

From: OCR
Sent: Thu, 14 Dec 2023 15:24:13 +0000
To: OCR Chicago
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Indiana University, 107 S. Indiana Avenue, Bloomington, IN 47405-7000 (National Origin – Jewish)

December 14, 2023

Dear OCR Chicago Office,

The email is being forwarded to your office for review and appropriate handling.

Thank you,

OPEN Center Customer Service Team
Office for Civil Rights
U.S. Department of Education

From: Zachary Marschall (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Thursday, December 14, 2023 10:12 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Indiana University, 107 S. Indiana Avenue, Bloomington, IN 47405-7000 (National Origin – Jewish)

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

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Submitted via email
2023

December 14,

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 Indiana University, 107 S. Indiana Avenue, Bloomington, IN 47405-7000 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

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 October 7 terrorist attack on Israel by Hamas killed over 1,400 innocent people including at least 30 Americans.^[1] This was the deadliest Palestinian militant attack on Israel in history and the single deadliest day for Jews since the Holocaust.^[2]

Just days later, there was an anti-Israel protest at Indiana University. One of the speakers declared, "From the River to the sea, Palestine will be free," and tweeted "wrath for the Zionists."^[3] The phrase "from the river to the sea," describes the goal of a Palestinian state where the entire current state of Israel exists, and requires the destruction of Israel and the extermination of the Jews in the nation.

Leaders of the IU Hillel and Chabad implored my fellow Jewish students not to listen when a few people in support of Palestine shouted hateful comments as they drove or walked by the gathering. "Most members of the Palestinian gathering continued chanting 'free, free, Palestine.'" ^[4]

On October 29, IU's Palestine Solidarity Committee (PSC) organized a gathering to call for a ceasefire. "The mission, first and foremost, is to show our support for the people of Palestine, people of Gaza, as they're under attack by the Israeli occupation, and to educate people the best we can about what's going on and counter the endless flood of the one side that you normally see in American press," IU PSC founder Bryce Greene said. ^[5]

The phrase "Israeli occupation" distorts the facts of the current situation. Israel is not "occupying" Gaza. Israel fully left the Gaza Strip, which Hamas controls, in 2005. Israel removed 8,000 civilians and all military presence there. Immediately after Israel left Gaza, Hamas and other terrorist organizations began shooting rockets at Israel.^[6]

These violent words completely disregard Hamas's terrorist atrocities against the people of Israel, including raping, murdering, and kidnapping civilians. There are still approximately 200 people held captive by Hamas, along with 50 others being held by other terror factions.^[7]

The Palestine Solidarity Committee is a recognized student group at Indiana, meaning that they are eligible to receive funds from the public university. ^[8]

I am writing on behalf of the 5,000 other Jewish students on campus who are also feeling afraid, as the University takes no action to protect.^[9]

Members of Congress are currently discussing additional protections from the Department of Education for Jewish college students amid the current wave of antisemitic incidents.^[10] But no such discussions appear to be occurring at Indiana 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 Indiana University. We are seeking the University of Indiana to defund organizations spreading antisemitism.

For the record, I do 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,

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

Zachary Marschall

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

[1] <https://www.foxnews.com/live-news/october-24-israel-hamas-war>

² <https://www.theguardian.com/world/2023/oct/12/israel-hamas-war-biden-jews-holocaust-palestine-iran-warning>

³ <https://twitter.com/BadQualityMemos/status/1712957133480693872?s=20>

⁴ <https://www.idsnews.com/article/2023/10/israel-palestine-rally-protest-conflict-iu-student>

⁵ <https://www.idsnews.com/article/2023/10/israel-hamas-war-lives-lost-mourn>

⁶ <https://aish.com/facts-every-college-student-needs-to-know-about-israel/>

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

⁸ <https://beinvolved.indiana.edu/organization/solidarity>

⁹ <https://www.hillel.org/college/indiana-university/>

¹⁰ <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.foxnews.com/live-news/october-24-israel-amas-war>

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

[3] <https://twitter.com/BadQualityMemes/status/1712957133480693872?s=20>

[4] <https://www.idsnews.com/article/2023/10/israel-palestine-rally-protest-conflict-iu-student>

[5] <https://www.idsnews.com/article/2023/10/israel-amas-war-lives-lost-mourn>

[6] <https://aish.com/facts-every-college-student-needs-to-know-about-israel/>

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

[8] <https://beinvolved.indiana.edu/organization/solidarity>

[9] <https://www.hillel.org/college/indiana-university/>

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



**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

February 5, 2024

Pamela Whitten
President
Indiana University Bloomington
Sent by email only to: iupres@iu.edu

Re: OCR Docket #05-24-2157

Dear President Whitten:

On December 14, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Indiana University Bloomington (University) alleging that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond appropriately to incidents of harassment in October 2023.

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 failed to respond to alleged harassment of students on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

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;
- 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(s) 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(s) under investigation until OCR closes this case.

Accordingly, 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. Include a detailed description of the complaint process, 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, regarding the following during the 2023-2024 academic years:
 - a. A campus protest that took place on or around October 9, 2023; and
 - b. A campus protest that took place on or around October 28, 2023.
5. All formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared Jewish ancestry. The University's response should include information for the 2022-2023 and 2023-2024 academic years.
6. For each report/complaint in response to Items 4 and 5 please provide the following:
 - 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 any and/or 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. 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 Jewish and/or Israeli faculty, staff, or students, and any communications sent by the University to students, student organizations, faculty, faculty organizations, staff, alumni, applicants, and the public relating to Items 4 and 5.
9. 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