

From: (b)(6); (b)(7)(A); (b)(7)(C)
To: OCR Seattle
Subject: Montana State University
Date: Tuesday, May 2, 2023 2:39:13 AM

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My name is (b)(6); (b)(7)(A); (b)(7)(C) and I am submitting this complaint to report the injustices and right violations perpetrated by Montana State University and its respective administration. I am a (b)(6); student at MSU. Since arriving at campus, I have witnessed and been subject to multiple instances of hate. On move-in weekend, approximately 08/18/2022, an anti-Semitic flier was placed on the vehicles of those helping me move, and surrounding vehicles, parked in campus lots. This flier perpetuated Zionist conspiracy theories and called for 'death to Jews.' In following months, these posters resurfaced on and around campus, as documented by local Reddit and Facebook posts. Montana State University never addressed this. Swastikas have been found around campus, and have remained up for weeks at a time, even in areas where cameras are present. To my knowledge, the only people working to take down discriminatory posters or cover up offensive vandalism (such as 'fag' written on a 'silence is violence' poster near Cheever Hall on Apr. 30 2023) have been student activists, not the university themselves. I also (b)(6); (b)(7)(A); (b)(7)(C) on campus. In (b)(6); (b)(7)(A); (b)(7)(C) posters promoting DISC and LGBTQAI+ events have been ripped down or vandalized. In the fall semester, there was a plethora of doors being marked with "X's" and the girls inside threatened. This information and case numbers can be found on Montana State Universities Crime Log online. Furthermore, through training I discovered that we are instructed to only call UPD for vandalism when the total amounts to over \$50.00. Although this seemed unproblematic at the time, I was soon put in positions where, although I had to file OIE reports for discriminatory vandalism (e.g genitalia, homophobic slurs), yet was instructed not to call UPD as the damage was under \$50.00. This means that there are instances of hate-crimes that are not being reported, as the monetary damage is too low. These are just some examples of Montana State University a) failing to address or prevent instances of hate-crimes b) failing to inform students of hate-crimes happening and c) failing to prosecute or give ramifications for such behaviors.

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

December 5, 2023

REGION X

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Dr. Waded Cruzado
President
Montana State University - Bozeman
president_cruzado@montana.edu

Re: Montana State University - Bozeman
OCR Reference No. 10232171

Dear Dr. Cruzado:

The U.S. Department of Education, Office for Civil Rights (OCR) is proceeding with an investigation of the above-referenced complaint against Montana State University - Bozeman. The Complainant alleges the University discriminated against students and other individuals on the basis of national origin (Jewish ancestry) by failing to respond to incidents of harassment during the 2022-2023 academic year. The Complainant also alleges that the University discriminated against female students by failing to respond to reports of threats against them.

OCR enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin, including shared ancestry, in programs and activities receiving federal financial assistance. OCR also enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in educational programs and activities receiving federal financial assistance. As the University receives federal financial assistance from this Department, it is required to comply with these federal civil rights laws.

OCR is opening the following issues for investigation:

1. whether the University failed to respond to alleged harassment of students and other individuals on the basis of national origin in a manner consistent with the requirements of Title VI; and
2. whether the University failed to respond to harassment of female students on the basis of sex in a manner consistent with the requirements of Title IX.

During the OCR investigation, the allegations may be resolved in a variety of ways, including a voluntary written agreement in which the University agrees to take remedial actions that OCR determines fully resolve the allegations consistent with applicable legal standards. Where appropriate, the allegations may also be resolved through mediation facilitated by OCR. If a

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resolution of the complaint is not reached before OCR completes its investigation, OCR will make findings and a determination as to whether the University is in compliance with the applicable legal standards and, in the event non-compliance is found, OCR will propose that the University enter into a voluntary resolution agreement in which the University commits to take specific steps to comply with applicable laws and regulations.

At this point in our investigation, we have determined that OCR requires information from the University. The Title VI and Title IX regulations, at 34 C.F.R. § 100.6 and 34 C.F.R. § 106.81, respectively, require that a recipient of federal financial assistance from the Department make available to OCR information that may be pertinent to reach a compliance determination. In addition, under the regulation that implements the Family Educational Rights and Privacy Act (FERPA), at 34 CFR § 99.31(a)(3)(iii), OCR is not barred by privacy or confidentiality limitations from reviewing personally identifiable records. As such, with regard to our investigation of this complaint, OCR respectfully requests the following documents and information from the University:

1. the name, job title, and contact information of the University's point of contact for this matter;
2. a copy of all documents relating to report(s) and/or complaint(s) involving discrimination on the basis of national origin, including complaints involving shared ancestry and/or antisemitism, during the 2021-2022 and 2022-2023 academic years, including but not limited to, witness statements, interview notes, disciplinary documents, e-mails, notes, database entries, Montana State University Crime Logs, memoranda, letters, telephone messages, any remedies provided (both individual and University-wide), and other records, whether generated or received by the University, if any;
3. a copy of all documents relating to report(s) and/or complaint(s) of harassment of female students during the 2021-2022 and 2022-2023 academic years, including but not limited to, witness statements, interview notes, disciplinary documents, e-mails, notes, database entries, Montana State University Crime Logs, memoranda, letters, telephone messages, any remedies provided (both individual and University-wide), and other records, whether generated or received by the University, if any;
4. the name and duty position of each person responsible for determining the University's response to the aforementioned incident(s), if applicable; and
5. a copy of any other documents or information the University believes will assist OCR in resolving the issues opened for investigation, such as a narrative response to the issues opened for investigation.

Please provide the requested information and documents to OCR by January 2, 2024.

To the extent that documents and information are available in electronic format, please provide them electronically. To the extent that any responsive documents or information are published on the University's publicly accessible website, the response may consist of the exact web address where the relevant information is located. After reviewing the requested information, I anticipate I will request to conduct interviews of University staff members who are identified as having information relevant to the investigation. I will coordinate all such interviews with you or your designated representative.

OCR is committed to resolving complaints as promptly as possible. I am the OCR point of contact for the University for this matter, and am available at (206) 607-1635, or at steven.m.riley@ed.gov.

Sincerely,

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

Steven M. Riley
Equal Opportunity Specialist - Investigator