



April 8, 2024

VIA EMAIL

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Re: Title VI Complaint Against Pomona College (National Origin Discrimination - Palestinian, SWANA, Shared Ancestry - Muslim)

Dear Secretary Cardona, Assistant Secretary Lhamon, and Deputy Assistant Attorney General Smith:

Palestine Legal is filing a complaint against Pomona College for its discrimination against Palestinian, Southwest Asian and North African (SWANA), and Muslim students and students perceived to be in these categories. Pomona has engaged in a pattern of different treatment when it comes to Palestinian, SWANA, and Muslim students and their allies.

Based on the facts described here, we urge you to conduct a systemic investigation into Pomona College for violating its obligations under Title VI of the Civil Rights Act of 1964.

I. Incidents of Anti-Palestinian Discrimination

University Statements

On October 11, 2023, Pomona College President Gabrielle Starr sent an email to students titled “Grief,” listed on the web as “Grief: Message Regarding Attacks in Israel.”¹ The email made it clear to students that the college had prioritized Israel and Israeli perspectives. The email failed to acknowledge the vast death toll Palestinians had already suffered as a result of the Israeli government’s genocide since October 7, or over 75 years of suffering that Palestinians have endured under Israeli occupation and apartheid. In the email, President Starr never named Palestine or Palestinians, referring instead to Gaza. Not only did she use passive descriptions when referencing the escalating Gaza genocide as a “war,” a “devastating conflict,” and “ongoing violence in the Middle East,” she also employed the emotionally charged term “terrorist,” which dehumanized Palestinian, Muslim and other SWANA students on campus and the Muslim and SWANA community at-large.

She announced that she had “joined many members of our community this week in vigil and prayer for those murdered, wounded, and in fear in these dark days in homes and families throughout Israel and Gaza, and beyond.” Though President Starr attempted to portray the vigil as inclusive, the description of the October 9 vigil made it clear that the focus was solely on Jews: “Students and Community members are invited to join together as we mourn the deaths of Jews killed over this weekend and pray for the safe return of the many captured. The Jewish organizations and leaders of the 5Cs are working together to hold this space for our community at the Athenaeum, CMC.”

Since this message, President Starr did reference Palestinians in several messages, passively referenced in emails that otherwise focused on suppressing campus organizing. A piece in the student publication *Undercurrents* details President Starr’s history of “consistently minimizing the impact of the ongoing genocide” in emails to the student body since her October 11 message.² For example, on December 1, 2023, at a time when the Israeli government had martyred 15,000 Palestinians, including over 6,000 children, Starr wrote that it was antisemitic to perpetuate “the idea that if a Jewish person supports Israel, they are supporting the killing of infants and children.” Under the president’s analysis, anyone who criticized their peers for turning a blind eye to the well-documented atrocities that are currently unfolding in Occupied Palestine could potentially be labeled an antisemite and face disciplinary measures.

¹ Grief: Message Regarding Attacks in Israel, Pomona College (Oct. 11, 2023), <https://www.pomona.edu/administration/president/statements/posts/grief-message-regarding-attacks-israel>.

² Undercurrents staff, How Gabi Starr has spoken about Israel’s ongoing genocide in Gaza since Oct. 7, Claremont Undercurrents (March 30, 2024), <https://www.claremontundercurrents.com/how-gabi-starr-has-spoken-about-israels-ongoing-genocide-in-gaza-since-oct-7/>.

Students reported feeling deeply disturbed that President Starr's emails failed to address Israel's campaign of bombing, raids, starvation, and forced displacement of Palestinians. The immediate message of grief in response to attacks in Israel and the passive and vague references to Palestinians that came in later messages evidence a decision by President Starr to prioritize certain segments of the student body over others. This selective concern has left students feeling angered, abandoned, and burdened by the perception that their identity as Palestinian, Arab and/or Muslim equates to being labeled as a terrorist,³ making it difficult for them to attend class or conduct any of their daily activities without this stereotype looming over them.

Even as the Gaza genocide escalates, with a martyr toll of over 30,000 Palestinians in Gaza and the mounting injuries surpassing 70,000,⁴ Pomona College has not acknowledged or facilitated a vigil for Palestinian, Muslim or SWANA students like the vigil for Jewish students referenced in President Starr's October 11 email, which the Chaplains Office played a role in organizing. Instead, Pomona took down a vigil for Palestine organized by students on campus, under justifications ranging from rain damage to not wanting the plaza where the vigil was held to become a "home to memorials."⁵

Exposing Students to Doxing

On November 7, 2023, the anti-Palestinian organization *StandWithUs*, which has had direct ties to the Israeli government,⁶ wrote to President Starr, assuring her that Pomona College has "the right to prohibit masks."⁷ The next day, President Starr sent an email to the student body titled "Pluralism, Dissent and Discrimination" that caused ripples of anxiety among Palestinian, Muslim and SWANA students: "Student activism is vital part of our tradition, and we uphold the right of protest in line with our demonstration policy. However, wearing masks that prevent recognition of individuals poses a challenge to the ability to maintain campus codes of conduct. Students and other participants in demonstrations may be asked to temporarily remove masks so that they can be recognized if potential conduct or demonstration policy violations appear to be taking place."⁸ At a time when Palestinian students and those associated with them have faced

³ See Sahar F. Aziz, *Sticks and Stones, the Words That Hurt: Entrenched Stereotypes Eight Years After 9/11*, 13 N.Y.C. L. Rev. 33 (2009).

⁴ Israel has brought 'relentless death and destruction' to Gaza: UN chief, Al Jazeera (April 5, 2024), <https://www.aljazeera.com/news/2024/4/5/israel-has-brought-relentless-death-and-destruction-to-gaza-un-chief>.

⁵ Samson Zhang, Against student protests, Pomona College clears Palestine vigil from SCC, Claremont Undercurrents (Nov. 13, 2023), <https://www.claremontundercurrents.com/against-student-protests-pomona-college-clears-palestine-vigil-from-scc/>.

⁶ See Prime Minister's Office Hires Israel Advocacy Group StandWithUs for 1 Million Shekels, Haaretz (Jan. 13, 2015), <https://www.haaretz.com/israel-news/2015-01-13/ty-article/prime-ministers-office-hires-israel-advocacy-group-standwithus-for-1-million-shekels/0000017f-dbef-db5a-a57f-dbef24d10000>; Aiden Pink, U.S. pro-Israel groups failed to disclose grants from Israeli government, Forward (Aug. 31, 2020), <https://forward.com/israel/453286/us-pro-israel-groups-failed-to-disclose-grants-from-israeli-government/>.

⁷ Pomona Letter Re Nov 9 Event, StandWithUs (Nov. 7, 2023), <https://www.standwithus.com/post/pomona-letter-re-nov-9-event>.

⁸ Pluralism, Dissent and Discrimination, Pomona College (Nov. 8, 2023), <https://pomona.edu/administration/president/statements/posts/pluralism-dissent-and-discrimination>.

stalking, threats and other forms of harassment after being doxed for their campus organizing,⁹ the threat to force students to remove their masks during campus protests was particularly chilling. Additionally, some immunocompromised students felt apprehension about the risk to their health while exercising their right to peaceful assembly amid ongoing waves of COVID-19 and other illnesses.

On February 11, 2024, a student publicly revealed that the director of Claremont Hillel, which operates at Pomona College and other members of the Claremont Colleges consortium, had been texting photos of Palestinian students and their allies to another student for identification and reporting to the Anti-Defamation League, which has expressed racist hostility against Palestinian student organizing.¹⁰ The parent of one identified student then received a hostile anonymous email containing false information related to the student's activities at the Claremont Colleges. It is unclear whether Pomona College has taken any action to address this disturbing behavior, but she continues to be officially listed as a religious affiliate on the Claremont Colleges website.¹¹

Faculty Member Arrested During Die-In for Palestine

On November 29, 2023, a Brown Pomona College professor wearing a sweatshirt that said “Anti-Apartheid Social Club” and playing music referencing Palestine near a student demonstration for Palestine. He was then stopped and arrested for trespassing at his own workplace by nine officers from Campus Security and Claremont police.¹² Claremont Colleges, including Pomona, are open to the public, and community members regularly pass through their grounds. The unprecedented arrest of a faculty member peacefully sitting on campus whose clothing and music associated him with Palestine distressed many Palestinian, Muslim and SWANA students at the Claremont Colleges. President Starr failed to address this incident publicly, with neither a mass email apology to the student body nor a direct apology to the affected professor or students.

The administration’s lack of accountability was not only insulting to the professor, who was baselessly arrested, but also to the students organizing for Palestine and exercising their right to protest, defined both in the First Amendment and in Pomona College’s student code of conduct. This disregard for their concerns reinforced the hostile environment for Palestinian, SWANA, Muslim, and pro-Palestinian voices were unwelcome and unsafe, particularly knowing

⁹ Hannan Adely, 'Let's dox them one by one.' Rise in doxxing during Israel-Hamas war sparks alarm, NorthJersey.com (Dec. 13, 2023), <https://www.northjersey.com/story/news/2023/12/13/doxxing-internet-shaming-harm-people-israel-hamas-war/71824057007/>.

¹⁰ Spencer Ackerman, The ADL Is Defaming Palestinian Students as Terrorist Supporters, The Nation (Oct. 31, 2023), <https://www.thenation.com/article/society/adl-palestine-terrorism-letter/>.

¹¹ Religious Affiliates, Claremont Colleges Service, <https://services.claremont.edu/chaplains/religious-affiliates/> (last visited April 8, 2024).

¹² Erin Gretzinger, A Professor Started His Class at a Pro-Palestinian Demonstration. It Ended With Him in a Police Car., Chronicle of Higher Education (Dec. 9, 2023), <https://www.chronicle.com/article/a-professor-started-his-class-at-a-pro-palestinian-demonstration-it-ended-with-him-in-a-police-car/>.

that law enforcement intervened and arrested a professor who was deeply cherished as a mentor by many students, and whom they looked up to with love and admiration. Students felt particularly anxious because if a professor, who students expected to be treated with greater respect by administrators, could be arrested, students could (and ultimately would) face similar treatment as well.

Students participating in the nearby demonstration, referred to as a die-in, where students lay close together on the ground while students read nearly a thousand names of martyrs, had also felt unsafe that same day. A peer chose to walk through their die-in, ignoring multiple requests from the de-escalation team, rather than respectfully navigating around the students who were participating. In contrast with the overzealous arrest of the professor, Campus Security took no action to protect students from almost being stepped on when this happened.

Campus Security Records and Intimidates Protestors

On December 8, 2023, about 100 student protestors, both Palestinian and allies, staged a sit-in outside Frary Dining Hall calling for Pomona College to completely divest from all weapons manufacturers and all institutions that aid the ongoing occupation of Palestine, for Pomona College to adhere to the United States Campaign for the Academic and Cultural Boycott of Israel, for Pomona College to publicly condemn Israel's apartheid, occupation, ethnic cleansing, genocide, and dehumanization of Palestinians, along with the establishment of anti-discrimination policies to protect Palestinian, Muslim, Arab, Southwest Asian, North African, Black, Brown, and Indigenous students.¹³ Campus Security personnel encircled both entrances to the dining hall and made obvious, repeated attempts to record the protestors' faces with their phones, reaching around blankets and other items that students attempted to use to cover their faces from imminent administrative repression and potential doxing.¹⁴

Additionally, a student (b)(6); (b)(7)(A); (b)(7)(C) one of the participants when trying to (b)(6); (b)(7)(A); (b)(7)(C) Campus security once again failed to intervene or even inquire about the well-being of the injured student. This failure to act not only made students feel physically unsafe but also disrespected and uncared for.

Pomona Student Racially and Religiously Profiled

After the Frary Dining Hall sit-in, a student experienced racial profiling and selective targeting during a campus disciplinary investigation. (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) she believed she was singled out for disciplinary charges due to her racial identity, as well as being a (b)(6); (b)(7)(A); (b)(7)(C)

¹³ Andrew Alonzo, Protestors demand Pomona College divest itself from Israel-Hamas weapons firms, Claremont Courier (Dec. 8, 2023), <https://claremont-courier.com/latest-news/student-protestors-call-for-pomona-college-to-redirect-investments-away-from-israel-76080/>.

¹⁴ @claremont.undercurrents, Instagram (Jan. 24, 2024), <https://www.instagram.com/claremont.undercurrents/p/C2fjHSuv391>.

In an effort to confirm this belief, the student directly questioned (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) about the circumstances surrounding her identification, highlighting how this act was an instance of religious and racial profiling (b)(6); (b)(7)(A). (b)(6); (b)(7)(A) responded with what the student believed to be an inappropriate comment, stating that the reason for singling out the student from a group photo with over (b)(6) students was because of her (b)(6); (b)(7)(A); (b)(7)(C) which he repeated twice. This comment made the student uncomfortable and indicated to her that (b)(6); (b)(7)(A); (b)(7)(C) did not approach the situation with integrity or respect, nor did he take her concerns seriously. Furthermore, when the student pointed out that she was the (b)(6); (b)(7)(A); (b)(7)(C) which she believed emphasized the problematic nature of her isolation and disciplinary proceedings, (b)(6); (b)(7)(A); (b)(7)(C) attempted to dismiss the issue by falsely claiming that (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) This assertion was refuted by (b)(6); (b)(7)(A); (b)(7)(C) The student found this response offensive and diminishing (b)(6); (b)(7)(A); (b)(7)(C)

This is only one of (b) disciplinary cases the college launched after the sit-in, which were intended to dissuade students from attending or planning direct actions. (b)(6); (b)(7)(A) of those students were students of color.

Students Banned from Mentioning Palestine on the Job

Student workers at the Queer Resource Center on the Pomona College campus were told in early February 2024 that they were not permitted to speak about Palestine while working. If a student seeking support brings the topic up, workers have been instructed to say, “I’m sorry, I’m on shift. I can’t talk about this right now.” This policy suggests that if a queer student in need of support comes to the Queer Resource Center to discuss concerns regarding issues they are struggling with, they are free to seek support from student workers, as long as that issue is not related to Palestine. Palestinian, Muslim and/or SWANA queer students have been especially harmed by this restriction.

Students Vilified for Opposing Complicity in Genocide

On February 8, 2024, the Associated Students of Pomona College (ASPC) opened the floor for public comment on a proposed referendum calling for the college to disclose its investments in companies supporting the apartheid system within Israel and in weapons manufacturers, to divest from these companies, and to adopt an academic boycott of institutions complicit in Israeli apartheid. During this student government meeting, (b)(6); (b)(7)(A); (b)(7)(C) the referendum falsely asserted that the referendum was filled with “partisan” language, and falsely exemplified that claim by illogically arguing that data in the referendum came from Hamas. This inaccurate and egregiously imprudent claim aimed at undermining the legitimacy of the referendum and marginalizing the Palestinian, Muslim and/or SWANA students who support it echoes racist stereotypes portraying Arabs and Muslims as animalistic, uncivil, and oppressive

individuals tied to terrorism.¹⁵ Students also felt that accusations of affiliation with Hamas endangered their safety on campus, especially for visibly Muslim or SWANA-identifying individuals. (b)(6); (b)(7)(A); (b)(7)(C) made no effort to address this racist claim.

On February 16, 2024, President Starr made a similar push to undermine the referendum, just days before students were scheduled to vote on it, in an email titled “Pomona opens doors, we don’t close them.”¹⁶ The email disclosed President Starr’s backdoor efforts to prevent students from being able to express their views on the referendum and her disappointment in the fact that the vote was going forward. President Starr denied that the referendum would provide any “path for informed debate or discussion while offering as settled ‘definitions’ a set of highly debatable and hotly contested propositions, and thus ignores the principles of good governance and the educational mission of our community.” The referendum, which was debated in student government and approved for a vote, relied on multiple reputable sources such as United Nations investigators, the African National Congress, human rights groups such as Amnesty International, Human Rights Watch and the Israeli human rights organization B’tselem.

Starr claimed that because the “symbolic, non-binding” referendum, part of which focused on weapons manufacturers generally, “singl[es] out … Israel,” it “raises the specter of antisemitism.” False accusations of antisemitism are a commonly used trope employed to silence Palestinian and Muslim voices in particular.¹⁷ By implying that the referendum’s authors are antisemitic, she undermines the autonomy of student voices, including those of Jewish students. Furthermore, President Starr’s conflation of antisemitism with anti-Zionism casts doubt on anti-Zionist Jewish students, which places both Jewish and non-Jewish supporters of the referendum at risk of becoming targets for ridicule. This endorsement is particularly troubling given her position of utmost authority as president. SWANA and Jewish students are appalled by these statements, as President Starr effectively attempted to discredit students’ ability to think for themselves, while simultaneously portraying them as perpetrators of antisemitism.

School-Wide Doxing of a Black & Latine Student Government Senator due to Pro-Palestine Sentiment

On (b)(6); (b)(7)(A); (b)(7)(C) was doxed through an email sent to the (b)(6); (b)(7)(A); (b)(7)(C) mailing list by an anonymously run Gmail account signed (b)(6); (b)(7)(A); (b)(7)(C). This email called for the immediate

¹⁵ See Aziz, *supra* note 3.

¹⁶ Pomona Opens Doors, We Don’t Close Them, Pomona College (Feb. 16, 2024), <https://www.pomona.edu/administration/president/statements/posts/pomona-opens-doors-we-dont-close-them>.

¹⁷ See Rutgers University Law School Center for Security, Race and Rights, Presumptively Antisemitic: Islamophobic Tropes in the Palestine–Israel Discourse (November 2023), <https://csrr.rutgers.edu/wp-content/uploads/2023/11/csrr-presumptively-antisemitic-report.pdf>.

removal of the (b)(6); (b)(7)(A); (b)(7)(C) and for her to publicly apologize because she reposted a pro-Palestine TikTok on her personal Instagram story on (b)(6); (b)(7)(A); (b)(7)(C).¹⁸

That evening, in his (b)(6), (b)(7)(A), (b)(7)(C) email, (b)(6); (b)(7)(A); (b)(7)(C) apologized to the doxed (b)(6); (b)(7)(A); (b)(7)(C) and to the Class of 2024, but denied any responsibility in having approved the email, claiming that it is “an error that still cannot fully be explained.” This was gross negligence on the part of (b)(6); (b)(7)(A); (b)(7)(C) or one of the few other people who possessed the authority to approve the email, the consequences of which jeopardized a student’s safety and privacy.

Palestine Posters Taken Down on Campus

Despite complying with all student government and college policies, the Muslim Students Association's approved posters advocating for awareness and support for Palestine were repeatedly torn down in violation of college policies. Despite expressing complaints and frustration to the college, they have not gotten any answers or accountability for the removal. Palestinian, Muslim, and SWANA students feel intimidated, censored, and disempowered, as a result of this experience, inhibiting their ability to express themselves freely.

Calls for Divestment Met with Militarized Police Response

After an overwhelming majority of participating students voted in support of the divestment resolution, with approval for various provisions ranging from 78 percent to 90 percent,¹⁹ students launched a campaign calling for administrators to develop a plan for divestment. On March 28, students put up a mock Israeli apartheid wall and held a sleep-in to protect the wall. On April 5, college personnel forcibly removed part of the wall, pushing, grabbing, and shoving students in order to do so. Students then entered and sat in President Starr's office in the college's administrative building, Alexander Hall, to protest the violent seizure of their property and the aforementioned demands at-large. Inside, the protestors encountered President Starr, who threatened Pomona students with interim suspension and students from other campuses with a permanent ban from the Pomona College campus. After an explicit demand from President Starr to "detain this individual," Campus Security personnel (b)(6); (b)(7)(A); (b)(7)(C) to prevent them from documenting what took place. The student was (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Students periodically heard laughter emerging from the president's office while awaiting police. Twenty-five police cars from Claremont, Pomona, La Verne, Covina, and Azusa police departments containing over 30 police in riot gear arrived to violently arrest (b)(6); (b)(7)(A) engaged in a non-violent sit-in

¹⁸ Email from Jews and Israelis of Pomona College (b)(6); (b)(7)(A);
[\(b\)\(6\); \(b\)\(7\)\(A\); \(b\)\(7\)\(C\)](https://docs.google.com/document/d/1)

¹⁹ Pomona students vote overwhelmingly in favor of divestment from Israel in historic referendum, Claremont Undercurrents (Feb. 27, 2024), <https://www.claremontundercurrents.com/pomona-students-vote-to-divest-from-israel-in-historic-referendum/>.

protest, charging them with trespassing. Students report police mistreatment that has permanently scarred their emotional and mental wellbeing. (b)(6); (b)(7)(A); (b)(7)(C)

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

(b)(6); (b)(7)(A); (b)(7)(C) Multiple were victims to red marks on their arms due to the force of handcuffing. (b)(6); (b)(7)(A); (b)(7)(C)

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

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

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

(b)(6); (b)(7)(A); (b)(7)(C) including classes and affinity spaces. The interim suspension that (b)(6); (b)(7)(A); (b)(7)(C) are currently facing was newly implemented last semester, likely in response to pro-Palestine organizing. An increasing amount of organizations — Associated Students of Pomona College, Pomona College tour guides and admissions interns, Claremont Faculty for Justice in Palestine — have disavowed President Starr's brutal legal and disciplinary charges.

II. Pomona College's Actions Violate Title VI of the Civil Rights Act of 1964

As an institution that receives federal financial assistance, Pomona College is required to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which protects individuals from being “excluded from participation in, be[ing] denied the benefits of, or be[ing] subjected to discrimination” on the basis of race, color, or national origin. Title VI’s implementing regulation at 34 C.F.R. Part 100 prohibits discrimination on the basis of race, color, or national origin in education programs and activities that receive federal financial assistance from the U.S. Department of Education.

A university recipient of federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own or if it permits a hostile environment, i.e., when harassment by a third party or student is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an education opportunity or benefit.”²⁰

A university recipient that has actual or constructive knowledge of a hostile environment must take prompt and effective steps that are reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects, by ensuring that students are not restricted from participating in or benefiting from educational opportunities as result of a

²⁰ See *Davis ex rel. LaShonda v. Monroe Cty. Bd. Of Educ.*, 526 U.S. 629, 633 (1999). Although Davis is a Title IX case, the same legal standards are applied to Title VI enforcement. See, e.g., *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) (“Congress modeled Title IX after Title VI of the Civil Rights Act of 1964, and passed Title IX with the explicit understanding that it would be interpreted as Title VI was.”)

hostile environment.²¹ A university that responds with deliberate indifference or fails to take appropriate responsive action to a known hostile environment violates Title VI and risks losing federal financial assistance.²²

Targeted and pervasive harassment of Palestinians and groups associated with Palestinians on campus on the basis of national origin or perceived national origin is actionable under Title VI where such harassment impedes the educational opportunities of the targeted students. As a university obligated to provide an educational environment welcoming to all regardless of race, color, or national origin, Pomona College cannot justify its failure to address the hostile anti-Palestinian environment students have been subjected to by its own administrators, professors, and police department.

The discrimination, stereotyping, different treatment, and racial profiling described above were not isolated instances. They are the product of both a deep-rooted, dehumanizing bigotry against Palestinians, as well as organized campaigns by anti-Palestinian groups and their allies to suppress speech supporting Palestinian rights on college campuses—which the university not only did nothing to address or distance itself from, but further contributed to by committing discriminatory acts of its own.

Palestinian students and those associated with Palestinian identity through their membership in Students for Justice in Palestine and Pomona Divest from Apartheid have not been afforded equal access to support from their university and have been singled out for intimidation and investigation at a time when a genocide is unfolding before their eyes. Through the university's different treatment of Students for Justice in Palestine, the university is not only harming the Palestinian and perceived Palestinian members of the organization, but it is also creating a hostile environment for other Palestinian students on campus who may be less inclined to publicly exist as Palestinians on campus because of the university's open hostility toward a student organization devoted to justice and equality for Palestinians.

There is simply no justification for Pomona College's different treatment of Palestinian students and students associated with Palestinian identity. Through lack of support and discriminatory enforcement of its policies, Pomona College's actions violate Title VI of the Civil Rights Act of 1964.

²¹ See, e.g., Letter from Melanie Velez, Reg'l Dir., Dep't of Educ. Office for Civil Rights Region IV to Kathryn LeRoy, Superintendent of Polk County Pub. Schs. at 3 (March 23, 2016) (RE: Case No. 04-14-1664), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04141664-a.pdf>.

²² 42 U.S.C. § 2000d-1 (1964).

III. Remedies: OCR Should Require Pomona College to Comply with Title VI by Ensuring That Palestinian Students (and Students Perceived to Be Palestinian) Have Equal Access to Educational Opportunities at Pomona College

OCR should require the university to take the following steps:

1. Publish a public statement reaffirming its students' right to openly advocate for Palestinian rights, and condemning doxing on the university's website, social media, and to the campus community,
2. Publicly condemn the anti-Palestinian, anti-Arab, anti-Black, and other forms of racism and Islamophobia that its students are facing, including antisemitism experienced by anti-Zionist Jewish students, who are marginalized because of their views,
3. Publicly apologize to students,
4. Drop all conduct and criminal charges against students for their expressive activities,
5. Ensure that Palestinian, Arab, and Muslim students and their allies, are able to access campus services and resources on an equal basis as other students,
6. Provide resources for impacted students that are accessible to them and responsive to their needs, including but not limited to, ensuring that career services have the knowledge and tools to help students navigate the unique hurdles they face entering the workforce as targets of smear campaigns; providing digital security resources to assist students in organizing safely; and, ensuring access to culturally competent mental health support,
7. Implement educational initiatives and workshops aimed at fostering a culture of inclusivity, tolerance, and respect for Palestinian students and their allies,
8. Conduct a thorough review of the incidents of harassment documented in this letter and other related reports the university has received to ensure that the rights of students are protected, and that incidents of discrimination and harassment are addressed appropriately, and
9. Ensure that reports of student discrimination and harassment are taken seriously and addressed promptly.

IV. Conclusion

For the above-mentioned reasons, we urge OCR to investigate Pomona College's compliance with Title VI of the Civil Rights Act of 1964.

Sincerely,

Zoha Khalili
Senior Staff Attorney
Palestine Legal



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

REGION IX

CALIFORNIA

50 UNITED NATIONS PLAZA
MAILBOX 1200, ROOM 1545
SAN FRANCISCO, CA 942012

August 6, 2024

Sent by email only to president@pomona.edu

G. Gabrielle Starr
President
Pomona College

Re: Pomona College - OCR Case Number 09-24-2297

Dear President Starr:

On April 9, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint against the Pomona College (the College). The complaint alleged that, since October 2023, the College discriminated against students based on their actual or perceived national origin (Palestinian, Southwest Asian and North African (SWANA), and Muslim shared ancestry) by engaging in actions that made these students feel unsafe and unwelcomed, by failing to respond effectively to incidents of harassment of these students by other students, third parties, and employees, and by engaging in disparate treatment of these students. The alleged actions and incidents include: the College President's communications to the College community showed a pro-Israel/Jewish bias and stated that demonstrators may be asked to temporarily remove their masks, which exposed Palestinian, SWANA, and Muslim students and those associated with them to possible harassment and doxxing; the selective targeting of Palestinian, SWANA, and Muslim students and their supporters for discipline to dissuade them from attending or planning direct action, including at a sit-in on December 8, 2023, and another sit-in on April 5, 2024; campus security's intimidation of student protestors, both Palestinian and pro-Palestinian supporters, on December 8, 2023; and (b)(6); (b)(7)(A); mistreatment by local city police of Palestinian, SWANA, and Muslim students and their supporters who were participating in a sit-in on April 5, 2024. Your complaint also alleged that

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

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

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

Palestinian, Muslim, and

SWANA students, which reinforced a hostile environment for such students.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin under any program or activity receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the College is subject to Title VI and its implementing regulations.

OCR will investigate the following issues: (1) whether the College responded in a manner consistent with the requirements of Title VI to alleged harassment of students by other students, employees, and third parties based on actual or perceived national origin (including Palestinian,

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

SWANA, or Muslim shared ancestry); and (2) whether the College violated Title VI by engaging in disparate treatment of students based on their actual or perceived national origin (including Palestinian, SWANA, or Muslim shared ancestry).

Please understand that opening these issues for investigation under Title VI does not mean that OCR has made a decision about the merits. During the investigation, OCR is neutral; OCR will collect and analyze the relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by OCR's Case Processing Manual (CPM) (July 18, 2022) and 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.

OCR may close this case prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. For example, under Section 201(b) of OCR's CPM, if both parties are interested and 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 a case, OCR does not monitor or enforce the agreement reached between the parties.

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 and OCR determines that it is appropriate to resolve the complaint because OCR's investigation has identified concerns that can be addressed through a resolution agreement. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

To reach an efficient and timely resolution of this matter, OCR is providing an opportunity for the College to present its response to the complaint allegations and to submit supporting documentation. **Within 15 days of the date of this letter**, please provide to OCR the information listed in the attached data request. 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 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 regulation 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.

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, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the College with OCR.

Under the Freedom of Information Act (FOIA), 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 OCR attorney Nezhia Burkes at Nezhia.Burkes@ed.gov.

Sincerely,

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

Naghmeh Ordikhani
Team Leader

Data Request
OCR Case Number 09-24-2297
Pomona College

OCR requests that this information reach our office within **15 days from the date of the attached letter, which is August 21, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, 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 Nezhia Burkes to receive online portal information to upload data.

Email: Nezhia.Burkes@ed.gov

Fax: (415) 486-5570

Mail: U.S. Department of Education
Office for Civil Rights
San Francisco Office
50 UN Plaza, Mail Box 1200, Room 1545
San Francisco, CA 94102

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.

Please do not include Social Security numbers in your responses. If any responsive documents or data contain Social Security numbers, please redact them before sending OCR the information.

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 College's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that College 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 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.

RESPONSE DUE: August 21, 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. Provide a narrative response to the issues OCR is investigating and a copy of any documents or data relied upon in the narrative or supporting the facts stated in the narrative.
2. Indicate if the issues raised in OCR Case Number 09-24-2297 are pending elsewhere. If so, please provide a copy of the complaint filed and indicate its status. If it is not possible to provide a copy of the complaint, please state the allegations raised in the other complaint and the forum in which the complaint was filed (e.g., another federal, state, or local civil rights enforcement agency, through the College's internal grievance procedures, or in state or federal court).
3. A copy of all College policies or procedures, and/or a description of the College's practices, related to Campus Security or other police and/or security personnel presence on campus and protection of students on campus. Include the names and job titles of all College staff responsible for implementing the security policies, procedures, and/or practices by name(s) and position title(s).
4. State whether the College increased the presence of its Campus Security and/or other police or security personnel on campus or during protest events in November and December 2023, April 2024, or at another time since October 2023. If so, for each event, identify the event name and date, identify the staff involved in the decision by name(s) and position title(s), provide the date the decision to increase police or other security presence at the event was made, identify the police/security activity, identify the entity that was present (e.g., Campus Security or local police departments), and explain why the decision was made.
5. A copy of the College's policies and procedures, and/or a description of the College's policies and procedures governing:
 - a. disciplining students engaged in protests. Provide a detailed description of the discipline process, including each level of the process, the length of the process, and the type of records maintained. Also provide the name(s) and job title(s) of College employees responsible for disciplining students, including discipline based on student protests; and
 - b. the investigation of complaints or incidents of harassment and other discrimination by Campus Security 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 College employees responsible for handling complaints of discrimination, including harassment, against Campus Security on the basis of national origin, including shared ancestry, at each level of the process.
6. Explain how the College informs its students and employees of the policies and procedures set forth in Items 3 and 5 above. Submit copies of all materials disseminated or links to the College's website. Also provide the name(s) and job title(s) of the individuals responsible for implementing the policies and procedures.

7. Copies of the College's policies and procedures, or a description of its practices, governing:
 - a. disciplinary or corrective actions that may be taken to address harassment of and other 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.
8. Copies and/or descriptions of all formal and informal oral and written reports and complaints of harassment and other discrimination based on national origin, including shared ancestry (e.g., Palestinian, SWANA, Muslim, and/or Jewish shared ancestry). 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 College of the person making the report/complaint (e.g., student, faculty members, parent/guardian, counsel, member of the public);
 - 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, and/or ancestry of each student, employee, or other individual involved in the alleged incident(s) of discrimination/harassment;
 - g. the name(s) and relation to the College of any individual(s) who witnessed the alleged incident(s), including any College students, employees, or others;
 - h. the name(s) and relationship to the College of any witnesses interviewed by the College;
 - i. the name(s) and job title(s) of the individual(s) involved in the response to, investigation of, and resolution of the report/complaint;
 - j. all actions the College has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures), and/or College-wide remedies;
 - 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 College 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.

9. State whether the College 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 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.
10. A detailed description of any training regarding discrimination, including harassment, based on national origin, including shared ancestry, that the College provided to its 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 attended the training, and copies of any materials distributed at the training.
11. A copy of College policies and practices governing the "*doxxing*" or the act of publicly providing personally identifiable information about an individual or organization in the College and/or the College community, including the consequences for violating such policies and practices. Please include a copy of all complaints received regarding the "*doxxing*" of College students and detail the College's response to each complaint with supporting documentation.
12. A copy of all documents or a description of the College's efforts to work with various student groups, including student groups based on shared ancestry, to address harassment and discrimination at the College.
13. A copy of all complaints received by the College, and the College's response to the complaints, regarding the College President's communications to the College community in October, November, and December 2023 as well as April and May 2024 regarding a vigil, Israel, Palestine, student protests, and the use of masks during these protests.
14. A narrative description, with copies of any supporting documents, regarding the College's response to the recently publicized events involving the encampments, protests, and violence.
15. The name, job title, address, telephone number, fax number, and email address of the College's designated contact person for this complaint.
16. Any other information the College believes will assist OCR in this investigation.