



April 4, 2024

VIA EMAIL

Secretary Miguel Cardona
Assistant Secretary Catherine E. Lhamon
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100
Email: OCR@ed.gov

Deputy Assistant Attorney General for Civil Rights
Johnathan Smith
Title VI Section Chief Christine Stoneman
Education Section Chief Shaheena Simon
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Emails: Johnathan.smith@usdoj.gov, Christine.Stoneman@usdoj.gov,
and Shaheena.Simon@usdoj.gov

Re: Title VI Complaint Against University of Massachusetts Amherst (National Origin–Palestinian)

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

We write to file a class complaint of national origin discrimination against the University of Massachusetts Amherst (UMass) and request coordination under Executive Order 12250. Our complaint is on behalf of 18 UMass students¹ who have been the target of

¹ The students who experienced direct harassment are (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); is of Palestinian origin. (b)(6); (b)(7)(A); (b)(6); and (b)(6); are Arab or perceived to be Arab or Palestinian. (b)(6); and (b)(6); are (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); have been associated with Palestinians and/or advocated on behalf of Palestinian rights; (b)(6); (b)(7)(A); is (b)(6); (b)(7)(A); (b)(7)(C) The non-Arab students whom the University subjected to excessive adverse treatment as a result of their association with Palestinian/Arab students and SJP, as well as for their advocacy for Palestinian rights are: (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); and (b)(6); (b)(7)(A); Other students who were harmed by the hostile environment who are both Arab and non-Arab who are willing to speak to OCR as witnesses but are not named

extreme anti-Palestinian and anti-Arab harassment and discrimination by fellow UMass students, including receiving racial slurs, death threats and in one instance, actually being assaulted. Despite repeat notice, including numerous emails and formal complaints to over a dozen administrators and Title IX officials, UMass was extremely slow to take action, and instead stonewalled and exacerbated the hostile environment by engaging in its own anti-Palestinian actions by arresting Arab and Palestinian students and their allies, posting their home addresses online even after the shooting of three Palestinian students in nearby Burlington, VT, subjecting them to campus disciplinary charges, and denying them education opportunities in the form of study abroad.

To date, although the school has begun to investigate the harassment complaints, it has yet to address the hostile environment for Arab and Palestinian students on campus. As a result of this extreme hostile anti-Palestinian environment, our clients have missed class, lost sleep, seen perfect 4.0 GPAs drop, and suffered emotional distress, amongst other damages. Students who protested on behalf of Palestinian rights also were subject to different treatment and retaliation in the form of campus disciplinary penalties, and in some cases, the last-minute revocation of their pre-approved plans to study abroad. As explained further below, throughout the period of the most intense harassment and different treatment on campus, high level University administrators were actively communicating with anti-Palestinian groups such as the Anti-Defamation League², and joined a coalition of universities taking a public stand in favor of Israel.³

Our allegations fall into three major categories:

1. Arab and Palestinian students on campus have been subjected to a hostile environment on campus due to an onslaught of anti-Palestinian and anti-Arab harassing statements, threats, and social media targeting, of which the University had clear and repeated notice. Despite this notice, the University failed to respond effectively and promptly to eliminate the hostile environment and remedy its impact on affected Arab students and their allies who were advocating for the rights of Palestinians. As a result of the unchecked harassment on campus, several

complainants (i.e, they have signed Option B on OCR's consent form) are participating in this complaint as well. (b)(6) is another student who was neither arrested nor directly harassed but experienced negative treatment on campus due to his pro-Palestinian advocacy. We have included consent forms for all students named in this complaint in **Exhibit 1**, listing everyone who signed Option A, and **Exhibit 2**, listing everyone who signed Option B.

² See Exhibits 3 and 4.

³ Yeshiva University, “100+ Colleges and Universities across the nation form coalition standing with Israel and against Hamas,” October 26, 2023, accessed January 15, 2024:

<https://www.prnewswire.com/news-releases/100-colleges-and-universities-across-the-nation-form-coalition-standing-with-israel-against-hamas-301968953.html>

of these students, as well as several of their non-Arab or Palestinian allies, were “doxed” by the anti-Palestinian UMass students on sites such as Canary Mission, a vicious anti-Palestinian hate site. The doxing then gave way to a host of additional threats from outside the school. The University compounded the situation by posting online the home addresses of all students following their arrests for a sit-in in support of Palestinian rights, which they refused to take down even after the doxing and the shooting of three Palestinian students in nearby Burlington, Vermont. As a result of all the above, several of the students impacted by the hostile environment suffered undue emotional distress due to the fear created by having their addresses posted; this impacted their ability to access numerous aspects of campus life especially during the Fall 2023 semester. Despite multiple requests to University Chancellor Javier Reyes, he (nor any other member of the UMass Administration) has neither issued any statement explicitly condemning the anti-Palestinian and anti-Arab behavior that has gone unchecked on campus, nor implemented an effective and comprehensive response to the tensions on campus associated with the situation in Gaza. This silence stands in stark contrast to a message issued immediately in response to an alleged anti-Israel incident on campus. It also contrasts unfavorably to statements issued in the past regarding other incidents of alleged racism on campus.

2. The University also engaged in different treatment on the basis of national origin and association with and advocacy for Palestinians with respect to 57 members of the UMass chapter of Students for Justice in Palestine (SJP) and their allied anti-military group UMass Dissenters⁴ by immediately arresting them, and by pursuing student disciplinary charges against them for a sit-in in support of Palestinian rights.⁵ Although UMass has arrested students for prior sit-ins, it has never arrested so many protesting students so quickly following the start of an administration building “occupation,” nor has it ever pursued student disciplinary charges in addition to criminal or civil charges arising from the arrests. The different treatment also included an overly burdensome and predetermined student disciplinary process, which has marred the clean records of many of the arrested students. The result has precluded and could continue to preclude several of them from participation in various campus-related activities, including the canceling of prearranged study abroad programs.

⁴ For more information on the Dissenters chapter at UMass see, e.g.: <https://theshoestring.org/2023/08/01/new-UMass-group-works-to-oust-raytheon-from-campus/>

⁵ Demands included urging UMass to divest from companies aiding Israel genocide of Palestinians and asking UMass to issue a statement in support of Palestinian, Arab, Muslim and Jewish students.

3. The University's behavior as set forth in Allegation 2 above also constituted retaliation for the students' advocacy for Palestinians, for their speaking out about their unequal treatment, and for their repeated reporting of the bias incidents listed in Allegation 1.

A summary of the specific facts underlying each allegation follows, with an attached compendium of supporting evidence and additional details that were too extensive to include in the below summary.

Allegation 1: The University has Failed to Respond Promptly and Effectively to Notice of a Hostile Environment towards Students of Palestinian, perceived Palestinian and/or Arab Descent and their Allies.

A Hostile Environment on the Basis of Shared Ancestry Existed Unchecked at UMass for Arab students and Several Allies:

Since October 7, 2023, UMass students have been subject to severe anti-Palestinian and anti-Arab harassment and threats on campus and online. The harassment has been targeted most severely at our clients (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) of UMass Amherst Students for Justice in Palestine (SJP),⁶ a club that advocates for Palestinian freedom and equal rights. The vicious nature of the harassment created a hostile environment not only for (b)(6); (b)(7)(A) and (b)(6); (b)(7)(A) but also all other Arab and Palestinian students (and students perceived to be Palestinian) and their supporters on campus, including students named (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A) amongst others.

As described below in great detail, the University had ample notice of the hostile environment, and yet failed to address the environment in any fashion that could be considered prompt and effective. Although it eventually started investigating and responding to the individual complaints, it has never implemented any measures designed to effectively put an end to the hostile environment as a whole.

The University compounded the impact of the hostile environment by posting the home addresses of 57 SJP and Dissenters students on the UMass Police Department (UMPD) website following their arrests for a protest in support of Palestinian rights in which they occupied the campus administration building. In response to multiple requests by parents to remove the addresses, the UMPD claimed inaccurately that it was required to do so by

⁶ <https://UMassAmherst.campuslabs.com/engage/organization/sjp>

State law;⁷ the posting thus not only endangered the students but their families as well. The posting of the addresses intensified the impact of the hostile environment, especially upon the students who were already traumatized by the harassment and by the atrocities committed in Gaza and increasing hostilities in Lebanon, some of whom were also extremely worried about their friends and family in both locations. This includes our clients (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A), all of whom have close connections in Lebanon and Gaza.

To make matters worse, the lack of any effective action by the University in response culminated in the “doxing” of ten SJP and Dissenters students on Canary Mission—a hate site⁸, generating countless online threats and intimidating comments from the Canary Mission audience. The timing of the doxing was particularly alarming as the postings were contemporaneous with the shooting of three Palestinian college students in Burlington, Vermont. Upon information and belief, the names and photographs of several of the arrested UMass students⁹ were shared with this website by some of the same anti-Palestinian students who had been making the online and in-person threats, and who had been reported to various campus offices on several occasions without the slightest penalty or reprimand imposed by the University. This doxing added to the fear and stress already present for (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A)—when combined with the posting of the home addresses of all arrested students, the doxing served to endanger all the students posted on Canary Mission, as well as their families. Had the University taken prompt and effective action in response to the onslaught of online harassment directed at (b)(6); (b)(7)(A); (b)(6); (b)(7)(A) and SJP in general, it is possible that the students who provided Canary Mission with such detailed information would have been deterred from doing so.

The UMass Administration had Ample Notice of the Hostile Environment and Failed to Respond Promptly and Effectively:

⁷ The law in question can be found here:

<https://malegislature.gov/laws/generallaws/parti/titlevii/chapter41/section98f>. Note that it does not require online posting of the addresses of anyone arrested, but simply that the addresses be made available. Mass. Gen. Laws Part 1, Title VII, § 98F.

⁸ Canary Mission is a website that intentionally threatens students’ right to pursue an education without harassment, as well as their employment prospects because of their advocacy for Palestinian rights. For more information on the website, see COMMITTEE ON ACADEMIC FREEDOM, Exposing Canary Mission: A Resource for College and University Leaders, (Apr. 18, 2018), <https://mesana.org/advocacy/committee-on-academic-freedom/2018/04/18/exposing-canary-mission>; BERKELEY LAW, Dean’s Statement: Condemning Canary Mission (June 1, 2023), <https://www.law.berkeley.edu/article/deans-statement-canary-mission/>.

⁹ The students doxed on Canary Mission were (b)(6); (b)(7)(A); (b)(7)(C) and one other student found at **Exhibit 30**.

As the below timeline makes clear, reports to the administration of the hate speech, harassment and threats date back as far as October 9, 2023. At around this time, an anti-Palestinian UMass student named (b)(6); (b)(7)(A); (b)(7)(C) began showing up at SJP and related off-campus protests and shouting threats such as “Kill all Arabs,” playing a speaker with a recording of the sounds of bombs and other explosions and attempting to ram student protestors with an electric scooter. (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) witnessed (b)(6); (b)(7)(A); (b)(7)(C) at an off-campus protest on October 7th, where he attempted to intimidate an elderly woman and other people, while also being extremely racist towards Arabs and Palestinians, stating “level Gaza” and “Kill all Arabs.”

Also beginning early October, (b)(6); (b)(7)(A); (b)(7)(C) used UMass related social media accounts¹⁰ to direct a torrent of inflammatory racist slurs towards (b)(6); (b)(7)(A); (b)(7)(C) and other SJP members, calling them “classic Islamic barbarism supporters [who] love raping and killing,” and “genocidal barbarian baby decapitator supporters,” for example. The online treatment was often clearly linked to the UMass campus by including “UMass” in a series of different Instagram account names.¹¹ One account, named “palisranimals” specifically targeted (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) as it only followed them. This account included comments such as “where is the best beach in Gaza to build a house next to?! I’ve heard Pali bones make great foundation!” and “every ‘Palestinian’ child in Gaza is actually a terrorist.” For various reasons, the students initially thought these accounts were run by a UMass student named (b)(6); (b)(7)(A); (b)(7)(C) but once the EOA Office finally investigated, it determined in late February 2024 that (b)(6); (b)(7)(A); (b)(7)(C) was behind them.¹² These accounts would target SJP students and comment on their meeting times, eventually bragged about the doxing on Canary Mission. Additional students who participated in the

¹⁰ The account names kept being changed, but always used UMass and/or Amherst in the handle. One account started out as @amherstzionwarroom, then changed to @UMass_amherst_sjp_watch, then @UMass_amherst_zionists and then @UMass_zionists. Other names have been used as well. Although the account names changed, they all included certain consistent images linking the accounts to each other (such as a profile picture of a Hasidic Jewish man speaking into a walkie talkie).

¹¹ For specific evidence of the online and in person harassment as well as reports to the school, please see **Exhibits 5 and 6**.

¹² Beginning in late January 2024, EOA staff helped (b)(6); (b)(7)(A); (b)(7)(C) obtain a mutual no contact order against (b)(6); (b)(7)(A); (b)(7)(C) after the UMPD obtained proof that he was behind the various Amherst Zion Warroom, etc. Instagram accounts. Once the UMPD began to take their reports seriously, they were able to subpoena Instagram to find the IP address responsible for these accounts, and determined that (b)(6); (b)(7)(A); (b)(7)(C) rather than (b)(6); (b)(7)(A); (b)(7)(C) was behind them. On March 28, 2024, (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) received Harassment Prevention Orders from the Massachusetts Trial Court against (b)(6); (b)(7)(A); (b)(7)(C) and another student named (b)(6); (b)(7)(A); (b)(7)(C). Note that such a proceeding does not mean that these allegations are in another forum, as they simply address the individual harassment that these students engaged in towards them but do not reference the University’s failure to respond to the notice of the hostile environment in a prompt and effective manner.

harassment of Arab students on campus are (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) who shoved an SJP student at a protest in early October, and (b)(6); (b)(7)(A); (b)(7)(C) who sent (b)(6); (b)(7)(A); (b)(7)(C) messages alleging without evidence that she had been using antisemitic tropes. (b)(6); (b)(7)(A); (b)(7)(C) also shoved past (b)(6); (b)(7)(A); (b)(7)(C) in an off-campus bar early in winter 2024, and (b)(6); (b)(7)(A); (b)(7)(C) often showed up at SJP protests and behaved in an intimidating manner.

The harassment went unchecked by the school throughout the months of October and November of 2023, despite ample notice to the University. It culminated in the doxing on the Canary Mission site. During this time, the University's Equal Opportunity and Access Office (EOA) began investigating the multiple complaints filed to a certain extent, and provided interim supportive measures to several students, but the University has never addressed the hostile environment itself in a manner that could be considered prompt and effective. The EOA office also utilizes an inappropriately high investigatory standard, asserting to students that in the absence of a signed, formal complaint by an impacted individual against specific named individuals, it is legally barred from commencing a full Title VI investigation. This assertion was made to (b)(6); (b)(7)(A); (b)(7)(C) who filed with the EOA Office but was told that due to the 2020 reforms to the Title IX regulations, UMass was prohibited from fully investigating a Title VI claim unless impacted students file a formal, signed complaint.

(b)(6); (b)(7)(A); (b)(7)(C) was not advised of this erroneous standard until November 21st, although beginning on October 9th, she, (b)(6); (b)(7)(A); (b)(7)(C) and others informed the EOA, the UMPD, and other offices, professors and administrators of the threats and online postings, along with screenshots and video evidence when submitting multiple anti-bias and police reports. Prior to November 21st, all that had been done for (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) in particular was to coordinate with their professors to make sure these professors were aware that the two students were having a hard time to excuse them from attending class and ensure that they were given extensions; they were also advised that they could access the University's counseling center if needed (an option always open to all students).

Note that the 2020 Title IX regulation updates explicitly do not impact any other federal legislation, despite the University's assertion that these updates require schools to apply the new Title IX standard to Title VI and other investigations.¹³

¹³ See, 34 C.F.R § 106.6(a): Effect of other requirements and preservation of rights: The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b–2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation (emphasis added).

The high standard presented served to delay the harassed students' decision to file formal complaints, as these students were told by one of the three UMass Title IX investigators that their harassers would know their identities if they complained—a standard intimidating to anyone contemplating filing. As a result, while our clients were deciding whether to file (after they had already provided the University with multiple forms of notice of the ongoing in-person and online harassment), multiple University offices sat on the notice students provided for months before commencing an investigation of the hostile environment, effectively allowing it to continue, fester and increase—particularly with the dangerous doxing on Canary Mission. To date, the University has never publicly acknowledged that multiple Palestinian and Arab students have been made to feel unsafe and unwelcome on campus, nor has it attempted meaningfully to resolve the tension on campus or advised the community that such harassment would result in disciplinary action. (b)(6); and (b)(6); in particular continue to feel extremely unsafe on campus, due to a number of continued events that grew out of the unchecked harassment, particularly by (b)(6); (b)(7)(A);

The University's Application of the Title IX Investigatory Standard to Title VI Allegations, along with its Inaccurate Interpretation of the First Amendment's Requirements Exacerbated the Impact of the Hostile Environment and Delay its Investigation:

The standard followed by the EOA Office directly contravenes OCR's long standing requirement that recipients of federal funding address a hostile environment on the basis of national origin of which it has actual or constructive notice, by taking prompt and effective action reasonably calculated to (i) end the harassment, (ii) eliminate any hostile environment and its effects, and (iii) prevent the harassment from recurring.¹⁴ As OCR has repeatedly held: 1) a hostile environment may be directed at anyone on campus; 2) all members of the campus community who participated in the creation of the hostile environment must be disciplined given even constructive notice of their involvement, and; 3) the response must be designed to "redress fully the specific problems experienced as a result of the harassment."¹⁵

¹⁴ See, for example, OCR's November 7, 2023 *Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics* ("November 7th, 2023 Shared Ancestry Harassment Guidance") https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=. See also, *Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance*, 59 Fed. Reg. 11448, 11450 (Mar. 10, 1994) ("1994 Racial Harassment Guidance"); *Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance* (March 1994); U.S. Department of Education Office for Civil Rights, *Harassment and Bullying Dear Colleague Letter* (October 2010).

¹⁵ 1994 Racial Harassment Guidance

OCR's most recent guidance reiterates that recipients are obligated to take "immediate and effective action to respond to harassment that creates a hostile environment" of which they are aware. This guidance was issued after the 2020 update to the Title IX regulations but makes no reference to any change to that obligation arising from the update. Consequently, so long as a recipient has formal or informal notice of the harassment, the requirement to respond effectively remains even without a signed, formal complaint. This guidance continues to define a hostile environment as "unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity."¹⁶

In this case, as demonstrated below in great detail, the University had more than ample actual and constructive notice of the hostile environment for Palestinian and Arab students, perceived Palestinian and Arab students, and their allies on campus, yet failed to ever attempt to address the environment as a whole; it also failed to promptly remedy the impact of the months of harassment on affected students. Further, once it began its investigation, it seems to be addressing each individual incident as an isolated event rather than as part of the hostile environment as a whole. It also seems to be inappropriately claiming that the harassment constituted speech protected by the First Amendment.

Specifically, the University appears to have declined to investigate many of the concerns brought to the UMPD and the EOA over the extremely tense months of October and November 2023. In a number of cases when students alerted the UMPD of their concerns, the UMPD declined to take any action as they decided that the underlying events both failed to satisfy the elements of State criminal statutes and were protected speech under the First Amendment.¹⁷ When the EOA was simultaneously given notice of the same events, it initially delayed any investigation, possibly due to the erroneous application of the Title IX investigatory requirements to these Title VI violations. Then, when it finally began to investigate, it seems to have treated each event as an isolated incident, rather than examining the way the targeted students experienced the combined impact of the anti-Arab and anti-Palestinian comments made in person and online.

¹⁶ November 7th, 2023, *Shared Ancestry Harassment Guidance*, p.2. Note that while this guidance does not address the issue of constructive or formal notice in the context of the 2020 Title IX amendments, it would be unnecessary to do so, given that these amendments explicitly did not impact any other federal legislation. See, note 3, *supra*.

¹⁷ See the events described below regarding a November 17th Community/Police Advisory Board meeting.

For example, on February 12th, 2024, the EOA Office issued its only finding¹⁸ to date in response to a report submitted on October 9th, 2023, which reported that Arab students on campus were scared for their safety due to in person and online threats of violence and harassment, particularly by UMass students (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). This finding only addressed the events included in the October 9th report, which referenced shouts of “Kill all Arabs” made by a (b)(6); (b)(7)(A); (b)(7)(C) towards a group of students protesting for Palestinian rights (including Arab students (b)(6); (b)(7)(A); (b)(7)(C)¹⁹ (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C)) at an off-campus protest, which were then compounded by his online posts accusing them of being ISIS and terrorism supporters and loving “raping and killing.”

Especially combined with the repeated continued similar behavior that followed, these statements constitute severe and pervasive harassment that is so subjectively and objectively offensive that it denied these and other Palestinians, perceived Palestinian, and Arab students the ability to participate in or benefit from the recipient’s educational programs and activities. Indeed, all the students named above, along with several others, stopped attending classes, had a very difficult time completing work, experienced mental health challenges, had trouble interacting with professors who they perceived to paint them as antisemitic based on anti-Palestinian and anti-Arab stereotypes, and in at least one case had to quit a campus job because of the impact of the harassment on her ability to function.

Moreover, UMass’s assertion that these statements are not threatening because they constitute speech protected by the First Amendment is inaccurate. A true threat, as described by the Supreme Court, is “serious expression[s] conveying that a speaker means to commit an act of unlawful violence.”²⁰ In determining whether speech constitutes a “true threat” the courts state that recklessness standard is sufficient to override First Amendment interests and that the accused must have had some understanding of his statements’ threatening character. Given (b)(6); (b)(7)(A); (b)(7)(C) attempt to run over Palestinian and Arab students at an SJP protest with his electric scooter while also playing audio of bombs exploding, suggesting a violent attack on the protest, his uttering of the words “Kill all Arabs” at this protest more than meets the Supreme Court’s “recklessness standard.” Moreover, the phrase “Kill all Arabs” is evidently striking enough that it is not at all arguable that (b)(6); (b)(7)(A); (b)(7)(C) did not see the threatening nature of his own hateful speech.

His threatening message isn’t protected by *Brandenburg* either, as *Brandenburg* holds that speech is prohibited when it is both “directed to incite or produce imminent lawless

¹⁸ See **Exhibit 7**.

¹⁹ (b)(6); (b)(7)(A); (b)(7)(C) is also Palestinian.

²⁰ *Counterman v. Colorado*, 600 U.S. 66 (2023).

action" and "that the speech is likely to incite or produce such action."²¹ Here, [redacted] didn't have the ability to "Kill all Arabs" as he cried, but he did attempt to attack Arab students (and students appeared to be Arab, or those protesting on behalf of Arabs) with his scooter while playing audio of bombs dropping. This violent action struck fear in students that they would get harmed by [redacted] imminent assault with his scooter and/or the bombs playing would lead to a harmful attack on them whether by [redacted] or people with [redacted]. For the Arab students such as [redacted] and [redacted] who all have family or other connections in Lebanon and Palestine, the playing of the bomb sounds also was particularly traumatizing.

Even assuming, arguendo, that the statement "Kill all Arabs" (while actually trying to physically injure them with an electric scooter) was First Amendment protected speech, this fact does not absolve UMass *from taking no action whatsoever*. As noted above, the University has failed to communicate a rejection of stereotypical, derogatory opinions towards Palestinians and Arabs—including a literal call to kill them all—despite repeated requests from students. Instead, it has dismissed complaints at every turn, claiming its hands are tied. As OCR has noted on its website:

The fact that discriminatory harassment involves speech, however, does not relieve the school of its obligation to respond if the speech contributes to a hostile environment. Schools can protect students from such harassment without running afoul of students' and staff First Amendment rights. For instance, in a situation where the First Amendment prohibits a public university from restricting the right of students to express persistent and pervasive derogatory opinions about a particular ethnic group, the university can instead meet its obligation by, among other steps, communicating a rejection of stereotypical, derogatory opinions and ensuring that competing views are heard. Similarly, educational institutions can establish a campus culture that is welcoming and respectful of the diverse linguistic, cultural, racial, and ethnic backgrounds of all students and institute campus climate checks to assess the effectiveness of the school's efforts to ensure that it is free from harassment.²²

The below timeline outlines the extensive harassment experienced by UMass Arab students and on occasion their allies, the notice provided to multiple UMass offices, and the University's response.

²¹ Brandenburg v. Ohio, 395 US 444 (1969).

²² U.S. DEPARTMENT OF EDUCATION, *Race, Color or National Origin Discrimination*, <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/race-origin.html#racechar1> (last visited March 21, 2024).

- a. Timeline showing that UMass was repeatedly advised of the harassing behavior yet failed to take prompt and effective action, allowing the harassment to fester and compound the harm experienced by multiple students.

Beginning on October 9th, numerous SJP members²³ reported these threats and harassment to various University offices, including the UMPD and the Dean of Students, and implored them to take action in response. They informed these offices that the primary targets of harassment were a group of young women, including (b)(6); (b)(6); and (b)(6); and noted that they lived together in a rural off-campus house. Additional reports were filed with these offices and to various UMass professors and administrators on numerous occasions over the month of October, providing repeated notice of the hostile environment on campus for Palestinian and Arab students and their supporters. These reports were met with delay, confusion, and vague and contradictory instructions—all of which compounded the lack of safety and gave the message that the school would fail to protect them in the absence of a direct and specific threat.

For example, on October 9th, (b)(6); (b)(7)(A); (b)(7)(C) one of the students living in the off-campus house with (b)(6); and (b)(6); told the UMPD, the Dean of Students and other UMass offices that she was concerned for the safety of this group of female students in particular and for students associated with SJP in general. She explained that (b)(6); (b)(7)(A); (b)(7)(C) had assaulted someone at a pro-Palestinian protest off-campus, had threatened SJP at campus protests, and directed hate speech at several of them online, both prior to October 7th and afterwards. She attached screenshots of the social media posts, including a comment regarding the SJP meeting time made by (b)(6); stating “classic Islamic barbarism supporters, you guys love raping and killing.” Below is a screenshot of the first email sent to numerous UMass administrators on October 9th:

²³ In addition to (b)(6); and (b)(6); SJP members and allies (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); all submitted information regarding the harassment at around this time and over the following months. SJP members (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); also eventually ended up filing informal and then formal complaints over the course of October through December 2023. See **Exhibit 5** and **Exhibits 8-16** for documentation, along with the individual statements of each student included in **Exhibit 17**.



UMass Amherst SJP <sjpumass@gmail.com>

to amassey, welum@umass.edu, amrussell@umass.edu, pcardoso, jconnary, corrina.parsons@umass.edu

Mon, Oct 9, 7:36PM



Good evening,

We are writing to you today as Students for Justice in Palestine and the Arab Cultural Association, but also as students concerned for our safety. Today, Isenberg student [b](6) left a comment on a UMass SJP post about our meeting time, a post published over three weeks ago, saying: "classic Islamic barbarism supporters, you guys love raping and killing" and when another commenter responded, he said, "Do you love ISIS too?" This is extremely disturbing, Islamophobic, and quite frankly, disgusting. A screenshot of his comments and profile is attached below. More notably, at a peaceful protest in Northampton earlier, [b](6) proceeded to interrupt the protest, shove elders in attendance, and scream blatant hate speech such as "burn Gaza to the ground", "fuck all Arabs", "Kill all Muslims", etc. He said to one elderly woman in attendance "You should roll over and die, like the Palestinians". We have videos of part of this encounter, although he is wearing a helmet in the video we all saw his face beforehand. We would hope that Isenberg does not stand in solidarity with such comments and that [b](6) will have repercussions for what he said. We have events planned in the coming week and have been hearing from multiple groups about an increase in Islamophobic incidents on campus, and are quite honestly feeling unsafe about his presence.

Thank You,
UMass Students for Justice in Palestine & The UMass Arab Cultural Association

[b](6) changed his profile photo on Instagram after receiving comments responding to his on our post, his comment about ISIS was after he changed it, which is why his profile picture is different in one of the screenshots.)

The UMPD responded that they would get back to them in a few weeks and offered no support. Dean of the Isenberg School of Management Dr. Anne Massey was the only administrator to respond, but simply provided links to the University's Bias Incident Report and Student Code of Conduct violation forms. Several of the students submitted these reports to the appropriate offices, again with limited response at best.

For example, on October 11th, [b](6); [b](7)(A); [b](6); another of [b](6); and [b](6); friends and a member of both SJP and Dissenters, provided the same information to Emmanuel Adero, Deputy Chief Officer for Equity and Inclusion in the Office of Equity and Inclusion. She filed a "Care Report" and a "Climate Incident Report" on behalf of [b](6); [b](6); [b](7)(A); [b](6); and another student, stating that they all had not been able to do work or attend class since October 7th.

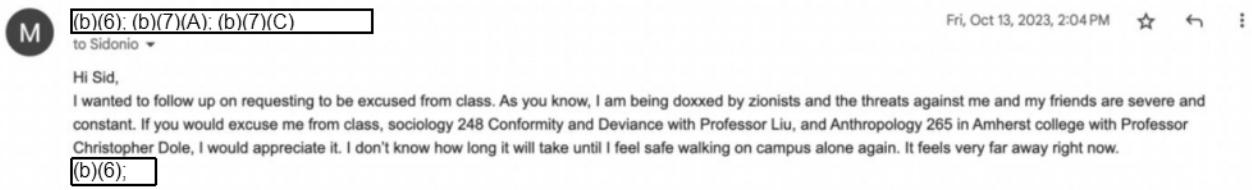
Mr. Adero responded on October 13th, when he wrote [b](6) to say that several supportive measures had been implemented but made no reference to opening an investigation into hate speech or discriminatory threats on campus. He told her to file a bias report as well, though he acknowledged that she had already done so. In response, [b](6) wrote that people were continuing to direct threats and hate towards her Arab friends, as well as anyone supporting SJP. She cc'd [b](6); and [b](6); and stated that they had received "endless hate and direct threats to their well-being and safety from community members." She stressed that they felt "entirely unsafe," and asked what was "being done to help the students targeted as well as what is being done to those making threats."

In the meantime, SJP students including [b](6); [b](7)(A); and others were relentlessly targeted online by the anonymous accounts with direct links to UMass. For example, an Instagram account temporarily named "Amherst Zion Warroom" would tag individual students and SJP in general, calling Palestinians "animals," and making other insults. These accounts would reference specific locations and times of protests on campus,

accusing SJP of advocating for killing and raping innocents, being antisemitic, supporting terrorists at UMass, and being pro-rape babies. It also called for leveling Gaza, saying “f&*K Palestine,” and making comments such as “I think y’all should be wiped out outta Gaza.” (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6) kept sending screenshots of these posts to various UMass offices. They informed the offices that they believed this account to be run by a UMass student named (b)(6); (b)(7)(A); (b)(7)(C)²⁴

On October 12th, (b)(6); (b)(7)(A) showed up to an SJP protest with a device that made sounds imitating bombs exploding. He tried to run over students with his electric scooter, and shouted “Death to All Arabs,” or “Kill all Arabs” and had to be held back by security. A student named (b)(6); (b)(7)(A); (b)(7)(C) also appeared at this protest, and behaved in a threatening manner to (b)(6); (b)(7)(A); (b)(7)(C) trying to hit her in front of several witnesses. Arab students (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) amongst others, were present at this protest.

On October 13th, (b)(6); (b)(7)(A) wrote to Sidonio Ferreira, Special Assistant to the Vice Chancellor of Student Affairs and Campus Life, following a conversation where she told him that she was scared for her safety. The email exchange follows:

 Fri, Oct 13, 2023, 2:04 PM ☆ ↗ ⋮

M (b)(6); (b)(7)(A); (b)(7)(C)
to Sidonio

Hi Sid,
I wanted to follow up on requesting to be excused from class. As you know, I am being doxxed by zionists and the threats against me and my friends are severe and constant. If you would excuse me from class, sociology 248 Conformity and Deviance with Professor Liu, and Anthropology 265 in Amherst college with Professor Christopher Dole, I would appreciate it. I don't know how long it will take until I feel safe walking on campus alone again. It feels very far away right now.
(b)(6);

 Fri, Oct 13, 2023, 2:43 PM ☆ ↗ ⋮

S Sidonio Ferreira <sdf@umass.edu>
to me

Hi (b)(6);
I'm sorry to hear of what is happening to you and others and that you don't feel safe.
I'll send this to the vice provost who will be in contact with the professors.
Please keep me posted.

Best,
Sid Ferreira

Following the email, the Provost's Office wrote some of (b)(6); (b)(7)(A); (b)(7)(C) professors to advocate for extensions of time in submitting assignments. This email came on October 18th, but made no reference to an investigation of (b)(6); (b)(7)(A); (b)(7)(C) safety concerns.

On October 15th, after hearing nothing from Mr. Adero or any of the other offices she had informed of the threats, (b)(6); (b)(7)(A); (b)(7)(C) wrote to him again, copying (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) provided Mr. Adero with screenshots of a verified Twitter/X video of

²⁴ See footnote 10 above for an explanation of these accounts.

(b)(6); (b)(7)(A) that named her and makes her UMass affiliation clear. This video was from an account called Camera on Campus. (b)(6); (b)(7)(A) also provided screenshots of (b)(6); (b)(7)(A); (b)(7)(C) being targeted by Fox News reporter Kelly Dillon, who wrote an inflammatory story about UMass protesters on Fox and in the Daily Mail. This story featured a picture of (b)(6); (b)(7)(A); (b)(7)(C) and claimed that UMass protesters for Palestine had harassed this reporter. (b)(6); (b)(7)(A); (b)(7)(C) reported that (b)(6); (b)(7)(A); (b)(7)(C) had since been inundated with messages from reporters and hate from people who read the story. She added that the article also quoted Republican politicians calling for pro-Palestinian student groups to be investigated. As a result, she wrote, “students are feeling deeply fearful to express their support for Palestine.” She also stated that “the criticism (of these protests) has reached dangerous levels of expressed hatred,” and added “I can report to you first hand that students are scared. Students showing support to SJP feel unsafe both on campus and in the Amherst community. We need administrative support to address this as well as to provide and protect students facing threats” (*emphasis added*). She added that (b)(6); (b)(7)(A); (b)(7)(C) and another student had not been to class since October 7th due to the distress they were experiencing as a result of the situation in the Arab world; to date no one from the administration has ever reached out to them. (b)(6); (b)(7)(A); (b)(7)(C) in particular reports that his stress and anxiety were compounded by the lack of response from the school, along with his concerns about his relatives in Lebanon, the doxing and his fears about his address being posted online. He also found the school’s silence on the events in Gaza to be particularly troubling in comparison with the statements issued by the administration in support of Israel and Ukraine.

The only response (b)(6); (b)(7)(A) received from Mr. Adero was on October 16th, when he wrote to simply state that he had forwarded her emails to the Dean of Students. The only response provided by the University was to speak to (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) professors to advise them to provide extensions, and to give them the website for the campus counseling service.

On October 16th, (b)(6); (b)(7)(A) wrote to Kerri Tillett, Associate Vice Chancellor for Equal Opportunity and Access to report these actions. She wrote:

Anti Palestinian and Islamophobia on Campus External Inbox x

R (b)(6); (b)(7)(A); (b)(7)(C) Mon, Oct 16, 2023, 12:13 PM ☆ ↶ ⋮

to Kerr (b)(6); *

Hi Kerri,

My name is (b)(6); and I am co president of Umass Students for Justice in Palestine alongside (b)(6); am palestinian. (b)(6); is lebanese, and we are both Muslim. For the past week, as I'm sure you are aware, we have been dealing with racism, islamophobia, and death threats. We have been doxxed on new anonymous accounts that have been created and followed by accounts such as "Palestinians are animals". We feel extremely afraid and unsafe and have not been to class in a week. We do not feel protected by the campus.

We have evidence of UMass's on students, such as (b)(6); calling us "Islamic barbarism supporters" and saying we "love raping and killing". We have additional reports of UMass students such as (b)(6); shoving one of our own at our protest last week. I personally have gotten private messages by (b)(6); saying we have been "calling Jews the KKK" at our protests, which is clear and simply defamation, but also racist tropes that Muslims/Arabs are anti-semetic.

I am writing to you because we have already reached out to what feels like a million different offices and UMPD, and still nothing has been done to protect us. We do not know how to proceed. We demand these students to face repercussions and for the university to acknowledge that by not speaking up, they are putting us at risk. We hope that you will do something.

(b)(6);

On October 17th, Dr. Norman Finkelstein, a political scientist, child of Holocaust survivors and supporter of Palestinian rights, gave a lecture on campus called "The Struggle for Justice in Palestine: Past, Present, and Future."²⁵ The lecture was attended by several SJP students, including (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); During the event, several anti-Palestinian students shouted "baby killers" as soon as Dr. Finkelstein began speaking (referencing Palestinians) and ran out laughing.

On October 19th, (b)(6); wrote Farshid Hajir, Senior Vice Provost and Dean of Undergraduate Education, in response to his October 18th email to her after hearing from Sidonio Ferreira about her concerns. She emphasized the extent of the impact of the harassment on her academic performance and her mental health, writing "I can barely shower these days let alone write an essay." He responded to her the next day acknowledging her message after she wrote to follow up; it was not until October 23rd that he wrote with the following message:

F Farshid Hajir <hajir@provost.umass.edu> Oct 23, 2023, 5:00 PM ☆ ↶ ⋮

to me ▾

Dear (b)(6);

My apologies for not getting around to sending those messages earlier! It was very hectic last Thursday and Friday. I did send out messages to your instructors (Shuyin Liu and Chris Dole) for Soc 248 and The Amherst College class on the middle east today.

Are things getting any better for you? I definitely want you to have a chance to be successful this semester, so if you're finding it hard to concentrate on academics (let alone take a shower, as you said!), let's talk about how you might find ways to stay centered and focused on all of your goals, including your own individual success in classes. I'd be happy to see if I can help in any way.

Regards,
Farshid

...

²⁵ See Luke Macannuoco, *Dr. Norman Finkelstein talks to UMass*, MASSACHUSETTS DAILY COLLEGIAN (Oct. 24, 2023), <https://dailycollegian.com/2023/10/dr-norman-finkelstein-talks-to-UMass/>.

Note that although he wrote to [b](6); [b](7)(A); instructors and invited her to talk to him about how to “stay centered,” he offered no resources whatsoever to help her deal with her obvious emotional distress.

On October 23rd, the Equal Opportunity and Access Office (EOA) responded to [b](6); [b](7)(A); advising her that they had received the email to Kerri Tillett, as well as the original one from SJP. They advised her that someone would contact her to follow up. Ryan Morse of the EOA also wrote something similar to another student (“Student A”)²⁶, who had filed due to his concerns regarding messages left on the UMass SJP’s Instagram page.

On October 25th, approximately 500 students affiliated with SJP and Dissenters participated in a protest at the UMass Whitmore Administration Building. 300 of these students engaged in a sit-in, “occupying” the building and presenting the administration with a series of demands,²⁷ including one that asked for support for Palestinian, Arab, Jewish and Muslim students. The protest included a number of chants, such as “Chancellor Reyes, you can’t hide, you are funding genocide.”²⁸ As soon as the building officially closed at 6 pm, UMPD informed students that they would be arresting anyone who refused to leave; 57 students were ultimately arrested.²⁹

When the UMPD arrested the students, they brought them to the precinct for booking, zip tying or handcuffing the students’ wrists, often quite tightly. The students were arrested in small groups between approximately 7:00 pm to midnight. As a result, more students were required to stay overnight in holding cells than could comfortably be accommodated, causing overcrowding in the cells. At least one Arab student, [b](6); [b](7)(A); was required to stand all night handcuffed to a wall. Even the students who were given

²⁶ See **Exhibit 13**. Note that Student A has expressed interest in participating in this case but has not yet submitted a consent form. We will update OCR in the event that we receive the form from him.

²⁷ The full set of demands were: 1) UMass divest from and cut ties with war profiteers which arm Israel’s genocide in Gaza, such as Raytheon; 2) UMass replace war profiteers and offer better job opportunities to students by partnering with groups working towards a sustainable and demilitarized future; 3) Chancellor Reyes make a statement condemning Israel’s genocide in Gaza and stating support for Palestinian, Arab, Jewish, and Muslim students. See **Exhibit 18** for documentation.

²⁸ For videos of the protest, please see **Exhibit 19**.

²⁹ Note that in the numerous prior sit-ins over the past several decades, the University had never arrested student protestors as soon as the building closed; rather, past sit-ins had been allowed to continue for days and in some cases weeks before the police were sent in. In no case other than this one were campus disciplinary charges pressed. Please see Allegation 2, **Exhibit 20** (statement of past protestor) and <https://northamptonopenmedia.org/protest-UMass-divest-protest-41416/> for further details about past protests and the different treatment/retaliation aspect of this allegation.

cells with beds experienced mistreatment, as the air conditioning was blasting and the air was freezing, but they were not given blankets, while temperatures in Amherst reached freezing that night. The students also felt that the officers were intentionally making loud noises (such as activating the very noisy flushing mechanism on a toilet in a cell from the outside) to prevent anyone from sleeping. They all were released the next morning after being booked and given arraignment dates. The speed with which these arrests were conducted (in a matter of minutes following the building's closure as compared to at least a few days in prior similar protests³⁰) constitutes different treatment on the bases of national origin, perceived national origin and advocacy for the rights of Palestinians, but also contributed to the hostile environment experienced by the Arab and Palestinian students involved, particularly (b)(6); (b)(7)(C).

On October 26th, the following day, the Chancellor held a meeting with SJP and Dissenters representatives,³¹ who informed him of the anti-Arab and anti-Palestinian harassment on campus and asked him to send an email condemning this behavior. In response, he kept asking them what else he could do. The only email he sent was in a statement on October 27th about the protests, affirming the right to protest and emphasizing "the responsibility that comes with exercising these rights." It went on to state that "(a)ll members of our community are expected to engage in conversations about sensitive topics with respect for the perspectives and experiences of others. . . We protect the rights of our community to hear and be heard without harassment or threats. We will not tolerate any member of our community threatening the safety of another; if you or someone you know has been the target of such behavior, please make a report so that the appropriate office may follow up. Islamophobic and antisemitic attacks are beyond unacceptable in our community."

Upon information and belief, UMass has condemned attacks on other national origin and/or protected groups in similar emails over the years. The Chancellor's failure to state that threatening behavior against Palestinian or Arab students would also not be tolerated further contributed the anti-Palestinian hostile environment on campus and shows the disparate treatment faced by Palestinian and Arab students on campus.

As such, the harassment continued unchecked.

On November 1st, Student A wrote back to the EOA and stated, in relevant part:

³⁰ *Id.*

³¹ The students in this meeting were (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). Another Dissenters member was present as well (this student is not part of this complaint).

I'm concerned that there has been no follow-up on this report, as it has now been almost a month since multiple reports of this nature have been filed. In the time since, many other Arab and Muslim students at UMass have been harassed, doxxed, called slurs, and threatened by other UMass students. I understand there are likely a lot of hoops to jump through with this process, and I thank you for listening in the first place. I am genuinely concerned for the safety of my Arabic friends who have been subjected to this treatment online for almost a month now.

In his communication, Student A provided additional screenshots of “Islamophobic and homophobic behavior of multiple UMass students,” namely (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(6); (b)(7)(A). He stated that he believed these two students ran the amherstzionwarroom account, which was “responsible for hate speech on a ridiculous degree to Muslim students at UMass and also the doxing of a Palestinian student.” He backed up his assertion with the following screenshots:



< amherstzionwarroom

10 Followers 21 Following For you

Q Search

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

Follow

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

Follow

Also on November 1st, (b)(6); (b)(7)(A); (b)(7)(C) mother of (b)(6); (b)(7)(A); (b)(7)(C) wrote to the University Chancellor.³² Her email requested his support for (b)(6); (b)(7)(A); (b)(7)(C) and other Arab students, challenged the Chancellor's handling of the events of October 25th, demanded that the disciplinary consequences be dropped, and explained once again the impact of the hostile environment. She wrote:

(b)(6); (b)(7)(A); (b)(7)(C) is already struggling to deal with threats and hate speech as well as doxxing because of her leadership role in Students for Justice in Palestine. "Kill all Arabs" is only one of the many forms of hate speech that have been directed at her. On October 14th, she spent her evening at the police department reporting a follow request from "Palestinians' Are Animals" on Instagram. The account included a photo with the caption "HELP! WHERE IS THE BEST BEACH IN GAZA TO BUILD A HOUSE NEXT TO?! I heard Pali bones make great foundation!" These are just some examples of what my daughter has had to deal with over the past few weeks. Most of her Arab and Muslim friends have had similar experiences.

The Chancellor did not respond to this email. Nor did he respond to the next one she sent on November 3rd, after the UMPD posted the names and home addresses of all 57 arrested students on its website, claiming erroneously that it was simply following Massachusetts law. (b)(6); (b)(7)(A); (b)(7)(C) email demanded the immediate removal of the addresses, as "many of these students are being doxxed and have been receiving death threats." The continued posting of the addresses on the website compounded the stress of the students as well as their families whose home addresses could now be found online. Between November 3rd and December 5th, families of the arrested students wrote the UMPD and/or the administration at least 12 times to complain about the posting of their home addresses and demand their removal. The University response was minimal and non-compliant with the demands.³³

On Thursday November 2nd, Ryan Morse of the EOA responded to Student A's November 1st email stating that EOA staff "review all reports submitted . . . to determine appropriate follow-up in accordance with the university policies we oversee. In the event there is an actionable item under our policies, confidentiality and privacy regulations may limit our ability to follow up with reporting policies . . ." The same day, Maggie Piermarini of the EOA also wrote to follow up and ask if Student A needed any assistance. She stated that if they did not hear from him by the following Monday, they would assume that he was "all set for now."

³² **Exhibit 21**

³³ See **Exhibit 22** for a list and sampling of these communications.

On Friday, November 3rd, a pro-Israel demonstration took place on campus, at which a student³⁴ was accused of making aggressive and rude gestures, assaulting UMass student (b)(6); (b)(7)(A); (b)(7)(C) and stealing and spitting on the Israeli flag that (b)(6); (b)(7)(C) was holding.

Although the accused student maintains a very different version of the events, asserting that (b)(6); (b)(7)(A); (b)(7)(C) and others taunted and goaded him into responding, on Sunday, November 5th, Shelly Perdomo-Ahmed, the Interim Vice Chancellor for Student Affairs and Campus Life, and Tyrone Parham, the Assistant Vice Chancellor and Chief of Police, sent an email to the entire UMass community (including parents), repeating the accusations against the Middle Eastern student as if they were already investigated and proven.³⁵ The email also maintained that “there are no indications of any credible threats to the UMass community,” omitting any mention of the hostile environment on campus for Palestinian students, Arab students and their allies.³⁶ As it was sent two weekend days after the encounter, no investigation could possibly have been completed by then. In fact, the formal investigation was not started for quite some time and, upon information and belief, is still underway. Note that neither Perdomo-Ahmed and Parham, nor any other member of the UMass administration sent any similar email after receiving all the student complaints referenced above, or after a Jewish faculty member received threats of physical violence because she supports Palestinian rights.

On November 9th, the UMass_amherst_sjp_watch Instagram account, another of the series of anti-Palestinian accounts referenced above and upon information and belief run by (b)(6); (b)(7)(A); (b)(7)(C) posted that if anyone could identify a UMass student at the SJP protest planned for that day, the account would give them a shout out and submit the protestors to Canary Mission. The Instagram account also posted a screenshot of a submission of (b)(6); (b)(7)(A); (b)(7)(C) identity to Canary Mission.

Later in the day on November 9th, (b)(6); (b)(7)(A); (b)(7)(C) again showed up at an SJP protest, despite the multiple reports about his behavior at previous protests. A Palestinian student describes his and other students’ actions at this and other protests:

³⁴ Note that this student is pursuing charges against the University separately and is not a member of the group raising this complaint. His situation is being referenced to demonstrate the difference in the University’s response to a single alleged anti-Israel incident as compared to the multiple anti-Arab incidents reported to the school.

³⁵ See **Exhibit 31**.

³⁶ The UMass Hillel chapter also posted the accusations on its website. The result was an enormous amount of press attention to the event, which all reported the incident as described in the email from the administration, with reporting extending as far as The Times of Israel: <https://www.timesofisrael.com/UMass-student-arrested-for-punching-jewish-student-at-hillel-vigil/>

(b)(6) demeanor was not only obnoxious but also bordered on intimidation. His habit of getting uncomfortably close, flashing his phone in people's faces, and persistently recording was disruptive, rude, intimidating, and scary especially after him saying: "burn Gaza to the ground", "fuck all Arabs", "fuck all Muslims", etc. Hearing someone saying all these hateful things about your people, then having him come right next to you and being in very close proximity to you, almost bumping into you and borderline trampling over you, is very intimidating and scary, especially being a Palestinian Muslim student.

Another incident occurred during a vigil for the deceased individuals, where we were reading the names of all the innocent people who had been killed. I can't recall the names of these individuals, but two men who consistently attended the protests, one with a corgi dog³⁷ and the other always accompanying him, were laughing, dancing, and displaying complete disrespect. It seemed as if they did not consider these innocent people as humans and were mocking them, conveying a sense of pure hatred directed towards Palestinians without any regard or respect for them.

Even though (b)(6); (b)(6) had been reported to the Conduct Office and the police, he came to the November 9th protest in full motorcycle gear to film the protestors and to try to dox them. In the process, he hit (b)(6); (b)(7)(A); with his phone. Although (b)(6); (b)(7)(A) wasn't hurt, this assault compounded the impact of the hostile environment he had been experiencing on campus. After these events, (b)(6); (b)(7)(A) called the UMPD in distress and spoke with Lieutenant Napoli. He told her that the threats were not specific enough for a police response, so they could take no action. (b)(6); (b)(7)(A) also filed a report with the UMPD.

Beginning on this date and over the course of the next month or so, the names, photos, University affiliation, LinkedIn profiles, majors, and other information of multiple members of SJP and Dissenters appeared on Canary Mission. The names and photographs of (b)(6); (b)(7)(A); (b)(7)(C) ³⁸ and other SJP and Dissenters members all remain on this website to date. Again, this public doxing was especially alarming given the posting of their home addresses on the UMPD website. These students all reported that their information was submitted by (b)(6); (b)(7)(A); as they believed they had evidence that he was behind the various UMass Zionist/SJP Watch/IOF etc. accounts.

³⁷ The students have identified the student with the Corgi as (b)(6); (b)(7)(A);

³⁸ Note that all of these students have signed consent to release their identity to UMass. Another is willing to be a witness but is not a complainant and has signed Option B. See Exhibit 30 for a full list of the students doxed on Canary Mission.

Around the same time, following the doxing on Canary Mission, the targeted students began receiving multiple hate messages and threats from random people on the internet, including comments on the Canary Mission site. These threats again served to exacerbate the trauma that students such as (b)(6) and (b)(6) had been experiencing as a result of the treatment they were experiencing on campus.

Below is just one example of such threats, all of which were provided to the EOA Office, as well as the UMPD:



The image displays four separate Twitter posts arranged vertically. Each post includes the user's profile picture, name, verification status (blue checkmark), and the text of the tweet. The posts are as follows:

- Ceejtank** (@CeejTankGaming) · 5d: Roadkill doesn't ask questions... A tip for how to deal with anyone who's pro Hamas next time.
- Eric Hedden** (@EricheddenEric) · 5d: We're you armed? If not, will you be next time you are out in your car?
- I miss the 80's** (@Alaskan0832) · 5d: I don't like this. I don't know if you have those bodyguards 24 hrs a day, Lock and Load. Maybe it's the Dad in me, maybe the conspiracy theorist...but get armed.
- Debaditya** (@darc_elestial) · 5d: You should have asked their names as well. It would have helped to track and neutralize these terrorists masked as activists.

Also on November 9th, EOA Intake Coordinator Maggie Piermarini finally wrote to follow up on (b)(6) complaints to ask if she needed any support. (b)(6) responded the same day:



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

to Maggie ▾

Nov 9, 2023, 5:00 PM



Hello,

I am confused at this email. We were told to wait for someone to reach out to us and no one ever did. I have been doxxed and harassed to no end on campus and no one has done anything. There is no support for me or responses to anything we filed. I am unsafe and offended that it is even an option that I may be "all set for now."

(b)(6);
...

On November 16th, (b)(6); (b)(7)(A); (b)(7)(C) mother, once again demanded the removal of the home addresses from the UMPD website, both in a call and via email to UMPD Chief Parham in which the University President and Chancellor were copied. She again challenged the accuracy of the assertion that the posting was legally mandated and underscored the posting's impact on her daughter:

Since (b)(6); (b)(7)(A); arrest and your irresponsible decision to publish the names and contact information of the arrested students on your website, the harassment and intimidation she has been facing has increased dramatically... Your actions have resulted in direct harm to my daughter. Her name and contact information are now on "Canary Mission" a zionist platform that aims to mobilize attacks against anyone who stands against zionism.

(b)(6); (b)(7)(A); has been receiving a steady stream of hate, racist comments and harassment on social media. The content is aggressive and vile. She has not been going to classes. She does not feel safe. She refuses to report these attacks to your police department because she understandably does not trust that you will act to protect her. And I agree with her. (b)(6); reported the attacks against her to your police department on October 10th and 14th BEFORE you insisted on making her identity public. When she reported these attacks to the Dean of Students, the Dean and Provost were concerned enough that they excused her from classes and took steps to protect her identity. Only 2 weeks later, you made the decision to make her name and address public and put her in harm's way.

Your role, Mr. Parham, is to protect our children and keep them safe. Instead, you have knowingly put my child and other students at risk. I hold you and the university directly responsible for the psychological harm inflicted on my daughter. I demand that you take the name and contact information of my daughter off your website IMMEDIATELY and take steps to protect her from any additional harm.

(b)(6); (b)(7)(A); followed up this email with three phone calls and although she received a return call the next day the addresses remained posted. She and a number of other parents

continued to write the UMPD and the University administration with little to no response; the addresses remained posted.

On November 15th, Shayla Hernandez from the EOA office wrote to (b)(6); to schedule a meeting on November 21st. On the same date, Student A wrote back to Maggie Piermarini of the EOA office to ask if there was any update to the case he reported that she could share. He informed her that the Instagram account he reported for doxing weeks ago remained active and “with the very doxxing incident that was reported being PINNED on their account...UMass Arabic students continue to be verbally harassed on campus.” He included the following screenshot in his email:



On November 15th, Ms. Piermarini responded to Student A stating that she had a few follow up questions and requesting to meet. She also asked him if he had reported the account to Instagram. He responded that he would meet with her and referenced (b)(6); (b)(7)(A); (b)(7)(C); reports as well. He again mentioned (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); as the harassers of students including (b)(6); and (b)(6);.

On November 16th, Ms. Piermarini and (b)(6); met to review the EOA process, and on November 17th, EOA investigator Rita Curley reached out to schedule a meeting. Ms. Piermarini also met with Student A that day and emailed him a copy of a formal complaint form. Rita Curley followed up with him the next day to schedule a meeting with him as well.

On November 17th, a Community/Police Advisory meeting was held with several members of the University administration, including the Chancellor, UMPD Chief Tyrone Parham, Shelly Perdomo-Ahmed - Vice Chancellor for Student Affairs and Campus Life, Tilman Wolf - Senior Vice Provost for Academic Affairs, and a professor.³⁹ At this meeting, the professor raised the anti-Arab harassment complaints that had been filed to date, including the doxing on Canary Mission. He also read the legal definition of harassment several times, and asked the meeting participants why they did not agree that these complaints met the definition. Chief Parham disagreed that the events in question constituted harassment, as he maintained that harassment had to occur on multiple occasions directed towards one or a few people; he also said that doxing probably constituted free speech. Tilman Wolf added that by law they were limited in the

³⁹ See notes from the meeting at **Exhibit 24**.

actions they could take in the absence of a crime. Every time the professor returned to the topic of harassment, the subject was changed. The October 25th sit-in at the University's Administration building was also discussed. The administrators asserted that the protestors had been informed two days before the meeting that police would be arresting students as soon as the building closed. However, the students assert that no such communication had ever been made. Also, if the plan to arrest the students was discussed on October 23rd in what was supposed to be one of these Police Community Board meetings, no notes were taken at the October 23rd meeting.

On November 21st, a full month and a half after initial reports were made by and on behalf of (b)(6); (b)(7)(A) she met with Rita Curley of the EOA office. (b)(6); (b)(7)(A); (b)(7)(C) 40 accompanied (b)(6); in her interview for support. At the meeting, Ms. Curley explained the investigatory process; after (b)(6); explained the extent of the threats she and others had been receiving and the lack of support they felt the school had provided, Ms. Curley explained that they could not do anything significant in terms of investigating individuals accused of harassment due to, in her words, the "2020 rewrite of the regulations" that mandated a signed formal complaint before an investigation can be initiated. She then explained that she was referring to the 2020 update to the Title IX regulations, which she asserted extended to the manner in which Title VI and ADA allegations are processed. She explained that she was able to send out a mutual no contact agreement as an interim supportive measure that would not be put on a student's record or be used against anyone in the absence of a formal complaint. She also stated that her ability to investigate the campus-wide hostile environment allegations was therefore limited without signed consent. She also explained that there are only three investigators at the school, which compounded the difficulty.

When (b)(6); asked if there was anything else that could be done without a formal complaint, Ms. Curley encouraged her to keep filing reports of any further misconduct, and also explained the process for filing for a harassment prevention order at the local courthouse or police department. She qualified this explanation with the statement that the harassment prevention order could not be on behalf of all members of SJP, as the only way she could start a formal investigation of any allegation was with a signed, formal complaint.

Ms. Curley added that she had been collecting all the information that had been submitted with respect to the hostile environment, and that her office had offered supportive outreach and interim measures to anyone who had complained. She also stated that she and two other staff members were the only Title IX investigators for the whole UMass

⁴⁰ A former OCR attorney and (b)(6); (b)(7)(A); (b)(7)(C) who is *pro bono* counsel for the complainants, along with Palestine Legal.

Amherst campus.⁴¹ She stated that “all of the information has been grouped together and looked at by people above my head to see if it creates an unsafe environment that interferes with students’ ability to access the campus.” She added that, although in the past other students had been removed from campus when they were considered a safety threat to the general population, to the best of her knowledge the school did not currently feel that threshold had been met. She also added that while the investigation was underway, the school would not communicate any findings with regard to safety (contrast this with the November 5th email regarding the Israeli flag incident).

Ms. Curley also offered an example of a past incident where someone dressed up as a Nazi and attended class making “horrific statements” and was “ejected” from campus. She said that in that case, the people complaining wanted to remain anonymous, but as the threats that were being made were specific and involved weapons, it was different from “these people who walk the free speech line.”

Also on November 21st, (b)(6); (b)(7)(A) had an intake meeting in the EOA office with Sheyla Hernandez, EOA Office Intake Coordinator. (b)(6); (b)(7)(A) provided her with all the information documented above, and more.⁴² She informed Sheyla that she was not sleeping, eating or showering as a result of the trauma she experienced due to the harassment. She was given the website of the school counseling center and told that she could make an appointment there if she needed counseling. However, what (b)(6); (b)(7)(A) was seeking was a way to feel safe given the constant threats that she had been experiencing. Nothing was offered to her in this regard.

On November 24th, a UMass student named (b)(6); (b)(7)(A); (b)(7)(C) posted on social media a statement criticizing the media portrayal of the hostage situation in Gaza and citing examples of anti-Israel actions of Palestinian women and children that she described as “terrorist.”⁴³ (b)(6); (b)(7)(A); (b)(7)(C) one of (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) friends, wrote back and stated that (b)(6); (b)(7)(A); (b)(7)(C) post was racist, saying “You are brainwashed and have been conditions to deem all Palestinian as terrorists because you can’t accept that Israel could be in the wrong or that Palestinians have the right to resist occupation.” She then cited statistics regarding arbitrary detention in Israel and reports calling Israel an apartheid state. Shortly after, (b)(6); (b)(7)(A); (b)(7)(C) reposted (b)(6); (b)(7)(A); (b)(7)(C) post onto her own social media page, with pictures of male students, including one wearing a kuffiyeh (traditional Palestinian scarf), stating “these are the boys you have been dehumanizing.” (b)(6); (b)(7)(A); (b)(7)(C) then received a text

⁴¹ The campus is home to nearly 30,000 undergraduate and graduate students, as well as approximately 7600 FTE staff and faculty. See, https://www.UMass.edu/uair/sites/default/files/publications/glance/FS_gla_01.pdf.

⁴² See, (b)(6); (b)(7)(A); (b)(7)(C) Timeline, **Exhibit 5**.

⁴³ See **Exhibit 25** for all documentation related to (b)(6); (b)(7)(A); (b)(7)(C).

from one number stating “U look like a retarded toad,” immediately followed by another from another number stating “I heard your boobs are saggy and worn out,” and then another from a third number with multiple pictures of a cat with the phrase “it’s official I’ve gone insane” and stating “I’ve smelled fish better than ur coochie.” A text from a fourth number arrived stating “Don’t listen to the haters. A pussy that smells like a dumpster fire will always get me hard.”

On November 26th, (b)(6); (b)(7)(A); again wrote the Chancellor, President and Chief of Police asking for the implementation of active steps to protect Arab students. She again received no response. She wrote:

Three Palestinian undergraduate students were shot in Vermont last night!! Three young men were shot! Instead of protecting our children in this current political climate, you are exposing them to risk. This is dangerous and irresponsible. You need to take ACTIVE STEPS to protect our children. I expect a call. I expect an email to the “UMass community.” I expect action beyond the empty words that you have offered so far!

On November 27th, the EOA office reached out to (b)(6); (b)(7)(A); professors to tell them to let her have extensions and to understand that she was having a hard time. They were all quite flexible with her in response, but she did get one B+ for the first time in her academic career (she is a senior). Note that she had been a straight A student before the Fall 2023 semester; her inability to do her classwork during this semester not only impacted her grades, but added stress to the trauma caused by the hostile environment.

On November 28th, parents of all 57 arrested students wrote the Chancellor, several administrators and the UMPD,⁴⁴ calling out the University for failing to respond effectively and promptly to support students advocating for Palestinian human rights in response to the harassment described herein. The letter asserted that these students had experienced a hostile environment on the basis of national origin, and called for the University to take active steps to end the hostile environment, and affirm the rights of students to advocate for Palestine and human rights. The letter further discussed the difference in treatment in the handling of the October 25th protests as compared to other earlier protests, and once again demanded the removal of the students’ addresses. The letter included a list of demands including individual remedies for impacted students, a thorough assessment of the University climate regarding anti-Palestinian sentiment, and the development and implementation of a proactive plan in response. Rolanda Burney, UMass Chancellor’s Chief of Staff, responded to the letter on November 30th.⁴⁵ The

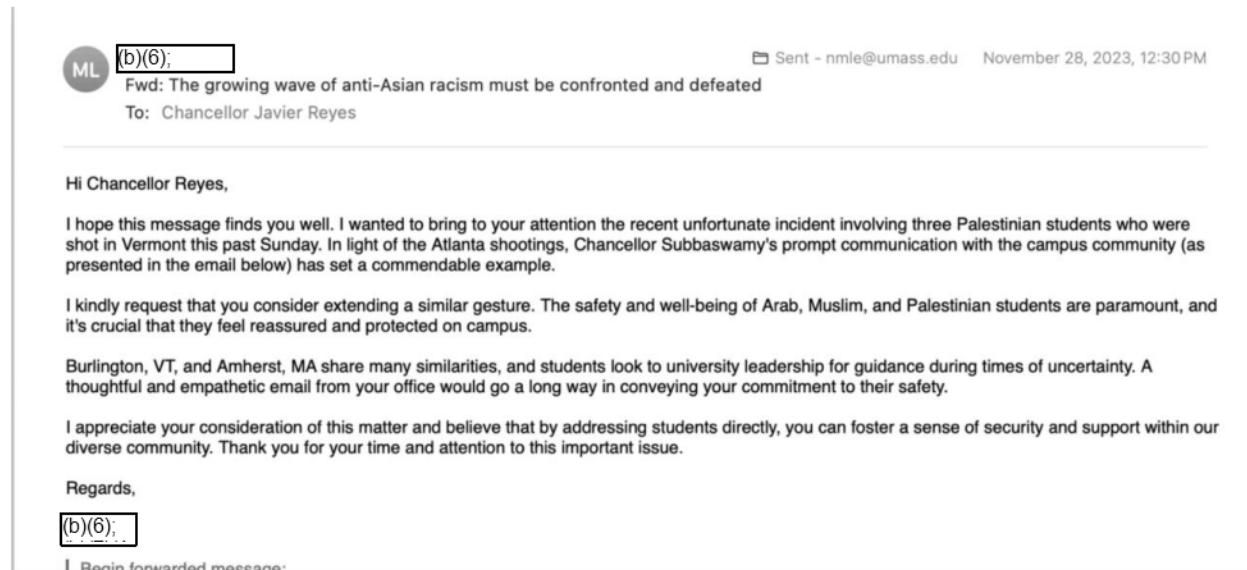
⁴⁴ See **Exhibit 26**.

⁴⁵ See email from Rolanda Burney, **Exhibit 27**.

letter justified the University's actions referenced in the parent letter and asserted that its response was appropriate and compliant with Title VI.

On November 28th, (b)(6) sent an email⁴⁶ to the interim Vice Chancellor of Student Affairs and Campus Life, Shelly Perdomo-Ahmed. (b)(6) stated that she would appreciate the opportunity to meet "given the weight of the harassment we are facing in light of the three Palestinian students who were shot in Vermont." Shelly cc'd her executive assistant and scheduled a meeting for Tuesday, December 9th. It is important to note that this was not the first time Ms. Perdomo-Ahmed was made aware of this harassment, as she had been cc'd on multiple emails and students were directed to her as a point of contact throughout the prolonged instances of harassment.

Also on November 28th, (b)(6), (b)(7)(A) sent the following email to Chancellor Reyes, referencing an email that former UMass Chancellor Kumble Subbaswamy sent on March 17, 2021 in response to a wave of anti-Asian racism:



ML (b)(6), (b)(7)(A)
Fwd: The growing wave of anti-Asian racism must be confronted and defeated
To: Chancellor Javier Reyes

Sent - nmle@umass.edu November 28, 2023, 12:30 PM

Hi Chancellor Reyes,

I hope this message finds you well. I wanted to bring to your attention the recent unfortunate incident involving three Palestinian students who were shot in Vermont this past Sunday. In light of the Atlanta shootings, Chancellor Subbaswamy's prompt communication with the campus community (as presented in the email below) has set a commendable example.

I kindly request that you consider extending a similar gesture. The safety and well-being of Arab, Muslim, and Palestinian students are paramount, and it's crucial that they feel reassured and protected on campus.

Burlington, VT, and Amherst, MA share many similarities, and students look to university leadership for guidance during times of uncertainty. A thoughtful and empathetic email from your office would go a long way in conveying your commitment to their safety.

I appreciate your consideration of this matter and believe that by addressing students directly, you can foster a sense of security and support within our diverse community. Thank you for your time and attention to this important issue.

Regards,

(b)(6), (b)(7)(A)
I am not the original message.

On the same day, (b)(6) wrote the UMPD, several members of the EOA including Maggie Piermarini, and the UMass Title IX Coordinator and shared screenshots of the harassing texts she had received. She asked for help and stated that the harassment was "a result of (her) activism for Palestine." She stated that she was certain that UMass students (b)(6), (b)(7)(A); (b)(7)(C) and (b)(6), (b)(7)(A) were perpetrators of the attack, and wasn't sure who else was involved. She asked for an immediate response and informed them that she had changed her number as a result of the harassment.

⁴⁶ See Exhibit 28.

On November 29th, UMPD Sergeant Matthew Malo wrote (b)(6); (b)(7)(A) stating he had received her complaint and asked her to come to the station to answer follow up questions. Shortly after, she also heard from Cenee Enriquez, the EOA-Title IX intake coordinator who provided her with an explanation of the steps involved in a Title IX investigation. She then met with Sergeant Malo, who later reported that he spoke to (b)(6); (b)(7)(A) and (b)(6); (b)(7)(A) about their messages and advised her she could reach out if anything new happened. She met with Cenee the following day, who wrote back after their meeting that she could put a mutual no-contact directive in place. Cenee also explained the next steps as follows:

First, I have gotten the go-ahead to put the mutual no-contact directives in place and will begin working on those. I will be inviting the other involved parties to a meeting with me where I can explain the terms of the directive and answer any questions they may have. They will receive the directives at that meeting, and those directives will become effective the moment they receive them. I will let you know when that meeting is taking place so you know when to expect to receive the directive. Just as a reminder, since the no-contact directives will be mutual, you will be barred from communicating with either party just as they will be barred from communicating with you.

Second, my team is currently working on reviewing our intake notes as well as the UMPD report, and are able to provide you with some realistic feedback as to the investigative piece. Right now, our hope is that the no-contact directive will resolve the harassment and serve as a suitable resolution. If the directive is broken, there would be a very straightforward investigation into that violation. That investigation does not have to determine who sent the texts but rather whether a university directive was violated. We can't make promises that an investigation into the texts will result in a finding and sanction, but if you want to proceed, it can certainly go forward with SCCS or us. The texts you shared with us are definitely offensive, but we need to make a determination as to whether it falls under the EOA policy purview or Code non-EOA defined misconduct.

(b)(6); (b)(7)(A) received the no-contact directive a few days later.

On November 30th, Student A met with Rita Curley, who provided him with an overview of the investigatory process and requested follow up information.

Also on November 30th, (b)(6); (b)(7)(A) filed an assault and battery charge against (b)(6); (b)(7)(A) (b)(6); (b)(7)(A) for his behavior at the November 9th protest. UMPD Officer Dylan Gordon processed his report, but on December 5th, he closed the case, telling (b)(6); (b)(7)(A) that he could not identify (b)(6); (b)(7)(A) conclusively, as all the photographs of him were in full motorcycle gear that obscured his identity. In his interview with the officer, (b)(6); (b)(7)(A) admitted attending the protest with his electric scooter but denied wearing a helmet or encountering any of the protesters. The officer also interviewed a student who confirmed that they recognized (b)(6); (b)(7)(A) despite his helmet. Notwithstanding (b)(6); (b)(7)(A) acknowledgement of his presence at the protest with his scooter and the statements of (b)(6); (b)(7)(A) and the other student, Officer Gordon closed the case stating that he could not positively identify (b)(6); (b)(7)(A).⁴⁷

On December 5th, the UMPD finally removed the students' home addresses from its website.

⁴⁷ See redacted UMPD report, **Exhibit 15**.

On Tuesday December 9th, (b)(6) and (b)(6); (b)(7)(A); met with University administrators Shelly Perdomo-Ahmed, Christopher Misra, Tyrone Parham, Sid Ferreira, and Linda Ziegenben in a Student Union meeting room. (b)(6); (b)(7)(A); projected her screen onto the meeting room television and reviewed a 50-page PDF document that detailed all of the harassment and inaction of the administration from October 7th until that date. (b)(6); and (b)(6); (b)(7)(A); repeatedly insisted that they were extremely frustrated with the lack of follow-through and requested they be kept in the loop regarding the active threats they were facing. In this meeting, (b)(6); and (b)(6); (b)(7)(A); were reassured that this harassment was abhorrent and unacceptable and that everyone affected was entitled to a follow-up and safety measures. Following this meeting, (b)(6); (b)(7)(A); emailed Shelly and Christopher this PDF per their request; since then there has been no follow-up from the school, or from the administrators who were most vocal in the meeting, despite (b)(6); (b)(7)(A); writing them again on February 11th to highlight their lack of response⁴⁸.

On December 13th, (b)(6); had a formal interview with Ms. Curley and provided her with a timeline of everything she had experienced during the school year to date, along with a record of all her efforts to get help from the school. On the same date, Ms. Curley contacted (b)(6); (b)(7)(A); who she interviewed on December 22nd. Since then, Ms. Curley has opened formal investigations on behalf of (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A);

On December 28th, (b)(6); (b)(7)(A); another Arab student who was arrested and who has close connections in Gaza, had her meeting regarding her discrimination complaint with the EOA office.⁴⁹ She described how throughout the semester she heard numerous reports of death threats, hate speech, and harassment towards Arab students reported to the University with no action taken; how she had been made to feel antisemitic on campus for her support of Palestinians; how difficult and burdensome the disciplinary process was for her; and the impact of having her and her friends' home addresses posted online. She also explained the negative impact on her of the retaliatory denial of study abroad for several of her fellow arrested students. She also raised how she felt that University administrators were more upset with students who were speaking out about Palestine than they were about the role the University plays in war crimes.⁵⁰ Her complaint explained how she had a hard semester and felt unsupported by the school, as she was constantly reaching out to administrators, faculty, and staff for support and solidarity, but felt that she could trust and be comfortable around very few of them.

⁴⁸ See Exhibit 16.

⁴⁹ See **Exhibit 14** for (b)(6); correspondence with the EOA going back to December 5th. She cannot find her initial communication with them, but it regarded the hostile environment she experienced on campus going back to October 2023.

⁵⁰ This sentiment reflects the Dissenters' agenda of getting the University to cut ties with Raytheon due to its production of weapons used in places such as Gaza.

On January 3, 2024, Rita Curley wrote to [redacted] to request her participation in Rita's investigation into the complaint regarding SJP. [redacted] met with Rita on January 18th by Zoom. The same day, she wrote Cenee Enriquez to say that she was supposed to be taking an eight-person honors thesis class with [redacted] who she believed to be a source of some of the harassment of SJP students. [redacted] stated that she was considering dropping the class as a result of [redacted] participation, but that Rita had thought it would be better to explore other options considering she had already completed the first semester of this two-semester class. The next day, Cenee wrote and explained:

Unfortunately, there is not a remote option for your honors thesis course. Since you all will be meeting primarily in small groups and one-on-one meetings with the professor this semester, my hope is that your contact with this individual can be kept to a minimum.

Professor Young let me know that he is happy to change your group composition if you'd like. Also, if you're comfortable with this, I can share the other individual's name with Professor Young so that he can keep the two of you apart to the best of his ability.

I'm sure this update is not what you were wanting to hear. If it is still an option you are considering, I would strongly encourage you to discuss the matter of dropping this course with your academic advisor. They will be able to better advise you on the implications that will have on your academic progress.

On January 30th, 2024, [redacted] and a few other students were given mutual no contact agreements on their behalf against [redacted] was given one against [redacted]

On February 11th, 2024, [redacted] sent an email to Shelly inquiring about the lack of follow-through from this meeting, the PDF document, and [redacted] follow-up email from December 9th.

On February 12, 2024, [redacted] received a letter from the EOA office⁵¹ responding to her report of October 16th, 2023 based on the events of October 9th.⁵² The letter concludes that the events [redacted] raised constituted protected speech under the First Amendment. The letter advises that the rest of the allegations she filed remain under investigation.

In approximately late February, UMPD Lieutenant Napoli advised [redacted] and [redacted] that he had issued a subpoena to find the IP address of the accounts that had been harassing them; he thus established that the owner of these accounts was [redacted] not [redacted] as they had believed. Since then, the UMPD and the EOA have advised [redacted] and [redacted] on the steps necessary to file Harassment Prevention Orders, which they received on March 28, 2024. However, [redacted] and [redacted] have since obtained access to [redacted] Instagram and text messages⁵³ and have discovered a host of disturbing information about him, which has heightened their distress and fear even

⁵¹ See **Exhibit 7**.

⁵² See **Exhibit 29** and above for the screenshot of the October 9th complaint.

⁵³ These messages are being collated and can be provided to OCR if needed.

further. Other than given them the website of the University counseling services, the University has never offered actual psychotherapy to either of these students. This is despite repeated notice of the intense psychological duress experienced by each student, including on March 6th, 2024 at an event involving the organization Standing Together, at which (b)(6) broke down and screamed at Shelly Perdomo-Ahmed that she needed psychological help in dealing with everything that has happened this year.

Although the University has taken belated steps to protect individual students from their known harassers, the administration has failed to issue a single statement explicitly condemning the threats and harassment and informing the community that they would be investigated and disciplined in accordance with the Code of Conduct. The school's silence serves to implicitly condone the harassment and intimidation of Palestinian and other Arab students and their associates on campus, especially when contrasted to its exceedingly prompt statement condemning the November incident perceived to be anti-Israel. Neither the Chancellor nor any other member of the administration has ever issued a similar statement condoning threats to faculty and students advocating for Palestinian human rights that had occurred throughout the month of October and of which they had ample notice.

On October 10, 2023, Chancellor Reyes issued a message to the campus community condemning the October 7th “attack on Israel by Hamas.”⁵⁴ Reyes assured affected students and faculty “that UMass Amherst is here to support them” and that “[w]e will also make sure efforts to reach out to international students from the region and students with families in the area to offer our support. The message provided numerous links for students and employees of services available to them, such as counseling and psychological support, resources for international students, employee counseling more. To date, Israel has killed more than 32,000 Palestinians in Gaza⁵⁵, in what the International Court of Justice calls “plausible” genocide, and UMass has not issued a single statement condemning Israel’s actions, offered support to impacted Palestinian students from Gaza or with family in Gaza or provided links to resources a similar in

⁵⁴ Javier Reyes, *Statement on War in the Middle East From UMass Amherst Chancellor Javier Reyes*, UNIVERSITY OF MASSACHUSETTS AMHERST (Oct. 10, 2023), <https://www.UMass.edu/news/article/statement-war-middle-east-UMass-amherst-chancellor-javier-reyes#:~:text=The%20attack%20on%20Israel%20by,of%20Israeli%20and%20Palestinian%20life.>

⁵⁵ 32,552 Palestinians killed in Gaza since Oct. 7, Health Ministry says, REUTERS (March 28, 2024) <https://www.reuters.com/world/middle-east/32552-palestinians-killed-gaza-since-oct-7-health-ministry-says-2024-03-28/> (Accessed April 4, 2024).

campus-wide message—despite numerous requests from students. Rather, Palestinian students' requests for equal treatment in this regard have been rejected.

- b. The University's failure to take prompt and effective action in response to ample notice of the hostile environment caused a number of students to experience emotional distress, impacted their academic performance, and resulted in other harms.

The impact of all of the above has been that a number of these students suffered unnecessarily. (b)(6); (b)(7)(A); [REDACTED] and (b)(6); all stopped going to classes in person, or in some cases all together, which impacted their grades. (b)(6); also quit her campus job on October 14th due to mental and physical distress caused by the sequence of events. She informed her supervisors of her resignation and the cause but received no response. She obtained another job during the Spring semester, which she then became too overwhelmed to handle following the new information they obtained about (b)(6); (b)(7)(A). (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); also suffered distress due to their experiences on campus. In (b)(6); (b)(7)(A); case, although she wasn't the target of the online harassment, the accounts she heard of it exacerbated her existing distress about the situation in Gaza due to her personal contacts there; hearing the chants of "Kill all Arabs" etc. at protests also contributed to the stress she experienced.

Following the October 12th incident, several members of SJP resorted to taking classes on Zoom or stopped going to classes altogether due to concerns for their personal safety. As a result, these students were significantly restricted in their ability to fully access the educational environment, and have stopped going to classes and/or have had difficulty keeping up with their coursework. Several of these students have also experienced severe mental health crises as a result. This impact has also been repeatedly reported to various campus offices, who have offered supportive measures such as counseling, extensions or accommodations for remote learning, but have failed to address the hostile environment in any effective manner.

(b)(6); (b)(7)(A); (b)(7)(C) a senior with a straight A average before the Fall 2023 semester, ended up not being able to finish her work and was required to take an incomplete for one of her classes and complete her work over the January break. (b)(6); (b)(7)(A); (b)(7)(C) experience was quite similar. (b)(6); (b)(7)(A); ended up not attending her thesis class that included (b)(6); (b)(7)(A); but meeting independently with her advisor Kevin Young instead. (b)(6); (b)(7)(A); (b)(7)(C) writes that:

I took one class pass/fail, withdrew late from another, and took incompletes for two classes which I finished over winter break due to the hostile campus

environment and the lack of support I was receiving from the school, especially as my home country of Lebanon was being bombed consistently by the end of the semester and I was dealing with legal issues associated with my earlier arrest for the sit in.

In addition to the students who were directly harassed, several of the students whose home addresses were posted experienced significant distress as a result. Notably, one student reports that a week after her address was posted, there was an “unexplained disturbance” at her family’s house in a different part of Massachusetts, where someone began banging on her house, causing her parents to call the police. This student states:

Post arrest, I was under considerable emotional and physical distress with grave concerns for mine but mainly my family’s safety. Despite repeated requests by me and my parents to have this taken down, even providing legal proof that this was causing harm and putting me at risk, the University chose to keep it up for several weeks.⁵⁶

Allegation 2: The University engaged in different treatment on the basis of national origin/shared ancestry and advocacy for Palestinians with respect to 57 members of the UMass SJP and Dissenters chapters by immediately arresting them and by pursuing campus disciplinary charges against them for a pro-Palestine and anti-military sit-in. It also revoked the previously approved and paid-for study abroad permissions for arrested students.

The University Decision to Pursue Student Conduct Charges Against the Protest Constitutes Different Treatment when Compared to the Treatment of other Similarly Situated Students:

As explained above, on October 25, 2023, 500 students held a protest at the University’s Whitmore Administration Building, in which they prominently displayed demands for UMass to divest from Raytheon and other corporations that “arm Israel’s genocide in Gaza,” as well as for the Chancellor to condemn Israel’s genocide in Gaza and to issue a statement of support for Palestinian, Arab, Jewish, and Muslim students.⁵⁷ The protest was run by the UMass chapters of SJP and Dissenters, and included many students of all

⁵⁶ See Exhibit 17-12

⁵⁷ As stated above, the protestors’ specific demands were for: 1) UMass to divest from and cut ties with war profiteers that arm Israel’s genocide in Gaza, such as Raytheon; 2) UMass to replace war profiteers and offer better job opportunities to students by partnering with groups working towards a sustainable and demilitarized future; 3) UMass Chancellor Reyes to make a statement condemning Israel’s genocide in Gaza and stating support for Palestinian, Arab, Jewish, and Muslim students.

backgrounds and national origins, including the Arab and Palestinian students and their allies named above. 57 of these students refused to leave when the building closed and were arrested by UMPD, beginning less than an hour after the building closed.⁵⁸

The following day, October 26th, Yeshiva University announced that UMass President Marty Meehan was a co-founder of a broad coalition of more than a hundred institutions of higher education standing “with Israel and against Hamas.”⁵⁹ On the same day, the University Chancellor and his assistant Mike Malone met with four SJP and Dissenters students to discuss the arrests and their demands. At the meeting, the Chancellor assured the students that no student disciplinary charges would be pressed and that no one would suffer any consequences other than those stemming from the arrests themselves, including the loss of Chancellor’s scholarships.

Notwithstanding the Chancellor’s assurances that there would be no University-based code of conduct or other consequences for the protest, on or about November 13th,⁶⁰ all 57 arrested students received notice that the University was in fact pursuing disciplinary charges against them for trespassing. These charges were in addition to criminal trespassing charges brought by the UMPD against all of the arrested students.⁶¹ In early December, just as final exams were beginning, all of the students went through student code of conduct hearings. They all received probation until the end of the current school year; no student was successful in appealing this sanction. Each student received the same consequences of probation and the requirement that they write a letter to “their future selves.” All students who went through the process to appeal the sanction were denied, regardless of their disciplinary and academic records as well as the character references many of them submitted from professors and employers.

This process was extremely stressful for all students involved, as demonstrated by arrested student (b)(6); (b)(7)(A); account of his experience of the disciplinary process and its impact on him:

⁵⁸ See **Exhibit 30** for a list of the arrested students who are participating in this complaint. Their consent forms can be found in **Exhibits 1 and 2**. Note that several of these students only signed Option B, agreeing to speak with OCR but not to be named complainants.

⁵⁹ Yeshiva University, “100+ Colleges and Universities across the nation form coalition standing with Israel and against Hamas,” October 26, 2023, accessed January 15, 2024: <https://www.prnewswire.com/news-releases/100-colleges-and-universities-across-the-nation-form-coalition-standing-with-israel-against-hamas-301968953.html>.

⁶⁰ See, for example, the documentation regarding (b)(6); (b)(7)(A); charges and outcomes in **Exhibits 31 and 32**

⁶¹ All of the criminal charges have been converted to civil charges as of the date of filing.

They dragged out the legal process all the way until the middle of finals. The proceedings had already taken a lot of me mentally during the crux of midterm season and this took a toll on my grades. It took me until a couple days from the end of the semester to finally get a sanction hearing at the university, where they told me I would be on disciplinary probation for the rest of next semester and that I had only until new years to write a letter about my aspirations for my “future self” and what I “learned from the code of conduct process”. I highly doubt that the students who drafted the code of conduct would have that punishment used against people protesting a genocide and the university’s cooperation with weapons’ manufacturers.

The stress of waiting to learn if I had disciplinary actions coming from the school, after hearing contradictory information that Chancellor Reyes allegedly told students they would not be punished for protesting peacefully, was dreadful (for lack of a better word). Throughout my time at UMass I have never really felt supported by the university when dealing with disability related issues, and after this experience I feel like I had my energy wasted by bureaucratic nonsense when I should have been focused on my classes. At subsequent protests we would occasionally be harassed by zionist students, who can use their first amendment rights to advocate genocide when we were threatened by the school with legal hearings and disciplinary action for protesting it.

Moreover, for more than a week my home address was publicly available on the UMPD website. While I wasn’t doxxed by Canary Mission, many of my friends were with the publication of our personal information, putting our families and loved ones at risk. While UMPD is obligated to put some information on their website, it was only we who protested who had our home addresses put online.

What the university did was targeted, and it put our mental and physical well-being at harm at a place meant to support us, our health, our education, and our future, all simply for protesting a genocide.

Other arrested students report roughly similar experiences.⁶² All of them are no longer in good disciplinary standing until the end of the probationary period (the end of the 2023-2024 school year), regardless of their records. Simply being on probation can have a host of consequences for these students who otherwise were in excellent standing at the school and had never incurred any disciplinary charges.

⁶² See **Exhibit 17** for statements of arrested students

By arresting and pursuing campus disciplinary charges against these students, UMass disciplined them more harshly for their anti-war and pro-Palestinian sit-in than any other group of students in the history of UMass protests.⁶³ Although students have been arrested in the past for similar sit-ins, the past arrests were initiated several days or even weeks following the commencement of the sit-ins.⁶⁴ In this case, the arrests began promptly as soon as the building closed; the University administration apparently decided to take this course of action two days prior. This incident was also the first time the University has pursued code of conduct charges for such sit-ins, a significantly different sort of treatment than that given to any other students arrested for protest-related activities.

The SJP and Dissenters students who were arrested for occupying the building were thus treated more harshly than other past student protesters who were neither Arab nor advocating for the rights of Palestinians and Arabs on and off campus. Although the University arrested and pressed trespassing charges against students in the past for occupying the administration building, it has always done so after the students had remained in the building for at least two full days; it also has never brought campus conduct charges against them. As outlined in the UMass Amherst Code of Student Conduct,⁶⁵ such charges carry a host of potential consequences, as even being put on probation can lead to the loss of various privileges and opportunities; due to the removal of students on probation from good disciplinary standing, any further violation of the Code during or after the sanction period may subject the student to further sanction(s), including suspension or expulsion.⁶⁶

⁶³ Greta Jochem, “UMass Amherst Students Rally, Occupy Building in support of Palestinians,” Mass Live October 25, 2023, accessed January 15, 2024:

<https://www.masslive.com/news/2023/10/UMass-amherst-students-rally-occupy-building-in-support-of-palestinians.html>.

⁶⁴ See, **Exhibit 20**, Statement of (b)(6), (b)(7)(A), former UMass student who helped lead a spring 2016 occupation of the Whitmore Administration building as part of a demonstration calling for UMass to divest from fossil fuels. She recounts that arrests of students involved in this action did not begin until two days into the occupation; she also reports that none of the participants received student conduct charges for this event, although the school pressed criminal charges against them. See also, <https://northamptonopenmedia.org/protest-UMass-divest-protest-41416/> which states that the 2016 occupation lasted two weeks, as well as the document “Sources related to past UMass protests” for information about prior protests at the University.

⁶⁵ See, Section 4.1.5(b), Unauthorized Access/Presence/Use of Property of the Student Code of Conduct, https://www.umass.edu/dean_students/sites/default/files/documents/07.01.2019%20Code%20of%20Student%20Conduct.pdf

⁶⁶ *Id.* at Section 5.3.1.(c)

Rather than imposing sanctions against the 57 students in a manner consistent with past practices—and instead opting to pursue criminal charges (rather than campus disciplinary proceedings—the University completely departed from its prior approach to student sit-ins as well as instances where students were arrested for trespassing.

In other words, where students were calling for an end to the killing of Palestinians in Gaza and equal treatment of Palestinian students on campus, i.e. were associated with Palestinians and advocating on behalf of the rights of Palestinians and Arabs on campus as well as Palestinians in Gaza, UMass departed from previous practices to pursue differential treatment in the form of severe sanctions. UMass's actions also constitute retaliation for advocacy on behalf of Arab and Palestinian students on campus, as well as for Palestinians in Gaza.

So deep was the UMass's anti-Palestinian animus, it even went on the record and issued a statement the day of the demonstration admitting that “the protestors' specific demands do not align with the university's publicly stated positions and policies.”⁶⁷

This difference in treatment is reflected in the approach by the Student Conduct and Community Standards office to student sit-ins that were aligned with the positions of University leadership. In April 2016, for instance, UMass President Marty Meehan issued a statement indicating his support for seeing the University divest from fossil fuel companies after students began a sit-in in the Whitmore building. The UMPD arrested thirty-five students for trespassing after they continued their sit-in.⁶⁸ As the University's position now aligned with these demands, the Student Conduct and Community Standards office did not impose any sanction on those UMass students who participated in that sit-in demonstration.

This shift is also reflected in the approach of the Student Conduct and Community Standards office to cases of trespassing. According to UMPD data, campus police officers arrested 16 students for trespassing in the period of January 1, 2019 to December 31, 2022 (see table below).

⁶⁷ UMass full statement appears at the end of this article:

<https://www.westernmassnews.com/2023/10/25/hundreds-protest-umass-part-national-palestine-solidarity-student-walkout-day/>

⁶⁸ Amanda Hoover, “UMass officials throw support behind plans to divest from fossil fuel companies amid student protests,” Boston.com, April 13, 2016, accessed January 15, 2024: <https://www.boston.com/news/schools/2016/04/13/UMass-divest-fossil-fuels-student-protest>.

Year	# Arrests	UMass students
2015	5	0
2016	42	30
2017	7	5
2018	4	3
2019	9	2
2020	11	3
2021	4	1
2022	22	10
2023	69	56
TOTAL	173	110

These arrests are understood to be violations of section 4.1.5(b) of the code of student conduct. During roughly this same period, July 1, 2019 to June 30, 2023, the Student Conduct and Community Standards office imposed a University Reprimand in only 16 student conduct cases. These 16 cases made up 7.2% of 222 student conduct cases involving a violation of section 4.1.5(b). However, in the July 1 to December 31, 2023 period, the Student Conduct and Community Standards office shifted from imposing a University Reprimand in 7.2% of 222 student conduct cases to imposing it in 0% of 50 cases. This notable drop in the imposition of a University Reprimand shifted again when UMPD arrested the October 25th protestors and the University pursued student disciplinary charges for all 57 students. This change caused the imposition of University Probation to jump from 18.92% of student conduct cases involving violations of section 4.1.5(b) to 78% of student conduction cases involving this violation.

In addition to the different treatment of the 57 students in terms of the pressing of student conduct charges, a number of students experienced negative consequences as a result of these charges. For example, student (b)(6); (b)(7)(A); reported that a late registration for his conduct hearing resulted in a hold placed on his school account, which deterred him from enrolling in winter courses. He also asserts that his conduct records will impact his future graduate school applications and felt that the entire process was used to intimidate student protesters for Palestinian rights and to waste their time.⁶⁹ (b)(6); (b)(7)(A); believes that she would have been eligible for an award had it not been for her new disciplinary record. And (b)(6); (b)(7)(A); found that he was not eligible for a particular housing opportunity for the same reason. And as outlined below, several students, including (b)(6); lost the right to participate in previously approved study abroad programs.

⁶⁹ See **Exhibit 17-5** for (b)(6); full account.

Revocation of Study Abroad Privileges for Arrested Students also Constitutes Different Treatment and a Departure from Usual Practice:

On Friday, December 15th at approximately 4:00pm,⁷⁰ arrested students including (b)(6) (b)(6) were given notice that they would not be allowed to participate in their planned study abroad program for the upcoming Winter Session and Spring Semester, respectively. These students had paid for plane tickets, study abroad fees, visas, etc. in preparation for their time abroad, which had been planned and coordinated with the University's International Programs Office (IPO). (b)(6) for example, had planned to spend the entire Spring Semester in (b)(6) which meant that he and other impacted students had not registered for any classes or housing at UMass for the spring as they expected to be studying in Europe for the semester.

The IPO department informed the students that the revocation was due to the language in the contract they signed when applying for the study abroad programs: "*I understand that, if I have any pending legal or disciplinary action, outstanding financial obligations to UMass, and/or am on academic probation, I will not be eligible to participate in an education abroad program until these issues are resolved.*" This clause is consistent with language on the IPO's website⁷² stating: "Generally, a student must be clear of any conduct sanctions prior to participating in any study abroad program. Probationary terms generally cannot coincide with the intended study abroad term." **However, additional language modifies this statement and makes clear that revocation of study abroad privileges upon the imposition of probation is not automatic:**

- Having a conduct history does not automatically disqualify students from participating on a study abroad program. Each and every case will be reviewed and the following parameters will be considered:
 - Nature of infraction
 - Severity
 - Number of incidents on the conduct history
 - Timeframe of incident

The website further specifies that the decision to revoke permission in light of a disciplinary incident is usually reserved for more serious infractions:

⁷⁰ This was the final day of the Fall 2023 semester. See <https://www.UMass.edu/registrar/calendars/academic-calendar#fall2023>

⁷¹ For a list of the impacted students in this situation, see **Exhibit 30.**

⁷²

<https://www.UMass.edu/ipo/sites/default/files/IPO%20Student%20Conduct%20Clearance%20Process.pdf>

Usual Reasons for Denial

Reasons that students could be denied approval to study abroad include:

- a history of problematic or dangerous behavior
- repeated conduct violations of the alcohol or drugs policy
- a concern that the student's conduct record indicates a threat to safety to themselves or other members of their study abroad community

Additionally, upon information and belief, this clause is routinely ignored or modified by IPO staff who allow students with worse disciplinary records to study abroad. For example, students shared this social media post made by an anonymous IPO staff member upon learning of the study abroad revocation for arrested students:



When parents and the impacted students attempted to appeal the decision, University Administration members informed them that the decision was within the discretion of Kalpen Trivedi, Vice Provost for Global Affairs and IPO Director. An appeal to the IPO Conduct Committee was also possible. However, none of the impacted students were permitted to study abroad as planned.

The Different Treatment of the Arrested Students is Attributable to the UMass Administration's anti-Palestinian Stance:

The anti-Palestinian orientation of the UMass administration is underscored by the fact that during the month of November 2023, University administrators appear to have participated in at least two events with representatives of the Anti-Defamation League

(ADL), an organization with a long history of attacking speech supporting Palestinian rights as well as engaging in anti-Arab and anti-Black discrimination.⁷³

One of the two events included a discussion on campus that promoted the ADL's position that any criticism of Israel or the political ideology of Zionism constitutes antisemitism and should be punished. For example, a November 10th email on behalf of Andrea Silbert (a member of the Outreach Committee for ADL New England) was sent to many members of the UMass administration including President Marty Meehan. The email discussed "this week's Jewish Allyship luncheon" and provided follow up resources "to review and share" which included "how to use the IHRA definition of antisemitism," and "making it clear that Anti-Zionism is in fact antisemitism." The ADL email also references "how students have been radicalized on campus through academics promoting false narratives accusing Jews as settler colonialists:"

Below are two podcasts which provide background on how students have been radicalized on campus through academics promoting false narratives accusing Jews as settler colonialists.

3. [What's Behind the Sharp Rise in Antisemitism in the U.S.](#) – WBUR, On Point
4. [Israel at War](#) – The Unholy podcast

We are also attaching a document with links to reports, articles, videos, etc. to review and share with others.

For those who missed the roundtable, we are holding another on November 29. We will also schedule a follow up Zoom meeting soon for anyone who is interested in taking action. We will discuss how to use the [IHRA definition](#) of antisemitism which includes denying the Jewish people the right to self-determination in Israel as an example of antisemitism, making it clear that Anti-Zionism is in fact antisemitism. Again, many thanks for standing up to this terrible form of identity-based hate.

Warmly,
Andrea

Andrea Silbert/President

Needless to say, Palestinians, like any other ethnic or national origin group, believe that they are equal human beings entitled to equal treatment under the law—both here in the United States and in Palestine (where they live under a system of apartheid)⁷⁴. Opposition

⁷³ See, e.g., Jonathan Guyer and Tom Perkins, Anti-Defamation League staff decry 'dishonest' campaign against Israel critics, The Guardian (Jan 5, 2024), <https://www.theguardian.com/news/2024/jan/05/adl-pro-israel-advocacy-zionism-antisemitism>; Emmaia Gelman, The Anti-Defamation League is Not What it Seems, Boston Review (May 23, 2019), <https://www.bostonreview.net/articles/emmaia-gelman-anti-defamation-league/>.

⁷⁴ See, e.g., HUMAN RIGHTS WATCH, A THRESHOLD CROSSED: ISRAELI AUTHORITIES AND THE CRIMES OF APARTHEID AND PERSECUTION (2021), available at

to the political ideology of Zionism⁷⁵—whether espoused by Palestinians, Jews, or anyone else—is the call for equal rights for all residents of historic Palestine currently living under Israeli rule, and an end to the occupation and other forms of Israeli demographic control.⁷⁶ It is a fundamentally political message that does not discriminate on the basis of religious or ethnic identity, but rather calls for equal rights and justice. By partnering with an organization that promotes the view that Palestinians are not equal human beings that deserve equal rights—and promoting the view that to advocate for such may be punishable—UMass further showed its hostile anti-Palestinian animus.

Additionally, below is a screenshot of IPO Director Kalpen Trivedi's social media profile, taken at the same time as the adverse IPO decisions were handed down, whereby Trivedi calls Palestinian doctors working in a Gaza hospital bombed by Israel “all Hamas” and “grotesquely evil.”

[https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution.](https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution)

⁷⁵ Zionism is a political ideology, established in Europe around the turn of the 20th century, that aims to establish a Jewish majority state in the land of historic Palestine. To create that majority, early Zionists ethnically cleansed hundreds of thousands of indigenous Palestinians from their land, most drastically during the events of 1948 that lead to the formation of the Israeli state. Today, most Zionists advocate for Israel to be a Jewish-majority state by denying citizenship to the millions of Palestinians that live under its military occupation and are denied basic human rights. Palestinians who were able to remain in territories ethnically cleansed in 1948 and who have Israeli citizenship are treated as second class citizens in a state that has codified Jewish national supremacy under the law. ILAN PAPPE, THE ETHNIC CLEANSING OF PALESTINE 1 (2006).

⁷⁶ Palestinians trace their ancestry to what, at the turn of the twentieth century was the British mandate—the border between the Mediterranean Sea and the Jordan River. Palestinians were an absolute majority of this population – at the beginning of 1948 approximately 1.4 million out of 2 million people who lived the Palestine mandate were indigenous Palestinians. RASHID KHALIDI, THE IRON CAGE: THE STORY OF THE PALESTINIAN STRUGGLE FOR STATEHOOD 1 (2006).

Allegation 3: The arrests, conduct charges, and removal of the right to study abroad for sit-in participants also constitute retaliation for their protected activity of protesting the treatment of Palestinians.

In addition to different treatment on the basis of shared ancestry and association with SJP, the series of events described above also constitute retaliation for advocacy that the University to respond to the anti-Arab and Palestinian harassment, for the students' calls for the University to speak out against the treatment of Palestinians in Gaza, and for the demands for the University to divest from Raytheon, particularly due to its role in providing weapons currently being used against Gazans. These demands were all clearly enumerated at the October 25th protest and upon many other occasions. Reporting the anti-Arab and anti-Palestinian harassment and making these demands all constitute activities protected by Title VI.

As your office is well aware, in analyzing an individual's claim of retaliation against a recipient, OCR analyzes whether: (1) the individual engaged in a protected activity; (2) the individual experienced an adverse action caused by the recipient; and (3) there is some evidence of a causal connection between the adverse action and the protected activity. If all these elements are present, this establishes an initial, or *prima facie*, case of retaliation. OCR then determines whether the recipient has identified a legitimate, non-retaliatory reason for taking the adverse action. OCR next examines this reason to determine whether it is a pretext for retaliation. If OCR finds that the reason was pretextual, then OCR will make a finding of retaliation.⁷⁷

⁷⁷ See, for example, OCR Complaint No. 01-22-2166

As stated above, discipline of the arrested students by adding on campus conduct charges to the criminal trespassing charges arising from the sit-in, along with the removal of study abroad privileges, constitute different treatment when compared to other similarly situated students at UMass, going back for over a decade, and upon information and belief, since at least the civil rights era. In addition, the difference in treatment appears to have stemmed from retaliatory animus, given the abundant evidence of anti-Palestinian animus on behalf of UMass administrators and decisionmakers, as described above.

Remedies: OCR should require UMass to comply with Title VI by ensuring that Palestinian students, students perceived to be Palestinian and Arab students have equal access to educational opportunities at UMass.

In light of UMass' top-down, extreme anti-Palestinian environment and discriminatory anti-Palestinian actions, OCR should require the University to take the following steps.

a. UMass must ensure that the harm for all students impacted by the hostile environment, different treatment, and retaliation is remedied.

UMass must take appropriate action to rectify the impact of the harassment by offering to pay for psychotherapy for students who request it, by clearing the disciplinary records related to the October 25th sit-in for all students involved, by dropping any related civil charges stemming from the arrests, by reversing any negative impact caused by the probationary status, by removing all reference to the probation or other disciplinary consequences of the arrest from their disciplinary files, by refunding any outstanding fees due to the loss of study abroad privileges, by offering to allow students whose grades were negatively impacted the opportunity to rectify such impact, and by providing any other remedy necessary to put the students back into the position they would have been had the University taken prompt and effective action to put an end to the hostile environment.

b. UMass must ensure that Palestinian and Arab students are able to access services on an equal basis as other students—even if anti-Palestinian groups and others complain.

UMass must put out a statement condemning Israel's attacks on Palestinians in Gaza and list resources for students impacted by Israel's actions.

c. UMass must end discriminatory investigations and criminal charges of Palestinian students, Arab students, students perceived to be

Palestinian, students associated with Palestinians, and students advocating for Palestinian rights.

UMass must cease discriminatory, intrusive investigations of Palestinian students, Arab students, Students for Justice in Palestine, Dissenters, faculty, staff, and student groups who advocate for Palestinian rights or criticize Israel or the political ideology of Zionism. Because Palestinian students, Arab students, and those who believe in equality for Palestinians are subjected to campaigns of harassment and intimidation by anti-Palestinian groups⁷⁸, UMass must ensure that processes are put in place (including the trainings noted below) to ensure that Palestinians and their allies are not further victimized by investigations that validate and give fuel to these campaigns of hate.

d. UMass must apologize for its actions and issue a statement condemning anti-Palestinian racism and discrimination.

UMass must issue a public statement condemning anti-Palestinian racism on its website, on social media and to the campus community. The University must apologize for its failure to offer services and help to Palestinians impacted by violence as it has other students and its selective targeting of Palestinian students/groups and those who advocate for Palestinian rights for criminal investigations and disciplinary procedures. The statement must use the word Palestine or Palestinian—not an over broad category such as Arab or Muslim that in the wrong context contributes to Palestinian erasure.

e. UMass must recognize that opposition to the political ideology of Zionism is a stance for Palestinian equality, justice and freedom and hold mandatory trainings on anti-Palestinian discrimination.

As noted above, for Palestinians, believing in their own humanity and equality is an integral part of their identity. Because Zionism is fundamentally about privileging one group of people over another, opposition to Zionism is fundamentally anti-racist. The University must revise its discrimination policies to recognize this and conduct mandatory trainings for University staff regarding these policies.

⁷⁸ See CTR. FOR CONSTITUTIONAL RIGHTS & PALESTINE LEGAL, THE PALESTINE EXCEPTION TO FREE SPEECH: A MOVEMENT UNDER ATTACK IN THE US (2015), available at <https://ccrjustice.org/the-palestine-exception>; 2021 Year-In-Review: Palestinian Uprising Generates Record Solidarity—And Fierce Backlash, PALESTINE LEGAL, <https://palestinelegal.org/2021-report> (last visited Feb. 13, 2022).

f. UMass must not adopt, enforce, or rely on the International Holocaust Remembrance Alliance Working Definition (IHRA) or its contemporary examples to identify or combat antisemitism.

As noted above, it appears UMass is being pressured by pro-Israel lobby groups, including the ADL, to adopt the IHRA definition. Endorsing the IHRA definition would not only further facilitate anti-Palestinian discrimination and harassment of the sort this complaint describes, but would lead to the infringement of bedrock First Amendment protections. The vast opposition to IHRA and its application in educational settings in particular shows its use as a tool of censorship and harassment of Palestinians and their allies.⁷⁹

The guiding “contemporary examples of antisemitism” attached to the IHRA definition falsely conflate political criticism of Israel/support for Palestinian rights with antisemitism, placing anyone charged with implementing the definition in the position of engaging in anti-Palestinian bias.⁸⁰

In this current political moment, it is critical to understand the common threats that racism, xenophobia, and bigotry pose to all minorities and communities of color, and to reject efforts that purport to address one form of bigotry while bolstering another. The use of the IHRA definition and the conflation of antisemitism and anti-Zionism that it emboldens creates just that: a zero-sum game wherein to be pro-Palestinian you must be anti-Jewish, and to be pro-Jewish necessarily means being anti-Palestinian. This false dichotomy has enabled the term antisemitism to be weaponized against Palestinians and their allies for expressing their desire for Palestinian freedom, opposition to the genocide of their people, and views on Israel and Zionism.⁸¹ This weaponization has created a

⁷⁹ See Letter from Civil Rights Organizations to Catherine E. Lhamon, Assistant Secretary for Civil Rights (Aug. 31, 2022).

⁸⁰ These contemporary examples include: “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor” and “Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.”

⁸¹ For example, on October 16, 2023, the Anti-Defamation League (ADL), and the Louis D. Brandeis Center sent a letter to presidents of colleges and universities to investigate Students for Justice in Palestine (SJP) for “potential violations of the prohibition against materially supporting a foreign terrorist organization.” See ADC et al., *Coalition Letter to Schools: Protect Students Speaking Out on Palestine*, (Nov. 3, 2023), <https://muslimadvocates.org/2023/11/coalition-letter-to-schools-protect-students-speaking-out-on-palestine/>. The ADL and Brandeis Center letter fails to provide evidence to support the inflammatory accusation that weaponizes terrorism laws and frameworks that continue to harm Arab, Muslim, and other communities of color and to chill speech and advocacy protected by the First Amendment. See also *Open Letter to Colleges and University Leaders: Reject Efforts to Restrict Constitutional Protected Speech on Campuses*,

hostile environment for Palestinians whose criticism of Israel is based in their own experiences of subjugation at the hands of Israel's oppressive military occupation and its attempts to erase and criminalize them.

Application of the IHRA definition would drive UMass administrators into a morass of national-origin based distinctions in violation of Title VI.

g. The University will revise its investigatory standards under Title VI.

The University will revise its investigatory standards under Title VI to ensure that it responds promptly and effectively to all notice, whether formal or informal, of a hostile environment or harassment on the basis of race, national origin, and shared ancestry experienced by students on campus or online in a manner that impacts the campus. The University will ensure that all personnel who receive formal or informal notice are properly trained in the new procedure, and will submit evidence of such training to OCR. It will also ensure that the Office of Equal Opportunity and Access is sufficiently staffed to implement the new procedure, and will submit documentation to OCR for two years following the conclusion of OCR's investigation that it has responded promptly and effectively to all notice received.

II. Conclusion

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

Sincerely,



Miriam Nunberg

Attorney
Counsel for Complainants



Radhika Sainath

Senior Staff Attorney
Palestine Legal
Of Counsel



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

9TH FLOOR, 5 POST OFFICE SQUARE
BOSTON, MA 02109-3921

REGION I
CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

April 16, 2024

Chancellor Javier Reyes
By email: chancellorreyes@umass.edu

Re: Complaint No. 01-24-2210
University of Massachusetts Amherst

Dear Chancellor Reyes:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) has opened for investigation the above-referenced complaint filed against the University of Massachusetts Amherst. The complaint alleges that the University discriminated against students on the basis of their actual or perceived national origin (shared Muslim ancestry and/or Palestinian, Arab), by failing to respond appropriately to incidents of harassment beginning on October 7, 2023, and by treating them differently than their peers of other national origins, when it arrested them on October 25, 2023 and disciplined them on or about November 13, 2023 following a sit-in in support of Palestinian rights. Additionally, the complaint alleges that the University retaliated against these students because they reported harassment and opposed discrimination on the basis of national origin (shared Muslim ancestry and/or Palestinian, Arab).

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 in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the University receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

OCR will investigate:

- 1) Whether the University failed to respond to alleged harassment of students on the basis of national origin (shared Muslim ancestry and/or Palestinian, Arab) in a manner consistent with the requirements of Title VI.
- 2) Whether the University subjected students to different treatment in the provision of the University's benefits and services on the basis of national origin (shared Muslim ancestry and/or Palestinian, Arab) in violation of Title VI.
- 3) Whether the University retaliated against students for reporting harassment and opposing discrimination on the basis of national origin (shared Muslim ancestry and/or Palestinian, Arab) in violation 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 University, 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 OCR's Case Processing Manual (available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>). Please also note that complainants may have the right to file a private suit in federal court whether or not OCR finds a violation. Our goal is the prompt resolution of the complaint. Information on OCR's complaint processing procedures, including mediation, is available at How the Office for Civil Rights Handles Complaints (available at <https://www2.ed.gov/about/offices/list/ocr/complaints-how.html>).

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. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 15 calendar days of the date of this letter. 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 as provided below prior to the expiration of the 15-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct witness interviews and/or an on-site investigation, we will notify you in advance.

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, 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.

If you have any questions, you may contact Supervisory General Attorney Paul Easton at Paul.Easton@ed.gov or phone at (617) 289-0008.

Sincerely,

/s/

Paul Easton
Supervisory General Attorney

Data Request
OCR Complaint No. 01-24-2210
University of Massachusetts Amherst

Please submit the following information to Paul Easton (Paul.Easton@ed.gov) within 15 calendar days of the date of this letter. 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 University should not provide, any social security numbers in response to this data request. You can send the information via email to the addresses noted above, or to the mailing address on the enclosed letter, fax it to (617) 289-0150. 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 15-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 University's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that University employees preserve the data and documents requested below for the time-frame specified in these requests and going forward 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 ensure that University employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Please provide the following:

1. The name, title, and contact information of the University's:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint; and
 - c. Person responsible for responding to Title VI complaints.
2. The University is invited, but not required, to provide a narrative response to the issues opened for investigation.
3. **NOTE:** OCR requested the information sought below in Complaint No. 01-24-2169 and request here only any updated or differing information from what the University produces for Complaint No. 01-24-2169.

A copy of the University's policies and procedures, and/or a description of the University's practices, governing the investigation of complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry. Include a

detailed description of the complaint process, including each level of the process, articulated timeframes for resolution, and the types of records maintained. Also identify the names and titles of University staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry, at each level of the process.

For the 2022-23 and 2023-24 academic years, copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged discrimination, including harassment, on the basis of national origin, including shared ancestry, and the University's response to those reports/complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint/report. For each complaint/report, provide:

- the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report, as well as the names (and titles if applicable) of all who reported it;
- a detailed description of the complaint processing procedures employed to resolve the complaint/report;
- the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
- all actions the University took in response to the complaint/report;
- the University's final determination regarding the complaint/report;
- any corrective action taken;
- the length of the process; and
- any notice of the findings provided to any individuals who were involved in the incident.

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.

Documentation of any efforts by the University during the 2023-24 academic year to prevent or address race, color, or national origin discrimination at the University.

4. A copy of the University's policies and procedures governing the University's response to student "sit-ins" or other unauthorized student assemblies in University buildings (including the Whitmore Administration Building), including, but not limited to, the timing and circumstances, if any, in which the University requires students to vacate the premises and subjects students who fail to comply to disciplinary consequences, including but not limited to arrest, criminal prosecution, student discipline, and withdrawal of University benefits and services, including but not limited to the right to study abroad. If the University does not have such policies or procedures, or if the

relevant policies or procedures do not fully and accurately describe the University’s practices, please also provide a narrative description of those practices.

5. A narrative describing all student “sit-ins,” or similar unauthorized student assemblies on University property, for academic year 2015-2016 and academic years 2022-2023 and 2023-2024, and the University’s response to each, including but not limited to: the date(s) of the incident(s); the students’ articulated reason(s) for the assembly; the national origin(s) of the students involved (if known); whether the University was aware at the time of the assembly that any of the involved students had previously opposed or complained about harassment or other discrimination at the University; and the University’s response to the assembly, including any decision to require the students to vacate the premises, subject students who failed to comply to disciplinary consequences (including but not limited to arrest, criminal prosecution, or student discipline), or withdraw University benefits and services from the students, including but not limited to the right to study abroad.
6. The names and titles of all persons who assisted in the preparation of these data responses.
7. Any other information that the University believes will be helpful to OCR or relevant in this investigation.