



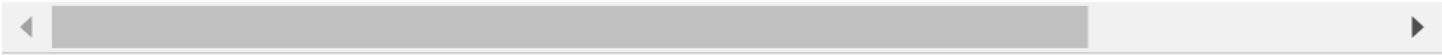
Office for Civil Rights Complaint Assessment System

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Office for Civil Rights Discrimination Complaint Form: Submission #736941

[◀ Previous submission \(/admin/structure/webform/manage/office_for_civil_rights_discrimination_complaint_form/375440\)](#) [Next submission ▶ \(/admin/structure/webform/manage/office_for_civil_rights_discrimination_complaint_form/375440\)](#)



[Download PDF \(/print/pdf/webform_submission/375440?view_mode=html\)](/print/pdf/webform_submission/375440?view_mode=html)

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number: {Empty}

Your Email Address:

2. Who else can we call if we cannot reach you?

Contact's Name:

Daytime Phone Number:

Relationship to you:

3. Who was discriminated against?

Yourself or Someone else Myself?

If someone other than yourself please include:

Injured Person's Name: {Empty}

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You
(eg. son or daughter) {Empty}

Injured Person's Address: {Empty}

City: {Empty}

State: {Empty}

Zip Code: {Empty}

4. What institution discriminated?

Institution Name: Muhlenberg College

Address: 2400 W Chew Street

City: Allentown

State: Pennsylvania

Zip Code: 18104

School or department involved:

5. Have you tried to resolve the complaint through the institution's

grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information:

<https://www.change.org/p/muhlenberg-college-must-remove-professor-finkelstein-for-dangerous-pro-islam-rhetoric>

Name: Dr. Maura Finkelstein

The link above provides full context for all that Maura has done.

Do you have written information that you think will help us understand your complaint?

yes or no Yes

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: Tue, 12/12/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your

complaint?

What remedy are you seeking? Removal of Dr. Maura Finkelstein

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: Yes

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U.S. Department of Education's Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>) Complaint Assessment System (CAS)



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

January 16, 2024

VIA EMAIL ONLY

Dr. Kathleen E. Harring
President
Muhlenberg College
2400 Chew Street
Allentown, PA 18104
president@muhlenberg.edu

Re: OCR Complaint No. 03-24-2071

Dear President Harring:

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 Muhlenberg College (College). The Complainant alleges that the College discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to harassment by a Professor in October, November, and December 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 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, in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the College receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

OCR is opening the following issue for investigation:

Whether the College 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 note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the College, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*.

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. In particular, please note the section on resolution of a complaint prior to the conclusion of an investigation. If the College expresses an interest in resolving the complaint and OCR determines that resolution of the

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

complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the College pursuant to Section 302 of the *Case Processing Manual*.

Attached is a request for data necessary to investigate this complaint. The Department's regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(c) gives OCR the authority to request this information. Please note that OCR has the right of access to records that are necessary for OCR's investigation, even if those records contain names or other personally identifiable information. *See* 20 U.S.C. §§ 1232g(b)(1) and 1232g(b)(3) regarding the applicable provisions of the Family Educational Rights and Privacy Act; *see also* 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii).

OCR requests that the College submit this information within 21 calendar days of the date of this letter (i.e., by **February 6, 2024**). We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us at the telephone number(s) provided below prior to the expiration of the 21-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Please be advised that the College 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, or participates in an OCR proceeding. 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Catherine Nguyen at Catherine.Nguyen@ed.gov, or 202-987-1184.

Sincerely,

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

Philadelphia Office
Office for Civil Rights

Attachment

OCR Complaint No. 03-24-2071
Muhlenberg College
Data Request

Please submit the following information to Catherine Nguyen at Catherine.Nguyen@ocr.gov within 21 calendar days of the date of this letter (i.e., by **February 6, 2024**). We prefer that you submit information electronically, if feasible. If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform. Additionally, if any of the information is available online, you may provide the URL in lieu of hard copy documents. Please note that OCR is not requesting, and the College should not provide, any social security numbers in response to this data request. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us prior to the expiration of the 21-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that College employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

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 pertinent to reach a compliance determination.

Please provide the following data by **February 6, 2024**:

1. The name, title, and contact information of the College's:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint;
 - c. Person responsible for responding to Title VI complaints; and
 - d. Person responsible for handling complaints of harassment and/or discrimination on the basis of national origin, including shared Jewish ancestry, at each level of the process.
2. A copy of the College's policies and procedures and a description of the College's practices governing the investigation of complaints of harassment and/or discrimination on the basis of national origin, including shared Jewish ancestry. Include a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained.
3. All formal and informal reports/complaints, including records of oral reports/complaints, regarding harassing postings by a College Professor on the basis of shared Jewish ancestry

during the 2023-2024 school year. For each report/complaint in response to this request, provide the following:

- a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, and the date of the incident;
 - b. a detailed description of the complaint processing procedures employed to resolve the report/complaint;
 - c. the length of the investigative process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the report/complaint;
 - e. all actions the College took in response to the report/complaint;
 - f. the College's final determination regarding the report/complaint;
 - g. any corrective action taken, including discipline and/or supportive measures; and
 - h. any notice of the findings provided to the complainant.
4. All formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared Jewish ancestry. The College's response is to include information for the 2022-2023 and 2023-2024 academic years. For each report/complaint in response to this request, provide the following:
- a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, the date of the complaint/report, and the date of the incident;
 - b. a detailed description of the complaint processing procedures employed to resolve the report/complaint;
 - c. the length of the investigative process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the report/complaint;
 - e. all actions the College took in response to the report/complaint;
 - f. the College's final determination regarding the report/complaint;
 - g. any corrective action taken, including discipline and/or supportive measures; and
 - h. any notice of the findings provided to the complainant.
5. To the extent not provided, all documentation related to any and/or all complaints/reports identified in response to Item 3 and 4, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel file documents, disciplinary documents, supportive measures provided, and notes generated for each complaint.
6. A statement regarding whether the College conducts trainings and/or holds informational sessions with the student community and/or College staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the College'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. The names and titles of all persons who assisted in the preparation of these data responses.

8. A narrative response to the issue opened for investigation.
9. Any other information that the College believes will be helpful to OCR or relevant in this investigation.