

April 4, 2024

**VIA EMAIL**

Secretary Miguel Cardona  
Assistant Secretary Catherine E. Lhamon  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Deputy Assistant Attorney General for Civil Rights  
Johnathan Smith  
Title VI Section Chief Christine Stoneman  
Education Section Chief Shaheena Simon  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
Emails: [Johnathan.smith@usdoj.gov](mailto:Johnathan.smith@usdoj.gov), [Christine.Stoneman@usdoj.gov](mailto:Christine.Stoneman@usdoj.gov),  
and [Shaheena.Simon@usdoj.gov](mailto:Shaheena.Simon@usdoj.gov)

Re: Title VI Complaint Against University of Massachusetts Amherst (National Origin–  
Palestinian)

Dear Secretary Cardona, Assistant Secretary Lhamon and Deputy Assistant Attorney  
General Smith,

We write to file a class complaint of national origin discrimination against the University  
of Massachusetts Amherst (UMass) and request coordination under Executive Order  
12250. Our complaint is on behalf of 18 UMass students<sup>1</sup> who have been the target of

---

<sup>1</sup> The students who experienced direct harassment are [REDACTED] and [REDACTED] is of Palestinian origin. [REDACTED] and [REDACTED] are Arab or perceived to be Arab or Palestinian. [REDACTED] and [REDACTED] are [REDACTED] and [REDACTED] have been associated with Palestinians and/or advocated on behalf of Palestinian rights; [REDACTED] is [REDACTED] The non-Arab students whom the University subjected to excessive adverse treatment as a result of their association with Palestinian/Arab students and SJP, as well as for their advocacy for Palestinian rights are: [REDACTED] and [REDACTED] Other students who were harmed by the hostile environment who are both Arab and non-Arab who are willing to speak to OCR as witnesses but are not named

extreme anti-Palestinian and anti-Arab harassment and discrimination by fellow UMass students, including receiving racial slurs, death threats and in one instance, actually being assaulted. Despite repeat notice, including numerous emails and formal complaints to over a dozen administrators and Title IX officials, UMass was extremely slow to take action, and instead stonewalled and exacerbated the hostile environment by engaging in its own anti-Palestinian actions by arresting Arab and Palestinian students and their allies, posting their home addresses online even after the shooting of three Palestinian students in nearby Burlington, VT, subjecting them to campus disciplinary charges, and denying them education opportunities in the form of study abroad.

To date, although the school has begun to investigate the harassment complaints, it has yet to address the hostile environment for Arab and Palestinian students on campus. As a result of this extreme hostile anti-Palestinian environment, our clients have missed class, lost sleep, seen perfect 4.0 GPAs drop, and suffered emotional distress, amongst other damages. Students who protested on behalf of Palestinian rights also were subject to different treatment and retaliation in the form of campus disciplinary penalties, and in some cases, the last-minute revocation of their pre-approved plans to study abroad. As explained further below, throughout the period of the most intense harassment and different treatment on campus, high level University administrators were actively communicating with anti-Palestinian groups such as the Anti-Defamation League<sup>2</sup>, and joined a coalition of universities taking a public stand in favor of Israel.<sup>3</sup>

Our allegations fall into three major categories:

1. Arab and Palestinian students on campus have been subjected to a hostile environment on campus due to an onslaught of anti-Palestinian and anti-Arab harassing statements, threats, and social media targeting, of which the University had clear and repeated notice. Despite this notice, the University failed to respond effectively and promptly to eliminate the hostile environment and remedy its impact on affected Arab students and their allies who were advocating for the rights of Palestinians. As a result of the unchecked harassment on campus, several

---

complainants (i.e, they have signed Option B on OCR's consent form) are participating in this complaint as well. (b)(6);  
UNIVERSITY is another student who was neither arrested nor directly harassed but experienced negative treatment on campus due to his pro-Palestinian advocacy. We have included consent forms for all students named in this complaint in **Exhibit 1**, listing everyone who signed Option A, and **Exhibit 2**, listing everyone who signed Option B.

<sup>2</sup> See Exhibits 3 and 4.

<sup>3</sup> Yeshiva University, "100+ Colleges and Universities across the nation form coalition standing with Israel and against Hamas," October 26, 2023, accessed January 15, 2024:

<https://www.prnewswire.com/news-releases/100-colleges-and-universities-across-the-nation-form-coalition-standing-with-israel-against-hamas-301968953.html>.

of these students, as well as several of their non-Arab or Palestinian allies, were “doxed” by the anti-Palestinian UMass students on sites such as Canary Mission, a vicious anti-Palestinian hate site. The doxing then gave way to a host of additional threats from outside the school. The University compounded the situation by posting online the home addresses of all students following their arrests for a sit-in in support of Palestinian rights, which they refused to take down even after the doxing and the shooting of three Palestinian students in nearby Burlington, Vermont. As a result of all the above, several of the students impacted by the hostile environment suffered undue emotional distress due to the fear created by having their addresses posted; this impacted their ability to access numerous aspects of campus life especially during the Fall 2023 semester. Despite multiple requests to University Chancellor Javier Reyes, he (nor any other member of the UMass Administration) has neither issued any statement explicitly condemning the anti-Palestinian and anti-Arab behavior that has gone unchecked on campus, nor implemented an effective and comprehensive response to the tensions on campus associated with the situation in Gaza. This silence stands in stark contrast to a message issued immediately in response to an alleged anti-Israel incident on campus. It also contrasts unfavorably to statements issued in the past regarding other incidents of alleged racism on campus.

2. The University also engaged in different treatment on the basis of national origin and association with and advocacy for Palestinians with respect to 57 members of the UMass chapter of Students for Justice in Palestine (SJP) and their allied anti-military group UMass Dissenters<sup>4</sup> by immediately arresting them, and by pursuing student disciplinary charges against them for a sit-in in support of Palestinian rights.<sup>5</sup> Although UMass has arrested students for prior sit-ins, it has never arrested so many protesting students so quickly following the start of an administration building “occupation,” nor has it ever pursued student disciplinary charges in addition to criminal or civil charges arising from the arrests. The different treatment also included an overly burdensome and predetermined student disciplinary process, which has marred the clean records of many of the arrested students. The result has precluded and could continue to preclude several of them from participation in various campus-related activities, including the canceling of prearranged study abroad programs.

---

<sup>4</sup> For more information on the Dissenters chapter at UMass see, e.g.:

<https://theshoestring.org/2023/08/01/new-UMass-group-works-to-oust-raytheon-from-campus/>

<sup>5</sup> Demands included urging UMass to divest from companies aiding Israel genocide of Palestinians and asking UMass to issue a statement in support of Palestinian, Arab, Muslim and Jewish students.

3. The University's behavior as set forth in Allegation 2 above also constituted retaliation for the students' advocacy for Palestinians, for their speaking out about their unequal treatment, and for their repeated reporting of the bias incidents listed in Allegation 1.

A summary of the specific facts underlying each allegation follows, with an attached compendium of supporting evidence and additional details that were too extensive to include in the below summary.

**Allegation 1: The University has Failed to Respond Promptly and Effectively to Notice of a Hostile Environment towards Students of Palestinian, perceived Palestinian and/or Arab Descent and their Allies.**

***A Hostile Environment on the Basis of Shared Ancestry Existed Unchecked at UMass for Arab students and Several Allies:***

Since October 7, 2023, UMass students have been subject to severe anti-Palestinian and anti-Arab harassment and threats on campus and online. The harassment has been targeted most severely at our clients (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) of UMass Amherst Students for Justice in Palestine (SJP),<sup>6</sup> a club that advocates for Palestinian freedom and equal rights. The vicious nature of the harassment created a hostile environment not only for (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A) but also all other Arab and Palestinian students (and students perceived to be Palestinian) and their supporters on campus, including students named (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) amongst others.

As described below in great detail, the University had ample notice of the hostile environment, and yet failed to address the environment in any fashion that could be considered prompt and effective. Although it eventually started investigating and responding to the individual complaints, it has never implemented any measures designed to effectively put an end to the hostile environment as a whole.

The University compounded the impact of the hostile environment by posting the home addresses of 57 SJP and Dissenters students on the UMass Police Department (UMPD) website following their arrests for a protest in support of Palestinian rights in which they occupied the campus administration building. In response to multiple requests by parents to remove the addresses, the UMPD claimed inaccurately that it was required to do so by

---

<sup>6</sup> <https://UMassamherst.campuslabs.com/engage/organization/sjp>

State law;<sup>7</sup> the posting thus not only endangered the students but their families as well. The posting of the addresses intensified the impact of the hostile environment, especially upon the students who were already traumatized by the harassment and by the atrocities committed in Gaza and increasing hostilities in Lebanon, some of whom were also extremely worried about their friends and family in both locations. This includes our clients (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A) all of whom have close connections in Lebanon and Gaza.

To make matters worse, the lack of any effective action by the University in response culminated in the “doxing” of ten SJP and Dissenters students on Canary Mission—a hate site<sup>8</sup>, generating countless online threats and intimidating comments from the Canary Mission audience. The timing of the doxing was particularly alarming as the postings were contemporaneous with the shooting of three Palestinian college students in Burlington, Vermont. Upon information and belief, the names and photographs of several of the arrested UMass students<sup>9</sup> were shared with this website by some of the same anti-Palestinian students who had been making the online and in-person threats, and who had been reported to various campus offices on several occasions without the slightest penalty or reprimand imposed by the University. This doxing added to the fear and stress already present for (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6);—when combined with the posting of the home addresses of all arrested students, the doxing served to endanger all the students posted on Canary Mission, as well as their families. Had the University taken prompt and effective action in response to the onslaught of online harassment directed at (b)(6); (b)(7)(A) (b)(6); (b)(7)(A) and SJP in general, it is possible that the students who provided Canary Mission with such detailed information would have been deterred from doing so.

***The UMass Administration had Ample Notice of the Hostile Environment and Failed to Respond Promptly and Effectively:***

---

<sup>7</sup> The law in question can be found here:

<https://malegislature.gov/laws/generallaws/parti/titlevii/chapter41/section98f>. Note that it does not require online posting of the addresses of anyone arrested, but simply that the addresses be made available. Mass. Gen. Laws Part 1, Title VII, § 98F.

<sup>8</sup> Canary Mission is a website that intentionally threatens students’ right to pursue an education without harassment, as well as their employment prospects because of their advocacy for Palestinian rights. For more information on the website, see COMMITTEE ON ACADEMIC FREEDOM, *Exposing Canary Mission: A Resource for College and University Leaders*, (Apr. 18, 2018), <https://mesana.org/advocacy/committee-on-academic-freedom/2018/04/18/exposing-canary-mission/>; BERKELEY LAW, *Dean’s Statement: Condemning Canary Mission* (June 1, 2023), <https://www.law.berkeley.edu/article/deans-statement-canary-mission/>.

<sup>9</sup> The students doxed on Canary Mission were (b)(6); (b)(7)(A); (b)(7)(C) and one other student found at **Exhibit 30**.

As the below timeline makes clear, reports to the administration of the hate speech, harassment and threats date back as far as October 9, 2023. At around this time, an anti-Palestinian UMass student named (b)(6); (b)(7)(A); (b)(7)(C) began showing up at SJP and related off-campus protests and shouting threats such as “Kill all Arabs,” playing a speaker with a recording of the sounds of bombs and other explosions and attempting to ram student protestors with an electric scooter. (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) witnessed (b)(6); (b)(7)(A); (b)(7)(C) at an off-campus protest on October 7th, where he attempted to intimidate an elderly woman and other people, while also being extremely racist towards Arabs and Palestinians, stating “level Gaza” and “Kill all Arabs.”

Also beginning early October, (b)(6); (b)(7)(A); (b)(7)(C) used UMass related social media accounts<sup>10</sup> to direct a torrent of inflammatory racist slurs towards (b)(6); (b)(7)(A); (b)(7)(C) and other SJP members, calling them “classic Islamic barbarism supporters [who] love raping and killing,” and “genocidal barbarian baby decapitator supporters,” for example. The online treatment was often clearly linked to the UMass campus by including “UMass” in a series of different Instagram account names.<sup>11</sup> One account, named “palisranimals” specifically targeted (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) as it only followed them. This account included comments such as “where is the best beach in Gaza to build a house next to?! I’ve heard Pali bones make great foundation!” and “every ‘Palestinian’ child in Gaza is actually a terrorist.” For various reasons, the students initially thought these accounts were run by a UMass student named (b)(6); (b)(7)(A); (b)(7)(C) but once the EOA Office finally investigated, it determined in late February 2024 that (b)(6); (b)(7)(A); (b)(7)(C) was behind them.<sup>12</sup> These accounts would target SJP students and comment on their meeting times, eventually bragged about the doxing on Canary Mission. Additional students who participated in the

---

<sup>10</sup> The account names kept being changed, but always used UMass and/or Amherst in the handle. One account started out as @amherstzionwarroom, then changed to @UMass\_amherst\_sjp\_watch, then @UMass\_amherst\_zionists and then @UMass\_zionists. Other names have been used as well. Although the account names changed, they all included certain consistent images linking the accounts to each other (such as a profile picture of a Hasidic Jewish man speaking into a walkie talkie).

<sup>11</sup> For specific evidence of the online and in person harassment as well as reports to the school, please see **Exhibits 5 and 6**.

<sup>12</sup> Beginning in late January 2024, EOA staff helped (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) obtain a mutual no contact order against (b)(6); (b)(7)(A); (b)(7)(C) after the UMPD obtained proof that he was behind the various Amherst Zion Warroom, etc. Instagram accounts. Once the UMPD began to take their reports seriously, they were able to subpoena Instagram to find the IP address responsible for these accounts, and determined that (b)(6); (b)(7)(A); (b)(7)(C) rather than (b)(6); (b)(7)(A); (b)(7)(C) was behind them. On March 28, 2024, (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) received Harassment Prevention Orders from the Massachusetts Trial Court against (b)(6); (b)(7)(A); (b)(7)(C) and another student named (b)(6); (b)(7)(A); (b)(7)(C). Note that such a proceeding does not mean that these allegations are in another forum, as they simply address the individual harassment that these students engaged in towards them but do not reference the University’s failure to respond to the notice of the hostile environment in a prompt and effective manner.

harassment of Arab students on campus are (b)(6); (b)(7)(A); (b)(7)(C) who shoved an SJP student at a protest in early October, and (b)(6); (b)(7)(A); (b)(7)(C) who sent (b)(6); (b)(7)(A) messages alleging without evidence that she had been using antisemitic tropes. (b)(6); (b)(7)(A); (b)(7)(C) also shoved past (b)(6); (b)(7)(A); (b)(7)(C) in an off-campus bar early in winter 2024, and (b)(6); (b)(7)(A); (b)(7)(C) often showed up at SJP protests and behaved in an intimidating manner.

The harassment went unchecked by the school throughout the months of October and November of 2023, despite ample notice to the University. It culminated in the doxing on the Canary Mission site. During this time, the University's Equal Opportunity and Access Office (EOA) began investigating the multiple complaints filed to a certain extent, and provided interim supportive measures to several students, but the University has never addressed the hostile environment itself in a manner that could be considered prompt and effective. The EOA office also utilizes an inappropriately high investigatory standard, asserting to students that in the absence of a signed, formal complaint by an impacted individual against specific named individuals, it is legally barred from commencing a full Title VI investigation. This assertion was made to (b)(6); (b)(7)(A); (b)(7)(C) who filed with the EOA Office but was told that due to the 2020 reforms to the Title IX regulations, UMass was prohibited from fully investigating a Title VI claim unless impacted students file a formal, signed complaint.

(b)(6); (b)(7)(A); (b)(7)(C) was not advised of this erroneous standard until November 21st, although beginning on October 9th, she, (b)(6); (b)(7)(A); (b)(7)(C) and others informed the EOA, the UMPD, and other offices, professors and administrators of the threats and online postings, along with screenshots and video evidence when submitting multiple anti-bias and police reports. Prior to November 21st, all that had been done for (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) in particular was to coordinate with their professors to make sure these professors were aware that the two students were having a hard time to excuse them from attending class and ensure that they were given extensions; they were also advised that they could access the University's counseling center if needed (an option always open to all students).

Note that the 2020 Title IX regulation updates explicitly do not impact any other federal legislation, despite the University's assertion that these updates require schools to apply the new Title IX standard to Title VI and other investigations.<sup>13</sup>

---

<sup>13</sup> See, 34 C.F.R § 106.6(a): Effect of other requirements and preservation of rights: The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation (emphasis added).

The high standard presented served to delay the harassed students' decision to file formal complaints, as these students were told by one of the three UMass Title IX investigators that their harassers would know their identities if they complained—a standard intimidating to anyone contemplating filing. As a result, while our clients were deciding whether to file (after they had already provided the University with multiple forms of notice of the ongoing in-person and online harassment), multiple University offices sat on the notice students provided for months before commencing an investigation of the hostile environment, effectively allowing it to continue, fester and increase—particularly with the dangerous doxing on Canary Mission. To date, the University has never publicly acknowledged that multiple Palestinian and Arab students have been made to feel unsafe and unwelcome on campus, nor has it attempted meaningfully to resolve the tension on campus or advised the community that such harassment would result in disciplinary action. [REDACTED] and [REDACTED] in particular continue to feel extremely unsafe on campus, due to a number of continued events that grew out of the unchecked harassment, particularly by [REDACTED]

***The University's Application of the Title IX Investigatory Standard to Title VI Allegations, along with its Inaccurate Interpretation of the First Amendment's Requirements Exacerbated the Impact of the Hostile Environment and Delay its Investigation:***

The standard followed by the EOA Office directly contravenes OCR's long standing requirement that recipients of federal funding address a hostile environment on the basis of national origin of which it has actual or constructive notice, by taking prompt and effective action reasonably calculated to (i) end the harassment, (ii) eliminate any hostile environment and its effects, and (iii) prevent the harassment from recurring.<sup>14</sup> As OCR has repeatedly held: 1) a hostile environment may be directed at anyone on campus; 2) all members of the campus community who participated in the creation of the hostile environment must be disciplined given even constructive notice of their involvement, and; 3) the response must be designed to “redress fully the specific problems experienced as a result of the harassment.”<sup>15</sup>

---

<sup>14</sup> See, for example, OCR's November 7, 2023 *Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics* (“November 7th, 2023 Shared Ancestry Harassment Guidance”) [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=). See also, *Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance*, 59 Fed. Reg. 11448, 11450 (Mar. 10, 1994) (“1994 Racial Harassment Guidance”); *Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance* (March 1994); U.S. Department of Education Office for Civil Rights, *Harassment and Bullying Dear Colleague Letter* (October 2010).

<sup>15</sup> *1994 Racial Harassment Guidance*



OCR's most recent guidance reiterates that recipients are obligated to take "immediate and effective action to respond to harassment that creates a hostile environment" of which they are aware. This guidance was issued after the 2020 update to the Title IX regulations but makes no reference to any change to that obligation arising from the update. Consequently, so long as a recipient has formal or informal notice of the harassment, the requirement to respond effectively remains even without a signed, formal complaint. This guidance continues to define a hostile environment as "unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of 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 the recipient's education program or activity."<sup>16</sup>

In this case, as demonstrated below in great detail, the University had more than ample actual and constructive notice of the hostile environment for Palestinian and Arab students, perceived Palestinian and Arab students, and their allies on campus, yet failed to ever attempt to address the environment as a whole; it also failed to promptly remedy the impact of the months of harassment on affected students. Further, once it began its investigation, it seems to be addressing each individual incident as an isolated event rather than as part of the hostile environment as a whole. It also seems to be inappropriately claiming that the harassment constituted speech protected by the First Amendment.

Specifically, the University appears to have declined to investigate many of the concerns brought to the UMPD and the EOA over the extremely tense months of October and November 2023. In a number of cases when students alerted the UMPD of their concerns, the UMPD declined to take any action as they decided that the underlying events both failed to satisfy the elements of State criminal statutes and were protected speech under the First Amendment.<sup>17</sup> When the EOA was simultaneously given notice of the same events, it initially delayed any investigation, possibly due to the erroneous application of the Title IX investigatory requirements to these Title VI violations. Then, when it finally began to investigate, it seems to have treated each event as an isolated incident, rather than examining the way the targeted students experienced the combined impact of the anti-Arab and anti-Palestinian comments made in person and online.

---

<sup>16</sup> *November 7th, 2023, Shared Ancestry Harassment Guidance*, p.2. Note that while this guidance does not address the issue of constructive or formal notice in the context of the 2020 Title IX amendments, it would be unnecessary to do so, give that these amendments explicitly did not impact any other federal legislation. See, note 3, *supra*.

<sup>17</sup> See the events described below regarding a November 17th Community/Police Advisory Board meeting.

For example, on February 12th, 2024, the EOA Office issued its only finding<sup>18</sup> to date in response to a report submitted on October 9th, 2023, which reported that Arab students on campus were scared for their safety due to in person and online threats of violence and harassment, particularly by UMass students (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). This finding only addressed the events included in the October 9th report, which referenced shouts of “Kill all Arabs” made by a (b)(6); (b)(7)(A); towards a group of students protesting for Palestinian rights (including Arab students (b)(6); (b)(7)(A); (b)(7)(C) )<sup>9</sup> (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); ) at an off-campus protest, which were then compounded by his online posts accusing them of being ISIS and terrorism supporters and loving “raping and killing.”

Especially combined with the repeated continued similar behavior that followed, these statements constitute severe and pervasive harassment that is so subjectively and objectively offensive that it denied these and other Palestinians, perceived Palestinian, and Arab students the ability to participate in or benefit from the recipient’s educational programs and activities. Indeed, all the students named above, along with several others, stopped attending classes, had a very difficult time completing work, experienced mental health challenges, had trouble interacting with professors who they perceived to paint them as antisemitic based on anti-Palestinian and anti-Arab stereotypes, and in at least one case had to quit a campus job because of the impact of the harassment on her ability to function.

Moreover, UMass’s assertion that these statements are not threatening because they constitute speech protected by the First Amendment is inaccurate. A true threat, as described by the Supreme Court, is “serious expression[s] conveying that a speaker means to commit an act of unlawful violence.”<sup>20</sup> In determining whether speech constitutes a “true threat” the courts state that recklessness standard is sufficient to override First Amendment interests and that the accused must have had some understanding of his statements’ threatening character. Given (b)(6); (b)(7)(A); (b)(7)(C) attempt to run over Palestinian and Arab students at an SJP protest with his electric scooter while also playing audio of bombs exploding, suggesting a violent attack on the protest, his uttering of the words “Kill all Arabs” at this protest more than meets the Supreme Court’s “recklessness standard.” Moreover, the phrase “Kill all Arabs” is evidently striking enough that it is not at all arguable that (b)(6); (b)(7)(A); did not see the threatening nature of his own hateful speech.

His threatening message isn't protected by *Brandenburg* either, as *Brandenburg* holds that speech is prohibited when it is both "directed to incite or produce imminent lawless

<sup>18</sup> See **Exhibit 7**.

<sup>19</sup> (b)(6); (b)(7)(A); is also Palestinian.

<sup>20</sup> *Counterman v. Colorado*, 600 U.S. 66 (2023).

action" and "that the speech is likely to incite or produce such action."<sup>21</sup> Here, (b)(6); (b)(7)(A) didn't have the ability to "Kill all Arabs" as he cried, but he did attempt to attack Arab students (and students appeared to be Arab, or those protesting on behalf of Arabs) with his scooter while playing audio of bombs dropping. This violent action struck fear in students that they would get harmed by (b)(6); (b)(7)(A); imminent assault with his scooter and/or the bombs playing would lead to a harmful attack on them whether by (b)(6); (b)(7)(A); or people with (b)(6); (b)(7)(A); For the Arab students such as (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); who all have family or other connections in Lebanon and Palestine, the playing of the bomb sounds also was particularly traumatizing.

Even assuming, arguendo, that the statement "Kill all Arabs" (while actually trying to physically injure them with an electric scooter) was First Amendment protected speech, this fact does not absolve UMass *from taking no action whatsoever*. As noted above, the University has failed to communicate a rejection of stereotypical, derogatory opinions towards Palestinians and Arabs—including a literal call to kill them all—despite repeated requests from students. Instead, it has dismissed complaints at every turn, claiming its hands are tied. As OCR has noted on its website:

The fact that discriminatory harassment involves speech, however, does not relieve the school of its obligation to respond if the speech contributes to a hostile environment. Schools can protect students from such harassment without running afoul of students' and staff First Amendment rights. For instance, in a situation where the First Amendment prohibits a public university from restricting the right of students to express persistent and pervasive derogatory opinions about a particular ethnic group, the university can instead meet its obligation by, among other steps, communicating a rejection of stereotypical, derogatory opinions and ensuring that competing views are heard. Similarly, educational institutions can establish a campus culture that is welcoming and respectful of the diverse linguistic, cultural, racial, and ethnic backgrounds of all students and institute campus climate checks to assess the effectiveness of the school's efforts to ensure that it is free from harassment.<sup>22</sup>

The below timeline outlines the extensive harassment experienced by UMass Arab students and on occasion their allies, the notice provided to multiple UMass offices, and the University's response.

<sup>21</sup> *Brandenburg v. Ohio*, 395 US 444 (1969).

<sup>22</sup> U.S. DEPARTMENT OF EDUCATION, *Race, Color or National Origin Discrimination*, <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html#racehar1> (last visited March 21, 2024).





UMass Amherst SJP <sjpumass@gmail.com>

to amassey, welum@umass.edu, amrussell@umass.edu, pcardoso, jconnary, corrina.parsons@umass.edu

Mon, Oct 9, 7:36 PM



Good evening,

We are writing to you today as Students for Justice in Palestine and the Arab Cultural Association, but also as students concerned for our safety. Today, Isenberg student (b)(6) left a comment on a UMass SJP post about our meeting time, a post published over three weeks ago, saying:

"classic Islamic barbarism supporters, you guys love raping and killing" and when another commenter responded, he said, "Do you love ISIS too?" This is extremely disturbing, islamophobic, and quite frankly, disgusting. A screenshot of his comments and profile is attached below.

More notably, at a peaceful protest in Northampton earlier, (b)(6) proceeded to interrupt the protest, shove elders in attendance, and scream blatant hate speech such as "burn Gaza to the ground", "fuck all Arabs", "Kill all Muslims", etc. He said to one elderly woman in attendance "You should roll over and die, like the Palestinians". We have videos of part of this encounter, although he is wearing a helmet in the video we all saw his face beforehand.

We would hope that Isenberg does not stand in solidarity with such comments and that (b)(6) will have repercussions for what he said. We have events planned in the coming week and have been hearing from multiple groups about an increase in Islamophobic incidents on campus, and are quite honestly feeling unsafe about his presence.

Thank You,

UMass Students for Justice in Palestine & The UMass Arab Cultural Association

(b)(6) changed his profile photo on Instagram after receiving comments responding to his on our post, his comment about ISIS was after he changed it, which is why his profile picture is different in one of the screenshots.)

The UMPD responded that they would get back to them in a few weeks and offered no support. Dean of the Isenberg School of Management Dr. Anne Massey was the only administrator to respond, but simply provided links to the University's Bias Incident Report and Student Code of Conduct violation forms. Several of the students submitted these reports to the appropriate offices, again with limited response at best.

For example, on October 11th, (b)(6); (b)(7)(A); another of (b)(6); and (b)(6); friends and a member of both SJP and Dissenters, provided the same information to Emmanuel Adero, Deputy Chief Officer for Equity and Inclusion in the Office of Equity and Inclusion. She filed a "Care Report" and a "Climate Incident Report" on behalf of (b)(6); (b)(6); (b)(7)(A); and another student, stating that they all had not been able to do work or attend class since October 7th.

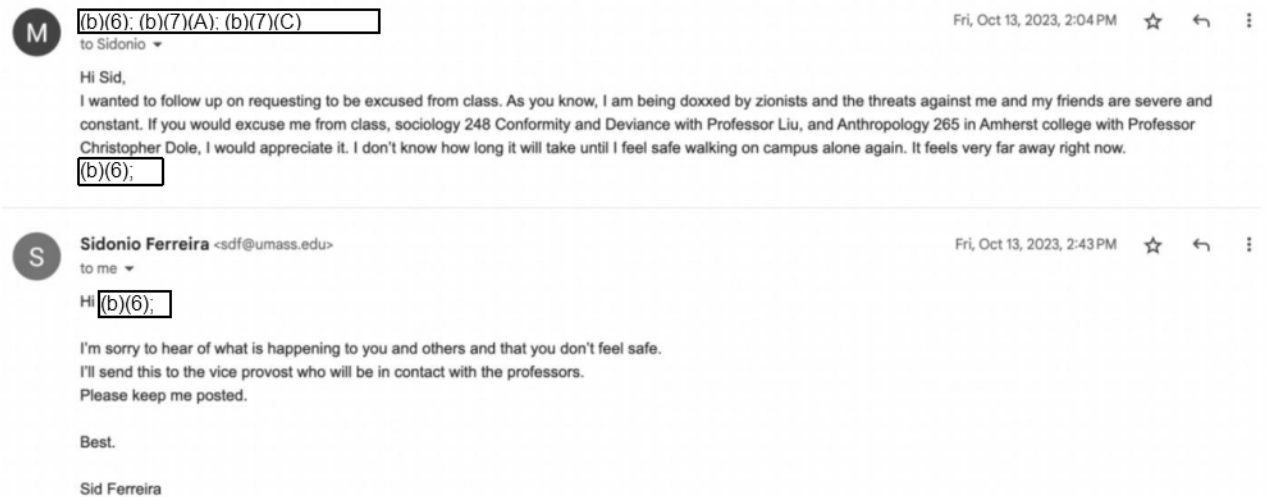
Mr. Adero responded on October 13th, when he wrote (b)(6); to say that several supportive measures had been implemented but made no reference to opening an investigation into hate speech or discriminatory threats on campus. He told her to file a bias report as well, though he acknowledged that she had already done so. In response, (b)(6); wrote that people were continuing to direct threats and hate towards her Arab friends, as well as anyone supporting SJP. She cc'd (b)(6); and (b)(6); and stated that they had received "endless hate and direct threats to their well-being and safety from community members." She stressed that they felt "entirely unsafe," and asked what was "being done to help the students targeted as well as what is being done to those making threats."

In the meantime, SJP students including (b)(6); (b)(7)(A); and others were relentlessly targeted online by the anonymous accounts with direct links to UMass. For example, an Instagram account temporarily named "Amherst Zion Warroom" would tag individual students and SJP in general, calling Palestinians "animals," and making other insults. These accounts would reference specific locations and times of protests on campus,

accusing SJP of advocating for killing and raping innocents, being antisemitic, supporting terrorists at UMass, and being pro-raping babies. It also called for leveling Gaza, saying “f&\*K Palestine,” and making comments such as “I think y’all should be wiped out outta Gaza.” (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) kept sending screenshots of these posts to various UMass offices. They informed the offices that they believed this account to be run by a UMass student named (b)(6); (b)(7)(A); (b)(7)(C)<sup>24</sup>

On October 12th, (b)(6); (b)(7)(A); (b)(7)(C) showed up to an SJP protest with a device that made sounds imitating bombs exploding. He tried to run over students with his electric scooter, and shouted “Death to All Arabs,” or “Kill all Arabs” and had to be held back by security. A student named (b)(6); (b)(7)(A); (b)(7)(C) also appeared at this protest, and behaved in a threatening manner to (b)(6); (b)(7)(A); (b)(7)(C) trying to hit her in front of several witnesses. Arab students (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) amongst others, were present at this protest.

On October 13th, (b)(6); (b)(7)(A); (b)(7)(C) wrote to Sidonio Ferreira, Special Assistant to the Vice Chancellor of Student Affairs and Campus Life, following a conversation where she told him that she was scared for her safety. The email exchange follows:



Following the email, the Provost’s Office wrote some of (b)(6); (b)(7)(A); (b)(7)(C) professors to advocate for extensions of time in submitting assignments. This email came on October 18th, but made no reference to an investigation of (b)(6); (b)(7)(A); (b)(7)(C) safety concerns.

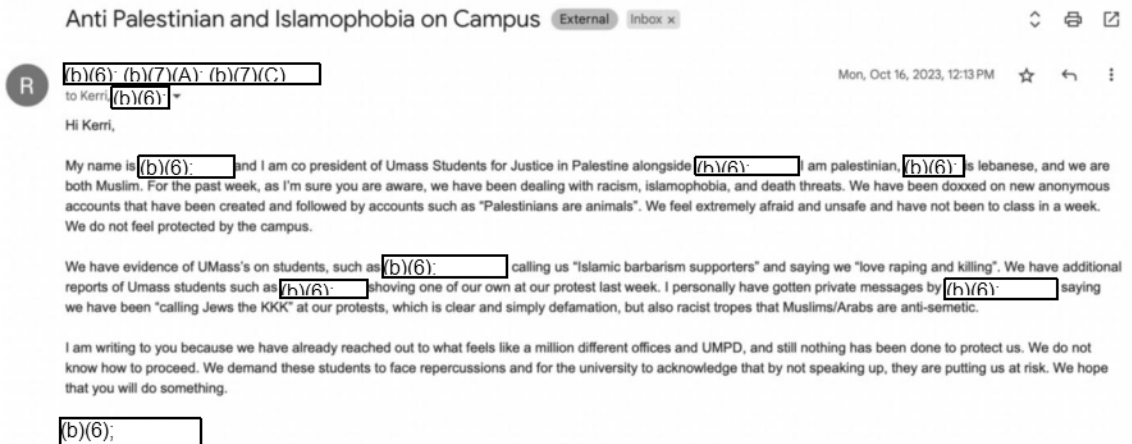
On October 15th, after hearing nothing from Mr. Adero or any of the other offices she had informed of the threats, (b)(6); (b)(7)(A); (b)(7)(C) wrote to him again, copying (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) provided Mr. Adero with screenshots of a verified Twitter/X video of

<sup>24</sup> See footnote 10 above for an explanation of these accounts.

(b)(6); (b)(7)(A) that named her and makes her UMass affiliation clear. This video was from an account called Camera on Campus. (b)(6); (b)(7)(A) also provided screenshots of (b)(6); (b)(7)(A); being targeted by Fox News reporter Kelly Dillon, who wrote an inflammatory story about UMass protesters on Fox and in the Daily Mail. This story featured a picture of (b)(6); (b)(7)(A); and claimed that UMass protesters for Palestine had harassed this reporter. (b)(6); (b)(7)(A); reported that (b)(6); (b)(7)(A); had since been inundated with messages from reporters and hate from people who read the story. She added that the article also quoted Republican politicians calling for pro-Palestinian student groups to be investigated. As a result, she wrote, “students are feeling deeply fearful to express their support for Palestine.” She also stated that “the criticism (of these protests) has reached dangerous levels of expressed hatred,” and added “I can report to you first hand that students are scared. Students showing support to SJP feel unsafe both on campus and in the Amherst community. We need administrative support to address this as well as to provide and protect students facing threats” (*emphasis added*). She added that (b)(6); and another student had not been to class since October 7th due to the distress they were experiencing as a result of the situation in the Arab world; to date no one from the administration has ever reached out to them. (b)(6); in particular reports that his stress and anxiety were compounded by the lack of response from the school, along with his concerns about his relatives in Lebanon, the doxing and his fears about his address being posted online. He also found the school’s silence on the events in Gaza to be particularly troubling in comparison with the statements issued by the administration in support of Israel and Ukraine.

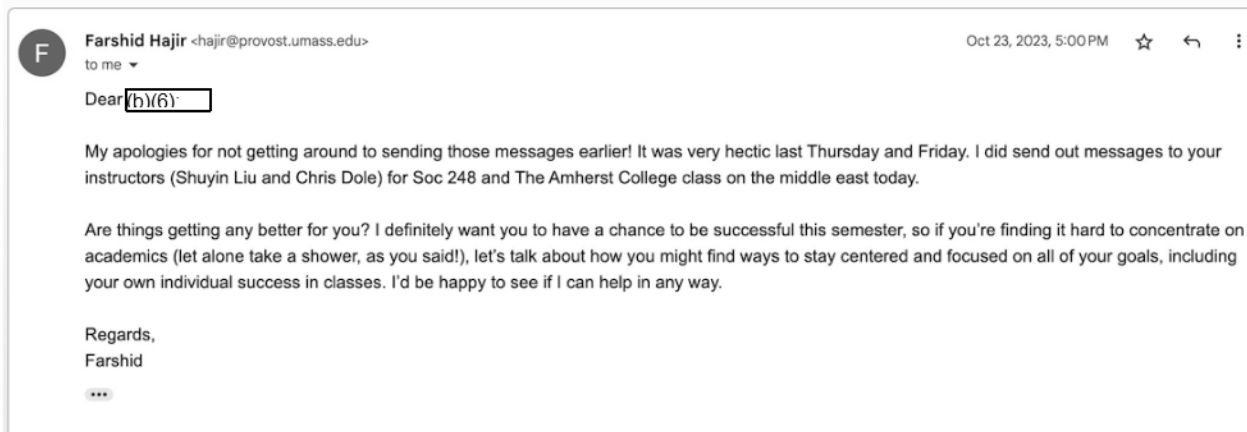
The only response (b)(6); (b)(7)(A) received from Mr. Adero was on October 16th, when he wrote to simply state that he had forwarded her emails to the Dean of Students. The only response provided by the University was to speak to (b)(6); (b)(7)(A) and (b)(6); (b)(7)(A); professors to advise them to provide extensions, and to give them the website for the campus counseling service.

On October 16th, (b)(6); (b)(7)(A) wrote to Kerri Tillet, Associate Vice Chancellor for Equal Opportunity and Access to report these actions. She wrote:



On October 17th, Dr. Norman Finkelstein, a political scientist, child of Holocaust survivors and supporter of Palestinian rights, gave a lecture on campus called “The Struggle for Justice in Palestine: Past, Present, and Future.”<sup>25</sup> The lecture was attended by several SJP students, including (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A). During the event, several anti-Palestinian students shouted "baby killers" as soon as Dr. Finkelstein began speaking (referencing Palestinians) and ran out laughing.

On October 19th, (b)(6); (b)(7)(A) wrote Farshid Hajir, Senior Vice Provost and Dean of Undergraduate Education, in response to his October 18th email to her after hearing from Sidonio Ferreira about her concerns. She emphasized the extent of the impact of the harassment on her academic performance and her mental health, writing “I can barely shower these days let alone write an essay.” He responded to her the next day acknowledging her message after she wrote to follow up; it was not until October 23rd that he wrote with the following message:



<sup>25</sup> See Luke Macannuco, *Dr. Norman Finkelstein talks to UMass*, MASSACHUSETTS DAILY COLLEGIAN (Oct. 24, 2023), <https://dailycollegian.com/2023/10/dr-norman-finkelstein-talks-to-UMass/>.



Note that although he wrote to (b)(6); (b)(7)(A) instructors and invited her to talk to him about how to “stay centered,” he offered no resources whatsoever to help her deal with her obvious emotional distress.

On October 23rd, the Equal Opportunity and Access Office (EOA) responded to (b)(6); (b)(7)(A) advising her that they had received the email to Kerri Tillett, as well as the original one from SJP. They advised her that someone would contact her to follow up. Ryan Morse of the EOA also wrote something similar to another student (“Student A”)<sup>26</sup>, who had filed due to his concerns regarding messages left on the UMass SJP’s Instagram page.

On October 25th, approximately 500 students affiliated with SJP and Dissenters participated in a protest at the UMass Whitmore Administration Building. 300 of these students engaged in a sit-in, “occupying” the building and presenting the administration with a series of demands,<sup>27</sup> including one that asked for support for Palestinian, Arab, Jewish and Muslim students. The protest included a number of chants, such as “Chancellor Reyes, you can’t hide, you are funding genocide.”<sup>28</sup> As soon as the building officially closed at 6 pm, UMPD informed students that they would be arresting anyone who refused to leave; 57 students were ultimately arrested.<sup>29</sup>

When the UMPD arrested the students, they brought them to the precinct for booking, zip tying or handcuffing the students’ wrists, often quite tightly. The students were arrested in small groups between approximately 7:00 pm to midnight. As a result, more students were required to stay overnight in holding cells than could comfortably be accommodated, causing overcrowding in the cells. At least one Arab student, (b)(6); (b)(7)(A); was required to stand all night handcuffed to a wall. Even the students who were given

---

<sup>26</sup> See **Exhibit 13**. Note that Student A has expressed interest in participating in this case but has not yet submitted a consent form. We will update OCR in the event that we receive the form from him.

<sup>27</sup> The full set of demands were: 1) UMass divest from and cut ties with war profiteers which arm Israel’s genocide in Gaza, such as Raytheon; 2) UMass replace war profiteers and offer better job opportunities to students by partnering with groups working towards a sustainable and demilitarized future; 3) Chancellor Reyes make a statement condemning Israel’s genocide in Gaza and stating support for Palestinian, Arab, Jewish, and Muslim students. See **Exhibit 18** for documentation.

<sup>28</sup> For videos of the protest, please see **Exhibit 19**.

<sup>29</sup> Note that in the numerous prior sit-ins over the past several decades, the University had never arrested student protestors as soon as the building closed; rather, past sit-ins had been allowed to continue for days and in some cases weeks before the police were sent in. In no case other than this one were campus disciplinary charges pressed. Please see Allegation 2, **Exhibit 20** (statement of past protestor) and <https://northamptonopenmedia.org/protest-UMass-divest-protest-41416/> for further details about past protests and the different treatment/retaliation aspect of this allegation.

cells with beds experienced mistreatment, as the air conditioning was blasting and the air was freezing, but they were not given blankets, while temperatures in Amherst reached freezing that night. The students also felt that the officers were intentionally making loud noises (such as activating the very noisy flushing mechanism on a toilet in a cell from the outside) to prevent anyone from sleeping. They all were released the next morning after being booked and given arraignment dates. The speed with which these arrests were conducted (in a matter of minutes following the building's closure as compared to at least a few days in prior similar protests<sup>30</sup>) constitutes different treatment on the bases of national origin, perceived national origin and advocacy for the rights of Palestinians, but also contributed to the hostile environment experienced by the Arab and Palestinian students involved, particularly (b)(6);

On October 26th, the following day, the Chancellor held a meeting with SJP and Dissenters representatives,<sup>31</sup> who informed him of the anti-Arab and anti-Palestinian harassment on campus and asked him to send an email condemning this behavior. In response, he kept asking them what else he could do. The only email he sent was in a statement on October 27th about the protests, affirming the right to protest and emphasizing “the responsibility that comes with exercising these rights.” It went on to state that “(a)ll members of our community are expected to engage in conversations about sensitive topics with respect for the perspectives and experiences of others. . . We protect the rights of our community to hear and be heard without harassment or threats. We will not tolerate any member of our community threatening the safety of another; if you or someone you know has been the target of such behavior, please make a report so that the appropriate office may follow up. Islamophobic and antisemitic attacks are beyond unacceptable in our community.”

Upon information and belief, UMass has condemned attacks on other national origin and/or protected groups in similar emails over the years. The Chancellor's failure to state that threatening behavior against Palestinian or Arab students would also not be tolerated further contributed the anti-Palestinian hostile environment on campus and shows the disparate treatment faced by Palestinian and Arab students on campus.

As such, the harassment continued unchecked.

On November 1st, Student A wrote back to the EOA and stated, in relevant part:

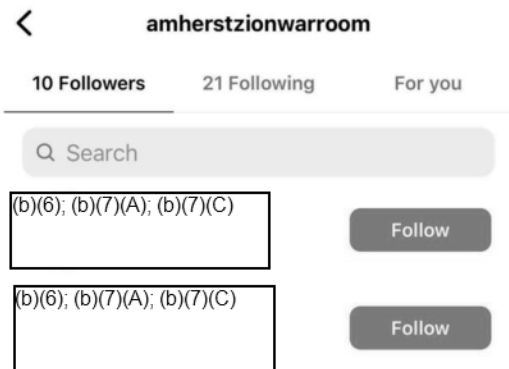
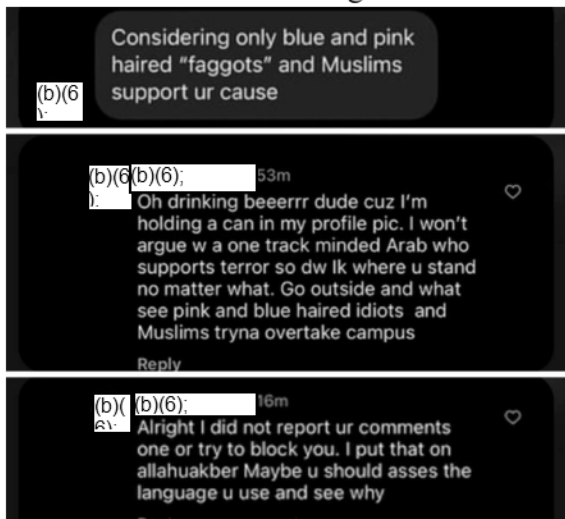
---

<sup>30</sup> *Id.*

<sup>31</sup> The students in this meeting were (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). Another Dissenters member was present as well (this student is not part of this complaint).

I'm concerned that there has been no follow-up on this report, as it has now been almost a month since multiple reports of this nature have been filed. In the time since, many other Arab and Muslim students at UMass have been harassed, doxxed, called slurs, and threatened by other UMass students. I understand there are likely a lot of hoops to jump through with this process, and I thank you for listening in the first place. I am genuinely concerned for the safety of my Arabic friends who have been subjected to this treatment online for almost a month now.

In his communication, Student A provided additional screenshots of "Islamophobic and homophobic behavior of multiple UMass students," namely (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). He stated that he believed these two students ran the amherstzionwarroom account, which was "responsible for hate speech on a ridiculous degree to Muslim students at UMass and also the doxing of a Palestinian student." He backed up his assertion with the following screenshots:



Also on November 1st, (b)(6); (b)(7)(A); (b)(7)(C) mother of (b)(6); (b)(7)(A); (b)(7)(C) wrote to the University Chancellor.<sup>32</sup> Her email requested his support for (b)(6); (b)(7)(A); (b)(7)(C) and other Arab students, challenged the Chancellor's handling of the events of October 25th, demanded that the disciplinary consequences be dropped, and explained once again the impact of the hostile environment. She wrote:

(b)(6); (b)(7)(A); (b)(7)(C) is already struggling to deal with threats and hate speech as well as doxxing because of her leadership role in Students for Justice in Palestine. "Kill all Arabs" is only one of the many forms of hate speech that have been directed at her. On October 14<sup>th</sup>, she spent her evening at the police department reporting a follow request from "'Palestinians' Are Animals" on Instagram. The account included a photo with the caption "HELP! WHERE IS THE BEST BEACH IN GAZA TO BUILD A HOUSE NEXT TO?! I heard Pali bones make great foundation!" These are just some examples of what my daughter has had to deal with over the past few weeks. Most of her Arab and Muslim friends have had similar experiences.

The Chancellor did not respond to this email. Nor did he respond to the next one she sent on November 3rd, after the UMPD posted the names and home addresses of all 57 arrested students on its website, claiming erroneously that it was simply following Massachusetts law. (b)(6); (b)(7)(A); (b)(7)(C) email demanded the immediate removal of the addresses, as "many of these students are being doxxed and have been receiving death threats." The continued posting of the addresses on the website compounded the stress of the students as well as their families whose home addresses could now be found online. Between November 3rd and December 5th, families of the arrested students wrote the UMPD and/or the administration at least 12 times to complain about the posting of their home addresses and demand their removal. The University response was minimal and non-compliant with the demands.<sup>33</sup>

On Thursday November 2nd, Ryan Morse of the EOA responded to Student A's November 1st email stating that EOA staff "review all reports submitted . . . to determine appropriate follow-up in accordance with the university policies we oversee. In the event there is an actionable item under our policies, confidentiality and privacy regulations may limit our ability to follow up with reporting policies . . ." The same day, Maggie Piermarini of the EOA also wrote to follow up and ask if Student A needed any assistance. She stated that if they did not hear from him by the following Monday, they would assume that he was "all set for now."

---

<sup>32</sup> **Exhibit 21**

<sup>33</sup> See **Exhibit 22** for a list and sampling of these communications.

On Friday, November 3rd, a pro-Israel demonstration took place on campus, at which a student<sup>34</sup> was accused of making aggressive and rude gestures, assaulting UMass student (b)(6); (b)(7)(A); (b)(7)(C) and stealing and spitting on the Israeli flag that (b)(6); (b)(7)(A); (b)(7)(C) was holding. Although the accused student maintains a very different version of the events, asserting that (b)(6); (b)(7)(A); (b)(7)(C) and others taunted and goaded him into responding, on Sunday, November 5th, Shelly Perdomo-Ahmed, the Interim Vice Chancellor for Student Affairs and Campus Life, and Tyrone Parham, the Assistant Vice Chancellor and Chief of Police, sent an email to the entire UMass community (including parents), repeating the accusations against the Middle Eastern student as if they were already investigated and proven.<sup>35</sup> The email also maintained that “there are no indications of any credible threats to the UMass community,” omitting any mention of the hostile environment on campus for Palestinian students, Arab students and their allies.<sup>36</sup> As it was sent two weekend days after the encounter, no investigation could possibly have been completed by then. In fact, the formal investigation was not started for quite some time and, upon information and belief, is still underway. Note that neither Perdomo-Ahmed and Parham, nor any other member of the UMass administration sent any similar email after receiving all the student complaints referenced above, or after a Jewish faculty member received threats of physical violence because she supports Palestinian rights.

On November 9th, the UMass\_amherst\_sjp\_watch Instagram account, another of the series of anti-Palestinian accounts referenced above and upon information and belief run by (b)(6); (b)(7)(A); (b)(7)(C) posted that if anyone could identify a UMass student at the SJP protest planned for that day, the account would give them a shout out and submit the protestors to Canary Mission. The Instagram account also posted a screenshot of a submission of (b)(6); (b)(7)(A); (b)(7)(C) identity to Canary Mission.

Later in the day on November 9th, (b)(6); (b)(7)(A); (b)(7)(C) again showed up at an SJP protest, despite the multiple reports about his behavior at previous protests. A Palestinian student describes his and other students’ actions at this and other protests:

---

<sup>34</sup> Note that this student is pursuing charges against the University separately and is not a member of the group raising this complaint. His situation is being referenced to demonstrate the difference in the University’s response to a single alleged anti-Israel incident as compared to the multiple anti-Arab incidents reported to the school.

<sup>35</sup> See **Exhibit 31**.

<sup>36</sup> The UMass Hillel chapter also posted the accusations on its website. The result was an enormous amount of press attention to the event, which all reported the incident as described in the email from the administration, with reporting extending as far as The Times of Israel: <https://www.timesofisrael.com/UMass-student-arrested-for-punching-jewish-student-at-hillel-vigil/>

