
Office for Civil Rights Discrimination Complaint Form: Submission #737201

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number: {Empty}

Your Email Address:

2. Who else can we call if we cannot reach you?

Contact's Name: {Empty}

Daytime Phone Number: {Empty}

Relationship to you: {Empty}

3. Who was discriminated against?

Yourself or Someone else Myself?

If someone other than yourself please include:

Injured Person's Name: {Empty}

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You

(eg. son or daughter) {Empty}

Injured Person's Address: {Empty}

City: {Empty}

State: {Empty}

Zip Code: {Empty}

4. What institution discriminated?

Institution Name: New Jersey Institute of Technology

Address: {Empty}

City: {Empty}

State: New Jersey

Zip Code: {Empty}

School or department involved: {Empty}

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? race or color, national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: On sent emails to the school

is constantly harassing the Students for Justice in Palestine at NJIT and done nothing to provoke his racist actions. are dying by the thousands and he is

is a in a school with a large Palestinian student percentage. He carelessly throws around words and tweets that are formed with a bias and projects his extremism in class when he speaks about how his work helps He singles out Muslim, and specifically Palestinian students and faculty, and the school protects him; students therefore refuse to speak out in fear of retribution from the school and inhibiting their graduation efforts. Do you have written information that you think will help us understand your complaint?

yes or no Yes

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: (b)(6); (b)(7)(A); (b)(7)(C) - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? I am seeking a full investigation into NJIT as these incidents are not isolated. He is being protected by the whole school and no one is willing to speak up. If this was a private school that would make sense, however, NJIT is a public university. No Palestinian student should be made to feel uncomfortable or be attacked as a result of his racial identity in which he has no control over.

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: No



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLANDS

April 22, 2024

Sent by email only to teik.lim@njit.edu

Dr. Teik C. Lim
President
New Jersey Institute of Technology
University Heights
Newark, New Jersey 07102

Re: Case Number 02-24-2139 – New Jersey Institute of Technology

Dear President Lim:

On December 21, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the New Jersey Institute of Technology (the Institute). The complaint alleged that the Institute discriminated on the basis of national origin (Palestinian and/or shared Muslim ancestry) by failing to respond to incidents of harassment of students and employees by a professor in (b)(6); [REDACTED]

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the Institute is subject to Title VI and its implementing regulations.

OCR will investigate the following issue: whether the Institute responded in a manner consistent with the requirements of Title VI to alleged harassment of students and employees based on national origin (Palestinian and/or shared Muslim ancestry).

Please understand that opening the issue for investigation under Title VI does not mean that OCR has made a decision about the merits. During the investigation, OCR is neutral; OCR will collect and analyze the relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by OCR's Case Processing Manual (July 18, 2022) (CPM). You may find additional information in OCR's Complaint Processing Procedures. 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.

Complaints may be resolved in a variety of ways, including through mediation pursuant to Section 201(b) of OCR's CPM. Under 201(b) mediation, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such case OCR does not monitor or enforce the agreement reached between the parties.

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

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

To reach an efficient and timely resolution, OCR is providing an opportunity for the Institute to present its response to the complaint's allegation and to submit supporting documentation. Within 20 days of the date of this letter, please provide to OCR the information listed in the attached data request. The regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulations implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR will take all proper precautions to protect the identity of any individuals named in the documents.

Please be advised that the Institute must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the Institute with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Amy Young, Compliance Team Attorney, at (202) 987-1289 or amy.young@ed.gov; Gary Kiang, Senior Compliance Team Attorney, at (646) 428-3761 or gary.kiang@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,

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

Alexander H. Artz
Compliance Team Leader

Attachment

