
Office for Civil Rights Discrimination Complaint Form: Submission #739456

1. Enter information about yourself

First Name: (b)(6); (b)(7)(A);
(b)(7)(C)

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

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

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

State: (b)(6);
(b)(7)(A);

Zip Code (b)(6);
(b)(7)(A);

Best Time to Call You: Day

Primary Phone Number: (b)(6); (b)(7)(A);
(b)(7)(C)

Alternative Phone Number: {Empty}

Your Email Address (b)(6); (b)(7)(A);
(b)(7)(C)

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

Contact's Name: (b)(6); (b)(7)(A);
(b)(7)(C)

Daytime Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Relationship to you: (b)(6);
(b)(7)(A);

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: University of Notre Dame

Address: 306 Main Building

City: Notre Dame

State: Indiana

Zip Code: 46556

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

Agency Name: (b)(6); (b)(7)(A); (b)(7)(C)

Date Filed (MM/DD/YYYY): (b)(6); (b)(7)(A); (b)(7)(C) 00:00

If yes, what is the current status of the complaint? The complaint is considered "resolved" (b)(6); (b)(7)(A) was (b)(6); (b)(7)(A); (b)(7)(C)

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: (b)(6); (b)(7)(A); walked by a group of Notre Dame event attendees conversing and standing in the hallway outside Hesburgh Center Auditorium of Notre Dame. While walking past Seham Kafafi, who was wearing a Palestinian keffiyeh, (b)(6); (b)(7)(A); (b)(7)(C) spat directly in front of Seham. Seham's ethnic heritage includes (b)(6); (b)(7)(A); (b)(7)(C) Seham, Sarah Seto, and (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) He yelled at the three of them: "You are all animals!" and "Look what you are wearing!" (referring to Palestinian keffiyeh). When we asked what his name was, he told Sarah, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

Francesca Freeman, who is of Jewish faith, stepped outside to inform (b)(6); about her Jewish background and voice, saying that (b)(6); behavior is unacceptable. (b)(6); responded to her: (b)(6); a (b)(6); (b)(7)(A); (b)(7)(C)

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: 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 Yes

Reason for not filing complaint before 180 days: I was not aware of this process.

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

What remedy are you seeking? I want

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

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

May 7, 2024

Reverend John I. Jenkins. C.S.C.
President
Notre Dame University
Sent by email only to: president@nd.edu

Re: OCR Docket #05-24-2306

Dear Reverend Jenkins:

On March 15, 2024, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the University of Notre Dame (University). Specifically, the complaint alleges that the University discriminated against a student (Student A) based on national origin (b)(6); (b)(7)(A); (b)(7)(C) by failing to respond promptly and/or effectively to an incident of harassment in (b)(6); (b)(7)(A);

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin, including shared ancestry, in any program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the University is subject to Title VI. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR will investigate the following issue:

- Whether the University responded in a manner consistent with the requirements of Title VI to alleged harassment of students on the basis of national origin/shared ancestry (b)(6); (b)(7)(A); (b)(7)(C)

Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint.

OCR offers, when appropriate, a mediation process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation. Some information about the mediation process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after a recipient expresses an interest in resolving the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must address all of the allegations that OCR determines are appropriate to resolve before the conclusion of an investigation. Information about this is in the enclosure to this letter.

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

Please read the enclosed document, which includes information about:

- OCR’s complaint processing procedures, including the availability of mediation;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation 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 may request supplemental data and documents that are relevant to the allegation under investigation. To ensure that OCR can assess the recipient’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation under investigation until OCR closes this case.

Please provide the following information to us within twenty-one (21) calendar days. Wherever possible, please provide the requested information in electronic format. If responsive data are available through the Internet, please provide the link to the data. Please do not provide OCR documentation or electronic information containing social security numbers (SSN); if SSN appear on a document or file that is otherwise responsive to OCR’s request, please redact the SSN before producing to OCR. Further, it would be helpful if the pages in your response are numbered.

1. A detailed narrative response to the issue opened for investigation.
2. The name, title, and contact information of the University’s:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint;
 - c. Person responsible for responding to Title VI complaints; and
 - d. Person responsible for handling complaints of harassment and/or discrimination on the basis of national origin, including shared ancestry, at each level of the process.
3. A copy of the University’s policies and procedures and a description of the University’s practices governing the investigation of complaints of harassment and/or discrimination on

the basis of national origin, including shared ancestry, including each level of the process, the length of the process, and the types of records maintained.

4. All formal and informal reports/complaints, including records of oral reports/complaints, made by Student A (Seham Kafafi) regarding an incident that occurred on (b)(6); (b)(7)(A); (b)(7)(C)
5. All formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin and/or shared ancestry for the 2022-2023 and 2023-2024 academic years.
6. For each report/complaint in response to Items 4 and 5:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, and the date of the incident;
 - b. a detailed description of the complaint processing procedures employed to resolve the report/complaint;
 - c. the length of the investigative process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the report/complaint;
 - e. all actions the University took in response to the report/complaint, including whether there was police involvement;
 - f. the University's final determination regarding the report/complaint;
 - g. any corrective action taken, including discipline and/or supportive measures; and
 - h. any notice of the findings provided to the complainant.
7. All documentation related to all complaints/reports identified in response to Items 4 and 5, including but not limited to emails and other forms of correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, University communications sent to students, student organizations, staff, alumni, applicants, and the public, personnel file documents, disciplinary documents, supportive measures provided, and notes generated for each complaint.
8. All relevant University policies and procedures applicable to employees posting or issuing statements, both through University websites, documents, platforms, and accounts as well as through personal websites, documents, platforms, and accounts, concerning individual viewpoints or political commentary, including but not limited to Israel, Palestine, or Middle Eastern history/conflict.
9. To the extent not covered by any request above, copies of statements, emails, social media posts, or other written communications issued or posted by University personnel regarding

Israel, Palestine, or Middle Eastern history/conflict during the 2022-2023 and 2023-2024 academic years.

10. To the extent not covered by any request above, copies of any email(s) and/or social media post(s) received by the University relating to Items 4 and 5 as well as any written or electronic notices or correspondence regarding antisemitic or hate incidents against Middle-Eastern employees or students, and any communications sent by the University to students, student organizations, faculty, faculty organizations, staff, alumni, applicants, and the public relating to such incidents.
11. Any additional information that the University believes might be helpful to OCR's investigation of the issue opened for investigation.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview relevant personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

OCR will provide you with a link to a SharePoint folder. Please upload the data and information responsive to OCR's request in the SharePoint folder. Thank you for your attention to this matter. If you have any questions, please contact Stephanie Bogdan at 202-987-1261 or by email at stephanie.bogdan@ed.gov.

Sincerely,

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

Jeffrey Turnbull
Team Leader

Enclosure