

From: OCR
To: OCR Denver
Subject: FW: Title VI Complaint Against Arizona State University, 1151 S Forest Ave, Tempe, AZ 85281 (National Origin – Jewish)
Date: Tuesday, November 28, 2023 10:56:14 AM
Attachments: image001.png

Hello OCR Denver,
The email below is being forwarded to your office for review and appropriate handling.

Thank you,
OCR OPEN Center Customer Service Team

From: Zachary Marschall (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Tuesday, November 28, 2023 10:05 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Arizona State University, 1151 S Forest Ave, Tempe, AZ 85281 (National Origin – Jewish)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You don't often get email from (b)(6); (b)(7)(A); (b)(7)(C) [Learn why this is important](#)

Submitted via email November 28, 2023

U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, DC 20202
Email: OCR@ed.gov

Re: Title VI Complaint Against Arizona State University, 1151 S Forest Ave, Tempe, AZ 85281 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

Since the terrorist attacks on Israel of October 7, 2023, Jewish and pro-Israel students have felt increasingly unwelcome, threatened and discriminated against as part of this student and academic body.

The October 7 Hamas terror attack on Israel killed over 1,400 innocent people including at least 30 Americans. This was the deadliest Palestinian attack on Israel in history and the single deadliest day for Jews since the Holocaust.^[1]

On October 8, the day after the gruesome attack and while most of us were in shock and mourning, the University's chapter of Students for Justice in Palestine (SJP) held an event ostensibly to "learn about the Palestinian liberation struggle against the U.S. and Israeli war machine."^[2]

On October 12, SJP organized a rally for Palestine.^[3] This rally was promoted as a "day of resistance." Students in attendance carried Palestinian flags and signs and chanted "free, free Palestine," and, "from the river to the sea, Palestine will be free."^[4]

The Leadership Institute's Campus Reform, of which I am editor-in-chief, reported on

the group's activities:

[Campus Reform | Student group organizes 'national day of resistance' while 'Israel is fragile'](#)

I am writing to you as a journalist who has spoken to numerous Jewish students across this country to afraid to speak up. I'm choosing to speak up for them because the University takes no action to protect them

The phrase "from the river to the sea" supports the expulsion, and even genocide, of Israel's Jewish inhabitants. It completely rejects a peaceful solution to the conflict, where Israel and Palestine could have a two-state solution and live side-by-side. It calls for the eradication of Israel and, by necessity, Jews in Israel, in its entirety. ^[5]

SJP is a recognized student group at Arizona State, meaning that it is eligible to receive funds from the public university. ^[6]

There are still approximately 200 people held captive by Hamas, along with 50 others being held by other terror factions. ^[7]

Members of Congress are currently discussing additional protections from the Department of Education for Jewish college students amid the current wave of antisemitic incidents. ^[8] But no such discussions appear to be occurring at Arizona State University despite very clear threats.

Therefore, I ask the U.S. Department of Education's Office for Civil Rights to conduct an immediate investigation against Arizona State University. We are seeking sanctions against the University to the fullest extent OCR is able to impose them as well as forcing the University to ensure its funds are not sent to organizations spreading antisemitism.

For the record, I give OCR my consent to disclose my name nor other personal information contained in this Title VI complaint to others for OCR's investigation of, and enforcement activities related to, the complaint. I understand that OCR may have to close my complaint. I am not interested in participating in early mediation. I do not have an attorney representing me in this matter. I have not complained about these allegations to the University.

Sincerely,



Zachary Marschall

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

[1] <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

²https://twitter.com/sipasu/status/1711050184954945739?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1711050184954945739%7Ctwgr%5E7e7e5f9fde0b3409c81bba383895c999888c4c22%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Farizonadailyindependent.com%2F2023%2F10%2F10%2Farizona-college-students-hold-pro-palestinian-terrorist-rallies-following-attacks%2F

³ <https://twitter.com/azwomenofaction/status/1712900019396006291?s=20>

⁴ <https://cronkitenews.azpbs.org/2023/10/12/hundreds-gather-at-asu-events-with-opposing-views-of-israelis-palestinians/>

⁵ <https://aish.com/why-the-from-the-river-to-sea-chant-is-antisemitic/>

⁶ <https://asu.campuslabs.com/engage/organization/students-for-justice-in-palestine>

⁷ <https://nypost.com/2023/10/17/israel-hamas-war-live-updates-and-latest-news/>

⁸ <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>

Zachary Marschall

Editor in Chief

Campus Reform

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

[1] <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

[2] https://twitter.com/sjpasu/status/1711050184954945739?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1711050184954945739%7Ctwgr%5E7e7e5f9fde0b3409c81bba383895c999888c4c22%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Farizonadailyindependent.com%2F2023%2F10%2F10%2Farizona-college-students-hold-pro-palestinian-terrorist-rallies-following-attacks%2F

[3] <https://twitter.com/azwomenofaction/status/1712900019396006291?s=20>

[4] <https://cronkitenews.azpbs.org/2023/10/12/hundreds-gather-at-asu-events-with-opposing-views-of-israelis-palestinians/>

[5] <https://aish.com/why-the-from-the-river-to-sea-chant-is-antisemitic/>

[6] <https://asu.campuslabs.com/engage/organization/students-for-justice-in-palestine>

[7] <https://nypost.com/2023/10/17/israel-hamas-war-live-updates-and-latest-news/>

[8] <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

January 23, 2024

By email only to: president@asu.edu

Michael M. Crow
President
Arizona State University
Tempe, Arizona 85287

Re: OCR Complaint Number 08-24-2089 – Arizona State University

Dear President Crow:

On November 28, 2023, the United States Department of Education (the Department), Office for Civil Rights (OCR) received a complaint against Arizona State University (the University) alleging that the University discriminates against students on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment and threats in October and November 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d *et seq.*, 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 University is subject to Title VI and its implementing regulations.

OCR will investigate the following issue: whether the University has responded to alleged harassment of students and threats on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

Please understand that opening this issue for investigation does not mean that OCR has made a decision about its merit. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the issue. OCR will ensure that its investigation is legally sufficient as required by [OCR's Case Processing Manual \(CPM\) \(July 18, 2022\)](#). Please open this link for additional information about [OCR's Complaint Processing Procedures](#).

OCR intends to conduct a prompt investigation of this allegation. To reach an efficient and timely resolution of this matter, OCR is providing an opportunity for the University to present its response to the complaint allegation and to submit supporting documentation. Within 15 days of the date of this letter, please provide to OCR the information listed in the attached data request. 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 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 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 will take all proper precautions to protect the identity of any individuals named in the documents.

Complaints may be resolved in a variety of ways, including through mediation under Section 201(b) of OCR's CPM. Under that provision, 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 a case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. For example, 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. OCR also would like to make you aware that 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.

Please be advised that the University 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 with OCR.

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

If you have any questions, please contact Jennifer Weiser Bezoza, the attorney assigned to this complaint by email at jennifer.bezoza@ed.gov.

Sincerely,

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

J. Aaron Romine
Regional Director

