

From: OCR
To: OCRCleveland@ed.gov
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Complaint Against Youngstown State University, 1 Tressel Way, Youngstown, OH 44555 (National Origin – Jewish)
Date: Friday, February 16, 2024 11:59:06 AM
Attachments: [image001.png](#)

Good morning OCR Cleveland,
We are forwarding the complaint below to you for review and appropriate handling.

Thank you,
OPEN Center Customer Service Team
Office for Civil Rights

From: Zachary Marschall (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Friday, February 16, 2024 9:55 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Complaint Against Youngstown State University, 1 Tressel Way, Youngstown, OH 44555 (National Origin – Jewish)

You don't often get email from (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.

Submitted via email
U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, DC 20202
Email: OCR@ed.gov

February 16, 2024

Re: Title VI Complaint Against Youngstown State University, 1 Tressel Way, Youngstown, OH 44555 (National Origin – Jewish)

Dear Assistant Secretary Catherine Lhamon,

I am writing as a journalist deeply concerned about antisemitism at this university since October 7, 2023.

The October 7 attack on Israel by Hamas terrorists killed more than 1,200 innocent people including at least 30 Americans. ^[1] This was the deadliest Palestinian terror attack on Israel in history and the single deadliest day for Jews since the Holocaust. ^[2]

Mere days after the Hamas attack, students at Youngstown State University in Ohio launched their own chapter of Students for Justice in Palestine. In an October 11 Instagram post, the newly formed organization declared, “We are a group committed to upholding the human rights and liberation of the Palestinians impacted by the illegal occupation of Palestine.”^[3]

The term “occupation” is employed in the context of the Israeli-Palestinian conflict to advance the argument that Israel bears ultimate responsibility for the welfare of the Palestinians, while limiting or denying Israel’s right to defend itself against Palestinian terror, and relieving the Palestinian side of responsibility for its own actions and their consequences. The term is also employed as part of a general assault upon Israel’s legitimacy, in the context of a geopolitical narrative that has little to do with Israel’s status under international law.^[4]

It is also disturbing that it was only *after* the depraved attacks by Hamas, including the rape and murder of civilians, women, and children, and with hundreds of innocents kidnapped, that these students considered forming an organization to support the Palestinians.

On (b)(6); (b)(7)(A); (b)(7)(C) at Youngstown State University (b)(6); (b)(7)(A); (b)(7)(C) She repeatedly declined to (b)(6); (b)(7)(A); (b)(7)(C) Instead, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

At this writing, Hamas currently has more than 100 innocent Israeli citizens held hostage in Gaza.^[7] At least 32 of these hostages are confirmed to be dead.^[8]

Almost 75% of Jewish college students have experienced or witnessed antisemitism since this school year began.^[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 Youngstown State despite very clear threats.

Therefore, I ask the U.S. Department of Education’s Office for Civil Rights to conduct an immediate investigation against Youngstown.

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)(C)

Zachary Marschall

(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://www.campusreform.org/article/youngstown-sjp-was-launched-after-the-amas-attacks-on-israel-here-is-its-leadership-team/24368>

⁴ <https://jcpa.org/article/why-is-israels-presence-in-the-territories-still-called-occupation/>

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

⁷ <https://www.nytimes.com/2023/12/20/world/middleeast/israel-amas-hostages-update.html>

⁸ <https://www.timesofisrael.com/at-least-32-of-the-136-hostages-held-in-gaza-killed-20-others-feared-dead-nyt/>

⁹ <https://www.adl.org/resources/press-release/nearly-three-quarters-jewish-students-experienced-or-witnessed-antisemitism>

[1] ⁰ <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://www.campusreform.org/article/youngstown-sjp-was-launched-after-the-hamas-attacks-on-israel-here-is-its-leadership-team/24368>
- [4] <https://jcpa.org/article/why-is-israels-presence-in-the-territories-still-called-occupation/>
- [5] <https://www.campusreform.org/article/watch-why-should-i-condemn-anything-students-for-justice-in-palestine-president-refuses-to-condemn-hamas/24217>
- [6] <https://www.campusreform.org/article/watch-conservative-student-journalist-explains-how-he-got-pro-hamas-student-to-talk-to-him/24284>
- [7] <https://www.nytimes.com/2023/12/20/world/middleeast/israel-hamas-hostages-update.html>
- [8] <https://www.timesofisrael.com/at-least-32-of-the-136-hostages-held-in-gaza-killed-20-others-feared-dead-nyt/>
- [9] <https://www.adl.org/resources/press-release/nearly-three-quarters-jewish-students-experienced-or-witnessed-antisemitism>
- [10] <https://www.washingtonexaminer.com/news/house/israel-war-day-resistance-college-protection-jewish-students>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION XV
MICHIGAN
OHIO

April 9, 2024

Via e-mail only to: president@ysu.edu

Bill Johnson
President
Youngstown State University
1 Tressel Way
Youngstown, Ohio 44555

Re: OCR Docket Number 15-24-2111

Dear President Johnson:

On February 16, 2024, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against the Youngstown State University (the University). The Complainant alleges that the University failed to respond to incidents of harassment of students on the basis of their national origin (shared Jewish ancestry) in October 2023.

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, and 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 Title VI.

OCR is opening the following issue for investigation:

Whether the University failed to respond to alleged harassment of students 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 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, 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.

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

- OCR's complaint evaluation and resolution procedures;

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www.ed.gov

- 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.

Also, 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>.

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, including shared ancestry, during the 2023-2024 academic year.
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, including shared ancestry. 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 ancestry, at the University and/or in any University program or activity during the 2023-2024 academic year.
5. For each complaint or report made regarding 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 response to 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 Item 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, including 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 must 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 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.

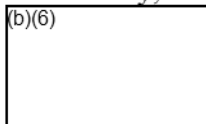
Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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 OCR Senior Equal Opportunity Specialist Sarah Poppleton, who is assigned to investigate this complaint. Ms. Poppleton can be reached by telephone at (202) 987-1849 or by e-mail at Sarah.Poppleton@ed.gov. 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 Youngstown State University, #15-24-2111.

Sincerely,

(b)(6)

A rectangular box with a black border, used to redact the signature of John Cohen. The text "(b)(6)" is written in the top-left corner of the box.

John Cohen
Team Leader

Enclosure