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VIA EMAIL & FEDEX

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**Re: Complaint re: Violations of Title VI of the Civil Rights Act by
Colorado College**

Assistant Secretary Lhamon and Director Romine:

The National Jewish Advocacy Center (“NJAC”), a nonprofit committed to ensuring equality and defending Jewish rights, and the law firm of Holtzman Vogel Baran Torchinsky & Josefiak PLLC (collectively, “Legal Representatives”) jointly submit this Complaint on behalf of a cohort of current undergraduate Jewish students at Colorado College, located at 14 E Cache La Poudre St, Colorado Springs, CO 80903.¹

This Complaint details the ongoing discrimination and harassment experienced by Colorado College’s Jewish students in the wake of Hamas’s terror attack on October 7, 2023. This discrimination stems from these students’ actual or perceived Jewish ethnicity and shared ancestry, and, at times, their Israeli national

¹ Only schools receiving federal assistance fall within the ambit of Title VI. Colorado College students receive federal loans. *Financial Aid*, COLORADO COLLEGE, https://www.coloradocollege.edu/admission/financialaid/funding_guide/index.html (last visited July 15, 2024). Federal loans, referred to as “grants and loans of federal funds” by the U.S. Department of Justice, are an example of federal assistance. See Civ. Rights Div., U.S. Dep’t of Just., *DOJ Title VI Legal Manual*, <https://www.justice.gov/crt/book/file/1364106/dl?inline>, Section V at 5 (last visited July 26, 2024).

origin. The incidents detailed below illustrate the hostile antisemitic climate that Colorado College has permitted to fester. Therefore, we respectfully submit this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* (henceforth, “Title VI”), and its implementing regulation at 34 C.F.R. Part 100, which together prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, in any program or activity receiving federal financial assistance from the U.S. Department of Education.

Although Jewish students have complained to Colorado College about the antisemitic incidents and sought assistance to quell the hostile environment on campus, Colorado College has done nothing to address the ongoing issues or the perpetrators behind them. Instead, Colorado College has engaged in deliberate indifference, dismissing the concerns of Jewish students and refusing to enforce its own policies, thereby creating an environment in which Jewish students are fearful to return to campus this coming fall. As a result of Colorado College’s inadequate approach to addressing antisemitism, Jewish students have been deprived of the ability to fully and equally partake in the educational opportunities offered by the school—in direct violation of Title VI. Complainants seek remedies under Title VI on behalf of current Jewish and/or Israeli students at Colorado College who have been or will be affected by the school’s antisemitic and anti-Israeli environment.

For the reasons detailed below, we request that the Office for Civil Rights (OCR) initiate an investigation into Colorado College, which currently receives federal funds, for violations of Title VI due to the Colorado College Administration’s (the “Administration’s”) deliberate indifference to antisemitism. We also request mediation at the time of filing pursuant to Section 201(a) of OCR’s Case Processing Manual.

I. Introduction

In the wake of Hamas’s terror attack against Israel on October 7, 2023, Jewish students have felt increasingly unsafe on American college campuses. The ADL and Hillel International performed a survey following October 7 which revealed that nearly three-quarters of Jewish college students have experienced or witnessed antisemitism since the beginning of the 2023-2024 school year.² Similarly, less than half of Jewish college students reported feeling “very” or “extremely” safe on their respective campuses, while a majority of *all* surveyed students, both Jewish and non-Jewish, expressed that their respective colleges had not sufficiently addressed antisemitism on campus.³ In a separate survey performed by Hillel International, a

² See *Campus Antisemitism: A Study of Campus Climate Before and After the Hamas Terrorist Attacks*, ADL (Nov. 29, 2023), <https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks>.

³ *Id.*

third of Jewish students revealed that they had felt obliged to hide their Jewish identity while on campus.⁴

Antisemitism manifests itself in various ways, but the most prevalent iteration on college campuses involves targeting Jewish people for their real or perceived relationship to Israel, often times by utilizing the term “Zionist” as a disparaging slur. This sleight of hand is deliberate.⁵ OCR has recognized that Jews are not simply a religious group; rather, they are a people with a shared history and heritage that is deeply rooted in the land of Israel.⁶ For instance, Executive Order 13899, as amplified by OCR’s current policy guidance, expressly adopts the working definition of antisemitism posited by the International Holocaust Remembrance Alliance (“IHRA Definition”), which lists “[h]olding Jews collectively responsible for actions of the

⁴ See *More Than One-Third of Jewish College Students Are Forced to Hide Their Jewish Identity, New Hillel Poll Finds*, Hillel International (Nov. 20, 2023), <https://www.hillel.org/more-than-one-third-of-jewish-college-students-are-hiding-their-jewish-identity-on-campus-new-hillel-international-poll-finds/>.

⁵ Deliberate, but not original. For instance, on the far right, former grand wizard of the Ku Klux Klan David Duke has long tried to popularize use of the term “Zionist” as a stand in for the word Jew, so as to be able to criticize Jewish people without being immediately called antisemitic. See David Duke, ZIO-WATCH NEWS ROUND-UP, <http://davidduke.com/category/zio-watch/>.

⁶ Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter on Shared Ancestry* (Nov. 7, 2023), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter on Antisemitism against Jewish Students* (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf> at 1; Off. for Civ. Rights, U.S. Dep’t of Educ., *FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *Know Your Rights: Title VI and Religion* (Jan. 17, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; Off. for Civ. Rights, U.S. Dep’t of Educ., *2010 Dear Colleague Letter* (Oct. 26, 2010), https://titleixreference.weebly.com/uploads/7/8/8/5/78856372/dear_colleague_letter_2010.pdf; Letter from Thomas E. Perez, Asst. Att’y Gen., Civ. Rights Div., U.S. Dep’t of Just., to Russlyn H. Ali, Asst. Sec’y for Civil Rights, Off. for Civ. Rights, U.S. Dep’t of Educ., *Re: Title VI and Coverage of Religiously Identifiable Groups* (Sept. 8, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Off. for Civ. Rights, U.S. Dep’t of Educ., *Dear Colleague Letter* (Sept. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/letters/religious-rights2004.pdf>.

state of Israel” as an example of antisemitism.⁷ Sadly, this type of antisemitism has proliferated on Colorado College’s campus, with little to no response from the Administration. In fact, the Administration’s silence likely has exacerbated the growth of this disturbing trend.

The anti-Zionism dog whistle towards antisemitism is neither novel nor creative. Zionism is the movement for the re-establishment—and now development and protection of—a Jewish nation in its ancestral homeland.⁸ Discriminating against a Jewish group or person on the basis that he or she is Zionist is illegal because Zionism is demonstrably *not* just a political movement. For the vast majority of Jewish people across time and space, Zionism is and always has been an integral part of their Jewish identities. For thousands of years, Jews across the world have prayed to God at least three times per day (and often more) for a safe return to Zion.⁹ The Bible itself references this ancient Jewish hope,¹⁰ while the Prophets and Writings of the Hebrew Bible repeatedly record this aspiration.¹¹ From a Jewish law perspective, over half of the Biblical commandments that religious Jewish people are bound to obey are specifically tied to the Jewish homeland.¹² From a doctrinal point of view, belief in and hope for the return to Zion is literally part of the 13 Principles of Jewish Faith.¹³

In multiple places throughout the New Testament, for example, the yearning for redemption is expressed in terms of the familiar and by-then-already-classic formulation of Jewish Zionism.¹⁴ The Quran itself is also quite clear about the long

⁷ EO 13899, §1; *see also* Questions and Answers on Executive Order 13899 (Combatting Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964, U.S. Dep’t Educ.–Office for C.R., January 19, 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>; *see also* *Working definition of antisemitism*, INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE, <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last visited Aug. 23, 2024) [henceforth, “IHRA”].

⁸ *Frequently Asked Questions About Israel*, ISRAEL MINISTRY OF FOREIGN AFFAIRS (Nov. 1, 2001), <https://bit.ly/3AxbXs6>.

⁹ Briana Simon, *Zion in the Sources: Yearning for Zion*, WORLD ZIONIST ORGANIZATION, <https://www.wzo.org.il/index.php?dir=site&page=articles&op=item&cs=3318&language=heb> (last visited Aug. 4, 2020).

¹⁰ *See e.g.*, *Deuteronomy* 30:1-5

¹¹ *See e.g.*, *Isaiah* 11:11-12; *Jeremiah* 29:14; 20:41-42; *Psalms* 126; *Psalms* 137.

¹² *About Us*, TORAH VEHA’ARETZ INSTITUTE, <https://en.toroland.org.il/about/>.

¹³ *Maimonides Introduction to Perek Helek*, MAIMONIDES HERITAGE CENTER, <https://www.mhcnyc.org/qt/1005.pdf>. (explaining the 12th Fundamental Principle).

¹⁴ *See, e.g.*, *Matthew* 21:5 and *John* 12:15, paraphrasing *Zechariah* 9:9

history of Jews in the Holy Land—and especially in Jerusalem.¹⁵ While it is true that the Jews were twice expelled from their ancient kingdom of Israel, it is also true that they never fully left; since biblical times, there has *always* been a Jewish community living in the eternal Jewish homeland.¹⁶ In the late-19th and early-20th centuries, Jews from around the world came to buy and cultivate land to further expand those *existing* Jewish communities that had remained in Israel as a continuous presence throughout all of the exiles.¹⁷

For many, if not most, Jews, a connection to the land of Israel (*i.e.*, Zionism) is regarded as a crucial element of their shared ancestry. Indeed, a recent PEW survey revealed that 80% of Jews identified caring about Israel as either an “essential” or “important” part of their Jewish identity.¹⁸ In a similar vein, the physical act of living in Israel is regarded by many religious authorities as a *mitzvah*, or a commandment, in the Jewish faith.¹⁹

¹⁵ See, *e.g.*, Surah Bani Isra’il, verses 1-7.

¹⁶ See Lee Bender, *We Never Left: The Jews’ Continuous Presence in the Land of Israel*, JERUSALEM POST (Dec. 12, 2016), <https://www.jpost.com/blogs/the-zionist-advocate/we-never-left-the-jews-continuous-presence-in-the-land-of-israel-475161>, quoting historian James Parks: “The omission [of the fact of continual Jewish presence in the land] allowed the anti-Zionist, whether Jewish, Arab or European, to paint an entirely false picture of the wickedness of Jewry in trying to re-establish a two-thousand-year-old claim the country, indifferent to everything that had happened in the intervening period.”

¹⁷ As Winston Churchill, then Secretary of State for the Colonies, explained, “When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine . . . but the further development of the existing Jewish community [I]n order that this community should have the best prospect of free development . . . it is essential that it should know that it is in Palestine as of right and not on sufferance.” See Winston Churchill, *British White Paper of June 1922* (1922), *republished by Yale Law School, available at* https://avalon.law.yale.edu/20th_century/brwh1939.asp.

¹⁸ See *U.S. Jews’ connections with and attitudes toward Israel*, Pew Rsch. Center (May 11, 2021), <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>.

¹⁹ See, *e.g.*, Babylonian Talmud, Ketubot 110b; Numbers 33:53; Deuteronomy 11:31. In fact, the Sages of the Talmudic era were clear that the commandment to settle the land, which specifically includes buying a home in Israel (*see, e.g.*, Babylonian Talmud Gittin 8b) “is equivalent to all of the other commandments in the Torah.” (Sifrei, Re’eh, 53); *see also Mitzvah to Live in Israel*, Aish, <https://bit.ly/3YVBh1G> (last visited July 12, 2024).

The U.S. Government also recognizes that people use anti-Zionism as a pretext for antisemitism. For instance, the Biden Administration’s U.S. National Strategy to Counter Antisemitism, released in May 2023, asserts that

Jewish students and educators are targeted for derision and exclusion on college campuses, often because of their real or perceived views about the State of Israel. When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable.²⁰

Since October 7, when over 1,200 Israelis were raped, murdered, or kidnapped by the deadly terrorist group Hamas, portions of the Colorado College student body and faculty have openly supported Hamas and its antisemitic genocidal agenda with little to no admonishment from the Colorado College Administration. Jewish students have reported being subjected to the following: genocidal chants; antisemitic slurs; disruptive pro-Hamas protests that prevent people from working and studying; denials that rape and murder occurred on October 7; destruction of a memorial for October 7 victims; and a general atmosphere of palpable hatred directed at Jews and Israelis.

II. Title VI of the Civil Rights Act Applies to Antisemitism Pursuant to Executive Order 13899 and OCR Guidance

A. Title VI’s Applicability to Antisemitism

Title VI prohibits discrimination on the basis of race, color, and national origin at any educational institution that receives federal funds.²¹ Furthermore, guidance issued by OCR and the Department of Justice in 2004, 2010, 2017, and 2023 has stressed that Title VI applies to discrimination, including harassment, against Jews on the basis of their “actual or perceived . . . shared ancestry or ethnic characteristics.”²² Such guidance confirms Title VI’s applicability to antisemitism.

In addition to being the enduring view of OCR, the applicability of Title VI to antisemitism was affirmed in an Executive Order as well as in a President’s strategy to combat antisemitism. On December 11, 2019, then-President Trump issued Executive Order 13899, which demanded that Title VI be enforced “against prohibited forms of discrimination rooted in antisemitism” and to do so “*as vigorously*

²⁰ See *The U.S. National Strategy to Counter Antisemitism*, The White House (May 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>, at p. 9.

²¹ See 42 U.S.C. § 2000d *et seq.*

²² The variety of relevant statements are cited *supra* note 6.

*as against all other forms of discrimination prohibited by Title VI.*²³ This position was subsequently incorporated into current OCR policy guidance. Similarly, in May 2023, President Biden issued his U.S. National Strategy to Counter Antisemitism (the “National Antisemitism Strategy”), where he acknowledged that Jewish students on college campuses often face derision, ostracization, and discrimination for their real or perceived views on Israel.²⁴ As the National Antisemitism Strategy aptly summarizes: “When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism.”²⁵

B. Defining Antisemitism under Title VI

Executive Order 13899 explicitly requires executive departments and agencies to consider the IHRA Definition of antisemitism, as well as its accompanying examples, when determining what behaviors constitute antisemitism under Title VI. The IHRA Definition contains a helpful series of “Contemporary Examples of Antisemitism” that include, but are not limited to, the following:

1. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
2. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
3. Denying the Jewish people their right to self-determination e.g., by claiming that the existence of a state of Israel is a racist endeavor.
4. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—such as the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.

²³ Exec. Order No. 13899, 84 FR 68779, *Combating Anti-Semitism* (Dec. 11, 2019), <https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf>, at Section 1 (emphasis added).

²⁴ See *The U.S. National Strategy to Counter Antisemitism*, *supra* note 20, at 9, 11, 40.

²⁵ *Id.* at 9.

5. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
6. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
7. Accusing Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
8. Holding Jews collectively responsible for the actions of the State of Israel.
9. Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation.
10. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
11. Drawing comparisons of contemporary Israeli policy to that of the Nazis.²⁶

This is the definition that schools are affirmatively required to *proactively* consider when formulating policies to create a safe environment on campus.²⁷ A federal funds recipient may also violate Title VI if it ignores a hostile environment stemming from discrimination and harassment. A legally cognizable “hostile environment” exists when, based on the totality of the circumstances, the harassment “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

²⁶ IHRA, *supra* note 7.

²⁷ “As a condition of receiving federal financial assistance, a school corporation gives the [Department of Education] ‘an assurance that the program will be conducted . . . in compliance with all requirements imposed by or pursuant to this part.’ This imposes an affirmative obligation to provide an equal opportunity.” Ivan E. Bodensteiner, *Peer Harassment—Interference with an Equal Educational Opportunity in Elementary and Secondary Schools*, 79 NEB. L. REV. 1, 24 (2000) (citing 34 C.F.R. § 100.4(a)(1999)).

program or activity.”²⁸ In such cases, Title VI commands any program or activity receiving federal financial assistance from the Department of Education to “take immediate and effective action to respond to harassment that creates a hostile environment.”²⁹

A compliant response is one that includes “prompt and effective steps reasonably calculated to end the harassment, [to] eliminate any hostile environment and its effects, and [to] prevent harassment from recurring.”³⁰ Conversely, “a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment.”³¹ If a response is clearly unreasonable in light of the known circumstances, that is deliberate indifference.³² In sum, when a recipient of federal funding is aware of antisemitic incidents unfolding on its campus, but fails to properly address such incidents, it has violated Title VI—and jeopardized its federal funding.

III. Statement of Facts

As a threshold matter, Colorado College defines harassment as

verbal or physical conduct that is unwelcome and so severe or pervasive to create a work or educational environment under both an objective (e.g., a reasonable person’s view) and subjective (e.g., the subject of the alleged conduct’s view) standard that it has the purpose or effect of unreasonably interfering with a person’s (or group’s) academic or work performance or creating an intimidating, hostile, or offensive educational or working environment, otherwise known as a “hostile environment.”³³

According to Colorado College, harassment may become a form of discrimination if it “targets a person (or group of persons) on the basis of that person’s (or group’s) . . . religion [or] national or ethnic origin.”³⁴ Similarly, discrimination equates to “treating a person (or group) unfavorably or differently because of that person’s (or group’s) religion [or] national or ethnic origin.”³⁵

²⁸ *Dear Colleague Letter Addressing Discrimination against Jewish Students*, *supra* note 6, at 2.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *See* 34 CFR § 106.44.

³⁴ *Id.*

³⁵ *Id.*

With those definitions in mind, below are a series of incidents that illustrate the level of harassment and discrimination that Jewish students have suffered, thus far, with little or no intervention from the Colorado College Administration. Indeed, the events are presented in chronological order in order to demonstrate the degree to which, as antisemitism increased, Colorado College’s response actually became *more* muted—and, at times, even conciliatory towards those engaging in antisemitic acts.³⁶

A. *Calls for Intifada*

Soon after Hamas engaged in unspeakable atrocities on October 7, 2023, Colorado College’s Students for Justice in Palestine (“SJP”) chapter came out in full force to show its support. SJP protesters marched through campus, chanting: “There is only one solution—intifada revolution!”; “Resistance is justified when people are occupied!”; and “From the River to the Sea, Palestine will be free.” *See, e.g.* Exhibit B. The term “one solution” is often a reference to Hitler’s “final solution”—the elimination of the Jewish people—while the term “intifada” refers to the First and Second Intifada, tragic periods in Israeli history when Palestinian terrorists infiltrated Israel and murdered innocent civilians. “Resistance” has become the common euphemism for lionizing Hamas, whose “resistance” includes the gang rape, murder, and incinerating of Jewish men, women, and children. In fact, National Students for Justice in Palestine, the national umbrella organization under which campus chapters operate, specifically called for its chapters to use these phrases to defend Hamas’ October 7 atrocities when it released a “toolkit” for use by its chapters. *See* Exhibit C. Notably, any call for the establishment of a Palestine “from the river to the sea” is rightfully understood as a call for the total elimination of the State of Israel, currently home to half of the world’s Jewish population.³⁷ There is not a single state in the Middle East in which Jews live free from repression and violence, save Israel.

³⁶ Even prior to October 7, 2023, Colorado College had expressed an antipathy towards respecting Jewish life on its campus. In March 2023, an Orthodox Jewish student sought assistance from the Administration to establish a Chabad chapter at Colorado College. *See* Exhibit A. Chabad is a Hasidic Jewish movement that has formed chapters on college campuses across the world, serving as a community and resource for Jewish students. The Orthodox Jewish student was told at this meeting by the Colorado College Chaplain Kate Holbrook, as well as by Colorado College’s Coordinator of Jewish Life Kobi Chumash, that that he was prohibited from starting a Chabad chapter at Colorado College because Colorado College “will not allow a sect of Judaism on campus—only Judaism on campus.” Because Colorado College’s Hillel chapter uses technology during its Shabbos services (and violates various other laws of Shabbos), the Orthodox Jewish student currently celebrates Shabbos off-campus.

³⁷ Representative Rashida Tlaib, in a bipartisan vote, was censured by the United States House of Representatives for using such terminology.

These and other antisemitic slogans subsequently appeared across campus on a variety of posters. Like the chants and protests, the Administration did nothing to dispel the offensive conduct or abate the increasingly hostile environment. Indeed, SJP's messaging became so clearly antisemitic and so pervasive that Colorado College's Hillel chapter, a Jewish student group, began offering "safe spaces" for Jewish students to gather as an escape from SJP. *See* Exhibit D. That was essential for Jewish students, as SJP commonly took over shared spaces, such as the library or the student center, which made it impossible for Jewish or Israeli students to study or work with their peers in traditional settings.

Instead of condemning the protests, many within Colorado College's faculty openly supported them. Colorado College's Faculty for Palestine ("FFP") chapter reposted a statement of praise for the protesters on its Instagram account, borrowed from the national group Scholars for Social Justice ("SSJ"). The post read, "SSJ Applauds the Upsurge in Student Protests against the Genocide Unfolding in Gaza, and is proud of our colleagues and members who have stood with their students."³⁸ *See* Exhibit E. Nor were they content even to let Jewish students have any safe spaces: FFP actually commissioned and issued a letter, signed by 99 faculty members, criticizing Colorado College's policy of offering "support spaces for Jewish students during known demonstrations," claiming that such an offer made the "dangerous and divisive insinuation that all Jewish students would be upset or offended during a demonstration held in solidarity with Palestine." *See* Exhibit F. But these were not "demonstrations held in solidarity with Palestine"—these were demonstrations held in solidarity with Hamas and those who commit and call for others to commit unspeakable violence against the Jewish People.

As these protests calling for indiscriminate violence against Jews unfolded, a group of Colorado College parents contacted the Colorado College Administration in late November 2023 and expressed concern over the "apparent lack of institutional support for Jewish students who continue to face antisemitism at [Colorado College]." *See* Exhibit G at 11. The parents requested to speak directly with Dean L. Song Richardson, *see id.* at 3, 6, but the Administration refused, instead inviting the group of Jewish parents to a whole-school webinar, held on December 14, 2024, during which members of the Administration sought to "share more about our Community Standards and Freedom of Expression policies, and how these inform the ways we prevent and respond to all forms of hatred and bigotry." *Id.* at 1. The parents were directed to submit questions beforehand. Prior to the webinar, the parents expressed their dismay at being unable to speak to administrators directly. "[I]t [is] essential to use an interactive and open forum which allows everyone to participate and both give and receive information." *Id.* at 3.

³⁸ "Scholars for Social Justice" is a loosely affiliated network of self-proclaimed "progressive scholars committed to amplifying and fighting for a political agenda that insists on justice for all."

Nonetheless, the school moved forward with the webinar, rebuffing the parents' requests. During the webinar, Dean of Students Lacy Karpilo stated that calling for genocide of Jews or any ethnic group would violate the College's policies and acknowledged that protests or demonstrations that endanger others or disrupt College activities would violate the College's policies. She also stated that students or faculty who violated those policies would be held accountable, up to and including expulsion. Other speakers mentioned ways in which the school was supporting Jewish students, including by hiring a part-time coordinator for Jewish life for the Spring semester.

Interestingly, Dean of Students Emily Chan offered several resources from which students could learn different perspectives about the conflict. In her list, she included a host of sources opposed to the very existence of a Jewish state, including the October SJP student teach-in, a screening of the film "Roadmap to Apartheid," and a faculty teach-in hosted in solidarity with Palestine. "Roadmap to Apartheid" prominently features anti-Zionist activist Omar Barghouti, who famously said: "We're not ashamed to have armed resistance as well as peaceful resistance . . . people under occupation have a right to resist by all means."³⁹

B. Tutt Library Protest

Although the Administration expressed feigned interest in combatting antisemitism and acknowledged that disruptive protests would violate Colorado College's code of conduct, the SJP protests continued unabated. On March 1, 2024, a concerned Jewish parent contacted the Administration about Colorado College's chapter of SJP intending to "Occupy the Library" on March 3. *See* Exhibit H at 5. As part of that communication, she forwarded a screenshot of a social media post encouraging students to "Occupy the Library" and "Wear a Mask!" from 12 PM to 12 AM. *See id.* at 5-6. She also sent a picture of what appeared to be instructions for student workers in the library. *See* Exhibit I. That guidance stated that if students complained about the protest, student workers should read the following statement: "The Library supports students' right to peaceful protest, even when these protests might disturb people who wish to study in the library." *Id.* It also instructed student workers to call campus safety only if altercations or vandalism occurred. *Id.*

In a separate email to Colorado College Campus Safety, one parent asked what the Administration intended to do to stop the protest in Colorado College's Tutt Library, an area intended for quiet study. *See* Exhibit J at 1-2. Colorado College's Director of Campus Safety responded to the parent's email by acknowledging that the

³⁹ PHHubb, *Omar Barghouti - BDS - The Global Struggle For Palestinian Rights*, YOUTUBE (July 13, 2011), <https://www.youtube.com/watch?v=8QODAPfPAaw&t=143s> at 00:02:23.

College was aware of the planned protest and stating that “[c]ampus departments will respond as necessary to ensure the safety of campus and the ability for students to use the library as intended.” *See id.* at 1-2. That promise went unfulfilled.

On March 3, 2024, Colorado College’s SJP chapter held a protest in Tutt Library during a time when students were preparing for exams. One video of the incident shows a group of students walking through the designated quiet area of the library playing loud music and chanting, “from the river to the sea, Palestine will be free.” *See Exhibit K.* According to a student, protesters also chanted “there is only one solution, Intifada, Revolution,” and passed out fliers instructing onlookers not to report the incident. During the incident, one Jewish Colorado College student texted her mother, “i feel like i’m gonna cry . . . because im already stressed enough trying to do this presentation and they are walking around saying they want to kill Jews.” *See Exhibit L.*

Another video shows a campus official explicitly warning the protestors that continued conduct that disrupted students’ ability to study quietly, including chanting and playing loud music, would be considered a violation of campus policy. *See Exhibit M.* Nonetheless, two days after the incident, President Richardson sent an email to the Colorado College community addressing the library protest. *See Exhibit N.* The email stated that “about 10 students began a protest in the library” consisting of chanting, playing music, and posting banners. *Id.* at 1. When the students’ “noise level became disruptive, Campus Safety informed them that their activities were interfering with other students’ ability to learn.” *Id.* at 2. Nevertheless, “[t]he students chose not to stop their demonstration.” *Id.* The email stated it is the College’s “policy and practice to address violations of this nature through the student disciplinary process. Accordingly, Campus Safety did not arrest or otherwise force the protesting students to exit.” *Id.* The email also noted that the College would continue to provide Jewish students with alternative study areas during demonstrations. *Id.* Notably, it failed to acknowledge the absurdity of needing separate study spaces for students to escape the volatile, antisemitic protesters (as opposed to simply stopping the demonstrations entirely and properly disciplining the students involved). And, as noted above, 99 faculty members were already on the record opposing even this modicum of protection for the Jewish and Israeli students’ right to live and learn in a campus environment free from discriminatory harassment.

In sum, despite publicly acknowledging that the protest violated Colorado College’s policies and despite, upon information and belief, possessing multiple recordings of the incident and the perpetrators, the Administration did not announce a single action taken to sanction or reprimand the students involved, and Complainants are unaware of any such action being taken. Upon information and belief, this abdication of responsibility empowered the wrongdoers and significantly contributed to the hostile environment and feeling of helplessness that Jewish and Israeli students were experiencing.

C. Rally in Worner Student Center

On April 11, 2024, “pro-Palestinian” students held a rally in the Worner Campus Center. Videos of the rally show protesters marching through the student center chanting “free, free Palestine,” before stopping in the center to scream, “Globalize the Intifada!” and “It is right to rebel, Israel go to hell.” *See* Exhibit O. On April 17, several Jewish students emailed President Richardson, Executive Vice President Dr. Manya Whitaker, and Colorado College’s Office for Civil Rights and Title IX (“CC OCR”), to demand that the University take action in response to the rally. The students argued that “[h]ate speech of this nature has left members of our Jewish community feeling profoundly unsafe on campus and debating their desire to continue their education at Colorado College.” Exhibit P at 3-5. Additionally, the students argued that the rally violated school policies prohibiting disruptions of normal College activities. *Id.*

Dr. Whitaker responded just two hours after the students sent the email. *Id.* at 2. She urged the students to report the incident using CC OCR’s submission webpage and assured the students that “[a]fter submission, *it will be investigated.*” *Id.* In her response, she deliberately removed CC OCR from the email, indicating that the Jewish students would need to follow the bureaucratic channels to re-submit their complaint; otherwise, it would be ignored. The students’ initial email was extensive in describing what happened and the students’ concerns about the discrimination taking place.

Despite informing the students that she was not the proper channel for their complaints of antisemitism, Dr. Whitaker asked for the students’ feedback regarding the students’ request for additional support, resources, and safety measures for Jewish students. *Id.* Specifically, she asked how the College could better encourage community dialogue, given that a series of college-sponsored community dialogues held in the Fall were poorly attended. *Id.* She also asked whether the College’s counseling center and security resources were insufficient. One Jewish student responded by noting, *inter alia*, that the community dialogues were poorly attended because “pro-Palestinian” students would walk out shortly after the discussion began and violently protest outside. The student describes how “one protest got so violent that campus security walked me and the other students who attended the entire meeting back to our rooms.” *Id.* at 1.

Despite the initial statement of concern, it is unclear whether the College in fact investigated the April 11 rally and whether any students involved were punished. Complainants are certainly unaware of a single action being taken to sanction the protesters involved in the April 11 rally, and the general impression that nothing has been done has only increased the feeling that the Administration simply does not care about its Jewish or Israeli students.

D. Angela Davis Event

On April 26, 2024, Angela Davis, the former leader of the American Communist Party who is known for her support of the Boycott, Divest, and Sanction (“BDS”) movement against Israel, delivered a talk at Colorado College’s Celeste Theatre entitled “Blue Legacies and Black Feminism.”⁴⁰ The talk was moderated by FFP member Irina Amazou, Colorado College’s Multicultural Student Leadership Coordinator, and hosted by the Departments of Anthropology, Asian Studies, English, Feminist and Gender Studies, History, Italian, Political Science, Religion, Race Ethnicity and Migration, Sociology, Spanish and Portuguese, and Theatre and Dance, as well as by the Office of Antiracism Diversity Equity and Inclusion and the Colorado College Student Government Association. Colorado College student Giorgio Gioele Siritto, an active member of Colorado College’s SJP chapter, delivered the introduction, focusing specifically on Israel. Students chanted “free Palestine” in response.

Allegedly, the purpose of the talk was to discuss feminism and blues music, but the event rapidly devolved into a rally denying Hamas’s atrocities against the Jewish people. Ms. Davis flatly rejected that Israeli women had been raped and others brutally killed during the October 7 terror attacks by Hamas. Students erupted into chants of “From the River to the Sea!” following the event. To Complainants’ knowledge, the Administration did not publicly address Ms. Davis’s rape and murder denial. And, while the Administration was silent, others endorsed and amplified the offensiveness of the event. For example, Ms. Amazou posted a photograph on her social media with Ms. Davis, lauding her as the woman who “helped make [her] conscious.” See Exhibit Q. Colorado College’s student newspaper titled its article summarizing the event as “Angela Davis Speaks on People’s Organizing, Palestine and the Power of Music.”⁴¹ To be clear, at an event hosted by people ostensibly committed to anti-racism, gender equality, and feminism, all of the speakers and hosts were delighted to defend gang rapists and murderers, so long as the victims were Jews.

⁴⁰ *Event Details: Angela Davis: Blue Legacies and Black Feminism*, COLORADO COLLEGE, <https://www.coloradocollege.edu/newsevents/calendar/details.html?EventID=56717&booking=1&title=Angela%20Davis:%20Blue%20Legacies%20and%20Black%20Feminism> (last visited July 16, 2024).

⁴¹ Leigh Walden, *Angela Davis Speaks on People’s Organizing, Palestine and the Power of Music*, CATALYST (May 2, 2024), <https://thecatalystnews.com/2024/05/02/angela-davis-speaks-on-peoples-organizing-palestine-and-the-power-of-music/>.

E. Student Walkout

On May 1, 2024, “pro-Palestinian” students planned a “walkout” where students would leave in the middle of their classes as a form of protest. By openly condoning the walkout, many professors intensified the protest and forced students into an uneasy situation. Upon information and belief, many faculty members canceled or modified their classes to allow students to miss class without losing access to class materials. For example, one Jewish student’s economics professor conducted a review session that day instead of introducing new material as planned. Another professor, Naomi Wood, wrote to her students, “I was made aware of the event this morning [the walkout] and I encourage you all to attend.” *See* Exhibit R. It is no wonder that Jewish students do not feel comfortable attending classes given by professors who encourage their students to march in favor of a genocidal terrorist organization.

The Administration had sufficient notice that this event would take place. On April 29, 2024, prior to the walkout, concerned Jewish parents emailed President Richardson and twenty other administrators: “We have serious concerns for our kids’ physical and psychological well-being as they watch their campus continue to evolve into another haven for pro-Hamas and antisemitic activity (with the support of an administration that allows this to happen).” *See* Exhibit S at 15. Despite these genuine concerns, not one administrator responded within 24 hours. Jeremy Shaver, the Anti-Defamation League’s Senior Associate Regional Director for the Mountain States Region, spoke up in response to the Administration’s silence. “The Anti-Defamation League Mountain States Region adds its concern to those already raised by Jewish students at Colorado College, as well as their parents, family members and friends.” *Id.* at 11-12. Mr. Shaver continued, “We believe it is crucial that the safety and security of Colorado College’s Jewish students be prioritized as protests have the potential to impact their ability to attend class and use campus facilities unimpeded.” *Id.* at 11.

Finally, at 8:30 PM the night before the scheduled walkout, Dr. Whitaker sent a boilerplate list of action items that the school would be pursuing in response to the walkout, such as “clear and immediate consequences” and “close coordination with your [sic] security and law enforcement teams.” *Id.* at 8-10. Notably absent from her response was any mention of attempting to stop the walkout, disciplining professors who had encouraged the walkout, or offering any meaningful reply to the safety concerns raised by parents.

Upon information and belief, roughly 200 students participated in the walkout. Videos show a large group of students congregating on campus chanting “From the river to the sea, Palestine will be free!” and other offensive and hostile slogans. *See* Exhibit T. Protesters held a moment of silence for the number of people killed according to statistics provided by Hamas, which includes members of Hamas who

perpetrated the October 7 terror attacks.⁴² Protesters also falsely accused Israel of genocide. Meanwhile, Colorado College faculty were not only supportive—some even referred to the entire event as an “alternative class.”⁴³ Aware of the walkout and the Administration’s previous failures to police similar protests, many Jewish students avoided campus. Once again, the Administration did not announce a single action or sanction against the students who walked out or against the professors who modified their classes in order to support the walkout.

The day following the walkout, one parent responded to the thread and asked the Administration to address the parents’ concerns more clearly. Some of those concerns included: the student encampment, which had recently emerged on campus in early May in clear violation of Colorado College’s Freedom of Expression Policy; the alarming increase in faculty participation in protests; the lack of support for Jewish faculty members facing antisemitism; antisemitic propaganda and libel that fueled much of the protesting; and whether important upcoming events, such as Graduation and Yom HaShoah (also known as Holocaust Remembrance Day), would be protected. Exhibit S at 5-7. Dr. Whitaker responded tersely by acknowledging receipt and stating, “I apologize that there is not presently time to answer your questions in the manner you would like.” *Id.* at 4. She concluded by stating, “I hope to share more information.” *Id.*

The same parent responded again by reiterating her apprehension about upcoming events. *Id.* at 2-3. Dr. Whitaker replied that protocols existed for Holocaust Remembrance Day but denied emphatically that any encampment would be removed. *Id.* at 1. In fact, Dr. Whitaker defended their presence on campus. “With respect to encampment[sic], students are quiet, not blocking pathways, and have publicly posted a daily schedule that poses no threats or security issues. We will not forcibly remove the encampment as that will undoubtedly lead to the violence we see on the news at other institutions and safety is our top priority.” *Id.* The Administration therefore allowed dozens of students to openly and continuously violate Colorado College’s Freedom of Expression policy, which explicitly states that demonstrations “should not endanger others, disrupt the normal business or activities of the College, damage property, or constitute illegal activity.”⁴⁴ The Freedom of Expression policy also opens harassing and discriminatory conduct, of which these protesters engaged in, to sanctions. Yet, the behavior of these protesters was thoroughly defended and protected by the Executive Vice President.

⁴² CATALYST, *Resisting Higher Education: Students and Faculty Stage Walkout and Teach-In for CC Divestment for Israel*, <https://thecatalystnews.com/2024/05/02/resisting-higher-education-students-and-faculty-stage-walkout-and-teach-in-for-cc-divestment-for-israel/> (May 2, 2024).

⁴³ *Id.*

⁴⁴ *Freedom of Expression*, Colorado College, <https://bit.ly/3MmPFvu> (last visited Aug. 23, 2020).

F. Honors Convocation

On May 7, 2024, “pro-Palestinian students” painted a display of bloody hands on the sidewalk outside Shove Memorial Chapel, where the convocation ceremony for the honors college was being held. *See* Exhibit U. The bloody hands are a reference to the infamous Ramallah lynching, where two Israeli soldiers were kidnapped by Palestinian civilians and disemboweled. The Palestinians celebrated by holding up their bloody hands.⁴⁵ Finally, one of two groups to receive the Student Government Association Involved Student Organization of the Year award—printed in the Honors Convocation program—was SJP.⁴⁶ In other words, the group responsible for fomenting so much hatred was now being fêted at the College’s graduation ceremony.

G. Commencement Demonstration

On May 19, 2024, Colorado College held its commencement ceremony, and SJP effectively highjacked it. At the ceremony, SJP members carried Palestinian flags, handed them to President Richardson, and posed for photos with her while she happily held the flags. *See* Exhibit V. Upon information and belief, when President Richardson met with members of the SJP chapter prior to Commencement, one of the concessions she made was agreeing to let them carry and pose with their flags at graduation. Meanwhile, the president of the Student Government Association held a moment of silence for “those suffering in Gaza.”

H. Destruction of a Memorial for October 7 Victims

On May 11, 2024, the student group Young Americans for Freedom (“YAF”), many of whom are Jewish, along with anonymous Jewish students, coordinated an Israeli flag display on campus to honor the victims of October 7 (“October 7 Memorial”). Prior to setting up the October 7 Memorial, the students were initially denied approval. Once the October 7 Memorial was erected, it was almost immediately vandalized, and the perpetrators went unpunished.

On May 6, 2024, four days prior to setting up the display, one leader of YAF (“Leader #1”) sought approval for the October 7 Memorial from the Campus Activities Office, as well as from Campus Events. *See* Exhibit W at 3-4. “We are writing to

⁴⁵ Sarah Rumpf-Whitten, *Anti-Israel protesters' painted red hands a 'symbol' rooted in 'craze to see blood': expert*, FOX NEWS (Apr. 9, 2024), <https://www.foxnews.com/world/pro-palestinian-protesters-painted-red-hands-symbol-rooted-craze-see-blood-expert>.

⁴⁶ *Honors Convocation: Class of 2024*, COLORADO COLLEGE, at 17, https://issuu.com/coloradocollege/docs/grad_honorsconvocationprogram_2024_fnl?fr=sODU1ODYyODkxNzI (last visited Aug. 5, 2024).

request approval to display 100 small Israeli flags near the Holocaust memorial by Worner.” Leader #1 continued, “We intend to further support the memorial and the Jewish students on campus, particularly in light of recent aggressive Palestinian protests that have made some members of our community feel unsafe.” Leader #1 emphasized that “[t]he flags are intended to serve as a peaceful expression of our beliefs and our solidarity with the Jewish community on campus.”

After failing to receive a response, the YAF leader politely emailed the next day to ask if the incorrect office had been contacted. *Id.* at 3. With no response from either office, the YAF leader forwarded the request to Dean Karpilo, asking how to get in touch with the correct office. *Id.* at 2. The Associate Vice President for Student Life, Edwin Hamada, responded by saying that the Campus Activities Office needed at least ten days’ notice before approving any such display and that there was currently a “blackout period for new events” due to a resources issue. *Id.* at 1. Leader #1’s co-leader, Leader #2, said that *instant* approval previously had been received to place American flags on one of the college lawns to commemorate September 11th. Though Leader #1 later received approval for the October 7 Memorial from Dean Karpilo, Leader #1 did so on the condition that the students place a sign next to the flags explaining the purpose of the memorial and that it was created by a group of anonymous students.

The approval process—from being initially ignored to being given a bureaucratic runaround—for the October 7 Memorial presents a sharp contrast to the student encampments, which lasted several weeks and received no formal approval (but rather, a vigorous defense from Dr. Whitaker).

The October 7 Memorial eventually was erected on May 11, 2024. However, the very next day, YAF leaders were notified that the memorial was actively being dismantled by a series of individuals. Eventually, by early morning on May 13, 2024, the entire display was destroyed. One of the organizers of the October 7 Memorial confronted a student whom he had seen removing flags. The confrontation escalated, and both students called Campus Safety, whose members listened to the stories presented by both parties; however, it is unclear if any punishment or follow-up occurred. The apparent lack of punishment is particularly galling given that Campus Safety captured most, if not all, of the vandalism on video.

On May 13, the leaders of YAF approached Dean of Students Lacy Karpilo to express their concerns regarding the lack of response from the Administration. The YAF leaders attempted to meet with President Richardson and Dr. Whitaker, but neither had availability in her schedule. Again, it is unclear whether a single student was punished for destroying the October 7 Memorial, despite multiple students partaking in the vandalism and despite Campus Safety capturing most, if not all, of the vandalism on video and interviewing at least one alleged vandal. No public statement on the vandalism was issued.

I. Refusal To Remove Student Government Leader for Role in SJP Protests

Despite SJP spearheading the majority of the events described above—from the cries for “Intifada” to the bloody hands display—the Administration has allowed the leader of SJP to retain his leadership position in the student government. Rakim Johnson, the leader of the Colorado College SJP chapter, also serves as—ironically—Student Vice President of Diversity, Equity, and Inclusion (DEI).

On March 6, 2024, one Jewish student, with several others CC’ed on the email, emailed CC OCR to express concern regarding Mr. Johnson’s continued leadership role on campus:

He has chanted antisemitic hate speech at multiple SJP protests, even after being approached by Hillel leadership informing him that the rhetoric he is using has negative effects on Jewish students. Some rhetoric includes “From the river to the sea, Palestine will be free” and “Intifada revolution.” Please help me in protecting Jewish students on this campus. This is the job of your office.

See Exhibit X at 2. The other students CC’ed on the email echoed a similar sentiment in follow-up emails. One student wrote:

I share in this concern . . . regarding the school’s lack of concern/action taken against hateful protest towards Jewish and Israeli people. While I personally hope that the harmful words used in these protests stem from ignorance and a lack of education, regardless, it is creating widespread antisemitism on campus. I hear anti-Israeli and antisemitic comments even during group work in classes, daily conversation with acquaintances, on social media, in signs and posters hung around campus, and most obviously in the protests.

Id. at 1. Another student confirmed Mr. Johnson’s role in fomenting campus antisemitism:

Having witnessed the events, protests, and rallies led by Rakim, it is rather frightening and disheartening that it would be permitted for someone so radical and disruptive to assume the position of VP of DEI. . . . He/they [SJP]

“support(s) the anti-colonial freedom fighters of Palestine,” i.e., Hamas, which carried out one of the most monstrous, disgusting, and inhuman attacks on the Jewish people and Israelis ever. The SJP, led by Rakim, have circled this campus, chanting, “you can’t run, you can’t hide,” directed at the Jewish and Zionist students on this campus, which seemingly comes off as a threat, if not just shy of it.

Id. at 1-2. The student noted the obvious “double standard for Jewish students,” asserting that if another group were targeted, the response of the Administration would be swift. He concludes, “[a]t this point, Jewish students feel the need to hide and stay quiet.”

David Jensen, the Associate Vice President of CC OCR, responded to the students in five sentences. *See* Exhibit Y. He stated that he was in the process of meeting with the students. However, he asserted, “We would also clarify that Rakim Johnson is not a professional staff member. The position of VP for DEI is an elected position within CC’s Student Government. Rakim was elected by his peers to hold this position next year.” Effectively, the Administration permits Mr. Johnson to remain in his elected position as Student Vice President despite SJP’s primary role in fomenting an environment of antisemitism on campus. Contrary to Mr. Jensen’s justification, according to the Colorado College Student Handbook, the “ability to maintain certain leadership roles” is in fact a “primary sanction” that the Administration is empowered to enforce for conduct violations.⁴⁷ Adding insult to injury, Mr. Johnson was awarded the Frederick Roberts and Charles Jackson Outstanding Student Leader Award, presumably by the Administration.⁴⁸

J. Capitulation to Encampment Protesters

On May 16, 2024, President Richardson released a statement following “negotiations” with encampment protesters, indicating a willingness to entertain protesters’ calls for divestment and providing advice to students seeking to expunge their records. *See* Exhibit Z.

The letter opened by citing casualty numbers from the Hamas-controlled Gaza Ministry of Health which have since been debunked. Adding to her framing, there was no mention of the atrocities of October 7—the rape, the murder, the beheadings. She flatly stated, “Over 1,400 Israelis have been killed in the same timeframe.” *See*

⁴⁷ *Conduct Procedures*, COLORADO COLLEGE, <https://www.coloradocollege.edu/other/pathfinder/community-standards-and-conduct-procedures/community-standards-procedures.html#Sanctions> (last visited Aug. 5, 2024).

⁴⁸ *Honors Convocation*, *supra* note 43, at 15.

id. at 1. President Richardson then announced that the Board of Trustees would be meeting with “student representatives,” presumably from the encampment, to discuss “revisions to our investment policy,” a nod to the protesters’ wishes to have Colorado College divest from any Israel-related entities. *Id.* at 2. President Richardson also detailed a pathway forward for student protesters that had been disciplined to have their records expunged. “Our conduct procedures include a process for requesting expungement of records, and, in our conversations, we encouraged students to follow that process.” *Id.* She then provided a *hyperlink* to those procedures, as if providing instruction to those seeking to have their records wiped was not enough. *Id.* President Richardson then asserted that Colorado College was “working for several months to revise our Freedom of Expression policy,” suggesting it had been too harsh on the student protesters who were violating it. *Id.*

In response to President Richardson’s letter, Scott Levin, the Anti-Defamation League’s Regional Director of the Mountain States, authored a full-throated letter expressing disappointment in the Administration’s capitulation to the protesters. *See* Exhibit AA at 2-3. Mr. Levin noted that President Richardson’s email “confirm[s] some of the worst biases against Israel,” in reference to relying on Hamas’s narrative of the war:

You failed to mention that Hamas is recognized as a terrorist organization by the United States, Canada, United Kingdom, the European Union, and others. . . . You also failed to recognize the estimated 100 hostages still held captive by Hamas in Gaza. . . . Your message buys into allegations of genocide, ethnic cleansing, terrorism, and human rights violations.

See id. at 2. Finally, Mr. Levin excoriated the gift of record expungement being publicly flaunted by the Administration, contrasting it with the dismissive treatment Jewish students have received at the hands of the Administration. *See id.* at 3. Mr. Levin rightly noticed that President Richardson astoundingly failed to condemn the rising tide of antisemitism on Colorado College’s campus—in fact, her message did not even acknowledge it.

K. Refusal to Hire New Coordinator of Jewish Life

Since the departure of Kobi Chumash in the fall of 2023, the Administration has failed to hire a new Coordinator of Jewish Life, despite the anguish, grief, and frustration within the Colorado College Jewish community, alleging that it has not found a suitable candidate. With the number of Jewish nonprofits that have offered to assist the Administration, such a claim appears fatuous.

A group of Jewish parents repeatedly emphasized the urgent need to hire someone to help guide the Jewish students through the post-October 7 period, yet

they were repeatedly rebuffed. In an effort to secure resources for their children, the parents in question consulted Mr. Daniel Bennett in October 2023 regarding their concerns. *See Exhibit BB at 1.* Mr. Bennett is the Executive Director of Hillel of Colorado. Mr. Bennett himself reached out separately several times to the Administration. For instance, in December, Mr. Bennett offered to use his own funds to pay one of his part-time staff members to offer support to Jewish students at Colorado College. At this point in time, Jewish students, as well as their parents, were contacting him frequently seeking his guidance and support. Colorado College refused his offer. Upon information and belief, Colorado College's reasoning was that the existence of the Chaplain was sufficient, thereby reducing the Jewish identity to strictly a religious one.

In addition to pressure from current parents, an organized group of prominent Colorado College alumni and parents of alumni sent a letter to the Administration on April 2, 2024, expressing their "deep concern regarding the incredibly long time that has passed since last year's departure of the Jewish Student Life Director and the apparent delay in filling this crucial position." *See Exhibit CC.* Dr. Whitaker replied, explaining that the Administration "did open this search in early fall but did not get quality applicants despite active digital and in-person recruitment." *See Exhibit DD at 1.* Scott Levin, the ADL Regional Director of the Mountain States, again was included on this email and replied to Dr. Whitaker:

Jewish students and their allies on campus are in need of immediate tangible support from the administration. Given the reports of today's protests, the many contacts that have been made to our office from Colorado College students who are detailing to us antisemitic incidents and other hateful activities, and the fact that ADL's recent presentation on campus had to be scheduled in a location that was considered to be safe only to then be moved because of harassment of the attendees, we appreciate the administration of the College giving this high priority.

Please know that ADL and other organizations remain ready and willing to meet with leadership of Colorado College and to provide resources to assist in your effort to counter antisemitic incidents and to ensure that Jewish students - and all students - feel safe and secure at Colorado College. Please feel free to contact me if you would like to further discuss.

Id. Upon information and belief, despite such pleas from parents and offers of assistance from Jewish organizations, Colorado College has yet to fill Mr. Chumash's position.

IV. Suggested Remedies

Colorado College had ample notice of the above incidents, and yet it refused to prevent, police, or investigate them. The Administration's flagrant failure to punish SJP protesters for their repeated disruptions of campus life—disruptions which include shouting antisemitic, genocidal slogans—has enabled Colorado College's environment of antisemitism to flourish. The effect of Colorado College's hands-off (and at times, hands-on, but *in favor of the protesters*) approach has been cumulative in fomenting the school's now clearly hostile environment. Indeed, Jewish students have been forced to listen to chants of "Intifada" as they study for exams and asked to turn a blind eye to their professors' accommodation and support of such disruptions. Jewish students have been subjected to public events at which the rape and murder of their co-religionists and extended family members was denied from the podium by faculty-sponsored speaker. When attending a convocation ceremony, Jewish students were forced to walk through a display that celebrated the lynching of two young Jewish men. When Jewish students attempted to set up a memorial for the victims of the October 7 terror attacks, the memorial was vandalized, and the Administration simply shrugged. And finally, adding insult to injury, while they have consistently sought to establish a more accessible center of Jewish life, their efforts have been repeatedly denied by the Administration. In short, how could these students be expected to study when they are faced with constant hostility, and when there is nowhere to turn to for safety?

The events at Colorado College, which have gone largely unaddressed, have led to a number of Jewish students expressing their reticence to return to campus in the fall. They fear that the antisemitic hostility will continue—if not grow worse. At least one Jewish student petitioned her professor for an excused grade due to her "severe anxiety from the incidents of antisemitism on campus." She also notified her two professors that she had decided to "leave school early for the year" because "the current environment at [Colorado College] is not mentally healthy." See Exhibit EE.

By failing to address the above incidents adequately—if at all—Colorado College has, at best, been deliberately indifferent to and, at worst, has condoned and encouraged discriminatory antisemitic behavior of students and faculty. Antisemitism at Colorado College has been an ongoing enterprise, fueled by the students and faculty and facilitated and condoned by the Administration, despite repeated complaints from parents, students, and Jewish organizations. Despite ample warning and pleading, Colorado College has utterly failed to meet its obligations under Title VI. Colorado College has not responded to accusations of antisemitic harassment in any meaningful manner, and it has denied reasonable requests for additional resources, thereby contributing to the environment of antisemitism. We therefore respectfully request that OCR require Colorado College to undertake the following measures in order to comply with Title VI:

1. Educate the Colorado College community on the various iterations of antisemitism, including those that involve hatred of the Jewish people's ancestral connection to Israel. In doing so, Colorado College should: (i) explicitly incorporate the IHRA working definition of antisemitism, including its guiding examples, into its campus policies concerning discrimination; (ii) educate the Colorado College community regarding the antisemitic character of genocidal chants such as "From the river to the sea!," "Intifada!," "Globalize the intifada!"; and (iii) provide mandatory antisemitism training to administrators, faculty, students, and staff that incorporates information on modern variations of antisemitism.
2. Set up an Antisemitism Taskforce consisting of members of Colorado College's Jewish community, spanning across the faculty, staff, the student body, and law enforcement. As has occurred at other academic institutions and to the detriment of the respective Jewish communities, the proposed taskforce should *not* consist of anti-Israel activists or anti-Zionists.
3. Issue a statement to all students, staff, and faculty that the College will sanction those who harass and discriminate against Jewish students for *any* aspect of their Jewish faith and identity, which may include having an ancestral and ethnic connection to Israel. It should further reiterate its commitment to respecting and enforcing its own campus policies surrounding disruptions and protests.
4. Investigate and punish those who participated in the protest at Tutt Library, as well as in the destruction of the memorial for the October 7 victims.
5. Use its own speech to issue a public statement denouncing Ms. Davis's rape and murder denial.
6. Remove Mr. Johnson from his student leadership role for engaging in antisemitic harassment and discrimination.
7. Signal its public opposition to the BDS movement that calls for the economic, social, and intellectual isolation of Israel and its people, which includes half of the world's Jewish population and poses a genuine threat to academic freedom.
8. Commission, with input from NJAC, an independent review of its policies and procedures regarding antisemitism to evaluate the climate of antisemitism at Colorado College and to revise its policies to address

that climate. This evaluation should include an audit of coursework that may promulgate eliminationist rhetoric and conspiracy theories. Following such a review, Colorado College should work with a consultant to devise a series of recommendations to be shared with the broader Colorado College Jewish community—including NJAC—and, when permitted by confidentiality restrictions, make the consultant’s recommendations publicly available. Recommendations adopted are not to be understood as a replacement for the suggested remedies listed here.

V. Request for Section 201(a) Mediation

The Complainants request mediation pursuant to Section 201(a) of OCR’s Case Processing Manual.

VI. Conclusion

For the reasons stated above, Complainants urge OCR to initiate an investigation of Colorado College for failing to comply with Title VI and its accompanying regulations and request OCR grant mediation in relation to the Complaint.

Respectfully submitted,



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