

From: [OCR](#)
To: OCRCleveland@ed.gov
Subject: FW: ACTION: Title VI Violation at the University of Cincinnati- Antisemitism and Racial/Religious Discrimination
Date: Friday, November 17, 2023 2:23:59 PM

Hello OCR Cleveland,

The complaint below 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: (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Thursday, November 16, 2023 5:36 PM
To: OCR <OCR@ed.gov>
Subject: ACTION: Title VI Violation at the University of Cincinnati- Antisemitism and Racial/Religious Discrimination

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](#)

Good evening,

I would like to file a complaint against the University of Cincinnati for discrimination in the educational space.

Over the past few weeks, our school has seen a spike in antisemitic incidents, including but not limited to, human feces being smeared on the door of a Jewish University-affiliated fraternity, an "ally against antisemitism" yard sign owned by a member of the campus Jewish community being burned down, and hate speech being spewed by individuals rallying on campus with the intent to "free-Palestine."

Last night, a resolution was passed by our student government and will likely be passed by our university president, Neville Pinto, that uses antisemitic - by legal definition - rhetoric and is only perpetuating the fear and antisemitism on campus.

We, Jewish students at the University of Cincinnati, are no longer safe, welcome, or are in an environment where we can learn and get an education without fear of persecution, hate, and violence.

I'm not sure if you can help or take this complaint, but I figured it would be worth a shot. The situation feels bleak. Thank you for your time and consideration.

Respectfully,

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



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

December 5, 2023

Via e-mail only to president@uc.edu

Neville G. Pinto
President
University of Cincinnati
625 University Pavilion
2618 University Circle
Cincinnati, Ohio 45221

Re: OCR Docket No. 15-24-2035

Dear President Pinto:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against the University of Cincinnati (University). The Complainant alleges that since early October 2023 there has been an increase in antisemitic incidents at the University, including defacement of the door of a Jewish fraternity house and verbal harassment of Jewish students, and the University has failed to adequately respond to these incidents of harassment.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry, by recipients of federal financial assistance. As a recipient of federal financial assistance from the Department of Education, the University is subject to this law.

OCR is opening the following issue for investigation:

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 will ensure that its investigation is legally sufficient and addresses the allegation(s), in accordance with OCR's *Case Processing Manual*. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

www.ed.gov

Please read the enclosed document entitled “OCR Complaint Processing Procedures,” which includes information about:

- OCR’s complaint evaluation and resolution procedures, including the availability of mediation;
- regulatory prohibitions against retaliation, intimidation, and harassment 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.

Additional information about the laws OCR enforces is available on OCR’s website at <http://www.ed.gov/ocr>.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6, requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

In addition, in accordance with the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), and the Title VI regulation at 34 C.F.R. § 100.6(c), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the information below to OCR within **fifteen calendar days** of the date at the top of this letter. OCR asks that you provide the requested information via e-mail or by uploading documents to OCR’s external sharing site (SharePoint) whenever possible. At this time, OCR Cleveland Regional Office cannot accept documents via Google services or other file share links/services. When producing the requested data, please provide all files in Adobe .pdf format with Bates-labels, except for spreadsheets. Spreadsheets should be provided in their original, native format (e.g., Microsoft Excel files). Please contact the staff member(s) identified below to receive information on how to upload data to the external sharing site or if you need any other assistance in providing the requested information.

Please do **not** provide any Social Security numbers in your data response. If any responsive documents contain Social Security numbers, please redact the Social Security numbers before producing the responsive documents to OCR.

1. The name(s) and title(s) of University staff responsible for investigating incidents of discrimination and harassment based on national origin/shared ancestry during the 2022-2023 and 2023-2024 academic years.
2. A copy of the University’s notice of nondiscrimination. In addition, provide all existing internet links to any notice or policies of nondiscrimination referenced in response to this item. Please also provide an explanation of where and how such notices and policies are otherwise publicized or disseminated to students, faculty, staff, administrators, and others.

3. A copy of the University's policies and procedures, and/or a description of the University's practices and protocols, governing the investigation of complaints of harassment and/or discrimination on the basis of national origin/shared ancestry, including the University's definition of antisemitism. Include a detailed description of the complaint process, including each level of the process, the designated timeframes to complete each stage or level in the process, and the types of records maintained.
4. Copies of all documentation of any formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin discrimination, including shared Jewish ancestry, at the University and/or in any University program or activity during the 2022-2023 and 2023-2024 academic years.
5. For each complaint or report made regarding the Item #4 above, please provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the length of the process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - e. all actions the University took in response to the complaint/report;
 - f. the University's final determination regarding the complaint/report;
 - g. any corrective action taken; and
 - h. any notice of the findings provided to the complainant.
6. Copies of all documentation related to any complaints/reports identified in Item #4, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel or student file documents, disciplinary documents, remedies provided, and notes generated for each complaint/report, if not provided in response to Items #5.
7. State whether the University conducts trainings and/or holds informational sessions with the student community and/or University 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.
8. A detailed description of any training regarding discrimination, including harassment, based on national origin/shared ancestry provided to University staff. For each such training provide the dates of such training, a description of the training, a list of the names and titles of the individuals who attended the training, and copies of any materials distributed during the training.

9. Any other documentation or narrative explanation the University would like OCR to consider in its investigation, including the identification of relevant witnesses. For each individual identified, please provide a name, title, and current contact information.

Thank you for your cooperation in this matter. OCR also may need to interview individuals at the University with knowledge of the facts of this case. If OCR determines that interviews are necessary, OCR will contact you to schedule a mutually convenient time and method (e.g., telephone call, conference line, Microsoft Teams).

The University is also hereby notified that it should retain all electronically stored information and other records, in their originally created format, containing information related to the subject matter of this complaint, including e-mails, word processing documents, spreadsheets, databases, calendars, telephone logs, internet files, network access information, and other media-based information (such as personal digital assistants and digital voice mail), even after it has provided OCR with copies and whether or not OCR has included the information in this initial data request. Please also retain all non-electronic documents and evidence in whatever form, including personal or desk files, calendars, notes, correspondence, drafts, policies, manuals, or other things relevant to the case.

Please note that the complaint may be appropriate for mediation, where OCR offers to facilitate the resolution of complaints by providing an opportunity for the parties involved to voluntarily resolve the complaint allegations. The enclosed document includes additional information regarding the mediation process. If OCR believes that this complaint is appropriate for mediation, OCR will contact you to discuss this option.

Also, when appropriate, the complaint may be resolved before the conclusion of an investigation when the university expresses an interest to OCR to resolve the complaint and OCR determines that it is appropriate to resolve the complaint allegation(s) because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the university. This agreement must be supported by the evidence obtained during the investigation, and it will be consistent with applicable statute(s) and regulation(s). Additional information about this voluntary resolution process may be found in the enclosed document and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

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, 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.

When contacting OCR about this complaint, please include in the subject line of any e-mail correspondence and in any other communication, a reference to OCR Docket #15-24-2035.

Upon receipt of this letter, please notify OCR of the name, address, e-mail address, and telephone number of the person who will serve as the University's contact person during OCR's investigation of this complaint. If you have any questions, please contact Patrick Vrobel, who is assigned to investigate this complaint and can be reached by telephone at (202) 987-1841 or by e-mail at Patrick.Vrobel@ed.gov.

Sincerely,

Nathaniel J. McDonald
Team Leader

Enclosure