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I. INTRODUCTION

StandWithUs Center for Legal Justice (“SCLJ”), a non-profit membership organization with the mission of supporting Israel and fighting antisemitism through legal action, respectfully submits this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (“Title VI”). This complaint alleges discrimination and harassment experienced by current Lehigh University (“Lehigh” or the “University”) students¹ as a result of their actual and perceived Jewish ethnicity/shared ancestry or Israeli national origin, as well as a series of incidents that have created a hostile antisemitic campus climate at Lehigh for Jewish and Israeli students generally.

As discussed more fully below, despite ample notice to the University, Lehigh has failed to remediate these issues adequately. To the contrary, Lehigh has contributed to a hostile climate for Jewish and Israeli students through its inaction, refusal to enforce its own policies, dismissiveness toward Jewish students’ concerns, and at times unequal treatment of its Jewish and Israeli students as compared with other minority groups on campus. As a result, Jewish students have been deprived of the ability to fully and equally participate in the educational opportunities available to other Lehigh students. One student was compelled to move out of his dormitory room after he was the target of two antisemitism-motivated hate crimes, and others were subjected to attacks against their Jewish identity from professors and fellow students, both

¹ SCLJ is in direct contact with students whose experiences of antisemitism are detailed herein and can facilitate interviews between the students and the Office for Civil Rights.



in classrooms and during campus demonstrations sanctioned by the University. SCLJ seeks remedies under Title VI both for those students and for other Jewish and Israeli students who are or will be affected by the antisemitic hostile environment that is now pervasive at Lehigh.

We urge your Office to investigate thoroughly the hostile environment at Lehigh experienced by these students and others due to their Jewish ancestry or ethnicity and Israeli national origin, actual or perceived. If your investigation concludes that Lehigh has indeed violated Title VI, we urge your Office to demand swift and concrete remedies, some of which are suggested below.

Request for Mediation: Complainant SCLJ is interested in participating in early mediation and has provided a signed consent form.

II. LEHIGH'S TITLE VI OBLIGATIONS

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance, including Lehigh. The Department of Education's Office of Civil Rights ("OCR") has explained that schools "may violate [Title VI] and the Department's implementing regulations when peer harassment based on race, color, [or] national origin . . . is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees." The violation is, of course, all the more egregious if it is committed by school employees themselves and administrators fail adequately to respond. As the Department of Education's implementing regulations for Title VI expressly provide, it is prohibited for a Title VI recipient to, *inter alia*:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program; or
- (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.²

Importantly, for purposes of the instant complaint, OCR has clarified that Jewish students are among those entitled to protection from the type of discrimination prohibited by Title VI, including harassment that creates a hostile environment, and, consequently, to have school

² 34 C.F.R. § 100.3(b).



administrators take remedial actions if and when such conduct occurs. Specifically, OCR explained:

[G]roups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs). Thus, harassment against students who are members of any religious group triggers a school’s Title VI responsibilities when the harassment is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members’ religious practices. A school also has responsibilities under Title VI when its students are harassed based on their actual or perceived citizenship or residency in a country whose residents share a dominant religion or a distinct religious identity.³

According to OCR, “[h]arassing conduct [that violates Title VI] may take many forms, . . . does not have to include intent to harm, be directed at a specific target, or involve repeated incidents[, and] . . . creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.” Crucially, it is the responsibility of a school to proceed with immediate and appropriate action to “address[] harassment incidents about which it knows or reasonably should have known,” and, where discriminatory harassment has occurred, to “take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.” Lehigh therefore has an obligation to address and redress the antisemitic incidents that occurred on its campus and the overall hostile climate that currently exists therein.

III. APPLICABLE DEFINITION OF ANTISEMITISM IN TITLE VI INVESTIGATIONS

Executive Order 13899, the 2019 Executive Order on Combating Anti-Semitism, requires agencies tasked with Title VI enforcement to utilize the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (“IHRA Definition”) to investigate potential discrimination involving antisemitism. OCR expressed its commitment to applying the IHRA Definition on January 19, 2021, in a set of questions and answers it issued regarding the this executive order. On January 4, 2023, Department of Education Assistant Secretary for Civil

³ See also U.S. Dep’t of Education, Office for Civil Rights, Office of the Assistant Secretary, “Dear Colleague Letter,” Sep. 13, 2004, available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.



Rights, Catherine Lhamon, publicly reaffirmed OCR’s “commitment to complying with Executive Order 13899” in an email announcing the release of OCR’s new fact sheet on “Title VI Protection from Discrimination Based on Shared Ancestry or Ethnic Characteristics.” The continued relevance of the fact sheet and question and answer documents was further reiterated in OCR’s Dear Colleague letters dated May 25, 2023 and November 7, 2023 (which referred to both of those documents in their lists of Resources).

The IHRA Definition reads as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Also included with the IHRA Definition and referenced in the Executive Order is a list of examples of contemporary behavior that could, taking into account overall context, constitute antisemitism, including demonization or dehumanization of Jews, denying the Jewish people their right to self-determination, applying double standards to Israel’s behavior (*i.e.*, behavior not expected or demanded of any other democratic nation), and drawing comparisons of contemporary Israeli policy to that of the Nazis.

As demonstrated below, Lehigh has failed to respond adequately or effectively to a pattern of incidents on its campus that, properly understood in context, appear to satisfy the IHRA Definition. Such deliberate indifference and even complicity have had a detrimental impact on Lehigh’s Jewish student population, including the students who shared their experiences with SCLJ, that will only worsen if OCR does not hold the Lehigh administration accountable for its failure to remedy the hostile antisemitic environment that exists on its campus, as required by Title VI.

IV. STATEMENT OF SUPPORTING FACTS

Since the October 7, 2023, invasion of Israel—during which Hamas-led terrorists poured into Israel, slaughtered over 1,200 people, abducted 240 individuals into Gaza, and injured thousands more—hateful anti-Zionist and anti-Jewish groups and individuals have been emboldened on and around campuses across the country,⁴ leading to increased harassment and threats of violence toward Jewish and Israeli students. Unfortunately, Lehigh has become an example of such a

⁴ OCR’s own data bear out this alarming trend. According to OCR’s own “[List of Open Title VI Shared Ancestry Investigations](#),” an unusually large number of Title VI investigations of schools for alleged discrimination involving shared ancestry have been opened after October 7, 2023. A Department of Education spokesperson [reported](#) that, as of January 30, 2024, two-thirds of the complaints received since October 2023 related to allegations of antisemitism.

