

**From:** OCR New York  
**Sent:** Wed, 6 Dec 2023 16:22:37 +0000  
**To:** (b)(6); (b)(7)(A)  
**Cc:** Carroll, John; OCR New York  
**Subject:** FW: Subject: Formal Complaint Regarding Violation of Title VI at The New School

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**From:** (b)(6); (b)(7)(A); (b)(7)(C) <(b)(6); (b)(7)(A); (b)(7)(C)>  
**Sent:** Tuesday, December 5, 2023 4:58 PM  
**To:** Casework (Gillibrand) <[casework@gillibrand.senate.gov](mailto:casework@gillibrand.senate.gov)>; OCR <[OCR@ed.gov](mailto:OCR@ed.gov)>; OCR New York <[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)>; Schumer, Casework (Schumer) <[casework\\_schumer@schumer.senate.gov](mailto:casework_schumer@schumer.senate.gov)>  
**Subject:** Subject: Formal Complaint Regarding Violation of Title VI at The New School

**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 Office for Civil Rights,

I am writing to formally submit a complaint against The New School for Social Research regarding a severe violation of Title VI of the Civil Rights Act of 1964. The incident in question involves protestors on campus chanting offensive and discriminatory slogans, specifically "Zionists Go to Hell."

This distressing incident raises serious concerns about the safety and well-being of students on campus. The New School, as an institution receiving federal funds, is obligated to provide an educational environment free from discrimination and harassment based on race, color, or national origin under Title VI.

I believe The New School has failed to take appropriate action to address and prevent such incidents, thereby violating the rights of students. I request a thorough investigation into the handling of this situation and any additional instances where the institution may have neglected its duty to maintain a safe and inclusive learning environment.

I appreciate your attention to this matter and trust that the Office for Civil Rights will conduct a comprehensive inquiry into The New School's compliance with Title VI. If necessary, I am willing to provide further information to support this complaint.

Sincerely,

(b)(6)

<https://x.com/innavernikov/status/1732036154030018590?s=46&t=vXqb9I77RGY-GOZX74YWkQ>



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

RACHEL POMERANTZ  
DIRECTOR  
NEW YORK OFFICE

February 6, 2024

Sent by email only to [president@newschool.edu](mailto:president@newschool.edu)

Dr. Donna E. Shalala  
President  
The New School  
66 West 12<sup>th</sup> Street  
New York, New York 10003

Re: Case No. 02-24-2123 – The New School

Dear President Shalala:

On November 27, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against The New School (the University). The complaint alleged that the University discriminated on the basis of national origin (shared Jewish ancestry) by failing to respond to harassment of students at the University in December 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 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 responded to alleged harassment based on 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 allegation. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegation. OCR will ensure that its investigation is legally sufficient and addresses the allegation as required by OCR's [Case Processing Manual \(CPM\)](#). 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.

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's allegation and to submit supporting documentation. Within 20 days of the date of this letter, please provide to OCR the information

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[www.ed.gov](http://www.ed.gov)

listed in the attached data request. 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 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 regulations 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 pursuant to Section 201(b) of OCR's CPM. Under 201(b) mediation, 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 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.

Please be advised that 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, 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 Amy Young, Compliance Team Attorney, at (202) 987-1289 or [amy.young@ed.gov](mailto:amy.young@ed.gov); Gary Kiang, Senior Compliance Team Attorney, at (646) 428-3761 or [gary.kiang@ed.gov](mailto:gary.kiang@ed.gov); or me, at (646) 428-3901 or [alexander.artz@ed.gov](mailto:alexander.artz@ed.gov).

Sincerely,

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

Alexander H. Artz  
Compliance Team Leader

Attachment

**Data Request**  
OCR Case No. 02-24-2123  
The New School (the University)

OCR requests that this information reach our office within **20 calendar days from the date of the attached letter, which is February 26, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. 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 Amy Young or Gary Kiang to receive online portal information to upload data.

Email: [amy.young@ed.gov](mailto:amy.young@ed.gov) or [gary.kiang@ed.gov](mailto:gary.kiang@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.

**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 University 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: February 26, 2024**

Please provide the following information for academic year 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. State whether the allegation 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 interim determinations.
2. Copies of the University's policies and procedures, and/or a description of the University's practices, governing the investigation of complaints or incidents of harassment or other discrimination against students on the basis of national origin, including shared ancestry. Provide a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also provide the name(s) and job title(s) of the University staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry, at each level of the process.
3. Explain how the University informs students and employees of the policies and procedures referred to in Item 2 above. Submit copies of all materials disseminated and websites that contain this information.
4. Copies of the University's policies and procedures, and/or a description of the University's practices, governing:
  - a. disciplinary or corrective actions that may be taken to address harassment and/or discrimination against students on the basis of national origin, including shared ancestry; and
  - b. the provision of supports and remedies to students, employees, and other individuals found to have been discriminated against/harassed on the basis of national origin, including shared ancestry.
5. Copies and/or descriptions of all formal and informal reports and complaints, including records of oral reports and complaints of alleged discrimination based on national origin, including harassment based on shared ancestry, at the University, during academic year 2023-2024. 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 University's investigation and/or 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, etc.); any individual and/or University-wide 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.
6. State whether the University conducts focus groups, other meetings, or trainings, and/or holds informational sessions with students and/or staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the University's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
  7. A detailed description of any training regarding discrimination, including harassment, based on national origin and/or shared ancestry, that the University provided to University staff responsible for responding to such complaints. For each such training, provide the date(s) it was delivered, a description of the training, a list of the names and job titles of the individuals who conducted the training, a list of the names and job titles of the individuals who attended the training, and copies of any materials distributed during the training.
  8. The name, job title, address, telephone number, fax number and email address of the University's contact person for this complaint.
  9. Any other information the University believes will assist OCR in this investigation.