



April 23, 2024

SENT VIA EMAIL

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Re: Complaint Against Rutgers University Concerning Anti-Palestinian Discrimination

Assistant Secretary Lhamon, et al.:

The American-Arab Anti-Discrimination Committee (“ADC”) and the Council on American-Islamic Relations – New Jersey (“CAIR-NJ”) write to make a complaint against Rutgers University (“Rutgers” or “the university”) concerning anti-Palestinian discrimination that Rutgers students have been experiencing from and on its campuses over the course of this academic year. Through the Muslim Law Students Association (“MLSA”) and the student chapter of the National Lawyers Guild (“NLG”) of Rutgers University Law School - Newark (“Rutgers Law” or “the law school”), we have gained insight into systemic discrimination at Rutgers. The allegations in this complaint reflect an ongoing pattern and practice of direct and indirect discrimination by Rutgers, as well as Rutgers’ deliberate indifference to a hostile learning environment on its campuses for students who hold, are perceived to hold, or are affiliated or associated with Palestinian identity. Such students include members of the MLSA and NLG and many other students involved this academic year in activism supporting Palestinian lives and liberation. Based on the allegations in this complaint, we urge systemic investigation of Rutgers and remediation under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.* (“Title VI”), its implementing regulations, and related policies and guidance of the Office for Civil Rights (“OCR”) within the U.S. Department of Education (“DOE”).

I. OCR's Jurisdiction

Rutgers is a public university that receives federal funding from DOE and is therefore subject to Title VI. 34 C.F.R. §§ 101.1–101.2. The allegations in this complaint reflect national-origin discrimination under Title VI against students who hold, are perceived to hold, or who are associated or affiliated with Palestinian identity, by virtue of their skin color, dress, the ancestry of their name(s), their religious practice(s), and/or their speech and activism in support of Palestinian lives. This complaint is timely because it alleges an ongoing pattern and practice of discrimination and a related hostile environment at Rutgers reflected in various incidents on and around the university, the most recent of which have occurred within 180 days. *Id.* § 100.7(b). ADC and CAIR-NJ have not raised the Title VI claims in this complaint against Rutgers to another agency or forum.

II. Factual Allegations

The allegations that follow come from Rutgers law and undergraduate students. The allegations include hyperlinks to public-source material and hyperlinks to sensitive, non-public materials in the possession of relevant students and undersigned counsel. Once OCR assigns this complaint a complaint number, undersigned counsel will provide relevant OCR personnel access to the non-public links via their OCR email addresses.

Introduction and background

1. We write as student members of the National Lawyers Guild Rutgers Law School Newark and the Muslim Law Students Association, on behalf of a diverse body of concerned students from various Rutgers campuses across the state. As aspiring legal advocates concerned with the prevention of harassment and discrimination, we are deeply troubled by the University's failure to protect students who hold, are perceived to hold, or who are associated or affiliated with Palestinian identity against discrimination and harassment by Rutgers personnel and third parties. In the months following the events of October 7, 2023, this class of students has been subject to increased harassment, discrimination, intimidation, and physical violence. The purpose of this complaint is to seek enforcement of the University's obligations under Title VI of the Civil Rights Act of 1964.
2. Students across Rutgers campuses in the State of New Jersey have stood in uncompromising solidarity with the Palestinian people in their national liberation struggle as they continue to resist US-backed Israeli colonization,

illegal military occupation, and apartheid before and after October 7th. No one and nowhere in Gaza is safe from Israeli military violence. Israel's genocide of the Gaza Strip has targeted Palestinians in their homes, colleges, churches, mosques, evacuation caravans, hospitals, refugee tents, UN shelters, food lines, and more in clear contravention of international law. Over 33,000 Palestinians have been killed and 77,000 injured in a campaign the world's highest court has recognized as plausibly genocidal.

3. While Palestinians in Gaza face genocide, Palestinians in the West Bank face ongoing military occupation and pogromist violence from settler mobs that act with impunity.
4. Rutgers is the flagship educational institution of the State of New Jersey, home to 67,200 students and over 10,000 educators across four campuses.
5. New Jersey is home to one of the largest communities of Arab Americans in the country, second only to Michigan. Paterson, New Jersey is home to one of the largest Palestinian populations in the country, second only to Chicago. New Jersey is also home to the highest concentration of Muslim residents in the United States.
6. Thousands of New Jerseyans who are Palestinian, perceived to be Palestinian, or are associated or affiliated with Palestinians—including many Arabs and Muslims—have cycled in and out of Rutgers to teach and learn.
7. For these members of the Rutgers community, it is our families, friends, and loved ones being killed. Palestinians in Gaza face a genocide while Palestinians in the West Bank face military occupation and pogromist violence from settler mobs. And due to the action and inaction of universities across the country, Palestinians in the United States face violence on their own campuses, simply for organizing against a genocide of their own people. The devaluation of Palestinian lives that lies at the root of Israel's genocide and international complicity extends to US college campuses.
8. As a result of the ongoing genocide in Gaza and mass murder of Palestinians, students across Rutgers campuses have exercised their right to engage in constitutionally protected speech to support Palestinians, as well as condemn the actions of Israel and the United States. Palestinian identifying or perceived students who choose to speak out against the genocide face an onslaught of

harassment, censorship, intimidation, and violence from fellow students and faculty, emboldened by the administration's failure to protect its students.

9. Rutgers has had ample notice of the ongoing pattern and practice of direct and indirect anti-Palestinian discrimination from the university and hostile on-campus environment. Nonetheless, Rutgers has failed to respond or take any meaningful steps to address it.
10. Rutgers' actions and inactions have been emboldening and exacerbating on-campus Anti-Palestinian discrimination in alarming ways. In this way, Palestinians have become defacto second-class students on their own campuses. Rutgers must engage in proactive protection, not reactive remedies.
11. The following factual allegations have been anonymized to protect the identities of all students referenced: both those experiencing discrimination and those inflicting it.
12. Given the fear that students feel for their physical safety because of doxxing and physical violence that has already occurred on campus, the anonymization of the identities of the people discriminating against them may help minimize the risk of retaliation and escalation from those people and/or third parties.

Allegations relevant to all Rutgers campuses

13. On October 9, 2023, President of Rutgers University, Jonathan Holloway, released a statement on circumstances in Israel and Gaza.
14. On October 11, 2023, President Holloway followed up with another statement, which was exclusively pro-Israel because it did not acknowledge Palestine (referring only briefly to Gaza) and did not acknowledge the nearly 1,000 Palestinians whom the Israeli military had killed within the past week. He wrote "What Hamas did in brutally murdering, torturing, and holding hostage innocent Israeli victims of all ages was unconscionable and an act of terrorism. That Hamas has reportedly threatened to murder the hostages one by one, and show them on film, only reinforces their brutality and terrorism. Our hearts go out to the people of Israel."
15. Immediately following this one-sided email, students, alum, and faculty alike emailed the President and his office, urging him to correct his statement and to address its impacts on many members of the university community. On October 13, 2023, Muslim alumni of Rutgers sent a letter to President

