covered by the University's Antiharassment Policies and Procedures;
  4. A review of the University's Antiharassment Policies and Procedures that focus on the investigation of complaints of discrimination, including harassment, based on national origin/shared ancestry, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination, including harassment, based on shared ancestry;
  5. A description of the steps the University will take in response to the alleged discrimination, including harassment, such as the offer of support for students who are subjected to harassment, the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the harassment is eliminated;

6. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
7. How to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond.

**Reporting Requirements:**

- a) By October 15, 2024, the University will provide documentation to OCR demonstrating that it provided training in accordance with Action Item II above, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.
- b) Within 60 calendar days of completing the training required by Action Item II above, the University will survey all staff that attended the training to assess the effectiveness of the training.
- c) Within 60 calendar days of disseminating the survey, the University will provide OCR with the survey results regarding the effectiveness of the training and a summary of the steps that the University plans to take, if any, to address the survey results.

**Action Item III – Faculty, Staff and Student Training**

- A. By December 15, 2024, the University will provide training to all faculty, staff and students addressing discrimination based on race, color and national origin, including harassment based on shared ancestry and ethnic characteristics. The training will address, at a minimum:
  1. An explanation that harassment is prohibited pursuant to University policies and procedures;
  2. Examples of the type of harassment conduct and behavior that is covered by the policy, including examples of harassment based on shared ancestry and ethnic characteristics;
  3. An explanation that the University's policies and procedures may address harassment that occurs off campus or on social media if it contributes to a hostile environment within the University's education program or activity, and examples of where such conduct may rise to the level of a hostile environment;
  4. An explanation that staff and students who are aware of harassment should promptly report the harassment to the University using the University's reporting process;
  5. Examples of the type of harassment conduct and behavior that is covered by the University's Antiharassment Policies and Procedures;
  6. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
  7. Notice of how to access the University's Antiharassment Policies and Procedures.

**Reporting Requirements:**

By January 15, 2025, the University will provide documentation to OCR demonstrating that it provided training in accordance with Action Item III above, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.

## **Action Item IV – Climate Assessment**

- A. The University will develop and administer a climate assessment for students and staff in the University to evaluate the climate with respect to shared ancestry and the extent to which students and/or staff are subjected to, or witness discrimination, including harassment, based on race, color and/or national origin, including shared Jewish ancestry. Any assessment used will contain questions about the staff or student’s knowledge of discrimination based on shared ancestry, any experiences with such discrimination while attending the University, and the staff or student’s awareness of the University’s complaint procedures for reporting such discrimination. The climate assessment may be accomplished through a written hard copy or electronic survey, or through student focus groups, provided that staff and students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the survey in person.
- B. By November 1, 2024, the University will submit for OCR’s review and approval a description of the tools used for conducting a climate assessment. The description will include the University’s strategy for implementing the climate assessment and analyzing the results. Information gathered during the climate assessment will be used to inform future proactive steps taken by the University to provide an environment that is safe and supportive to all students and staff in compliance with Title VI.
- C. The University will analyze the results of the climate assessment within 60 days of its completion to identify appropriate steps the University could take to improve the University’s climate. The University will provide to OCR a report summarizing the results of the assessment; and for OCR’s review and approval a description of further action(s), if any, the University proposes to take in response to the assessment results. Within 60 days of OCR’s approval of the University’s proposed action(s), the University will provide documentation sufficient to show its implementation of those actions, including a description of the actions and how they were implemented.

### **Reporting Requirements:**

- a) By September 1, 2024, the University will provide to OCR documentation of the climate survey it administered in spring 2024. The University will provide to OCR a report that includes, at a minimum:
  - 1) The analysis of the assessment responses and any recommended steps the University could take to improve the University’s climate;
  - 2) Conclusions about the climate at the University, separately addressing the climate for students of shared Jewish ancestry among other student groups at the University; and
  - 3) The University’s recommended reforms, if any, to its policies, practices, employee training, and education programs regarding harassment on the basis of race, color and national origin, including shared Jewish ancestry.
- b) By November 1, 2024, the University will provide to OCR for review and approval a copy of the proposed climate assessment to be administered in winter 2025, along with the University’s description of how it plans to administer the climate assessment.
- c) Within 60 calendar days of OCR’s approval of the climate assessment, the University will

administer the climate survey to be administered in winter 2025.

- d) Within 30 calendar days of completing the analysis of the winter 2025 climate assessment results, the University will provide a report to OCR (the Report) that includes, at a minimum:
- 1) Documentation demonstrating that the approved assessment was conducted as planned;
  - 2) The analysis of the assessment responses and any recommended steps the University could take to improve the University's climate;
  - 3) Conclusions about the climate at the University, separately addressing the climate for students of shared Jewish ancestry among other student groups at the University; and
  - 4) The University's recommended reforms, if any, to its policies, practices, employee training, and education programs regarding harassment on the basis of race, color and national origin, including shared Jewish ancestry.

#### **Action Item V – File Reviews**

- A. By November 1, 2024, the University will review its response to each report of discrimination and/or harassment on the basis of shared ancestry for the 2022-2023 and 2023-2024 school year, to ensure that the University made a determination regarding whether the alleged conduct created a hostile environment within the University's education program or activities, even where the conduct occurred off campus or on social media. If the University's review reveals that it did not complete a determination for any of the reports made during the 2022-2023 and 2023-2024 school year, the University will promptly make a determination regarding whether the alleged conduct created a hostile environment within the University's education program or activities, and will provide the known parties, if any with notice of its determination, if a hostile environment was determined to have existed. For each incident, the University will make a legal determination of whether the alleged conduct was unwelcome based on the totality of the circumstances, both subjectively and objectively offensive, and so severe or pervasive that it limited or denied a student's ability to participate in or benefit from the University's program or activity.
- B. By August 15, 2025 and August 15, 2026, the University will provide OCR with an electronic sortable spreadsheet or other file of the University's response to all complaints and oral reports alleging discrimination, including harassment, on the basis of shared ancestry, during the preceding academic year. At a minimum, the spreadsheet will include separate fields for:
1. The date(s) of receipt of the written complaint or oral report to the Office for Equity and Inclusive Excellence (EIC);
  2. The name of the person who provided notice to EIC ("the reporter"), if known;
  3. The status and relationship of the reporter (e.g., self, faculty, student, staff) to the complainant (e.g., friend, witness), if known;
  4. The name of the individual who was allegedly discriminated against/harassment ("the complainant"), if known;
  5. The role of the complainant (e.g., student, faculty, employee, third party);
  6. The name(s) of the individual(s) who allegedly engaged in discrimination and/or harassment ("the respondent(s)"), if known;
  7. The role of the respondent (e.g., student, faculty, staff member), including if applicable, the respondent's job title (if an employee);



8. The nature of the alleged harassment (e.g., verbal harassment by students using antisemitic slurs);
9. The date(s) of the alleged harassment;
10. The location(s) of the alleged harassment (e.g., school name, in a particular class, in the library);
11. The names of any witnesses, if known;
12. The name(s) and job title(s) of the individual(s) who received and processed the complaint or oral report;
13. The date of the notice of investigation, if an investigation commenced;
14. Any supportive measures offered to the complainant, respondent, and/or other person;
15. The status of the investigation of the complaint or oral report (e.g., completed, ongoing);
16. The outcome of all completed investigations (e.g., the determination regarding whether or not discrimination, including harassment, on the basis of national origin, including shared ancestry, took place; and if so, whether the harassment created a hostile environment);
17. A description of the disciplinary sanctions imposed, if any, and the date imposed;
18. A description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
19. A description of any steps the University took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
20. The date(s) the University provided written notice of the outcome of the investigation to the parties;
21. The date of any appeal; and
22. The outcome of any appeal.

C. Upon request, the University will provide to OCR within 30 calendar days a copy of the complete investigative file(s), including applicable University records, student disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

### **Reporting Requirements:**

- a) By November 1, 2024, the University will provide to OCR documentation of its review pursuant to Action Item V.A, including a description of the information relied upon in making its determination, a summary of its determination and, if applicable, a copy of the notice provided to the parties regarding its determination.
- b) By August 15, 2025 and August 15, 2026, the University will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation as required by Action Item V.B and C. The University will promptly address OCR's feedback, if any, until the University receives notice from OCR that no further reporting is required.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement. The University understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the University is in compliance with the terms of this Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this complaint.

The University understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement is effective immediately upon the signature of the University's representative below.

7/31/24

Date

Handwritten signature of John Fry in black ink.

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John Fry  
President  
Drexel University

December 5, 2023

**VIA ELECTRONIC MAIL TO [OCR@ed.gov](mailto:OCR@ed.gov)**

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

**Re: Federal Civil Rights Complaint Concerning Antisemitic Harassment at Drexel University**

To Whom It May Concern:

The Defense of Freedom Institute for Policy Studies (“DFI”) is a national, nonprofit organization dedicated to defending and advancing freedom and opportunity for every American family, student, entrepreneur, and worker and to protecting the civil and constitutional rights of Americans at school and in the workplace.

Pursuant to the discrimination complaint resolution procedures of the U.S. Department of Education’s Office for Civil Rights (“OCR”), DFI brings this federal civil rights complaint against Drexel University for discrimination on the basis of (i) shared ancestry or ethnic characteristics; and (ii) citizenship or residency in a country with a dominant religion or distinct religious identity<sup>1</sup> in programs or activities that receive federal financial assistance. DFI files this complaint as an interested third-party organization that strongly advocates for a republic where freedom, opportunity, creativity, and innovation flourish in our schools. Accordingly, DFI files the foregoing to request that OCR investigate the events described below and put Drexel University on clear notice that its failure to fulfill its duty under federal civil rights law to protect Jewish students from such antisemitic attacks will result in the withdrawal of federal funding.

On October 10, 2023, an act of arson caused the immediate evacuation of hundreds of students residing at Race Hall, a predominantly freshman residence hall at Drexel University.<sup>2</sup> Upon inspection, the Philadelphia Fire Department discovered that the door of a suite adorned with

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<sup>1</sup> See *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 353-55 (S.D.N.Y. 2014) (holding that discrimination based on shared ancestry and ethnic characteristics is prohibited by Title VI); see also 42 U.S.C. § 2000d; 34 C.F.R. § 100.3(b)(1)(iv) and (vi).

<sup>2</sup>Dan Stamm, *Drexel Investigating Arson At Jewish Student's Door Amid Israel-Hamas War*, NBC10 (Oct. 12, 2023, 2:38 PM), available at <https://www.nbcphiladelphia.com/news/local/drexel-dorm-anti-semitism-vandalism/3666052/>; see also StopAntisemitism (@StopAntisemitism), X/TWITTER (Oct. 11, 2023, 7:13 PM) <https://twitter.com/StopAntisemites/status/1712245105283727623>.



Jewish decorations and occupied by an observant Jewish student was singled out and intentionally set on fire. The victim is outspoken in her support of Israel, and it is believed that she was targeted because of her familial tie to the Israeli Defense Forces.<sup>3</sup> Drexel University president, John Fry, later addressed the incident in a letter to the Drexel community and stated that it was being investigated “to determine if bias, discrimination, or hate” motivated the arson.<sup>4</sup> However, there were no subsequent arrests made in connection with the attack and the university has not announced any disciplinary actions it plans to take as a result of the attack.

## OCR’s Legal Authority and Duties Under Title VI

Title VI of the Civil Rights Act of 1964 (“Title VI”) provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>5</sup> The law directs federal agencies, including the U.S. Department of Education, to carry out this mandate by issuing rules conditioning the continued receipt of federal funding on compliance with the anti-discriminatory objectives of the statute.<sup>6</sup> The Department interprets Title VI to prohibit harassment on the basis of race, color, or national origin “that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.”<sup>7</sup>

Pursuant to its regulations implementing Title VI, OCR “will make a prompt investigation” upon receipt of a complaint that “indicates a possible failure” to abide by Title VI.<sup>8</sup> Such an investigation may result in “the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law,” including referral to the U.S. Department of Justice for enforcement proceedings.<sup>9</sup> For years, the Department has interpreted Title VI to prohibit discrimination, including harassment, on the basis of an individual or group’s actual or perceived “shared ancestry or ethnic characteristics” or “citizenship or residency in a country with

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<sup>3</sup>Shreeya Gounder and Krishna Thaker, *Arson and Antisemitic Graffiti Heighten Fears of Hate Crime On Drexel Campus*, THE TRIANGLE (Oct. 20, 2023), available at <https://www.thetriangle.org/news/arson-and-antisemitic-graffiti-heighten-fears-of-hate-crime-on-drexel-campus/>.

<sup>4</sup>John Fry, Drexel University Office of the President, PRESIDENT’S MESSAGES, *A Message of Support for Our Drexel Community*, (Oct. 11, 2023), available at <https://drexel.edu/president/messages/message/2023/October/A-Message-of-Support-for-Our-Drexel-Community/>.

<sup>5</sup> 42 U.S.C. § 2000d.

<sup>6</sup> 42 U.S.C. § 2000d-1.

<sup>7</sup> Catherine E. Lhamon, Assistant Secretary for Civil Rights, U.S. Department of Education, Dear Colleague Letter, Nov. 7, 2023, at 2, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf> (citing *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 670 n.14 (2d Cir. 2012); OCR’s Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance, 59 Fed. Reg. 11448, 11450 (Mar. 10, 1994)).

<sup>8</sup> 34 C.F.R. § 100.7(c).

<sup>9</sup> 34 C.F.R. § 100.8(a); *see also* CRS, Civil Rights at School: Agency Enforcement of Title VI of the Civil Rights Act of 1964, at 4 (2019), available at <https://crsreports.congress.gov/product/pdf/R/R45665> (citing *Nat’l Black Police Ass’n, Inc. v. Velde*, 712 F.2d 569, 575 (D.C. Cir. 1983) for the principle that the statutory language of Title VI contemplates as one mechanism of enforcement agencies’ referral of cases to the Attorney General for the purpose of filing a civil suit against the recipient).



a dominant religion or distinct religious identity.”<sup>10</sup> In 2019, President Trump issued an executive order declaring that “[i]t shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”<sup>11</sup> President Biden has not withdrawn E.O. 13899. Notably, despite the prior administration having finalized a proposed rule clarifying OCR’s Title VI enforcement responsibilities with respect to antisemitic discrimination and harassment, the current administration has inexplicably failed to publish those proposed regulations.

The incident at Drexel University reflects a worrisome trend: Antisemitic discrimination at colleges and universities has risen over the past decade.<sup>12</sup> Furthermore, the Hamas attacks, which resulted in the wholesale slaughter of approximately 1,200 innocent men, women, and children in Israel and the taking of hundreds of hostages, have galvanized a growing antisemitic movement to wage a war of intimidation that deprives the Race Hall arson victim at Drexel University, and other Jewish students of their right to an education free of discrimination and harassment. DFI urges OCR to investigate the allegations in this complaint and ensure that Drexel University complies with Title VI of the Civil Rights Act of 1964, as well as provide other appropriate relief.

Please feel free to contact me with any questions related to this request.

Sincerely,

/s/ Donald A. Daugherty, Jr.  
Donald A. Daugherty, Jr.  
Senior Litigation Counsel

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<sup>10</sup> *Id.* at 1-2 (citing *T.E.*, 58 F. Supp. 3d at 353-55); OCR Dear Colleague Letter: Harassment or Bullying, 4-6 (Oct. 26, 2010), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

<sup>11</sup> Executive Order 13899 of December 11, 2019, Combating Anti-Semitism, 84 Fed. Reg. 68779, 68779, available at <https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf>.

<sup>12</sup> See Testimony of Kenneth L. Marcus, Founder and Chairman, The Louis D. Brandeis Center for Human Rights Under Law, “Free Speech on College Campuses” Testimony Before the United States House Committee on the Judiciary, Nov. 8, 2023, at 3-4, available at <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/marcus-testimony.pdf>. Mr. Marcus served as Assistant Secretary, Office of Civil Rights, during the prior administration.