

From: OCR New York
Sent: Mon, 5 Feb 2024 19:26:53 +0000
To: Bronka, Susan A
Cc: Carroll, John; OCR New York
Subject: FW: [redacted] (b)(6); (b)(7)(A); (b)(7)(C)
Attachments: [redacted] (b)(6); (b)(7)(A); - Cornell - Antisemitism - 1.31.24.pdf

From: OCR <OCR@ed.gov>
Sent: Monday, February 5, 2024 2:07 PM
To: OCR New York <OCR.NewYork@ed.gov>
Cc: [redacted] (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: [redacted] (b)(6); (b)(7)(A); (b)(7)(C) Antisemitism Cornell University

February 5, 2024

Dear OCR New York Office,

The attachment above and email below are 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: [redacted] (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Sunday, February 4, 2024 11:05 AM
To: OCR <OCR@ed.gov>; [redacted] (b)(6); (b)(7)(A); (b)(7)(C) [redacted] (b)(6); (b)(7)(A); (b)(7)(C)
Subject: [redacted] (b)(6); (b)(7)(A); (b)(7)(C) Antisemitism Cornell University

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

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.

Dear Sirs or Madames:

I would like to report an incident that has resulted directly from the toxic, antisemitic climate that emerged at Cornell.

[redacted] (b)(6); arrived at Cornell as a [redacted] (b)(6); (b)(7)(A); (b)(7)(C) in [redacted] (b)(6); (b)(7)(A); (b)(7)(C). He was excited to begin his pursuit of a degree in [redacted] (b)(6); (b)(7)(A);.

The graduate experience is quite different from the undergraduate experience.

Grad students in the program spend most of their time in a cubicle setting doing their research and interacting with each other. It's like an office work environment (instead of a typical undergrad lecture hall setting). It's become a terrible situation there. He's isolated as the (b)(6); in the department, and surrounded by antisemitic rhetoric on a daily basis. Signs, posters, rallies and conversations supporting Hamas, calling for the end of Israel, BDS, accusations of genocide, and the like. He is isolated in his department of ~50 students. And he is surrounded by this. Daily. The leadership is indifferent or incompetent to fix this. They are incapable of building a positive culture.

On (b)(6); (b)(7)(A); (b)(7)(C) though, it escalated to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) with (b)(6); (b)(7)(A); (b)(7)(C) It literally (b)(6); (b)(7)(A); (b)(7)(C) He reported this to his department chair and the Cornell police who acknowledged that the targeted nature of this raised the level of concern and potential violation. Just one day later, the Cornell Police got back to (b)(6); saying there is insufficient evidence to do anything, and they are not making any investigation.

He went to (b)(6); this (b)(6); (b)(7)(A); (b)(7)(C) and had a chance to relay his experience to the provost. During the discussion, Provost Michael Kotlikoff made it clear that even though Cornell is a private institution and could restrict speech, the university's commitment was to ensure free speech even if it created an environment that was toxic and not conducive to the pursuit of educational goals for the students. He did note that (b)(6); in the shared office space may be in violation of the University policies on appropriateness of space. He furthermore suggested that to remedy the situation the Jewish students should protest and be further distracted from their pursuit of an education. It was clear that neither (b)(6); nor the other students at the (b)(6); (b)(7)(A); (b)(7)(C) did not have an ally in the provost.

I have attached a few slides on what (b)(6); has been experiencing at Cornell (b)(6); (b)(7)(A); (b)(7)(C) to help convey his experience.

We look forward to hearing from you and your insight in how to navigate this challenging situation

Warm regards,

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

I have also included my husband, (b)(6); (b)(7)(A); (b)(7)(C) as a recipient.



Cornell University Graduate Student Office

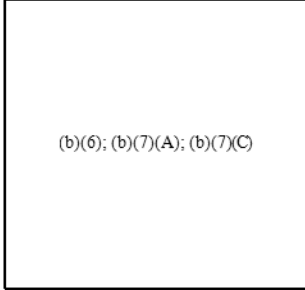
Early November 2023

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



Cornell University Graduate Student Office

Surrounding cubicle #1



Rationalization and Justification for Oct 7 Butchery

- Groups like Hamas are “militants”, not terrorists
- “Any group subjected to this kind of oppression will eventually use force to defend themselves”

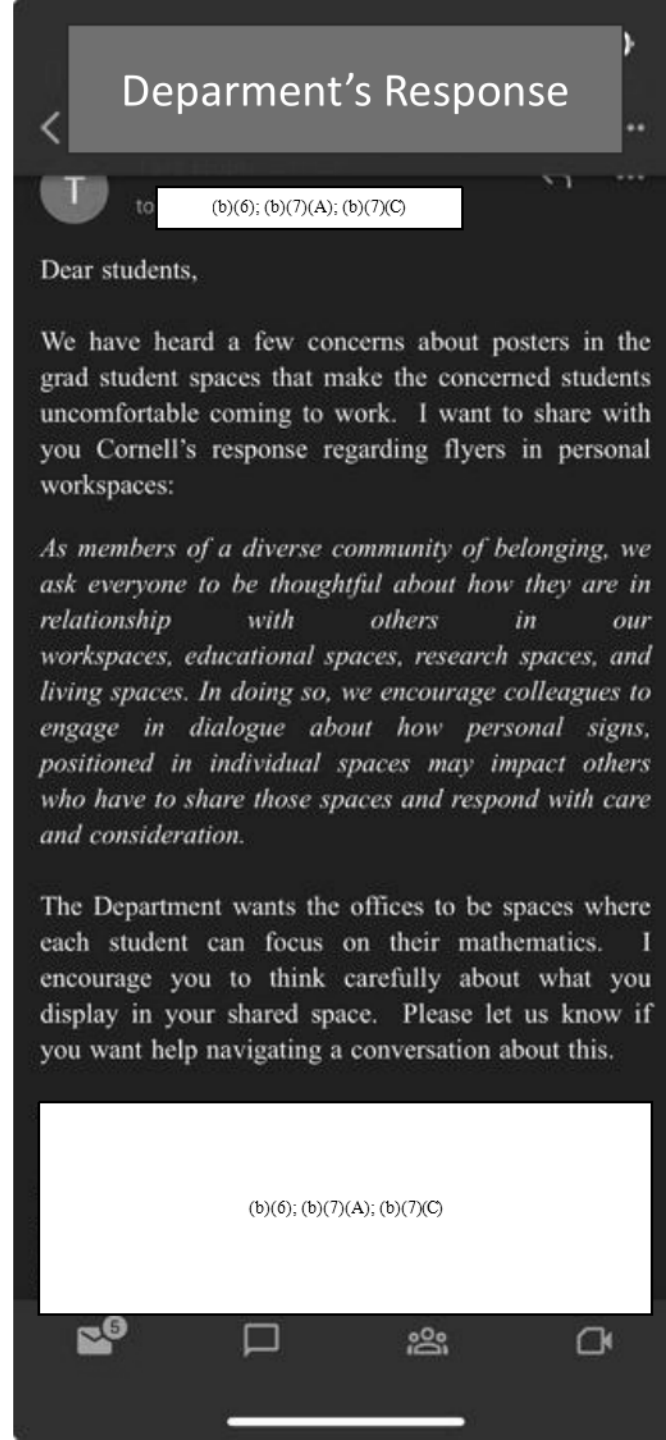
Repleat with antisemitic lies:

- “Stop Israel’s genocide”
- “All food, electricity and fuel has been cut off”
- “Israel’s crimes are paid for with US tax dollars”
- “For 75 years, the people of Palestine have had their land stolen from them”

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

11/1/23
BEFORE

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



11/9/23

11/9/23
AFTER

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



Focus is nearly impossible....

When your neighbors in the (b)(6);
(b)(7)(A);
(b)(7)(C) department are talking about this all the time....

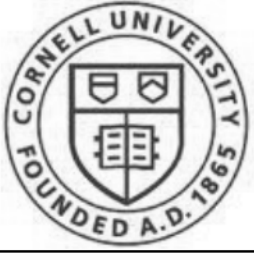
How do you concentrate on your studies?

Regular conversations spoken in (b)(6); (b)(7)(A); (b)(7)(C) department at Cornell are regular distractions--paraphrased example below:

“Let’s get ready to go to the die-in to end the Israeli genocide of innocent Gazans. I just need to get my gloves, since it’s going to get cold when we’re on the floor at the die-in.”

--November 9, 2023 paraphrased student conversation at the (b)(6); (b)(7)(A); (b)(7)(C) department, Cornell University





Neverending Inflammatory Signage

11/1/23

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



11/9/23

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



1/24/23

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



New Antisemitic Signage in January

1/24/24

Surrounding cubicle #1

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

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

Surrounding cubicle #2

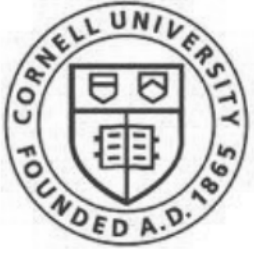
- (b)(6); (b)(7)(A); (b)(7)(C)
- (b)(6); (b)(7)(A); (b)(7)(C)

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

Surrounding cubicle #3 (outside wall of same cubicle where posters were removed Nov 9)

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

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



Escalation to Targeting & Non-Response

Tuesday Jan 30, 2024

- Class roster for (b)(6); (b)(7)(A); (b)(7)(C) graduate studies at Cornell
- Professor printed out roster to know faces/names of students he calls upon
- Professor went to copy room to pick up roster and found it vandalized (as shown on right)
- (b)(6); (b)(7)(A); (b)(7)(C) is (b)(6); (b)(7)(A); (b)(7)(C) and is targeted and (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (blurred to protect identity)
- (b)(6); (b)(7)(A); (b)(7)(C)
- (b)(6); (b)(7)(A); (b)(7)(C) immediately met with Chair of (b)(6); (b)(7)(A); (b)(7)(C) department and 2 other administrators
- (b)(6); (b)(7)(A); (b)(7)(C) filed police report. Officer stated that (b)(6); (b)(7)(A); (b)(7)(C) raises the level of concern and potential violation
- (b)(6); (b)(7)(A); (b)(7)(C) shared that this may be related to 1) antisemitic experiences of past 4 months or 2) his (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (which as it turns out, on a related note, is a proBDS union)
- Jan 31: Next day, Cornell Police say there is insufficient evidence to do anything, and they are not making any investigation

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31 - 100
NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLANDS

April 29, 2024

Sent via email only to: president@cornell.edu

Martha E. Pollack
Office of the President
300 Day Hall
Cornell University
Ithaca, New York 14853

Re: Case Number 02-24-2183 Cornell University

Dear President Pollack:

On February 5, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint filed against Cornell University (the University). The Complainant alleged that the University discriminated against her son (the Student) on the basis of national origin (shared Jewish ancestry) by failing to respond promptly and/or effectively to incidents of antisemitic harassment of the Student since November 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations 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 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 responded in a manner consistent with the requirements of Title VI to alleged harassment of the Student based on national origin (including shared Jewish ancestry).

Please understand that opening the allegation for investigation under Title VI does not mean that OCR has made a decision about the merits. During the investigation, OCR is neutral; OCR will collect and analyze the relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by [OCR's Case Processing Manual \(CPM\) \(July 18, 2022\)](#). You may find additional information in [OCR's Complaint Processing Procedures](#). 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.

OCR may close this case 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, under Section 201(b) of OCR's CPM, 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

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

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.

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.

To reach an efficient and timely resolution of this matter, OCR is providing an opportunity for the University to present its response to the Complainant's allegation and to submit supporting documentation. **Within 20 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.

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 against the University 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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Eric Bueide, Senior Attorney, at (646) 428-3851 or eric.bueide@ed.gov; or Coleen Chin, Senior Attorney, at (646) 428-3809 or coleen.chin@ed.gov.

Sincerely,

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

(b)(6);

Erin Emery
Compliance Team Leader

Attachment

Data Request

OCR Case Number 02-24-2183
Cornell University (the University)
[redacted] the Student
[redacted] (the Complainant)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is May 19, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

- SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Eric Bueide or Coleen Chin to receive online portal information to upload data.
- Email: eric.bueide@ed.gov; coleen.chin@ed.gov
- Fax: (646) 428-3843

Please do **not** provide the information via an electronic cloud format such as Google Docs.

Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Please do not include Social Security numbers in your responses. If any responsive documents or data contain Social Security numbers, please redact them before sending OCR the information.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation under investigation. To ensure that OCR can assess the University’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that University employees preserve the data and documents requested below for the time frame specified in these requests and going forward until OCR closes this case. Please also ensure that the University’s employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. The regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

Response Due: May 19, 2024

Please provide the following information for academic year 2023-2024 or indicate in writing if any of the requested items do not exist. **If the University has already provided any of the information in response to a request made in another OCR investigation, please state what information has been provided, the relevant OCR case number, and the date of submission:**

1. Provide a narrative response to the issue(s) OCR is investigating and a copy of any documents or data relied upon in the narrative or supporting the facts stated in the narrative.
2. State whether the issue has been or is currently under investigation by the University, or with another agency or court. If so, please provide the status of any investigation, any related complaint, and any determinations made by the University, the agency, or the court, including copies and/or descriptions of all formal and informal oral and written reports and complaints, including records of oral reports and complaints of alleged antisemitic/shared Jewish and/or Israeli ancestry discrimination, including harassment, made by the Student or Complainant. For each report/complaint/incident, please provide:
 - a. the name(s) and job title(s) of the person(s) to whom the report/complaint was made, and the date the report/complaint was made;
 - b. the name and relation to the University of the person making the report/complaint (e.g., student, staff member, parent/guardian, counsel, member of the public, etc.);
 - c. a detailed description of the report/complaint, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the report/complaint;
 - d. a detailed description of the grievance procedures or other complaint processing procedures employed to resolve the report/complaint;
 - e. the length of the investigation and complaint resolution process;
 - f. the name, national origin, ancestry, and/or ethnicity of each student, employee, or other individual involved in the alleged incident(s) of discrimination/harassment;
 - g. the name(s) and relation to the University of any individual(s) who witnessed the alleged incident(s), including any University students, employees, or others;
 - h. the name(s) and relationship to the University of any witnesses interviewed by the University;
 - i. the name(s) and job title(s) of the individual(s) involved in the response to, investigation of, and resolution of the report/complaint;
 - j. all actions the University has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, and supportive services and remedies offered and/or provided (e.g., counseling, safety measures); any individual and/or University-wide and/or (b)(6); (b)(7)(A) Department-specific remedies; and any corrective actions or disciplinary sanctions imposed;
 - k. the final outcome of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and any appeals;
 - l. if the University did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision;

- m. any notice of the investigative findings provided to the complainant and/or other notice regarding the report/complaint, including notice of any outcomes on appeal; and
 - n. the complete case file for the report/complaint identified, including internal emails or other correspondence, internal and external memoranda, incident/investigative reports, video and audio recordings, witness statements, logs, forms, interview notes, notes regarding remedies provided, hearing transcripts, meeting minutes, and notes generated.
3. The name, job title, address, telephone number, fax number and email address of the University's contact person for this complaint.
 4. Any other information the University believes will assist OCR.