



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
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CHICAGO, IL 60661-4544

September 3, 2024

Dr. Timothy L. Killeen
President
University of Illinois Urbana-Champaign
Sent by email only to tkilleen@uillinois.edu

Re: OCR Docket #05-20-2325

Dear Dr. Killeen:

This letter is to inform you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the University of Illinois Urbana-Champaign (University). The complaint alleged that the University discriminated against students of Jewish descent on the basis of national origin by failing to respond appropriately to incidents that created a hostile environment for Jewish students.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin, including shared ancestry or ethnic characteristics, in any program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department, the University is subject to this law.

Summary of Concerns

OCR is concerned that the University appears not to have taken steps to assess whether incidents about which it had notice individually or cumulatively created a hostile environment for members of the University community, and, if so, to take steps reasonably calculated to eliminate the hostile environment, remedy its effects, and prevent its recurrence. More generally, the investigation to date indicates no coordination of, and insufficient information sharing among, the University's various programs charged with responding to complaints of national origin harassment, including on the basis of shared ancestry or ethnic characteristics. This leads to potentially major gaps in the University's ability to assess whether it has actual or constructive notice of a hostile environment on this basis, and to respond accordingly. There is also significant inconsistency among these programs with respect to the use of the University's policies and procedures already available to address such complaints, resulting in, e.g., many matters closing after only minimal processing, and/or with no consideration of possible broader cumulative impact on the University community.

While both before and during this investigation, the University engaged in a wide range of remedial efforts intended to address discrimination based on national origin/shared ancestry

graffiti (with swastikas persisting as the most prominent example), vandalism (e.g., objects thrown at Jewish-affiliated living and meeting spaces), verbal harassment, and discrimination by student peers in certain student-run, University-sponsored programs (e.g., Registered Student Organizations (RSOs) such as student government), appear to continue unabated.

Prior to the completion of OCR's investigation, the University expressed interest in resolving the complaint in accordance with Section 302 of OCR's *Case Processing Manual* (CPM) and signed the enclosed Resolution Agreement (Agreement). OCR determined that a 302 agreement is appropriate in this case because OCR's investigation has identified concerns that can be addressed through a resolution agreement. Below is a summary of the applicable legal standards and OCR's investigation to date.

Methodology

During its investigation to date, OCR reviewed records provided by the Complainant, the University, and publicly available information. In particular, OCR reviewed the University's student code of conduct and related procedures, as well as its other policies and procedures for resolving complaints of discrimination on the basis of national origin. OCR also reviewed thousands of pages of records relating to alleged antisemitic and anti-Palestinian, Arab, and/or Muslim incidents from 2015 to 2023, and the University's responses thereto. Additionally, OCR reviewed documents that the University provided relating to antidiscrimination initiatives, as well as publicly available information. OCR also interviewed in the period May to June 2024 three University administrators tasked with implementing certain procedures relevant to the allegations in this complaint, the [redacted content], and a focus group of University Jewish students – including reviewing an anonymous survey completed by a Jewish student who was unable to attend the focus group (collectively, the “focus group”). Illini Hillel describes itself as “the foundation for Jewish campus life at [the University]” that “engages as many students as possible to explore and celebrate Judaism.” The [redacted content] estimated that there are “roughly 3,000” Jewish students at the University and indicated that Illini Hillel is housed at the Cohen Center for Jewish Life, serving as a social, study, programmatic, and religious space.

Legal Standards

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 race (the harassment might be referencing the race of a sibling or parent, for example, that is different from the race 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.

A recipient violates Title VI if one of its agents, acting within the scope of their official duties, has treated an individual differently on the basis of national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the individual to participate in or benefit from the services, activities, or privileges provided by 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.

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.

Summary of Evidence Obtained

Nondiscrimination Policy and Referenced Procedures

The University's Nondiscrimination Policy states that it “is designed to promote a safe and healthy learning and work environment and to comply with multiple laws that prohibit discrimination, including [. . .] Title VI[,]” i.e., “discrimination or harassment against any person because of race, color, [. . .] national origin, [. . . and] ancestry[.]” The policy “may be invoked by students, applicants, visitors, faculty, staff, employees, and former employees” of the University.

As relevant to the complaint against the University, the Policy defines “discrimination” as “different treatment based on membership in a protected classification and to thereby experience an adverse [. . .] academic action or to be excluded from participation in or denied the benefits of a University program.” “Harassment” is defined as:

A form of discrimination and unwelcome conduct based on an individual’s status within a Protected Classification. The unwelcome conduct may be verbal, written, electronic or physical in nature. This policy is violated when the unwelcome conduct is based on one or more of the protected classifications ([see above]), and is either:

- (1) sufficiently severe or pervasive; and (2) objectively offensive; and (3) unreasonably interferes with, denies, or limits a person’s ability to participate or benefit from educational or employment opportunities, assessments, or status at the University; or
- performed by a person having power or authority over another in which submission to such conduct is made explicitly or implicitly a term or condition of educational and/or employment opportunities, participation, assessments, or status at the University.

The Policy provides a similarly detailed definition of retaliation and concludes, “Any person or group within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy.”

The Policy indicates that for addressing possible discrimination, including harassment, by University employees (including faculty), contact should be made with the Office for Access and Equity (OAE), which will apply its Procedures (“OAE Procedures”) to complaints. For addressing possible discrimination, including harassment, by a student, the Policy references the Office for Student Conflict Resolution (OSCR), which applies the Student Code (which incorporates the Nondiscrimination Policy in Parts 1-108 and 1-302(i) (Harassment)) using its Procedures (“OSCR Procedures”). The OAE and OSCR processes are discussed further below.

disciplinary action, up to and including termination.” The Policy references only three offices in this regard: OAE, OSCR, and the Title IX Office.

The University’s Description of How it Responds to Concerns of Discrimination Based on Ancestry

OSCR

The University described how it responds to concerns of discrimination based on ancestry (narrative), noting that OSCR, “part of Student Affairs,” “addresses all behavior violations of the Student Code committed by individuals or student groups[.]” While OSCR “may receive reports directly from a reporting party, including students, faculty, or other members of the campus community, or they may receive reports as referrals from other campus groups, including Campus Belonging [(described below)], OAE, or UIPD [(University of Illinois Police Department)],” “Reporters are asked to provide their name, phone number, and a brief description of the behavior being reported.” The University also indicated, “For incidents that occur at a residence hall, reporters are asked to also report directly to the Resident Assistant or Resident Hall Director.” OCR noted in its review of the University’s narrative, various incident reports, and then further confirmed in a May 2024 interview with the Director of Curriculum Development and Education in Office of the Vice Chancellor of Diversity Equity and Inclusion (OVDEI) (“Administrator 1”) and a June 2024 interview with the Director of Office of Campus Culture and Climate in OVDEI (Administrator 2), that “University Housing has its own internal process for dealing with bias response.” While Administrator 1 said it is “similar to Campus Belonging’s process” (see below), Administrator 2 said, “Sometimes Housing [unlike Campus Belonging] will conduct a quasi-investigation, like review camera footage if available.” University Housing on its relevant website, Diversity, Equity and Inclusion | University Housing, advises under the heading “Report an Incident”: “The [OVDEI] has compiled resources for reporting on incidents of bias, intolerance and misconduct. Visit diversity.illinois.edu to report an incident.” However, this hyperlink (last visited on August 27, 2024) would lead a University student to an OVDEI page that advises, e.g., “Complaints regarding discrimination or harassment can be made to [OAE],” which applies to complaints against staff, but makes no reference to OSCR, which applies to complaints against students.

As the University noted in its narrative and as reflected in the Student Code, OSCR’s authority over student conduct applies to “student conduct that occurs on university property, or in connection with official university programs or functions whether on or off university property.” Also, “The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus and that would violate student conduct policies or regulations in those instances in which the university community’s interest is substantially affected.” According to the OSCR Procedures, factors to be considered for exercising such jurisdiction may include, e.g., whether “the alleged misconduct indicates the student posed or poses a threat to the safety or security of any individual”; “[t]he seriousness of the alleged conduct”; and “whether an alleged victim is a member of the campus community[.]”

The OSCR Procedures provide, “Upon receipt of a report that a student may have engaged in misconduct, the Director will evaluate that report to determine whether the allegations, if substantiated, would constitute a violation of the Student Code. If not, the Director will close the

case.” If the Director determines that “the report does describe a possible policy violation,” it is assigned to a “Case Coordinator (CC),” who is to proceed in accordance with specified steps (e.g., a “detailed” written charge notice, meeting with the respondent, fact-finding including evidence collection and witness interviews, an opportunity for evidence review by the parties, issuing a decision “apply[ing] the preponderance of the evidence standard,” and notice to parties of the outcome), within an investigative timeline of “approximately 20 business days following the charge notice,” subject to various exceptions.

As to “Cooperation with Law Enforcement”:

If the incident under investigation has also been reported to the police, the CC will contact the police for any information they are willing to share and may interview officers, detectives, etc. as part of the OSCR investigation. At the request of law enforcement and so as not to interfere with active police investigations, the CC may delay interviewing specific individuals for short periods of time at the discretion of the Director. *However, the OSCR and police investigations are separate processes. As such, they follow different procedures, rules, and regulations, and the outcome of one does not determine the outcome in the other.* [(Emphasis added.)]

OCR interviewed the UIPD Assistant Chief (Assistant Chief) in June 2024, who confirmed these are separate processes, noting further that “[i]f [a UIPD] incident involves a student [. . .], the [UIPD ‘synopsis write-up’] will go to OSCR,” and “[w]hat they do with it is up to them. [. . . T]he University police do not really have anything to do with violations of the student code of conduct.” The Assistant Chief indicated more generally that while she has had annual Federal Bureau of Investigation (FBI) training that includes civil rights topics, including shared ancestry issues, it is focused on criminal investigations.

The OSCR Procedures further provide, “If the respondent has violated the Student Code, the CC will also issue formal sanctions (other than suspension or dismissal [which go to a subcommittee of faculty, staff, and undergraduate students for adjudication]) and educational sanctions as appropriate.” The Procedures provide a descriptive list of “Sanction Options,” and an appeals process to the Director for “all final CC disciplinary actions,” available to both the respondent “and any complainants.” The OSCR Procedures also provide for an “Informal Resolution Meeting Process” option at the discretion of the Director.

OAE

The University in its narrative to OCR indicated that OAE is part of OVCDEI. The OAE Procedures provide in relevant part, “OAE has sole jurisdiction to adjudicate complaints in which a complainant alleges that a staff member, faculty member, student employee, or other categories of employees violated the Nondiscrimination Policy. . . . However, in cases where the respondent is a student employee, the provisions below related to shared jurisdiction and joint procedures between OAE and OSCR shall apply.” Moreover, OAE handles “complaints that a visitor to the University or an individual lacking a formal connection to the University has engaged in alleged violations of the Nondiscrimination Policy,” with certain procedural modifications. The OAE Procedures, unlike the OSCR Procedures, explicitly provide that “[a] Formal Investigation can be initiated by a complainant *or by the University*” (emphasis added).

The OAE Procedures differ from the OSCR Procedures in certain substantive respects; for example, “OAE may conduct a Preliminary Inquiry upon request or at its own discretion,” without contacting the Respondent. “The purpose of a Preliminary Inquiry is to determine whether there is a reasonable suspicion of a policy violation. This includes, but is not limited to, gathering evidence and interviewing witnesses.” Also, while the OSCR Procedures make no reference to complainant anonymity, the OAE Procedures provide:

The University will honor the complainant’s request for anonymity to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual and the University’s duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, the University’s ability to meaningfully investigate the incident and pursue disciplinary action against a respondent may be limited. The University will take other appropriate steps to eliminate any such discrimination or harassment, prevent its recurrence and remedy its effects on the complainant and the University community. Those steps may include offering appropriate remedial measures to the complainant and/or providing targeted training, prevention programs, educational conversations with the respondent and/or department. If the University is unable to honor the request for anonymity or the request that the University take no formal action in response to a report, the University may be obligated to move forward with a University-initiated Investigation and potential disciplinary action.

The OAE Procedures list various “[f]actors to be considered” in making this determination.

The OAE Procedures also provide, “The University may initiate an investigation even when no formal or informal complaint has been filed if the University becomes aware, directly or indirectly, of potential discrimination and/or harassment,” and provides a section, “University Initiation of a Formal Investigation,” describing how this option is implemented. Notably, the OSCR Procedures contain no similar statement reflecting the University’s obligation under Title VI to respond to actual or constructive notice of harassment sufficient to create a hostile environment.

The OAE Procedures, like the OSCR Procedures, indicate, “The outcome of a criminal investigation does not compel the same outcome in an investigation under these Procedures.” The Assistant Chief in her interview confirmed this, further noting that if a UIPD incident involves an employee, the UIPD synopsis write-up “only goes to [Human Resources, and a]ny further steps [. . .] HR takes has nothing to do with UIPD.” The OAE Procedures also provide an “Informal Resolution Process,” and a Formal Investigation “will be conducted as expeditiously as possible and will typically conclude within ninety (90) days.” OAE offers an appeal process, to a three-person panel, and the “panel will render a written decision within seven (7) days of its deliberation.” As to sanctioning, these Procedures indicate, “Sanctions are to be determined by either the college/unit in which the respondent is employed and/or Human Resources.” A non-exhaustive list of “[p]ossible sanctions” is provided.

Campus Belonging

The University in its narrative indicated that prior to a transition in August 2021, its Bias Assessment and Response Team (BART), “housed” within OSCR, “was responsible for handling student bias incidents[,]” with BART, as relevant to this investigation, “defin[ing] bias-motivated incidents as actions or expressions that are motivated, at least in part, by prejudice against or hostility toward a person or group because of that person’s or group’s actual or perceived [. . .] national origin [or] race.” The University indicated this “bias response process moved from OSCR to [OVCDEI, in August 2021] and is now facilitated through Campus Belonging Resources rather than BART.”

The University explained that Campus Belonging’s process “provides a mechanism for members of the University community—including students, staff, faculty, and community members—to submit a report to share concerns about behaviors that negatively affect their or others’ sense of belonging.” The report form indicates that Campus Belonging “is not a disciplinary body and does not perform investigations or impose punishments for policy violations, and does not mandate participation in any aspect of its work.” The report indicates that Campus Belonging “will provide resources and options to individuals upon request. The Campus Belonging program also tracks reports to identify and respond to emerging trends.” The report form also asks the reporter to indicate “other places this concern has been reported,” included UIPD, OSCR, “University Housing Staff,” OAE, or “Other.”

The University explained the “three main steps” of the Campus Belonging response process as “(1) report review, (2) outreach to parties, and (3) closure,” and provided a description of each. Administrator 1, in his OCR interview, said it was “frustrating” when reporters “do not respond” to outreach. He said he “cannot think of an example of someone reporting an incident to Campus Belonging and then saying they do not want to meet and why,” and indicated he was not otherwise aware (nor was Administrator 2 in her OCR interview) of any Campus Belonging efforts to attempt to learn why, e.g., various student reporters fail to respond.

Campus Belonging produces an annual report on its operations; OCR noted that the only such report available on the OVDEI website is for the 2021-2022 academic year ([go to Annual Reports](#), last visited August 27, 2024). OCR noted regarding this annual report that in the “Targeted Identities Subcategories as Reported” there is a category for “Nationality,” representing 15.6% of all reports, with “Israeli” the most common (5/24 or 20.8%), but there is no category for national origin, including shared ancestry. There is also a category for “Religion,” representing 16.3% of all reports, with “Judaism” by far the most common (21/25 or 84%; “Christianity” is 2/25 or 8%, and the other 2/25 are “Unknown”). Based on the totality of the relevant data that OCR reviewed in this investigation to date, a separate category for national origin, including shared ancestry, may better facilitate tracking reports of, e.g., ancestry-based harassment of Jewish students who are not Israeli.

Administrator 1, in his OCR interview, when asked if he had had any training on responding to allegations of discrimination on the basis of national origin, he said he “cannot recall any trainings on this specific issue,” but noted that “Campus Belonging is in constant contact with OAE, which is most centrally responsible for Title VI” at the University. He said that if Campus

Belonging sees that a report may raise, for example, Student Code violations, they “make[] it clear to the reporter that Campus Belonging may forward those reports along” to, e.g., OSCR Administrator 1 also said of Campus Belonging, “Our goal is to create a restorative justice process,” though because of the “optional” nature of the process, “bring[ing] all parties together for a restorative mediation process [. . .] happens rarely.” As for how students are informed of the roles of various offices in addressing their concerns, Administrator 1 said he is “not exactly aware,” but, like Administrator 2 in her interview, referred to various University orientation and training programs for new students. However, he also indicated that in his experience, “some students did not know they could go straight to OSCR” with a particular concern, rather than coming to Campus Belonging first “to get that done.” Administrator 2 indicated regarding fall and spring listening sessions with students facilitated by Student Affairs in the 2023-2024 academic year, “In both [. . .] students mentioned wanting action – something more concrete than what Campus Belonging is able to do.”

When asked if these three offices have a system for tracking and sharing reports, neither Administrator 1 nor Administrator 2 indicated they were “aware” of such. For example, Administrator 1 stated that there is “no process” for UIPD and Campus Belonging to identify patterns, such as particular places where incidents recur, or possible repeat offenders. He indicated that once UIPD has a report, Campus Belonging “lets [UIPD] handle it. Campus Belonging does not follow up.” The Assistant Chief in her interview confirmed, “[I]f the University police have a pattern of behavior at issue, we do not talk about our police reports with [. . .] other groups [such as Campus Belonging].”

Other Relevant Guidance

OCR noted that Massmails by the Chancellor provide public information on how the University interprets its responsibilities regarding harassment on the basis of national origin, including shared ancestry or ethnic characteristics. For example, in a Massmail dated November 12, 2020, and entitled Our Commitment to Respect and Inclusivity (“Respect and Inclusivity Massmail”), the Chancellor on behalf of a group of senior administrators wrote in relevant part with regard to “learn[ing] this week of a series of social media posts insulting the Muslim community”:

Our excellence as an institution is founded in creating a university that is welcoming to all people regardless of race, ethnicity, gender, sexual orientation, nationality, religion, political affiliation or socioeconomic background. [. . .] We are free to dispute, debate and challenge ideas and opinions as we choose. But the university stands against Islam[o]phobia, racism and religious intolerance of any kind, and we recognize the lived experiences of everyone in our community. [. . .] You are welcome here, and we pledge to continue working to foster a supportive and safe environment for everyone who joins us at [the University].

Four days later, on November 16, 2020, the Chancellor issued a Massmail entitled Statement regarding anti-Semitism indicating that the University, “in collaboration with leaders in the Jewish community, [. . .] released a joint statement reaffirming our shared and common goal of creating a safe and welcoming environment for Jewish students and some actions that we will be taking towards that goal.” This “Joint Statement on Anti-Semitism” (“Joint Statement”) indicated in relevant part:

For many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The university will safeguard the abilities of these students, as well as all students, to participate in university-sponsored activities free from discrimination and harassment.

We deplore anti-Semitic incidents on campus, including those that demonize or delegitimize Jewish and pro-Israel students or compare them to Nazis. This subjects them to double standards that are not applied to others. All Jewish students, including those who identify with Israel or Jewish campus organizations, should be able to participate in campus activities aimed at fighting racism and achieving social justice.

All Jewish students should be able to proudly display religious emblems without fear of being targeted by their fellow students. All Jewish students should feel confident that if they encounter a swastika on campus, the university stands with them in rejecting symbols of hate. Anti-Semitism, anti-Semitic forms of anti-Zionism and other forms of discrimination have no place at this university. We will stand united against all forms of anti-Semitism.

The University noted that it has since the Joint Statement was first issued, “reaffirmed [it] in several ways,” which was consistent with what OCR found in its review of the record. Reported incidents associated with these two Massmails are discussed further below.

The University also described that it has “taken steps to educate senior leadership specifically on anti-Semitism,” including multiple trainings delivered by the Anti-Defamation League in “the Fall of 2021” using its “Hate Uncycled curriculum.” In addition, the University described joining “Hillel International’s Campus Climate initiative” in January 2022, which “brings together senior administrators from peer institutions to work collaboratively [. . .] to ensure a positive campus climate in which Jewish students feel comfortable expressing their identities and values[.]” As part of the initiative, “[i]n March 2023, approximately 75 staff/faculty participated in a comprehensive anti-Semitism education program” that “focused on [. . .] addressing anti-Semitism through an anti-oppression lens and as part of a commitment to equity and justice.”

Incidents of Alleged Discrimination, including Harassment, and The University’s Response

The University referenced processing 139 incidents of alleged discrimination from approximately March 2015 through December 2023, including 131 incidents the University’s records indicated to be potentially (using the University’s terminology) “anti-Semitic,” 4 incidents the University’s records indicated to be potentially “Islamophobic,” and 4 incidents the University’s records indicated solely involved Jewish religious practices. Regardless of processing by OSCR or OAE, the complaint files associated with the 139 incidents contained no information demonstrating that the University considered whether a hostile environment potentially existed.

The record suggests that OSCR and OAE generally processed reports within the timelines reflected in their respective procedures. OCR also noted that various reports that started with or were subsequently referred to UIPD by other University officials in this period, though generally

investigated in a matter of from days to several weeks, were then ultimately closed by UIPD for lack of, e.g., video or eyewitness evidence, using a criminal law standard. Such closures appeared to have occurred with no further investigation, using a Title VI standard, by any office of the University as to whether the incidents described in the reports may have contributed to a hostile environment, for one or more members of the University community.

Following are examples of the reports the University received and its response.

- On [redacted content], a Jewish student in a University residence reported to her Resident Advisor (RA) that her mezuzah was taken from her door. University Housing scheduled a “Bias staffing” meeting about the report. The RA reported that the student at first thought the act might be antisemitic and was “very upset,” but later was unsure. The student indicated to the RA that she wanted to do “more than just talk about it” if it happened again. The record indicates that Housing “outlin[ed] the steps [that] were taken in response” to the incident for internal reference. On [redacted content], another Jewish student in a University residence reported that [redacted content] earlier in the month, he replaced it, and the second mezuzah was also stolen. UIPD investigated the theft, but the reporter did not know who had stolen his mezuzah, and “camera footage [. . .] did not identify anyone who may have taken the [m]ezuzah.” The UIPD report does not provide a disposition for the incident.
- On [redacted content], a Jewish student submitted a bias incident report to BART regarding a Multicultural Advocate (MA) at a Residence Hall. The MA, a University [redacted content] student employee, gave a presentation at a mandatory staff meeting for other student housing employees, entitled “Palestinian Resistance to 70 Years of Israeli Terror.” The Jewish student indicated that this action created “a hostile environment” for residents in the Hall “who identify as having Israeli national origin or citizenship.” BART met with the student reporter on [redacted content], to discuss his concerns. By that same day, community and outside stakeholder feedback on the matter had led to the Chancellor’s Office calling together various University officials for “a religious tolerance discussion.” On [redacted content], the Chancellor issued a Massmail entitled Addressing Anti-Semitism, referencing the MA presentation as well as the recent discovery of a swastika in the Foreign Languages Building. The Chancellor indicated in the Massmail that the presentation, “Instead of fostering dialogue, [. . .] incited division, distrust and anger,” which he said was the fault of the University, rather than any students involved. The University committed among other things to “instituting anti-Semitism training for all full-time Housing staff, RAs, and MAs.”

In response to the Massmail, the [redacted content], indicated in an email to the Chancellor and in other public messaging that “there is nothing anti-Semitic about [the presentation]” and accused the Chancellor of “exclusion towards [‘the voices of’] Palestinian Muslim [students].” Various members of the University community communicated to the Chancellor a mixture of views on the Massmail, from praise to condemnation. The Chancellor, along with other senior officials, met with [redacted content] within a few days of her email, but did not meet several subsequent “demands” issued by [redacted content] through Students for Justice in Palestine (SJP), an RSO,

while nonetheless assuring [redacted content] that various actions to be taken by the University were “closely aligned” with some of those “suggested” by SJP.

The anti-Semitism training took place for all University Housing employees between January 6 and February 20, 2020; [redacted content] attended the session on [redacted content]. Though she was told by a Housing official in advance not to disrupt the presentation by invited guest speakers from a Jewish organization, she did so anyway, “shouting out her disagreement and even us[ing] profanity.” This Housing official also reported to her superiors that various MAs were “backing” the student in this regard; the Housing official indicated that she did not remove the student from the training session out of a concern that “all MAs would erupt” if she did so. [Redacted content.] The [redacted content], in his May 2024 OCR interview, commented, “There was no attempt by the University to run the disrupted training again. The Multicultural Advocates program is no longer around, but there has been no such training since then for Housing staff.” The University’s narrative indicates that the Multicultural Advocates program was placed on hiatus in the 2021-2022 academic year and not resumed.

- On [redacted content], a Jewish student filed a BART report regarding SJP “publicly post[ing] on Facebook a photo labeling all opposing parties [(to a recent SJP-sponsored resolution entitled ‘Condemning Ignorance of Racism and Equating Anti-Zionism with Anti-Semitism’ in reference to the Chancellor’s recent Massmail described immediately above)] as white supremacists.” The student indicated, “This defamation can lead to difficulties with employment after college and is detrimental to my safety on campus.” The student also expressed concern to BART that “when a member of the Jewish community applies for an open seat within ISG [(Illinois Student Government, like SJP an RSO)], if they list any part of that identity, they are denied[,]” and further reported that members of the Jewish community were “unfairly silenced in certain meetings/ISG spaces.” BART offered to and subsequently conveyed these concerns to the ISG advisor and described to the student other options and resources. On [redacted content], BART followed through with the ISG advisor, who “stated that he opposed discrimination in [ISG] member selection [‘and [member] silencing’] and wanted to do some education for those involved in the process,” offering to investigate further if he was provided with the reporting party’s name.
- On February 18, 2020, UIPD responded to a report that a brick had been thrown through the window of AEPI, a Jewish fraternity, by an “unknown individual.” Due to a lack of security cameras either at the fraternity or in the area that would have captured the incident, UIPD closed the case. There is no indication that OSCR/BART, also “assign[ed]” to the incident, took any further action, such as investigating whether any non-Jewish fraternities had experienced such an incident.
- On [redacted content], a student filed a complaint with OSCR indicating that one of its employees [redacted content] had been over a long period sending various messages on his private Twitter account, such as, and otherwise consistent with, “I won’t tolerate Islam.” OSCR reached out to the employee to set up a meeting for the following day. OAE also promptly became involved. The Massmail dated [redacted content], described

in *Other Relevant Guidance* above, indicated that as of the afternoon of [redacted content], the employee was no longer employed by the University.

- On November 18, 2020, the University's SJP chapter posted a statement on its "Twitter page" criticizing the Joint Statement issued by the Chancellor two days earlier (see *Other Relevant Guidance* above), writing in part, "The massmail on anti-Semitism said that pro-Israel students are required to have access to fighting against racial and social injustice. They fail to mention that as Zionists, they actively advocate for white supremacy and racism, effectively excluding them from all anti-racist organizing." SJP also issued a list of corresponding "Demands." On December 11, 2020, a group of faculty and staff, from the University and other University of Illinois System campuses, "express[ed] serious concerns" about the Joint Statement, indicating that "[t]he political project to equate criticism of Israel with anti-Semitism is harmful on several levels[.]" On [redacted content], a student also filed a complaint with BART about the Chancellor "once again conflat[ing] anti-Semitism with anti-Zionism[.]" While it is unclear how the University responded to these concerns, as noted in *Other Relevant Guidance* above, the University has repeatedly reaffirmed the Joint Statement.
- On February 20, 2022, the [redacted content] reported to UIPD that a student walking to the Hillel Center found a flyer on the sidewalk, in a plastic bag also containing rocks, which he interpreted as an antisemitic message; the flyer stated, "Every single aspect of the Covid agenda is Jewish" and then listed several people with the word "Jewish" next to their names. Finding no video in the area, UIPD indicated it would request extra patrol in the area and administratively closed the matter that same day. A student [redacted content] remembered this as "a terrifying day, during the pandemic," when a group "as part of a national campaign was throwing bags on campus, blaming Jews for COVID. I was frightened for my life." The [redacted content], in his OCR interview, indicated, "UIPD actually identified the [two] persons responsible, spoke with them, and told us [UIPD] can charge [them] with no more than with littering. However, when the same two persons did this a short time later at [another public university in Illinois], a no trespass order was issued against them."
- On April 18, 2022, SJP held a protest march on campus; as the march passed the Hillel Center, a student [redacted content] threw a rock toward students at the Center's outside patio. UIPD opened an investigation and identified the student, who "stated he threw the rock as a symbolic act and had not intended to hit anyone." UIPD interviewed two students who had been at the Hillel Center during the incident, who "described [it] as alarming and upsetting." It was UIPD's reported understanding that [redacted content]. Three students submitted reports to Campus Belonging concerning the incident; one noted that in association with the incident, the SJP protest group had been chanting "From the river to the sea, Palestine will be free," which the reporter identified as antisemitic. Campus Belonging provided various options and resources to the student reporters, and on April 25, 2022, forwarded a report to OSCR. Two students reported to OSCR directly. OSCR provided notice to the "student suspect" on May 3, 2022, that OSCR was investigating the matter. On June 15, 2022, OSCR "notified the student [it] had found him in violation of Student Code § 1-302.a.3, which prohibits violent or

dangerous conduct in reckless disregard for another person's health or safety[.]" with various attendant sanctions.

The [redacted content], in his OCR interview, said regarding the University's response to the incident, "This understates the impact on students. With the rock throwing at Hillel, *all* the students in the building at the time, I'd estimate 12-18 of them, came downstairs. They did not want to stay exposed, so they left." He also indicated, "[The University] never asked about these other impacted students. With lots of these incidents, there's the question of how many others out there are affected, what's the level of concern? We don't see that follow-through from the University." In a Massmail on August 2, 2022, entitled "Inclusivity, Tolerance and Respect in the New Academic Year," the Chancellor referenced both the flyer incident above, i.e., "the traditional celebrations at the end of the last academic year were shadowed by anti-Semitic messages dropped around the campus"; and this incident, "an individual's irresponsible act of throwing a rock towards a rooftop deck where a group of Jewish students were gathered for a private event"; as well as noting, "Just last week, we received reports of swastikas and Nazi-associated phrases carved into a restroom stall in one of our facilities." The Chancellor wrote, "The anti-Semitic acts and expressions are antithetical to our university values. [. . .] Whether in the form of anti-Semitism, racism, sexism, Islamophobia, religious intolerance, gender bias or any of the too many other ways some in our society invent to marginalize or devalue others—this university will never tolerate hate, discrimination or violence."

- On May 15, 2022, UIPD received a report from an unidentified reporter that a swastika was etched into a bathroom stall door in the English Building. UIPD's report did not provide a disposition for the incident. On May 20, 2022, OAE received a report from a staff member [redacted content] that there were swastikas carved into not one but two stall doors in the men's restroom in the English Building. The staff member described in her report, "I was informed that someone would remove the carving on both stall doors. However, I checked yesterday afternoon, still there. I just checked again this morning, still there. Please let me know if you need further information." OAE offered to the reporter to discuss any concerns, identified available campus resources, and facilitated expedited removal of the doors for refinishing. The matter was also referred to Campus Belonging "for tracking purposes only." OCR notes that it has identified approximately 30 reports in the record concerning swastikas, from 2015 to the present, and that Massmails have repeatedly condemned the appearance of swastikas; for example in April 2016, the then-Interim Chancellor wrote, "Yesterday, Building Services staff found swastikas drawn in Lincoln Hall and the Armory, and another one was found later in Greg Hall. [. . .] We condemn acts like these that are intended to intimidate particular groups[.]"
- On or around [redacted content], a Jewish student was allegedly attacked by another student "and his Jewish chain [redacted content] was ripped off." Two days later, the attacked student saw his alleged attacker at an off-campus bar located within several blocks of campus, who explained that he attacked the student because he was Jewish, and the alleged attacker said, "I wish my ancestors finished the job on you[.]" [Redacted content] fraternity reported this incident to the Rabbi [redacted content], who then

notified various University officials, indicating the “assailants were from the [redacted content] fraternity and the [redacted content] students could identify the assailant”(sic). Among many other officials, the University’s Director, Fraternity and Sorority Affairs was informed. The Rabbi indicated that “for now, the students were trying to deal between the houses themselves[.]” However, the fraternities did not ultimately meet because the [redacted content] fraternity “never showed up.” The Rabbi advised University officials, “The main student that this happened to is having a hard time,” but the Rabbi continued to address the matter himself, apparently at the preference of [redacted content], while also advising the fraternity to file a police report, as did University officials. The [redacted content] made a separate report about the incident to Campus Belonging on [redacted content]. Campus Belonging reached out to the reporter and offered resources, and “due to potential hate crimes described here” (with Administrator 2 explaining in her interview that her office “looks at what Illinois statutes define a hate crime as”) forwarded the report to UIPD, which “did not have much to go on since the incident was not reported to the police.” The reporter did not respond to Campus Belonging’s follow-up, and “no further report was received from [the Rabbi] about the incident.”

- Over the period October 20-25, 2023, three different students reported that other students on the University’s [redacted content] online discussion forum had been making antisemitic comments. One of these reports was forwarded to OSCR on October 23, 2023, and it was referred on that same day by OSCR to Campus Belonging. A different report was referred to OAE and then by OAE to Campus Belonging. Campus Belonging met with all three reporters to discuss their concerns “and provide support resources as needed.” One of the reporters informed Campus Belonging that the comments had “crossed a line of appropriate and measurable freedom of speech.” The University “removed several [redacted content] posts for violating the forum guidelines and sent communications to all [redacted content] users, the reporting students, and a student identified by the reporters[,] to reaffirm the guidelines.” On [redacted content], a student who identified as an “Israeli Jew” and served as an [redacted content] indicated that when another student continued to use the forum not for “the intended design,” e.g., by “comment[ing] with a horrific graphic and the hashtag #stop_genocide_in_gaza[,]” she was “able to delete and ban him,” but he returned a week later to write to her, “I am lowering myself again when I respond to you, but I have to . . . [.] It's not your business, this is just for humans!!”
- On [redacted content], the [redacted content] reported to UIPD that a flag being displayed outside of a Jewish fraternity house, AEPI, to show support for Israel had been ripped down, and fraternity members were “very shaken” by the incident. The UIPD

- conducted an investigation and ultimately closed the matter due to a lack of evidence. Campus Belonging also met with a reporting student, who said that “this act of vandalism made fraternity members concerned about ‘being seen as a target’ if they replaced the flag.” Campus Belonging shared resources, such as counseling, with the reporting student. The [redacted content], in his OCR interview, stated, “[The University] made [the Jewish community] feel like a nuisance with all the post-October 7 incidents. [. . . A] fraternity’s Israeli flag banner was torn down, within a few days [sic] of the [Hamas-led attack on Israel]. Non-Jewish fraternities did not experience such incidents, but the University does not make the connection.”

The University, indicated that “in the wake of the October 7 attack and the resulting impact on the campus community,” it has taken various steps, such as “directly engag[ing] with members of the campus community” with listening sessions starting in November 2023 “for the communities most impacted” including, e.g., “Jewish, Israeli, [‘Palestinian,’] Arab, and Muslim” community members, as well as “more informal continued engagement with students.” Specifically, “[Student Affairs] staff is continually engaging in conversations with students about their experiences and their ideas for advancing change, including helping students see both potential opportunities and blind spots in developing action plans.” The Assistant Chief, in her interview, indicated that UIPD has increased patrols both on its own initiative in response to incidents, and at the request of, e.g., Jewish students and/or Jewish-affiliated groups, both before and after October 7.

- On [redacted content], a student reported that she had been struck by a University employee while the student was attending a protest march in support of Palestine, According to the UIPD report, the student confronted the employee—who UIPD indicated was apparently attending the march as a counter-protester—by holding a phone “within inches” of the employee’s face while taking video; the employee then knocked the phone from the student’s hand before walking away. The student later submitted a report to OAE stating she had been struck multiple times by the employee. The UIPD report indicated, “Subject was hit in the hand by her own cellphone after provoking someone else with the cellphone.” OAE found that it did not have jurisdiction over the matter because it occurred outside of the employee’s work hours and was based on the student’s use of a recording device and not on a protected class. The UIPD report indicated that a companion of the student was “antagonizing” the employee [redacted content]. The companion, also recording the incident, stated to the employee, “We have some lady here [redacted content] have some shame, some etiquette. [Redacted content] as if you're not murdering babies.” The employee indicated to UIPD that as she was walking away, “she was hit from behind with a flagpole by someone in the crowd[,]” “in her right ear[,]” drawing some blood. The employee indicated to UIPD that “it was an emotional fueled event [sic] and she was not hurt so she did not pursue the incident.” The University indicated in its narrative, “At the time of the UIPD report, [the employee] had not pursued legal action against the student; the case remains open.”
- On November 9, 2023, an unnamed person identifying herself as a University alumna and parent of a current University student reported to OAE a video purportedly showing

people writing “From the River to the Sea” on the University Quad at an unknown time. The reporter stated the language was “a direct incitement to murder all Jews in Israel. These antisemitic writings on the sidewalk of the quad cannot be allowed. [. . .] This is not free speech but hate.” She also stated her daughter had been “personally harassed and ridiculed for being Jewish on campus, and it’s just a matter of time before things escalate on campus.” On November 10, 2023, OAE referred the matter to Campus Belonging. Campus Belonging indicated it did not follow up because the reporter was anonymous and the people in the video were not identified.

- On November 9, 2023, at an SJP demonstration, a person was holding a sign that read “Keep the World Clean” with an image depicting a figure throwing the Star of David into a trash can labeled “Trash.” “Free Palestine” was also written in the bottom righthand corner of the sign. Campus Belonging received 23 reports, 6 of them anonymous, with 3 of 17 reporters choosing to meet. The various reports shared concerns such as the sign was “pro-genocide,” “absolutely disgusting,” and “discriminatory and prejudiced.” Additional reporters expressed that the sign “equates all Jewish and Israeli individuals to trash,” is “a call for ridding the world of such individuals,” and is “calling for death of all Jews.” Campus Belonging indicated in its case notes that “because the individual in the image is unknown, no follow up with the involved party is possible.” OSCR received one report and referred it to Campus Belonging. OAE received four reports and referred them all to Campus Belonging. OCR noted, however, that the University’s narrative indicated, “According to campus officials, the woman holding the sign was not a University student.” As noted above, OAE has jurisdiction over “complaints that a visitor to the University or an individual lacking a formal connection to the University has engaged in alleged violations of the Nondiscrimination Policy[.]”
- On November 10, 2023, a student reported to Campus Belonging that “another student screamed at her and told her that she supported genocide after she asked the other student to stop taking down posters of Israeli hostages on campus.” While the student indicated that she had a video of the incident, she did not include it in her report. The identity of the student allegedly responsible for the incident was unknown. The reporter did not respond to outreach by Campus Belonging, and the case was eventually closed.

Recent Events: Spring 2024 Student Protests

The University, in its narrative to OCR dated February 20, 2024, stated:

The University has taken increased steps regarding campus safety. It has coordinated with outside law enforcement agencies on incidents or issues that have impacted or may impact the university community. It has also worked with university police to have officers conduct extra patrols of local community centers and fraternity and sorority houses. The University has also responded swiftly to remove unauthorized postings or markings on university property.

Publicly available information since the University’s February 20, 2024 document production indicates that pro-Palestinian protesters erected encampments on campus in a period from late April into early May 2024. A Massmail dated April 26, 2024 described:

This afternoon, when university police officers attempted to escort university staff into the area to remove the encampment structures violating university policy, members of the demonstrating group prevented their entry and physically resisted. This included use of pieces of lumber as well as other physical tools and objects to push the officers back. Our officers made the decision to deescalate the situation and stepped back to reduce the risk of injury to themselves or the demonstrators.

Another Massmail issued later that day described “a peaceful resolution that has ended the demonstration” and would result in a “dismantl[ing of] the[] encampment” and relocation to “public access green space” as a “compromise to avoid a physical confrontation that would endanger demonstrators and our police officers alike.” A Massmail two days later indicated that the encampment on the “Main Quad” had nevertheless resumed.

Fall 2023 Campus Climate Assessment

The University provided OCR with documentation of a campus-wide “diversity, equity, and inclusion survey administered during the Fall 2023 semester,” the “DEI All Campus Climate Assessment,” that included various general questions related to, e.g., race, color, and national origin. As discussed below, pursuant to the Resolution Agreement, the University will next engage in a more focused climate assessment, to address the extent to which students and personnel are subjected to, or witness, discrimination, including harassment, or related retaliation, based on shared ancestry and will provide the results to OCR pursuant to the Agreement.

Analysis

OCR is concerned that the University appears not to have taken steps to assess whether incidents about which it had notice individually or cumulatively created a hostile environment for members of the University community, and, if so, to take steps reasonably calculated to eliminate the hostile environment, remedy its effects, and prevent its recurrence.

University documentation produced to date, covering a nine-year period from 2015 through 2024, does not reflect that the University assessed whether a hostile environment was created for students, faculty, or staff related to any reports the University received regarding antisemitic or other shared ancestry discrimination. These unassessed incidents regarding a possible hostile environment included, for example, the mezuzah thefts, the “Covid agenda is Jewish” flyer in a plastic bag containing rocks (the “flyer incident”), the rock-throwing at Hillel, the inter-fraternity “Jewish chain” theft accompanied by verbal harassment, and the [redacted content] online discussion forum. With respect to, e.g., the flyer and the discussion forum incidents, the “Keep the World Clean” incident, writings in University common areas like the Main Quad, and various statements by RSOs and their members, while the University may not discipline speakers for protected speech, the University retains a Title VI legal obligation to take other steps as necessary to ensure that no hostile environment based on shared ancestry persists. At a minimum, therefore, the University has an obligation to evaluate whether any incidents of

harassment of which it has notice rise to the level that they create or contribute to a hostile environment to which the University must respond promptly and effectively.

Some records the University produced reflect that University responses were not designed to remedy any existing hostile environment that may have resulted from shared ancestry-based harassment. For example, while the rock-throwing at Hillel and the flyer incidents were both characterized by the University in a Massmail as “anti-Semitic acts and expressions,” the first resulted in the offending student being sanctioned under the Student Code – but not for harassment, and resources were offered only to the relatively few students who chose to report the incident; and the second was administratively closed by UIPD on the same day it was reported on behalf of a student, with no further action other than, according to the [redacted content], reference to a possible littering charge for the later-identified third-party perpetrators. The University apparently took no further action to address effects on students from these two widely reported incidents, even though the incidents were known by the University, as reflected in the Massmail, to have potentially impacted more students than were involved in reporting them. That is, the flyer incident involved “anti-Semitic messages *dropped around the campus*” (emphasis added) and, as an example of the kind of information a broader contemporaneous inquiry might have revealed, was described by a student in the May 2024 focus group as “terrifying,” over two years after it occurred. The rock-throwing at Hillel involved “a rooftop deck where a group of Jewish students were gathered for a private event,” and so the University knew or should have known that other Jewish students who were at the Hillel at the time of the incident may also have needed resources. The May 2022 carved swastikas incident also raised questions as to how promptly the University sometimes responded after receiving notice of such vandalism.

As to preventing recurrence, OCR is concerned, for example, that despite the frequent appearance of swastikas on campus – representing nearly a quarter of the 131 alleged antisemitic incidents in the narrative – the University, its various Massmails and other efforts regarding this ongoing issue notwithstanding, has not taken effective action to ensure that these incidents do not recur.

The information provided by the University to date in this investigation also raises concerns that diffuse and overlapping University policies and procedures leave the University community, and students in particular, unclear as to how the University will respond to alleged discrimination based on national origin, including ancestry. The structure for receiving and responding to reports and complaints of harassment splits responsibility between OSCR and OAE, but various other offices such as UIPD and Housing become involved without clear policies and procedures outlining when that will occur and/or what role those offices fill. For example, Administrator 2 indicated that Housing may engage in “quasi-investigations” of possible harassment incidents, but the Housing website itself makes no reference to this process, instead directing such concerns to OAE (but not OSCR, which is charged with handling complaints against students). As another example, while the University’s Nondiscrimination Policy does not charge UIPD with a responsibility for assessing whether a hostile environment may have been created for a reporter or others impacted by an incident, when UIPD closes out such a potential incident of this nature using criminal law standards, it is unclear whether OSCR and OAE will, as applicable, be given information about the incident from UIPD sufficient to assess whether, under Title VI, the

incident may provide actual or constructive notice of a hostile environment, and to respond accordingly. Similarly, OCR is concerned about how these offices ensure equal treatment of protestors based on national origin, including shared ancestry or ethnic characteristics. For example in the October 28, 2023 protester/counter-protester incident, OAE apparently did not consider whether it may have had jurisdiction over an employee, outside of work hours, as a visitor, and while the University's narrative indicated that the employee might have had a basis for "pursu[ing] legal action against the student," there is no indication that UIPD shared such information with OSCR for possible further investigation of the student by that office.

In addition, the procedures of the two offices vary in a manner that may impair effective processing of Title VI concerns. For example, while the OAE procedures provide for a "careful balancing" assessment of complainant requests for anonymity, as well as an investigation as appropriate even when no formal or informal complaint has been filed, the OSCR Procedures do not. Also, for OAE with, for example, the "Keep the World Clean" incident (i.e., wherein the accused was a third party) and OSCR with the Jewish chain incident (i.e., wherein the incident between students took place off campus), it is unclear whether those offices exercised the full extent of their jurisdiction – again, OAE over visitors who engage in alleged violations of the Nondiscrimination Policy, and OSCR over alleged student behavior that occurs off campus and that would violate the Policy in a manner in which the University's community interest is substantially affected – when doing so may have been necessary to ensure compliance with the University's Title VI obligations.

OCR also noted that Administrator 1 characterized OAE "as most centrally responsible for Title VI" at the University, but as the University's reporting structure as revealed in this investigation demonstrates (and as reflected in the Nondiscrimination Policy itself), OAE, OSCR, and Campus Belonging actually share an *equal* responsibility to be knowledgeable about the Title VI requirements applying to the University, and this is true for any University units (e.g., UIPD and Housing) charged in some way with handling such incidents. Instead, University records reflect referrals of incident reports/complaints to different University units without oversight of whether or how the complaints were ultimately addressed or whether any response was prompt or effective.

Conclusion

The University agreed to implement the enclosed Resolution Agreement, which, when fully implemented, will address the evidence obtained and all of the issues investigated. The Agreement requires the University to:

To resolve the Title VI concerns OCR identified, the University agreed to:

- Review and as necessary revise its nondiscrimination policies and procedures to ensure they consistently provide that it 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.

- Review and as necessary revise its protest and demonstration policy to ensure University law enforcement responses related to protests and demonstrations are applied equitably and in a manner compliant with Title VI.
- Provide training to University law enforcement personnel as well as to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics (including antisemitism); and
- Conduct annual training on discrimination based on national origin, including harassment based on shared ancestry or ethnic characteristics, for all faculty, staff, and students.
- Conduct a review of the University's response to complaints and reports of antisemitic and other shared ancestry discrimination during the 2023-2024 academic year, and take necessary remedial actions,
- Provide OCR with information regarding any complaints alleging discrimination, including harassment, on the basis of shared ancestry during the 2024-2025 school year, and complete additional steps as directed by OCR; and
- Administer a climate survey to students and staff and create an action plan, subject to OCR approval, in response to concerns raised in the survey.

Please review the enclosed Agreement for further details. OCR will monitor the University's implementation of the Agreement until the University is in compliance with the terms of the Agreement and the statute and regulation at issue.

This concludes OCR's investigation of these complaints and 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 this case. This letter is not a formal statement of OCR policy and should not be relied on, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

It is also important for you to understand that the laws OCR enforces also prohibit the University from harassing, coercing, intimidating, or discriminating against any individual because the individual has filed a complaint or participated in the complaint resolution process. If this happens, that individual may file a complaint alleging such treatment.

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, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR would like to thank the University for the cooperation and courtesy extended to OCR during our investigation. In particular, OCR would like to thank Ms. Christina M. Egan and Ms. Amy Gilbert, counsel for the University. If you have questions regarding this letter, you may contact Lauren Lowe, Senior Attorney, by email at Lauren.Lowe@ed.gov.

Sincerely,

/s/

Adele Rapport
Senior Legal Advisor to the Assistant Secretary
and to the Deputy Assistant Secretary for Enforcement

Enclosure