

**TO:**

**VIA EMAIL**

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April 9, 2024

**Administrative Complaint Against Hunter College  
Under Title VI of the Civil Rights Act of 1964**

**I. Introduction**

These Complaints are filed with the U.S. Department of Education Office of Civil Rights (“OCR”) against Hunter College on behalf of the Palestine Solidarity Alliance (“PSA”), a student organization whose membership is composed of students who are Palestinian, Arab, Muslim, or South Asian, or perceived to be such due to their donning of keffiyehs, facial features, and/or skin tone, regarding the hostile environment Hunter College maintains for these students and discrimination against them.

Although the Complaints list specific instances of discrimination, the problems that are the subject of the complaints are systemic and require system-wide investigation and remedy.

**II. Statement of Jurisdiction**

Hunter College is a public university in the State of New York. As a public entity that receives federal funding from the U.S. Department of Education, Hunter College is subject to all laws and regulations enforced by OCR. This complaint is timely because discriminatory acts, harassment, and hostile environment occurred within the last 180 days. Further, the adverse disparate impact of these policies and practices is ongoing.

**III. Other Filings**

Complainants have not sought relief for these claims from any other federal agency.

**IV. Basis for the Complaints**

The basis for this complaint is grounded in discrimination of actual and perceived race, ethnicity, and national origin of students as well as viewpoint discrimination.

Hunter College maintains an environment that is hostile to students, including the PSA's membership, who are Palestinian, Arab, Muslim, or South Asian, or perceived to have these identities based on their donning of keffiyehs, skin tone, and facial features often associated with these identities. An environment that is hostile to the PSA is, by extension, hostile to all students at Hunter College who are Palestinian, Muslim, Arab, South Asian, or likely to be perceived as such due to the identities that the PSA represents.

Hunter College censors speech based on its expressed solidarity with the Palestinian people while permitting similar speech on the same topic with a different viewpoint.

## V. Harm

The attached complaints detail incidents that have created a hostile, discriminatory environment for Palestinian, Arab, Muslim, or South Asian students, including the PSA and its members, as well as to students who are perceived to have these identities based on their donning of keffiyehs, skin tone, and facial features often associated with these identities. These students, who already suffer from the mental distress of having to witness the genocide of the Palestinian people, face additional anxiety about going to campus and are unable to pay attention due to the hostile environment created by Hunter College, which adds tremendous extra work as they try to navigate and correct the behavior of Hunter College administrators. In a broader context of this rising hostility and violence towards Palestinians, these students have been targeted by the administration for their actual or perceived identities.

One PSA member stated, "Being a (b)(6); (b)(7)(A) student at Hunter College after the start of the genocide in Gaza has made me feel (b)(6); (b)(7)(A); (b)(7)(C)  
(b)(6); (b)(7)(A); (b)(7)(C)

Another PSA member expressed,

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

## I. Requested Remedies

Based on the following, the Complainants respectfully request that OCR accept jurisdiction, conduct an investigation, and after making appropriate findings, require Hunter College to eliminate its discriminatory policies and practices, and hostile environment toward students who are, are perceived to be, or are associated with Palestinian, Arab, Muslim, or South Asians. Complainants do not accept as a remedy for the harm they have suffered the institution of any new speech-censorship policies aimed at students, faculty, staff, or administrators at Hunter College. Complainants also do not accept as a remedy any expansion of campus public safety or police presence in and around Hunter College.

In order to avoid further harm, Complainants also request that CUNY divest from all companies that enable or profit from Israel's genocide, apartheid, colonization, occupation, and war crimes against the Palestinian people. Most immediately, this includes divestment from the weapons manufacturers creating profits for CUNY through their participation in Israel's genocide in Gaza: Boeing, General Electric, Lockheed Martin, Northrop Grumman, and Raytheon. Complainants request that CUNY end all of its exchange programs with Israel, as Israeli universities are engaged in documented complicity in Israel's oppression of Palestinians, and adhere to all principles of academic boycott.<sup>1</sup> Moreover, Complainant requests that CUNY take measures to better protect students of all national origin, which would require the university and Queens College to cease the conflation of political ideologies such as Zionism with national origin or religious identity. As such, the Complainant requests that CUNY commit to a Title VI analysis that does not conflate criticism of a foreign government or political ideology with national-origin discrimination

## **II. Conclusion**

All communications regarding this complaint should be directed to the **Palestine Solidarity Alliance**, which can be reached at [psa.huntercollege@gmail.com](mailto:psa.huntercollege@gmail.com). Should you need the address, Hunter College is located at 695 Park Avenue, New York, New York 10065. Thank you for your attention to this matter.

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<sup>1</sup> This includes exchanges such as 'Hillel on Base,' on January 31, 2024, during which approximately 40 New York City university students and alumni Hillel members visited Israel to package meals for Israeli soldiers as those same soldiers face charges of genocide at the International Court of Justice. From January 2-11, 2024, Hillel members from Baruch College and Brooklyn College visited Hatzetim air base. See Hillel International (@hillelintl), Instagram (Jan. 29, 2024), [https://www.instagram.com/hillelintl/p/C2s60QHscRv/?img\\_index=1](https://www.instagram.com/hillelintl/p/C2s60QHscRv/?img_index=1).

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## Selective Public Acknowledgement of Loss of Life

### I. Facts

On October 7, 2023, CUNY Chancellor Félix V. Matos Rodriguez issued a statement saying that he was “[h]orrified by Hamas’ surprise attack on Israel and its people.”<sup>2</sup> On October 8, 2023, Hunter College Interim President Ann Kirschner (“President Kirschner”) released a statement condemning “the violent attack by Hamas terrorists on Israel.”<sup>3</sup>

At no point since then has President Kirschner made any public statement acknowledging Israel’s genocide of the Palestinian people, which includes the basic acknowledgement of the existence of the Palestinian people. President Kirschner has only publicly condemned the loss of Israeli lives, when more than 33,175 Palestinians, including more than 13,000 children and 8,400 women have been killed in Gaza by the Israeli military between October 7, 2023 and April 7, 2024.<sup>4</sup>

On October 11, 2023, the Palestine Solidarity Alliance (“PSA”) met with Ms. Eija Ayravainen Stanley, Vice President for Student Affairs and Dean of Students, and Ms. Miesha Smith, Director of Student Life, to express their concerns, pain, frustration, and sadness that Hunter College had not released any public statement concerning Israel’s killing of Palestinians. In that meeting, the PSA members requested that the Hunter administration apologize and acknowledge the Palestinian people, including Palestinian students at Hunter College. These requests were not met by the Hunter administration, nor did Ms. Eija Ayravainen Stanley or Ms. Smith ever follow up with the PSA about their concerns.

On December 12, 2023, the PSA and Muslim Students Association (“MSA”) met with President Kirschner, Ms. Ayravainen Stanley, Ms. Cynthia King Vance, Vice President of Strategic Initiatives, and Ms. Smith to make more demands to the administration from their on-campus constituents. During the meeting, members again raised their concerns about the lack of acknowledgement of Palestinians in the internal emails and public statements written by President Kirschner. An MSA member pointed out that President Kirschner had released a statement on October 8, 2023 condemning Hamas’s actions but had done nothing to acknowledge the killing of (at the time of the December meeting, about 18,000) civilians in Gaza, mostly women and children, the bombing of hospitals, schools and UN refugee centers, and the use of white phosphorus, an internationally prohibited weapon. That MSA member also

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<sup>2</sup> Statement from CUNY Chancellor Félix V. Matos Rodríguez (Oct. 7, 2023), <https://www1.cuny.edu/mu/forum/2023/10/07/statement-from-cuny-chancellor-felix-v-matos-rodriguez/>.

<sup>3</sup> Statement From Hunter President Ann Kirschner on Hamas Attack on Israel (Oct. 8, 2023), <https://hunter.cuny.edu/news/statement-from-hunter-president-ann-kirschner-on-hamas-attack-on-israel/>.

<sup>4</sup> AJLabs, *Israel-Gaza war in maps and charts: Live tracker*, AL JAZEERA, <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>.

pointed out that these acts by Israel are fact, not opinion, and have been documented by international organizations. Still, Hunter College did not issue a statement.

On February 2, 2024, the PSA sent another internal email to the Hunter College administration demanding recognition of the Palestinian people. (Exhibit A). That email stated:

I return to urge you once again to condemn the genocide of Palestinians. While you swiftly condemned attacks on Israel within a day after October 7, it has been 118 days since our initial request, and there has been no condemnation of the genocide against Palestinians. The Palestinian, Arab, and Muslim community within our college continues to feel marginalized and unheard by the administration.

On February 7, 2023, President Kirschner responded to the PSA's email. (Exhibit B). That email stated that President Kirschner's "current focus was here on campus." In other words, while President Kirschner had issued a public statement on October 8, 2023 in support of Israel, she had since changed her focus to issues on Hunter College's campus and was therefore unable to issue a public statement acknowledging the genocide against Palestinians in Gaza. At this point, over 25,000 Palestinians had been killed in the genocide in Gaza. In declining to issue a statement acknowledging the killing of Palestinians for at least the third time, President Kirschner chose to maintain the public and internal impression at Hunter College that she condemned the killing of Israelis but not the genocide of Palestinians.

## **II. Harm**

Because students in the PSA feel their humanity and that of their families are directly impacted by the genocide, which goes unrecognized by Hunter College, while Israeli lives are worthy of a public statement, PSA members are not comfortable coming to campus, seeking support from the Hunter College administration, and trusting the administration. This lack of support has profoundly impacted their ability to learn, participate in educational activities and classes, and succeed in their studies, and has contributed to the creation of a hostile environment at Hunter College.

The harm done to the PSA's members is compounded by the fact that members had to meet with Hunter College administrators on October 11, 2023 to ask for such a statement to be released to the public. They were forced to make these demands again on December 11, 2023, and again on February 2, 2024, due to the ongoing lack of acknowledgement. Such gaslighting contributes to the harm felt by the PSA members because it creates a dynamic where they have to ask for their humanity to be recognized, whereas Hunter College readily recognizes the loss of Israeli lives. One PSA member stated that the PSA is asking for an explicit statement

acknowledging the genocide and that students at Hunter College have Palestinian family upon whom the genocide is being directly enacted. The student added that not even any condolences have been extended to these Hunter students.

One PSA member expressed on (b)(6); (b)(7)(A); (b)(7)(C) that they (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) and they do not feel comfortable going to the Hunter College administration for support because of President Kirschner's selective acknowledgement of loss of life. They feel disappointed in and disrespected by the Hunter College administration.

On December 11, 2023, during the meeting between the PSA, MSA, President Kirschner, and Hunter College administrators, one MSA member pointed out that the lack of acknowledgement of Palestinians and Palestine, compared with the rapidly-made public statement in defense of Israeli lives, reflected a one-sided approach from the Hunter College administration and that this was making the Palestinian, Arab, Muslim, or South Asian students and others associated with the PSA and/or MSA feel unsafe on campus. They particularly pointed to the lack of acknowledgement of Palestinians and Palestine impacting the overall campus, including the academic environment and mental health of students. One PSA member stated during the December meeting:

There have been thousands and thousands of news articles that have come out and proof and pictures showing (b)(6) children, women, and men being murdered. The truth is that if you cannot acknowledge that on campus it only makes (b)(6) safety worse. And it only makes the fear on the campus rise. So what we're demanding here today is that you send out a public statement acknowledging (b)(6); (b)(7)(A); (b)(7)(C) the Palestinian struggle, and what's been going on. And that is what is going to create a real safe campus.

One MSA member stated:

That's the only place we can start a conversation from – an acknowledgement of what has been going on. We talk about equality and fairness and lack of bias but here we see one atrocity being committed and it being acknowledged by the college and an atrocity much larger happening and no statement made. That demonstrates to anybody, any viewer, that there is a clear bias here. I can see it with my own eyes.

As of April 7, 2024, Hunter College maintains its selective recognition of loss of life by failing to issue any statement acknowledging the killing of Palestinians. One PSA member stated,

Regarding President Kirschner and her tone-deaf emails that are centered around her concern for her Jewish students only and never addressing Muslim, Palestinian, or Arab students, I am appalled and disgusted. I feel like our safety did not matter to President Kirschner and that she couldn't care less about her Muslim and Arab students. What she chose to highlight in her emails told me that she cared for and represented her Jewish students, but her Muslim students were of no concern to her at all.”

## **Lack of Protection for PSA Students Following Rally on October 12, 2023; Lack of Protection for PSA Students Facing Doxxing Instigated by Hunter Hillel**

### **I. Facts**

On October 12, 2023 around 2:30pm, the PSA hosted a rally against the genocide and in support of Palestinian liberation outside the West Building at Hunter College. Only a few hours later, President Kirschner released a statement expressing support for Chancellor Félix V. Matos Rodriguez’s statement, “We want to be clear that we don’t condone the activities of any internal organizations that are sponsoring rallies to celebrate or support Hamas’ cowardly actions. Such efforts do not in any way represent the University and its campuses.”<sup>5</sup> (Exhibit C). Multiple students approached PSA members after President Kirschner sent her email to express the sentiment that this email seemed to be directed at the PSA. That the PSA is a supporter of Hamas is not substantiated by any evidence and is a dangerous claim to make about part of the student body, potentially putting students at risk of federal investigation, criminal charges, and immigration consequences.

The PSA rally against the genocide and in support of Palestinian liberation was also defamed by other Hunter students as antisemitic, which was also unfounded. In response, the Hunter College administration provided no protection or support for the PSA. A PSA member emailed Ms. Ayravainen Stanley and Ms. Smith at 4:51pm on October 12, 2023 to report the harassment and defamation experienced by the PSA regarding the rally. (Exhibit D). The PSA member passed on screenshots of the online defamation and harassment experienced by the PSA regarding its rally. (Exhibit E). Among the harassing messages against the PSA was a clear message threatening the physical safety of Hunter College students: (b)(6); (b)(7)(A); (b)(7)(C)  
(b)(6); (b)(7)(A); (b)(7)(C)  
(b)(6); (b)(7)(A); (b)(7)(C) This was from an Instagram account belonging to (b)(6); (b)(7)(A); (b)(7)(C) which is not an account known to the PSA. Another of the defamation messages stated that the chants spoken at the rally included (b)(6); (b)(7)(A);

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<sup>5</sup> Statement from CUNY Chancellor Félix V. Matos Rodríguez (Oct. 9, 2023) <https://www1.cuny.edu/mu/forum/2023/10/09/statement-from-cuny-chancellor-felix-v-matos-rodriguez-2/>.

(b)(6); (b)(7)(A); which was false. This was from Instagram account (b)(6); (b)(7)(A); which is easily connected to Hunter College student (b)(6); (b)(7)(A); (b)(7)(C)

Despite the threat to the physical safety of rally organizers and the clear proof that (b)(6); (b)(7)(A); (b)(7)(C) Ms. Ayravainen

Stanley responded to the PSA member's email nearly a full day after it was sent, on (b)(6); (b)(7)(A); (b)(7)(C) (Exhibit F). Ms. Ayravainen Stanley's email stated that her slow response was due to a (b)(6); (b)(7)(A); (b)(7)(C) and that she was unable to find anyone who saw or heard students chanting (b)(6); (b)(7)(A); at the event. The message ended there - the Hunter College administration provided no recourse, protection, or support to the PSA following the (b)(6); (b)(7)(A); (b)(7)(C) even though one of the perpetrators was readily identifiable as a Hunter College student.

In sharp contrast, President Kirschner's email alluding to the PSA being a supporter of Hamas also stated that students who felt uncomfortable or unsafe coming to campus due to rallies by "internal organizations" who "support Hamas" could ask for accommodations from their professors to avoid campus, which would be given without penalty. The email extended counseling and wellness services to such students as well as a phone number for the Employee Assistance Program and Public Safety. In other words, Hunter College extended many of the resources available within the institution, but specifically not to the students who were actually threatened and defamed the day of the rally, who are Palestinian, Arab, Muslim, and South Asian students.

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The lack of psychological and physical protection for the PSA by the Hunter College administration extended beyond the October 12, 2023 rally. PSA members began to face instances of online doxxing. On (b)(6); (b)(7)(A); (b)(7)(C)

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

(b)(6); (b)(7)(A); (b)(7)(C) The purpose of doxxing is to make the students feel threatened for their personal and physical safety, have their career options jeopardized, and put their livelihoods at risk. The Hunter College administration did not reach out to these students to provide any support, in sharp contrast to the support they provided to students who did not want to come to campus during the PSA's October 12, 2023 rally.

On or around November 4, 2023, the Pakistani Student Organization ("PSO") hosted an event for their constituents. The PSA had posted an announcement of the event on their social media. It was only after the PSA had posted the event on social media that a Hunter Public Safety Officer came to the event and questioned the PSO organizers if they were "doing anything Palestine related." There were also two individuals standing outside the event who seemed unfriendly to the event, observing it in bad faith. The Hunter Public Safety Officer did not take

steps to diffuse the situation. Similarly, on or around November 9, 2023, the Hunter College administration ordered a Public Safety Officer to stand outside a PSA event until the PSA President had departed.

On November 14, a billboard truck operated by the *Accuracy in Media* organization also doxxed several CUNY students and faculty by portraying their name and picture on the truck's electronic billboard under the banner "CUNY's leading antisemites." The truck stayed at Hunter College for over a week, as again administration did nothing to protect their students from these threats.

On February 28, 2024, Hunter Hillel released an email and Instagram post falsely claiming that pro-Palestine students at Hunter College had "personally targeted" students and "physically intimidated them." (Exhibit G). Shortly thereafter, on March 2, 2024, The Times of Israel<sup>6</sup> and The Jewish Telegraphic Agency<sup>7</sup> jointly published an article which stated that the Hunter College administration was opening an investigation into allegations of antisemitism. This article quoted Hunter Hillel, which once again falsely accused pro-Palestine students of targeting them. Since the publication of this article, PSA members have (b)(6); (b)(7)(A); (b)(7)(C) (Exhibit H). PSA and Not In Our Name (NION) released a joint statement denouncing Hillel's false accusations and the ensuing harassment.<sup>8</sup>

The PSA students, who are overwhelmingly Muslim, Palestinian, Arab, South Asian, or likely to be perceived as such, only began to face such public harassment after Hillel's false accusations were uplifted by the aforementioned article. Hillel choosing to publicize these unfounded claims led directly to PSA members and other Hunter students being exposed to threats to their lives and their safety.

The PSA contacted President Kirschner on March 5, 2024 to express concern. They demanded that Hunter comply with federal policy and not allow students to be harassed and for false statements to be spread about them. President Kirschner responded without acknowledging the PSA members' fears and redirected them to use other channels to report the incidents. She also directed them to (b)(6); (b)(7)(A); (b)(7)(C) who never followed up. (Exhibit I). Two days later, President Kirschner disseminated a school-wide email expressing her regret for the current environment at Hunter. (Exhibit J). While President Kirschner's email

<sup>6</sup> Luke Tress, *NY's Hunter College investigates after protesters demand Jews on campus 'pick a side'*, THE TIMES OF ISRAEL (Mar. 2, 2024), <https://www.timesofisrael.com/nys-hunter-college-investigates-after-protesters-demand-jews-on-campus-pick-a-side/>.

<sup>7</sup> Luke Tress, *Hunter College investigates and Hillel decries 'hateful slogans' after protesters demand Jews on campus 'pick a side'*, THE TIMES OF ISRAEL (Mar. 1, 2024), <https://www.jta.org/2024/03/01/ny/hunter-college-hillel-decries-hateful-slogans-after-protesters-demand-jews-on-campus-pick-a-side>.

<sup>8</sup> Press Release, Not in Our Name, *Jewish Students Rally to Demand Divestment, Denounce Hillel International* (Mar. 4, 2024) [tinyurl.com/j4dhillel](https://www.tinyurl.com/j4dhillel).

acknowledged both the alleged, false harm that befell members of Hillel and called threats against rally organizers “disturbing,” her response was wholly inadequate in providing protection to Hunter College students who identify as Muslim, Palestinian, Arab, South Asian, associated with such, or perceived as such, against the death threats they received from members of the public. While Hunter Hillel’s email and Instagram post (Exhibit G) mentioned feeling offended by certain chants, PSA members were then subjected to direct threats to their lives, safety, and personhood. President Kirschner’s email response failed to acknowledge this disparity in intensity and did not mention any measures to investigate these threats.

## **II. Harm**

Hunter College students who are Muslim, Palestinian, Arab, South Asian, associated with such, or likely to be perceived as such feel that the Hunter College administration has not taken the harassment against them seriously. Due to the administration’s failure to take adequate measures to discourage doxxing and harassment, hold perpetrators accountable, and/or offer resources to victims of doxxing and harassment, these students feel as though their safety and wellbeing are not a priority for the College. This feeling is only intensified by their existing fear for their safety, anxiety about how classmates and faculty members will react to their pro-Palestine opinions, the vicarious trauma caused by witnessing the ongoing genocide in Gaza, and the baseline stress of a demanding courseload.

The Hunter College administration’s failure to protect students from doxxing and harassment has created a hostile environment for students who are Muslim, Palestinian, Arab, South Asian, associated with such, or likely to be perceived as such. The aforementioned fear, anxiety, and stress faced by these students prevents them from being able to fully participate in their classes, focus on their assignments, and access an education free from discrimination.

PSA members were harmed by President Kirschner’s statement, “we don’t condone the activities of any internal organizations that are sponsoring rallies to celebrate or support Hamas’ cowardly actions.” These students were harmed because the statement mischaracterized their support for Palestinian liberation as a “celebration” of violence when this clearly was not the case. Since October 7, 2023, accusations of support for Hamas have been used disproportionately against Muslims, Palestinians, and Arabs, as well as those perceived as such, as a means to divert attention from the Palestinian cause. As one Muslim PSA member stated,

When [President] Kirschner sent out a statement about not condoning any internal organizations that celebrate or support Hamas, it felt clear to me that she was targeting the PSA because this was right after our student organized rally on our campus. Her language is a choice and it has extremely harmful implications that

manufacture consent for Zionist students and students who did not know what happened to be Islamophobic.

This to me was her attempt to bully, intimidate, and silence pro-Palestinian students and scare us from openly mourning and demanding Palestinian rights. On top of that, she unfairly claimed that we support a specific faction, a faction that she has actually mentioned in multiple emails using words like “terrorist,” and “attack.” Not only were we begging for lives to be saved in our rallies and dealing with the trauma of this ongoing genocide, but now we had to walk on campus knowing false, Islamophobic allegations were broadcasted about us on email blast.

Additionally, Palestinian, Arab, and/or Muslim students started to feel it would compromise their safety and privacy to access wellness services on campus, such as psychological support, because of how President Kirschner worded the email regarding student rallies on October 12, 2023. Students feared there was no safe, private, unbiased space on campus for them to talk to a counselor while also expressing their support for Palestinian liberation, mourning, and grief without being scrutinized by the administration as being somehow connected with Hamas.

The PSA members who organized the rally on October 12, 2023, and those who were doxxed were also harmed by the Hunter College administration ignoring physical threats to PSA members made online, in addition to online harassment, and defamation. These members are overwhelmingly Palestinian, Arab, Muslim, or likely to be perceived as such based on their physical appearance and pro-Palestine speech. The PSA already expressed the harm they experienced from these events directly to the Hunter College administration in an email dated October 12, 2023: “Not only are they [those who posted defamatory content] mobilizing Jews on campus against us but they are creating a divide and lies about Muslim students on campus.” (Exhibit D). Instead of seeking accountability against those who defamed and threatened the PSA and others at the rally, the Hunter College administration responded late and with absolutely no recognition that it needed to take steps to protect the PSA. Regarding this experience, one PSA member, who (b)(6); (b)(7)(A); (b)(7)(C)

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

After a protest outside of Hunter College West, doxxing trucks started to appear around campus, exposing sensitive information of fellow pro-Palestinian students and faculty. Should a perpetrator or person with malicious intent discover this information that is well displayed to everyone on the streets, those students and faculty’s safety would be compromised, leaving opportunities for dangerous threats to be put into action against students. Again, President Kirschner’s

response to this breach of student safety was subpar. She did not take actionable steps to ensure her students' safety, but sent out a poorly constructed and insensitive email, leaving her students to fend for themselves.

Once news publications started reporting on the protests on Hunter's campus, I saw content where Zionists commented extremely threatening statements. Some threatening to open fire on campus, some asserting that 9/11 should take place Hunter, and mostly Islamophobic and anti-Arab rhetoric.

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

Compounding this lack of protection for Palestinian, Arab, Muslim, and/or South Asian students at Hunter College or those perceived to be such following the PSA rally on October 12, 2023, was the fact that by that same day, Israel had already carried out “five days of siege and unrelenting bombing on Gaza, including the use of white phosphorus [...],” killing at least 1,100 Palestinians and injuring at least 5,339,<sup>9</sup> and yet the Hunter College administration still did not make any public statement acknowledging Palestinian death.

Palestinian, Muslim, Arab, and/or South Asian students, as well as students perceived to be such based on their physical appearance, donning of keffiyehs, and pro-Palestine speech were also harmed by the administration's lack of protection for them when they (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) due to Hunter Hillel's false accusations of antisemitism, which were then picked up by the media. When students protest and subsequently (b)(6); (b)(7)(A); (b)(7)(C) that are not acknowledged, let alone mitigated by their administration, it makes them far less likely to engage in protests again.

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<sup>9</sup> Center for Constitutional Rights, *Emergency Legal Briefing Paper: Israel's Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide* (Oct. 18, 2023), [https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime\\_ww.pdf](https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime_ww.pdf).

**Discriminatory Removal of PSA Flyers; Aggression Against PSA [redacted] Students and Lack of Protection of [redacted] Student by [redacted] Aggression Against PSA Member by [redacted]**

**I. Facts**

On or about October 10, 2023, Hunter College students aligned with Israel began posting flyers around campus featuring images of individuals with the headline “Kidnapped by Hamas,” along with certain statistics they believed to be accurate. (Exhibit K). This was witnessed by members of the PSA and other students. PSA members also posted flyers with images of Palestinians killed by Israel in Gaza. (Exhibit L) The PSA anticipated that, similar to the “Kidnapped by Hamas” flyers, their flyers “would be free from any issue because Hunter College regulations state that students have the right to express their opinions and support causes as long as they do not disrupt the college’s orderly operation.” (Exhibit M)

However, on [redacted] in the [redacted] of Hunter College, [redacted] After confirming that the students were posting flyers, [redacted] The

PSA members asked him why he did not remove the student flyers stating “Kidnapped by Hamas,” which had been on campus for approximately a week. He claimed not to have seen the flyers, referring to “tunnel vision.”

At this same time, [redacted] looked at the “Kidnapped by Hamas” flyers but only removed the PSA’s flyers. Approximately thirty minutes after the incident, the [redacted] entered the MSA to take down the flyers posted inside, even though a few days earlier public safety officers had told the MSA that the flyers were permissible because they were in the MSA’s student space.

The PSA reported the incident via email on [redacted] to multiple administrators, including President Kirschner, Ms. Ayravainen Stanley; Ms. Smith; the Office of Public Safety; Joseph D. Foelsch Jr., Director of Public Safety; Galia Galansky, Executive Director of Human Resources; Professor Roseanne Flores, the Acting Ombuds Officer of Hunter College; Andre Brown, Executive Director of Public Safety; and [redacted] (Exhibit M). Ms. Smith wrote a response to the PSA a full two days later, on [redacted] in which she shared that the incident was being “actively investigated.” Ms. Smith wrote that it is Hunter College’s policy to remove flyers from non-designated areas of the campus. Her email did not address the fact that

only the PSA flyers had been removed while the “Kidnapped by Hamas” flyers were permitted to remain up, even while both were posted in undesignated areas. (Exhibit N)

On [redacted] Hunter College after he tried to [redacted] Prior to the student’s [redacted] [redacted] witnessed the student [redacted] the PSA member. As one member of the public [redacted] and [redacted] (Exhibit O). Approximately [redacted] [redacted]

The PSA requested a meeting with Public Safety on [redacted] to discuss the aggressive actions and negligence of [redacted] and the discriminatory removal of their flyers by Public Safety, but Public Safety did not respond to the request for a week, and when they finally did, they said they could not meet until [redacted] over three weeks after the students had requested the meeting. The PSA then reported the removal of flyers and aggressive and negligent actions by [redacted] and the lack of a prompt response to the request to meet the President Kirschner, Ms. Ayravainen Stanley, and Ms. Smith on [redacted]

In the follow up email sent by PSA members to President Kirschner and other administrators on [redacted] students reiterated their demands for immediate follow-up to the incidents involving [redacted] and the removal of flyers. As of April 7, 2024, there was no update from the Hunter College administration regarding accountability for [redacted] or the discriminatory removal of the PSA’s flyers.

PSA members have also experienced [redacted] On [redacted] [redacted] a group of autonomous students held a sit-in in the West Lobby of Hunter College. These students are disproportionately Palestinian, Arab, and/or Muslim, or likely to be perceived as such based on their association with the PSA or their skin tone, facial features, and wearing of the keffiyeh. They followed all Henderson Rules, the rules and regulations ratified by the New York State Senate for the maintenance of public order on campuses, as they did not block entrances or exits, damage property, etc.<sup>10</sup> During the sit-in, the Director of Public Safety, Joseph Foelsch Jr., agreed to let the students stay. [redacted] PSA

<sup>10</sup> Henderson Rules to Maintain Public Order and Campus Codes of Conduct, Hunter College, <https://hunter.cuny.edu/public-safety/policies/henderson-rules-to-maintain-public-order-and-campus-codes-of-conduct/> (last visited April 7, 2024).

member and [REDACTED]  
[REDACTED] When [REDACTED] was asked why she was reacting in this way, she simply stated, “This is a reserved area.” [REDACTED] also approached a PSA member and yelled at them, demanding to know if they had a permit to be in the space. Shortly thereafter, on [REDACTED] a Hunter student [REDACTED] told the same PSA member that [REDACTED] had told him that she was trying to [REDACTED] either the PSA member or the entirety of the PSA following the sit-in.

## II. Harm

The incident involving [REDACTED] left the female [REDACTED] PSA members feeling hurt and uncomfortable because of the racist and anti-Palestinian harassment they experienced. The students submitted bias and retaliation reports against [REDACTED] and asked the Hunter College administration to hold [REDACTED] accountable for the harassment he perpetrated against them. The students requested Hunter College adhere to the law, namely the equal protection afforded by Title VI of the Civil Rights Act. Their requests and demands continue to be unanswered by Hunter College, which only exacerbates the hostile environment they are subjected to as students.

The MSA reported to President Kirschner, Ms. Ayurvainen Stanley, and Ms. Smith on December 11, 2023 that Palestinian, Muslim, Arab, and South Asian students feel unsafe due to the lack of protection by the Hunter College administration. MSA and PSA constituents normally look to PSA and MSA board members as facilitators to help secure a safe environment for Palestinian, Muslim, Arab, and South Asian students on campus. One MSA board member expressed that he felt very frustrated that the PSA and MSA were unable to provide such reassurance to their constituents.

A Hunter student said that

Hunter’s College’s lack of acknowledgement of the issues that Palestinians, Arab, and Muslim students face on campus has created an even more hostile environment allowing Zionists to drive doxxing trucks in front of campus, attacking staff and students without any repercussions. While Jewish students call out the administration’s and Hillel’s complicity in a mass slaughter of Palestinians in Gaza, President Ann Kirschner labels it as harassment and Anti-Semitism, but refuses to condemn Hillel’s surveillance of students at protests and their involvement with the doxxing that takes place online. Saying “Hunter College should be 9/11” and other threats against our students are serious matters, however, supporting Zionists is more important to our President than protecting us and addressing the more serious issues on hand. I personally do not feel 100%

safe practicing my constitutional rights out of fear that Zionists will dox me and threaten my friends and family.

**Lack of Accountability for [REDACTED] Racist and Anti-Palestinian and Anti-Arab Actions; Discriminatory Double Standards for Faculty Hiring and Firing**

**I. Facts**

On [REDACTED]

[REDACTED]

This was consistent with [REDACTED] past works caricaturing Muslims, Arabs and Palestinians: (1) a [REDACTED]

[REDACTED]

On October 22, 2023, the PSA sent an email to department heads and deans at Hunter College complaining about racial harassment and hate speech from [REDACTED]. They received no response. Instead, Hunter College stated that [REDACTED] was “under review” and assured [REDACTED]

On [REDACTED] a group of Hunter College students were turned away from the Hunter College Office of Diversity and Compliance and physically blocked from entering the

[REDACTED]

[REDACTED]

∟

<sup>13</sup> Velie, *supra* note 12.

[REDACTED]

space to speak with Dean Rose. After several back-and-forth emails with (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) a meeting was finally scheduled with Dean Rose for (b)(6); (b)(7)(A); (b)(7)(C)

On October 27, 2023, President Kirschner sent a campus-wide email addressing “social media content that is inconsistent with our values as a learning community.”<sup>17</sup> While the email references the legal rights and obligations of college and university teachers in sharing their “personal points of view,” President Kirschner closed the email with a reminder that hate speech is “grounds for disciplinary action”--invoking the Henderson rules on penalties for “any *student* engaging in any manner in conduct prohibited under the Bylaws.”<sup>18</sup>

On (b)(6); (b)(7)(A); (b)(7)(C) the PSA and CUNY for Palestine released a statement and petition (b)(6); (b)(7)(A); (b)(7)(C) The letter stated that:

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

As with the (b)(6); (b)(7)(A); (b)(7)(C) communication, the PSA and CUNY for Palestine received no response from the Hunter College administration and as of the date of this complaint, have still yet to receive a response.

On November 29, 2023, nearly one month after the group of Hunter College students were blocked from entering the Office of Diversity and Compliance, a meeting was held between the students and Dean Rose. During the meeting, one student communicated to Dean Rose that “I don’t feel heard or safe” with (b)(6); (b)(7)(A); (b)(7)(C) Dean Rose dismissed the student’s concerns by saying that, (b)(6); (b)(7)(A); (b)(7)(C) and she (b)(6); (b)(7)(A); (b)(7)(C) At one point, after the student

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

<sup>19</sup> CUNY For Palestine (CUNY4Palestine) consists of a network of CUNY students and workers, across CUNY campuses, who organize for Palestinian liberation on campus. CUNY for Palestine (@cuny4palestine), Instagram, <https://www.instagram.com/cuny4palestine/reels/?next=%2Fx78r%2F>.

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

tearfully stated that “I do think that it’s Hunter Administration’s duty to be facilitating a safer space. I don’t think it should be students having to run around from office to office begging for our humanity to be respected,” Dean Rose said “you want a solution that I don’t have the ability to provide.”<sup>21</sup>

On December 11, 2023, the PSA and MSA met with President Kirschner, Ms. King Vance, VP of Strategic Initiatives, Ms. Ayravainen Stanley, and Ms. Smith.. They sought to address, among other concerns, the racist and discriminatory actions of (b)(6); (b)(7)(A); (b)(7)(C) which predated (b)(6); (b)(7)(A); (b)(7)(C) and to demand accountability for Hunter College’s inaction in response to (b)(6); (b)(7)(A); (b)(7)(C) actions as a Hunter College faculty member. President Kirschner acknowledged that she saw (b)(6); (b)(7)(A); (b)(7)(C) but denied (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

In discussing what students felt was an apparent double standard with regards to hiring and firing decisions, PSA and MSA students questioned President Kirscher as to why Hunter College (b)(6); (b)(7)(A); (b)(7)(C) While (b)(6); (b)(7)(A); (b)(7)(C) spoke to her program director, (b)(6); (b)(7)(A); (b)(7)(C) and was told she would be (b)(6); (b)(7)(A); (b)(7)(C) following a meeting with the Provost despite him explicitly stating in the meeting that he would not be pursuing disciplinary action.

President Kirschner deflected away from students’ requests for Hunter College to acknowledge this clear bias and disparity in hiring and firing, to take accountability for the harm caused by (b)(6); (b)(7)(A); (b)(7)(C) and to issue a public statement. President Kirschner ended the conversation saying that she “would need to digest” the information. To this day, (b)(6); (b)(7)(A); (b)(7)(C) remains employed at Hunter College.

## II. Harm

(b)(6); (b)(7)(A); (b)(7)(C) continued presence in the classroom, as well as her continued employment at Hunter College, have directly harmed her students and have negatively impacted the larger student body, including Palestinian, Arab, Muslim, and South Asian students. Despite (b)(6); (b)(7)(A); (b)(7)(C) racist actions, Hunter College allowed (b)(6); (b)(7)(A); (b)(7)(C) to continue to teach and did not move to cancel her class. Students left feeling unsafe in (b)(6); (b)(7)(A); (b)(7)(C) class were forced to take incompletes and will have to retake the course to receive credit. In addition, the retaliatory actions taken against (b)(6); (b)(7)(A); (b)(7)(C) which stand in stark contrast to the inaction of Hunter administration with regards to (b)(6); (b)(7)(A); (b)(7)(C) have created a hostile environment for students. First, by shoring up mistrust between students and the administration responsible for vetting faculty in order to create a safe and welcoming environment for student learning, and second by signing on to (b)(6); (b)(7)(A); (b)(7)(C)

<sup>21</sup> *Id.*  
(b)(6); (b)(7)(A); (b)(7)(C)

anti-Palestinian and anti-Arab racism by allowing her to continue to teach without any repercussions. One PSA member stated,

Witnessing a Hunter College professor, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) and witnessing how the Hunter College administration, particularly President Kirschner, took no action against this offense, made me question the integrity of our institution and whether Hunter College cares for its students at all. Hunter College has let this Professor's (b)(6); (b)(7)(A); (b)(7)(C) be swept under the rug and its students unprotected from such bigotry.

The Hunter College administration's failure to hold (b)(6); (b)(7)(A); (b)(7)(C) accountable for her racist behavior has caused students who are Muslim, Palestinian, South Asian, Arab, or likely to be perceived as such based on their skin tone, pro-Palestine speech, or decision to wear a keffiyeh, to suffer disproportionate anxiety. As a result, these students have been unable to fully participate in their other classes or focus on their coursework.

## **Direct Censorship of Pro-Palestine Political Opinion Through Cancellation of "Israelism" Screening**

### **I. Facts**

(b)(6); (b)(7)(A); (b)(7)(C) at Hunter College, had organized a November 14, 2023 showing of the prize-winning documentary "Israelism," which follows two American Jews as they seek to understand the way that Palestinians are treated under Israeli rule. The screening had been planned since June 2023 according to (b)(6); (b)(7)(A); (b)(7)(C). The co-director Erin Axelman, who is Jewish, had been invited to facilitate a Q&A following the film's screening. However, mere hours before the screening was supposed to take place, administrators suddenly canceled the screening claiming they were worried about "student safety."<sup>23</sup> As far as the students know, no other Hunter College events have been canceled on the day of in recent memory.

Hours before the screening was set to start, President Kirschner released a statement that alleged the screening had been canceled because, "[a]s recently as yesterday, swastikas were drawn on posters surrounding our buildings, a fact that is under investigation by the New York City Police Department. With that in mind, the College has decided it will not proceed with this film screening on campus at the current time."<sup>24</sup> This statement was later deleted. No evidence

<sup>23</sup> Jennifer Schuessler, *Hunter College Pulls Screening of Film Critical of Israel*, N.Y. TIMES (Nov. 16, 2023), <https://www.nytimes.com/2023/11/16/arts/israel-documentary-hunter-cancel.html>.

<sup>24</sup> Nikole Rajgor, "Israelism" Film Rescheduled 24 Hours After Being Canceled by Hunter Administration, THE ENVOY (Nov. 18, 2023),

has been produced either by the Hunter College administration or by the NYPD that the alleged vandalism was related to the film screening in any regard whatsoever. It was reported that President Kirchner had in fact never seen the entirety of the film,<sup>25</sup> but had found the tone of the film's trailer "mocking."<sup>26</sup>

Hunter's Senate, composed of students and members of the faculty and staff, however, voted to reschedule the screening for November 28, 2023. A resolution released by the Hunter Senate stated, "[t]his is an egregious and illegitimate violation of the academic freedom necessary for departments to pursue their academic missions and institutions of higher education to operate with integrity."<sup>27</sup>

## II. Harm

The unilateral decision to suddenly cancel the long planned screening of "Israelism" at Hunter College had the inevitable effect of chilling protected speech of Hunter students, particularly those in the PSA, who are Palestinian, Arab, Muslim, South Asian, or perceived to be such due to their skin tone, facial features, pro-Palestine speech, and/or donning of the keffiyeh. The canceled November 14 screening of "Israelism" and the Q&A were planned to give voice to both Jewish and non-Jewish community members in regard to the political questions regarding the State of Israel, and to a critique from within the American Jewish community about American Jewish support for the State of Israel. Cancellation of the screening selectively censures the filmmakers, organizers, and attendees speech.

The cancellation of the screening further isolates students of Palestinian, Arab, or South Asian descent, who are Muslim, or who are likely to be perceived as such based on their physical appearance and pro-Palestine speech. As has been reported elsewhere in this complaint, the Hunter College administration has selectively enforced rules, regulations, and guidelines to promote a pro-Israel position, and refused to acknowledge Palestinian loss of life. That the cancellation of the screening occurred within the context of ongoing bias from Hunter College against pro-Palestine viewpoints gives the impression that the screening was canceled, at least in part, due to animus against Palestinians, Arabs, Muslims, South Asians, and other students perceived as such due to their pro-Palestine speech, donning of keffiyehs, facial features, and skin tone. Censuring viewpoints that do not comport with the administration's political position also violates the free speech rights of the organizers and attendees of the screening.

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<https://thehunterenvoy.wordpress.com/2023/11/18/israelism-film-rescheduled-24-hours-after-being-canceled-by-hunter-administration/>.

<sup>25</sup>P.M. Campbell, *Hunter Community Takes a Stand Against Canceled Film Screening*, THE ATHENIAN (Nov. 16, 2023),

<https://brie.hunter.cuny.edu/hunterathenian/2023/11/hunter-college-community-takes-a-stand-against-cancellation-of-professors-film-screening/>

<sup>26</sup> Schuessler, *supra* note 23.

<sup>27</sup> *Id.*

The great irony of President Kirschner's use of alleged antisemitic vandalism as a pretext for the cancellation of the film screening is that the film's production team, co-director Erin Axelman, who was to answer questions following the screening, and (b)(6); the professor who arranged for the film's screening, are (b)(6);. It is clear from the record that this film and screening were set to be incredibly important for the Jewish-American community at Hunter College.

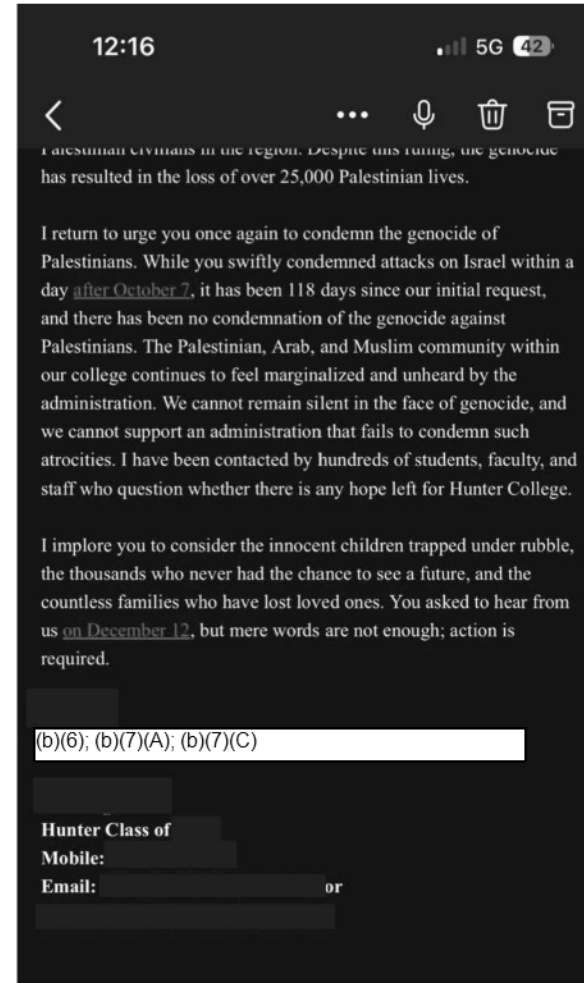
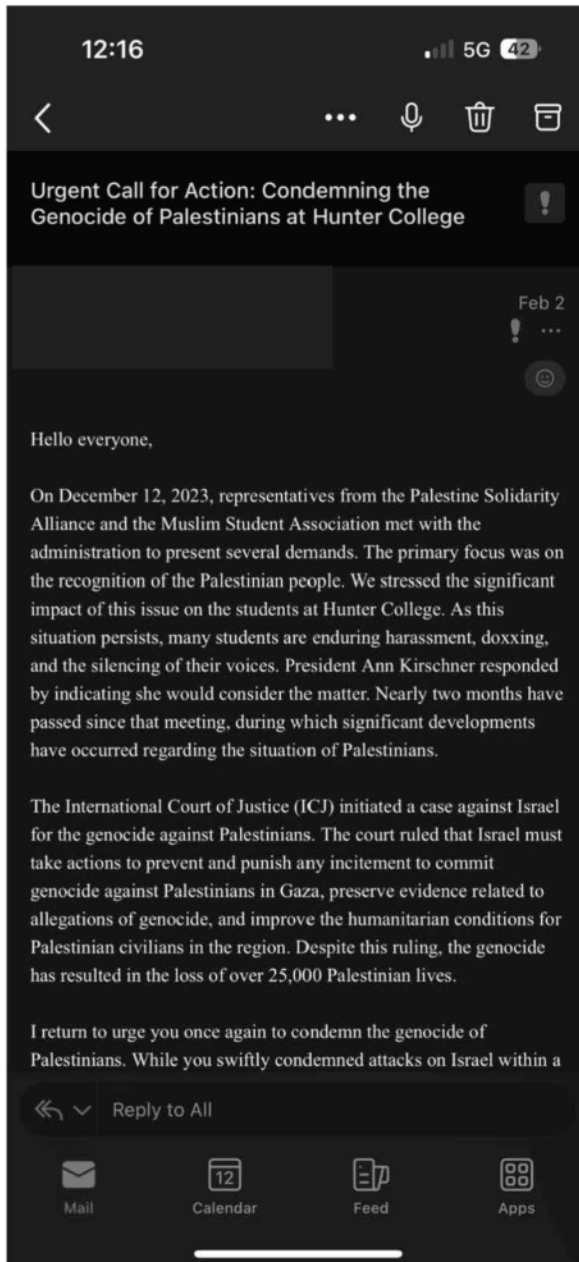
Hunter College's sudden revocation of the screening demonstrates a clear disregard for its own standard practice and lack of care for student's educational experience. The cancellation of events that bring forth different viewpoints regarding the State of Israel or of Palestinian independence, particularly when those viewpoints are from people of Arab, Palestinian, South Asian, and/or Jewish descent, deprives all students of proper access to education on the topic. Through the suppression of such events, Hunter College deprives its students of academic freedom and of the opportunity to experience educational rigor, in direct contrast to the school's stated mission.<sup>28</sup>

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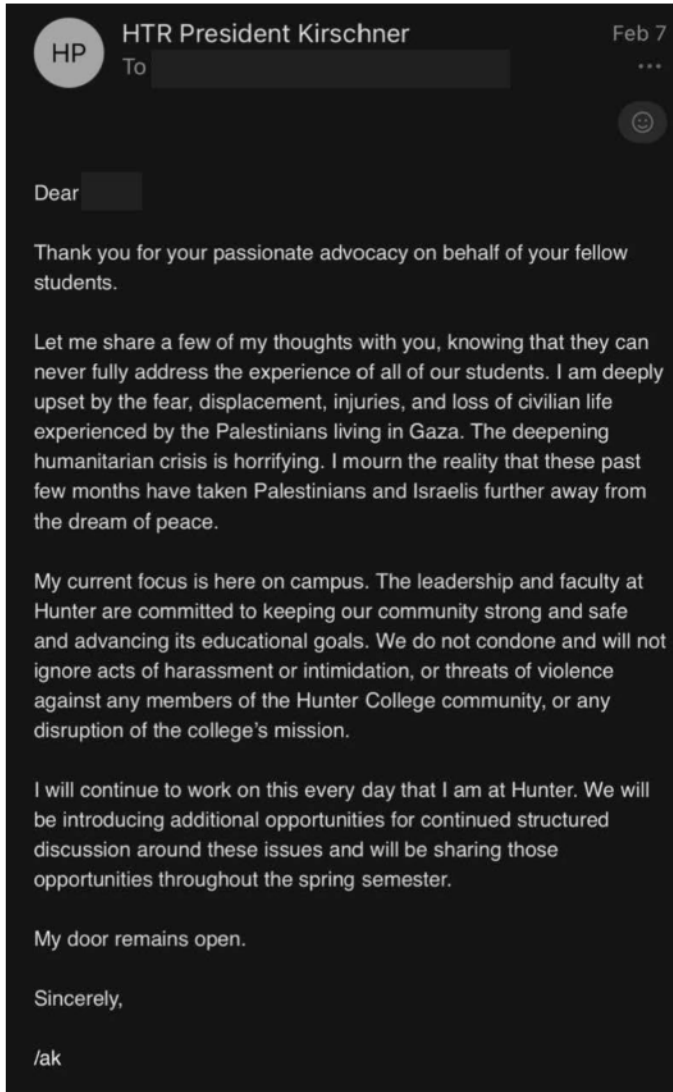
<sup>28</sup> *Mission*, Hunter College, <https://hunter.cuny.edu/about/mission/> (last accessed Apr. 4, 2024).

# **EXHIBITS**

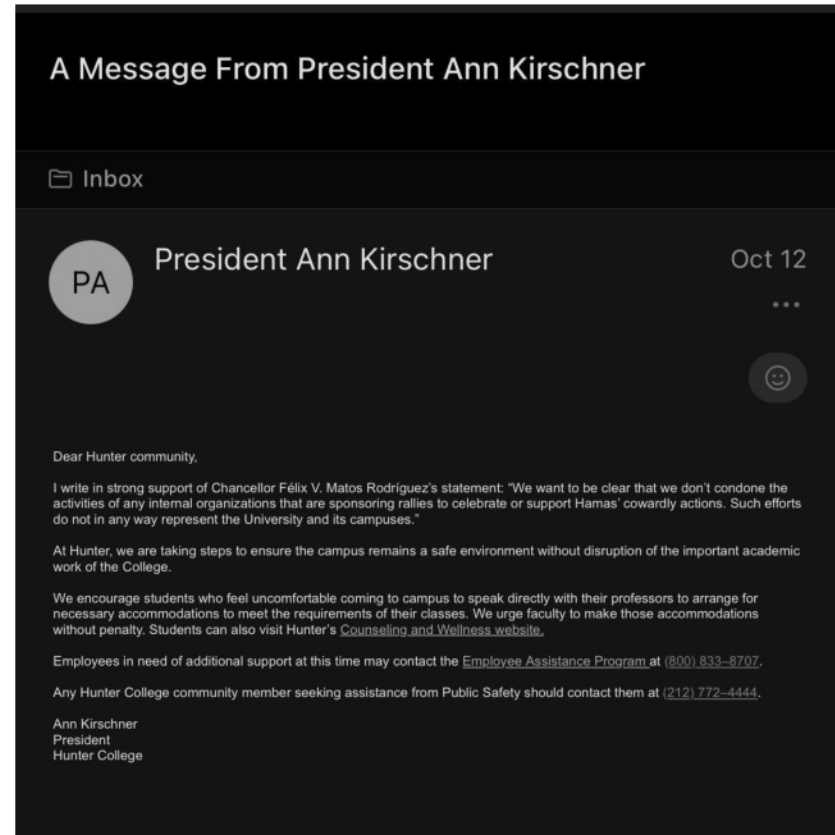
Exhibit A



## Exhibit B




## Exhibit C



**Exhibit D**

Harassment. 6

To: Eija Ayurvainen Stanley <eayravai@hunter.cuny.edu>; +2 others Thu 10/12/2023 4:51 PM

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

3 attachments (2 MB) [Save all to OneDrive - Hunter - CUNY](#) [Download all](#)

Hello to all,

As we have discussed yesterday, the rally had gone great. However, when we dispersed, we received news that a few Israeli students on campus have been spreading lies about our rally. They post a lie claiming we chanting "Gas the Jews", when we never once mentioned Jews. This blasphemy is disrespectful but it is only a single incident to show you all the nonstop harassment we get. It is clear we love Jews and we want protection of all Jews. Zionism is not Judiasm. Not only are they mobilizing Jews on campus against us but they are creating a divide and lies about Muslim students on campus. We appreciate if these students are held accountable for their actions.

