



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 7, 2024

Sent via email only to: president@jhu.edu

Ronald J. Daniels
President, Johns Hopkins University

Re: OCR Complaint Number 03-24-2140

Dear President Daniels:

This letter advises you of the resolution of the U.S. Department of Education, Office for Civil Rights (OCR) investigation of the above-referenced complaint filed against Johns Hopkins University (the University). The Complainant alleges that the University discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment during the 2023-2024 school year. By letter dated February 12, 2024, OCR opened the following issue for investigation:

Whether the University failed to respond to alleged harassment of students on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

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, and national origin, including shared ancestry, 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.

During its investigation to date, OCR reviewed documentation provided by the Complainant and the University, including the University's Discrimination and Harassment Policy and Procedures, Statement on Academic Freedom, Policy on Protests and Event Promotion and the Student Conduct Code; correspondence to the University community from the President and other senior leaders; publicly available information; and documentation of training. OCR also reviewed documentation of 99 incidents of alleged harassment on the basis of shared ancestry that were reported to the University from October 2023 through May 2024. Based upon OCR's review of the evidence produced to date, OCR recognizes the University's proactive responsiveness to notice it received regarding some incidents that could contribute to a hostile environment for students based on national origin, including shared Jewish ancestry, and the University's comprehensive nondiscrimination policies; however, OCR also identified concerns regarding the University's fulfillment of its Title VI obligations responsive to the notice it received alleging discriminatory conduct based on shared ancestry.

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

Prior to the completion of OCR's investigation, the University expressed interest in resolving the complaint in accordance with Section 302 of OCR's *Case Processing Manual* (CPM) and signed the enclosed Resolution Agreement (Agreement). OCR determined that a Section 302 agreement is appropriate in this case because OCR's investigation has identified concerns that can be addressed through a resolution agreement. This letter discusses OCR's concerns below.

LEGAL STANDARD

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies.

Title VI's protection from national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived shared ancestry or ethnic characteristics, such as students of Jewish, Palestinian, Muslim, Arab, and/or South Asian descent, or citizenship or residency in a country with a dominant religion or distinct religious identity, or their association with this national origin/ancestry. The existence of a hostile environment based on national origin that is created, encouraged, accepted, tolerated, or left uncorrected by a recipient constitutes discrimination on the basis of national origin in violation of Title VI.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on race, color, or national origin existed; (2) the recipient had actual or constructive notice of the hostile environment; and (3) the recipient failed to take prompt and effective action to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome conduct that, based on the totality of the 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 a recipient's education program or activity. Harassing acts need not be targeted at the complainant to create a hostile environment. The acts may be directed at anyone, and the harassment may also be based on association with others of a different national origin (the harassment might be referencing the national origin of a sibling or parent, for example, that is different from the national origin of the person being harassed whose access to the school's program is limited or denied).

The harassment must in most cases consist of more than casual or isolated incidents based on national origin to establish a Title VI violation. Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the harassment, as well as the identity, number, and relationships of the persons involved. If OCR determines that the harassment was sufficiently severe or pervasive that it would have limited the ability of a reasonable person, of the same age and national origin as the victim, under the same circumstances, from participating in or benefiting from some aspect of the recipient's education program or activity, OCR will find that a hostile environment existed.

A recipient may be found to have violated Title VI if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment based on national origin harassment of which it has actual or constructive notice. A recipient is charged with constructive notice of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

If the alleged harasser is an agent or employee of a recipient, acting within the scope of their official duties, then the individual will be considered to be acting in an agency capacity and the recipient will be deemed to have constructive notice of the harassment.

Once a recipient has actual or constructive notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. The appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced as a result of the harassment.

FACTUAL SUMMARY

The University’s Reporting Process and Policies

Discrimination and Harassment Policy and Procedures

The University has a [webpage](#) for “Discrimination & Harassment” on the Office of Institutional Equity (OIE) webpage. The webpage includes a link to the University’s [Discrimination and Harassment Policy and Procedures](#) (the Policy), [Frequently Asked Questions](#), and an explanation on how to file a report.

The Policy prohibits discrimination on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, ancestry or national origin, immigration status, age, disability, religion, sexual orientation, gender identity or expression, military status, veteran status or other legally protected characteristic. The Policy applies to all members of the University community and covers prohibited conduct that:

- occurs on campus or other University property;
- occurs in connection with University programs or activities, whether on or off-campus;
- impedes equal access to any University educational program or activity or adversely impacts the education or employment of a member of the University community; regardless of where the conduct occurred; or
- otherwise threatens the health or safety of a member of the University community.

The Policy also states that, in certain instances, it may apply to third parties. It also states that conduct that is considered inappropriate or unacceptable may nevertheless not amount to harassment under the Policy, but, when appropriate, the OIE will report such conduct to the relevant internal department.

The Policy also states:

Fundamental to the university's purpose is the free and open exchange of ideas. It is not, therefore, the university's purpose in promulgating this Policy to inhibit free speech or the free communication of ideas by members of the academic community. Please follow this link to read the full university [Statement on Academic Freedom](#).

The Policy prohibits discrimination and harassment, including retaliation, intimidation, threats, coercion or discrimination or attempts thereof, whether direct or indirect. Individuals are encouraged to bring complaints of violations of the Policy to OIE. Further, the Policy states that the University will take appropriate remedial action in response to violations of the Policy, up to and including expulsion and/or termination.

The Policy defines harassment as any type of behavior that is based on an individual's or group's membership in a "protected class(es)" that is: (a) unwelcome and (b) offensive when:

1. Submission to the conduct is made either explicitly or implicitly a term of the individual's employment or participation in an education program or activity;
2. Submission to or rejection of the conduct is used as a basis for employment or academic decisions or advancement; or
3. Such conduct unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile.

The alleged conduct need not be severe or pervasive. The university considers the totality of the circumstances when assessing whether the alleged conduct unreasonably creates an abusive or hostile work or academic environment from the perspective of a reasonable person. This includes consideration of whether the unwelcome and offensive conduct unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the university's education or employment programs and/or activities. Although the alleged conduct need not be severe or pervasive in order to constitute an unreasonably hostile or abusive environment, the heightened seriousness of alleged severe or pervasive conduct will be considered during OIE's process.

The Policy states that OIE will work with affected individuals to ensure their safety and promote their well-being, which may include the provision of interim measures. Both parties have equal access to feasible and reasonably available interim measures. The Policy also details the various types of interim measures that may be available.

Student Conduct Code

The [Student Conduct Code](#) also details expectations for student behavior. Specifically, it states that students and student groups/organizations (whether recognized by the University or not) must refrain from, among other activities, conduct that disrupts or interferes with the orderly function of the University, the performance of the duties of University personnel or other University business or activities; the physical or emotional abuse of any person or any action that threatens physical or emotional harm or endangers the physical or emotional well-being, health

or safety of any person; and any physical or verbal threats against or harassment, bullying or intimidation of any person.

Protest Policy

The University's website includes a page dedicated to [Protest Information and Resources](#). The webpage states that the University embraces and actively supports a culture of free expression and debate, and that it regularly seeks to assist students in protests, demonstrations, vigils, displays and other acts of public expression. The webpage includes a link to the University's [Guidelines for Students in Support of Free Expression through Protests and Demonstrations at the Homewood Campus](#).

The Protest Policy states that students interested in organizing or engaging in protests, demonstrations or other acts of public expression may, but are not required to, seek support from the Offices of the Provost, Student Life, and Campus Safety and Security. Advance notice is not intended as a precursor to restraint of speech, but rather as an opportunity to ensure an event is successful.

The Policy also states that the University is committed to establishing a safe environment in which free speech and expression can take place by:

1. Ensuring the physical health and safety of our community;
2. Prohibiting speech and expression that constitutes threats or harassment directed at a specific person or group, including threats based on race, ethnicity, religion, sex, gender, disability, age, or other protected status; and
3. Prohibiting any inciting of violence.

Protests, demonstrations, and other acts of public expression generally will be permitted and supported until or unless members of the Provost's Office, including the Vice Provost for Student Affairs, determine that the rights of others have been significantly infringed and/or determine – in consultation with Campus Safety and Security, as needed – that there is a threat to the safety or welfare of those in attendance. Material interference with the rights of others to engage in instruction and research will be viewed as inhibiting academic freedom of others and disruptive to the core educational mission of the University.

Disruptions raising health, safety and welfare concerns may include but are not limited to: obstructing the passage into or out of buildings by blocking doorways; preventing University employees from entering their workplace; refusing to relocate from a building or area that is closed; preventing members of a class from being able to hear a lecture or take an exam; preventing an instructor from giving a lecture, by means of shouts or other significant interruptions; and destruction of property or vandalism.

Last, the Policy provides that arrangements are generally required for recognized student groups seeking to use common spaces, although arrangements are not required for student protests and demonstrations.

Postering Policy

The University's [Event Promotion](#) Policy is published on its website, and states that advertising should not disrupt academic classes, programs, or activities and should not damage University property. Further, advertising must not contain material that harasses any individual or group on the basis of race, gender, national origin, religion or sexual orientation; contains a message of hate or a threat of violence; or promotes hate speech or events.

Statement of Principles on Academic Freedom

The University publishes its Academic Freedom Policy on its [website](#). The Policy states that the University is committed to the steadfast protection of the right to academic freedom, but also states that academic freedom is not "unbounded. As with the First Amendment to the U.S. Constitution, on whose precepts it is based, academic freedom does not guarantee the right to defame or threaten, to deface or harass, or to incite violence or infringe on privacy." The Policy also states that academic freedom "necessarily permits the expression of views that even the vast majority of the community may find misguided, ignorant or offensive. The appropriate response to such statements in an academic setting is not to censor or punish, but to challenge, criticize, and persuade."

Reporting Process

According to the Policy, OIE is responsible for receiving and handling complaints of discrimination, harassment, and retaliation. The Vice Provost for Institutional Equity (Vice Provost) oversees OIE and is the senior equal opportunity official. The Vice Provost and Assistant Vice Provost work with OIE to coordinate the University's efforts to comply with state and federal laws governing discrimination, harassment and retaliation. They are also responsible for the coordination of investigations of discrimination, harassment and retaliation complaints. The OIE is also staffed by several Equity Compliance Investigators; two Senior Equity Compliance Investigators; an Equity Compliance Program Coordinator; a Director of Case Management; an ADA Compliance Officer; an Assistant Director for Workplace Accommodations; an Administrative Coordinator; an Equal Opportunity Process Specialist; and an Executive Assistant.

The University told OCR that OIE has jurisdiction over complaints of harassment or discrimination involving all nine schools within the University, including the School of Medicine.

OIE has an [online reporting form](#). When complaints are submitted through this form, they are automatically added to OIE's tracking system. All reports of discrimination or harassment generate a discrete OIE incident report number, and once a report is received, OIE staff confer to determine appropriate next steps. According to the Policy, when OIE receives a report of discrimination, harassment or retaliation, the report is evaluated to determine whether or not the allegations are within the purview of OIE policy, and if so, to determine whether an investigation or other action is appropriate. OIE may engage in limited fact-finding to determine whether to initiate an investigation, to take other actions or refer to another office. If, following this preliminary review and assessment, it is clear to OIE that a report does not involve allegations of

discrimination or harassment or rise to the level of a potential Policy violation, OIE may refer the report to another University department, or elect to close the case without further investigation. In that case, OIE will notify the parties and provide appropriate resources, if warranted.

If OIE determines that a report appears to be within its jurisdiction, the Equity Compliance Program Coordinator will attempt to contact the complainant to provide information and resources. OIE will attempt to reach the complainant three times; if, upon the third communication, OIE still has not heard from the complainant, OIE will advise the complainant that it will close the case but the complainant can reinitiate the matter at any time.

According to [the Policy](#), if an OIE case is opened, an OIE representative will notify the complainant and respondent in writing of the alleged violation being investigated. The University may continue the process without the complainant's and/or respondent's participation. Informal resolution is available and overseen by an OIE Equity Compliance Investigator. If informal resolution is not successful, OIE will determine whether to conduct a formal investigation. Upon completion of the fact-gathering process, the investigator will consider all relevant evidence and reach a determination. The investigator will review the determination with the Vice Provost or Assistant Vice Provost, and once the determination is final, it will be shared with relevant decision-makers. Thereafter, the investigator will disseminate Closing of Investigation letters to the complainant and the respondent which will articulate the determination.

Resolution of discrimination, harassment and/or retaliation complaints in which the respondent is a staff member will be governed by the procedures in the university's personnel policies, except as provided by the Policy.

Title VI Training

The University told OCR that it conducts training and information sessions regarding student rights under Title VI, how to report possible violations of Title VI, and/or the University's obligation to respond to such complaints. According to the University, OIE, Student Affairs, the Office of Student Conduct and the Office of Diversity and Inclusion conduct such trainings, which are usually conducted in person. Some trainings are also available to faculty and staff online through the MyLearning system. The University provided OCR with a list of trainings that were provided from January 2022 through December 2023, and the materials that were used in each training. Many of the training materials address discrimination and harassment, including discrimination and harassment on the basis of national origin/ethnicity/ancestry. Many of the trainings also address the University's Discrimination and Harassment Policy and Procedures. However, while one of the training programs provides a case example involving a Muslim student who is discriminated against due to wearing a hijab, none of the training materials specifically address antisemitism or anti-Arab bias, or provides examples of what constitutes antisemitism or anti-Arab bias. The University reported to OCR that these topics would be addressed by OIE and the Clery Administrator during mandatory all-staff meetings in March and June 2024.

Proactive Efforts by the University

The University told OCR that following October 7, it has proactively sought to foster an environment of inclusion free from discrimination and harassment, and has engaged officials at all levels of the University to address the needs of students, faculty and staff. These efforts have included immediately forming a working group of senior University officials, which initially met daily and – as of May 2024 - continues to meet regularly, to discuss and develop University actions in response to October 7. This group included representatives from the Offices of the President and Provost, Student Affairs, Diversity and Inclusion, Public Safety, Student health and Wellbeing, Human Resources and OIE. The group met daily at times and at least twice a week throughout the fall and winter of the 2023-24 academic year to coordinate and address community needs, with particular attention to Jewish, Muslim and Arab members of the University community.

Further, the University explained that it has provided long-standing support to on-campus religious organizations, including Hillel. The University also told OCR that it has supported the Bunting Meyerhoff Interfaith and Community Service Center (the “Interfaith Center”) since 1999, which serves as the base for the University’s Religious and Spiritual Life efforts, as well as the home for a wide variety of prayer and worship services, educational events and social gatherings for over 20 religious organizations.

The University also told OCR that in April 2022, the University President and Vice Provost for Diversity and Inclusion attended the Presidents’ Summit on Campus Antisemitism. The summit addressed a perceived increase in nationwide antisemitic incidents and explored ways educational institutions can respond to antisemitism while respecting free speech and academic freedom. To build on this, in the Spring 2023, the University undertook a new Campus Climate Survey, which included questions about the climate for religious life on campus, and in Summer 2023, the University hired two new Assistant Chaplains. They commenced planning to renovate the Interfaith Center and created a new fund to support religious observances on campus, such as Seders and Iftar meals.

The University also told OCR that the University President and other leaders have issued messages related to October 7 to the entire University community, including the following:

- October 10, 2023: Message from the University President offering support, including University resources, to anyone affected by October 7 and the ensuing war. The Deans of the School of Advanced International Studies and Peabody School forwarded the message to their respective communities. On the same day, the Assistant Vice Dean for Engineering Student Affairs, the Director of Engineering Student Support and Advocacy and the Associate Vice Dean for Graduate Education and Lifelong Learning sent a message to the Whiting School of Engineering graduate students and postdoctoral fellows offering support and resources.
- October 13, 2023: The University’s Student Well-Being team published an article with well-being resources for students affected by violence in Israel and Gaza, and also

directed students to the OIE/Public Safety to file complaints of discrimination or harassment. The University shared this on social media as well.

- October 16, 2023: The University Krieger School’s Dean sent messages to students and faculty reminding them of resources available to anyone affected by the war.
- October 17, 2023: The Dean of the Whiting School of Engineering sent messages to students and faculty in the Whiting School, reminding them of available resources, including a guide for faculty on how to identify and assist students in distress.
- November 20, 2023: The University’s Student Government Association, Muslim Association and Jewish Students Association sent a message encouraging respectful discourse on campus, specifically warning students against misuse of social media to engage in targeted speech. The message was crafted in collaboration with University leadership and sent by the student groups to maximize impact on peers.
- April 3, 2024: The Chief Diversity Office and Vice Provost for Diversity and Inclusion, Vice Provost for Student Affairs and Vice Provost for Institutional Equity sent a message to the University community addressing religious hatred. The message described the University’s policy prohibiting discrimination and harassment, and the University’s commitment to addressing religious hatred and discrimination.

Beyond these messages, the University told OCR that University leaders and staff have been in regular communication with student groups and students, staff, and faculty—in large and small group settings, as well as individually—to hear concerns and solicit views on how the University can better ensure all community members feel supported and safe. For example, both before and after October 7, 2023, members of the Office of Diversity and Inclusion met with Hillel at least monthly, often together with other University departments, to discuss any member concerns. And in the wake of October 7, that Office, the President’s Office, OIE, and Student Affairs have engaged in a series of meetings with multiple student groups, including Hillel, Muslim student groups, and the Student Government Association, to discuss how the University can best respond to student concerns.

The University also furthered its commitment to combatting antisemitism through its participation in a climate initiative with a community organization, whose purpose is to build awareness, allyship, and action around antisemitism. Commencing in March 2024, the University joined the fifth cohort of schools in the program, which includes more than 35 colleges and universities around the country. The program combines education about Jewish student identity and antisemitism with action planning to help university officials lead their campuses to become even more inclusive of Jewish students’ needs.

In March 2024, the University collaborated with an organization promoting religious pluralism in higher education, to host a workshop on DEI and Religion in Higher Education. Fifty participants convened from the University and other educational institutions in the Washington, D.C. and Baltimore, Maryland region to discuss whether and how diversity, equity, and inclusion initiatives and policies in higher education adequately attend to religion and religious diversity, and how to better equip universities to respond to incidents or allegations of antisemitism, Islamophobia, and other forms of religious bigotry on university campuses. The University has also engaged a consultant to advise on anti-Muslim bias issues. While the University told OCR that the specifics of the programming are still being developed, the University currently intends

to retain an expert to lead five seminars for relevant University professionals to gain more in-depth understanding of unique needs, challenges, and opportunities of diverse University Muslim students, faculty, and staff.

In April 2024, the Office of Diversity and Inclusion, in partnership with a community organization, also held a series of events on religious pluralism, with events dedicated specifically to understanding the roots of antisemitism and Islamophobia. On April 2, 2024, the University hosted a Rabbi for an event exploring antisemitism's historical roots and how to combat present-day antisemitic hate. On April 12, 2024, the University hosted a nationally recognized interfaith and intercultural practitioner and professor of Islamic Studies, for a discussion on the roots and impact of Islamophobia. And on April 18, 2024, the University held a workshop on Advancing Religious Pluralism: Bridging Campus Divides through Interfaith Leadership.

The University has also offered other opportunities for members of the University community to learn about the conflict more broadly, including organizing multiple faculty panels to educate the community about the history and the current contours of the Israel-Gaza conflict and offering a course called Gaza Out of the Strip: Past, Present, and Possible Futures after October 7 in the spring semester over three weeks taught by a scholar of Gaza. To advance these efforts, the University convened an advisory committee composed of faculty, students, and staff that has been meeting regularly throughout the fall and spring semesters to explore ideas for academic programming related to the crisis in the Middle East.

By letter dated August 19, 2024, the University provided supplemental information regarding additional proactive efforts that it has taken, including a review of University policies and procedures to ensure compliance with state, federal and local laws. More specifically, the University told OCR that it has taken actions to address specific concerns regarding social media in the wake of October 7, including multiple discussions across University departments to address concerns regarding SideChat, a social media application that permits users with university-affiliated email addresses to anonymously post on forums visible only to other users affiliated with the same university. The University also told OCR that, in light of recent OCR Resolution Agreements with other universities, it is currently reviewing all policies and relevant training materials to ensure they are consistent with the University's Title VI obligations, as well as free expression principles.

In its letter of August 19, 2024, the University also told OCR that it is reviewing its Demonstrations and Rallies policy that governs protests that occur on campus and relevant training materials, to ensure that the University organizations involved in campus demonstrations, such as Campus Safety and Student Affairs, are fully aware of the University's Title VI obligations and that University responses to demonstrations are applied equitably.

The University also informed OCR that it is in the process of reviewing its training for Equity Compliance Investigators to ensure that they are provided with appropriate guidance for how to assess whether a hostile environment is created at the University based on particular incidents or based on overall climate. The University also reported that it is in the process of reviewing its existing training materials and programs to strengthen the guidance provided regarding Title VI related obligations, which will include guidance on how to view complaints cumulatively in

determining whether there may be a hostile environment within the University and a description of how the University responds to complaints. Based on this review, the University will incorporate appropriate updates and ensure updated trainings are delivered to all relevant individuals within the University.

In a supplemental data response dated December 2, 2024, the University informed OCR that it updated its existing policies regarding free expression and demonstrations and announced the revised policies through community emails from the Provost and President. The University President also continues to send community messages offering support and updates regarding various sessions and dialogues on campus regarding the ongoing conflict in the Middle East. The University also made updates to the [Free Expression: Protests and Demonstrations website](#), to provide guidance for students and other members of the University community regarding how to register protests and demonstrations, information regarding permissible use of signage and campus grounds and provides examples of protest-related activities that may violate University policy. The University also created a new Protests and Demonstrations Student Reference Guide, which clarifies the range of conduct students may engage in while participating in a protest or demonstration, and explicitly prohibits targeting individuals based on their actual or perceived association with a particular religious, racial or ethnic group. Additionally, the University created a new “[FAQs Free Expression at JHU” website](#) to provide further guidance and information relating to free speech at the University. The University conducted additional training for Equity Compliance Investigators and Student Affairs staff to specifically ensure that investigators are trained to evaluate whether a student or group of students may be subject to a hostile environment based on particular incidents or based on overall climate. The training was provided to more than 100 leaders and staff in Student Affairs. Last, the University recently announced a new Title VI coordinator position for which it is currently recruiting. The Title VI coordinator will manage the University’s Title VI processes and procedures to ensure that the University promptly investigates allegations of shared ancestry discrimination and/or harassment; conducts climate assessments; ensures the provision of supportive resources; and maintains, updates and delivers Title VI training to relevant University faculty, staff and students.

The Complaint

The Complainant referred to a [news article](#) describing a [letter](#) signed by over 24 faculty members at the University on November 6, 2023 expressing solidarity with the people of Gaza and demanding an immediate ceasefire. The Complainant asserts that “this praise is indicative of an environment that is hostile and unsafe for Jewish students.” He also referred to an open letter to the University President from the graduate student workers union, known as TRU (Teachers and Researchers United) written ten days later, demanding that the University call for a ceasefire. He asserts that, in this letter, there was no condemnation of the Hamas attacks and that the letter used concerning language, such as “uncompromising solidarity,” “righteous struggle,” “apartheid,” “colonialism,” “ethnic cleansing,” and genocide.”

By letter dated August 19, 2024, the University told OCR that it never received a complaint regarding the faculty-signed letter. However, in light of the allegations, the University indicated that OIE would carefully review the facts and circumstances surrounding the letter to determine if any violations of University policy were present. With regard to the second matter, the University told OCR that it received a complaint, reviewed the report and conducted an intake

interview with the complainant. Ultimately, however, the University determined that there was no basis to begin a formal investigation as the matter as alleged did not involve conduct that violated University policy. Nonetheless, the University offered supportive resources to the Complainant and closed the matter.

Other Complaints of Shared Jewish Ancestry Discrimination and/or Harassment

The University provided OCR with documentation of 99 other reports/complaints concerning alleged harassment and/or discrimination based on shared ancestry from October 2023 through May 2024. In every report where the individual making the report is identified, the documentation shows that OIE staff conducted outreach by offering to meet with the individual and providing information about the Policy and supportive resources. Below is a summary of some of those incidents:

Social Media Reports

Incident 1 [Redacted content]: A non-University affiliated individual filed an OIE complaint regarding Instagram posts made by Staff Member 3. The only screenshot provided was of Staff Member 3 commenting “gross” on a friend’s story in support of her friends and family in Israel. An Assistant Professor advised Staff Member 3 that a report had been made as “when this happens, we are obligated to pass along these reports to appropriate offices for review.” The University told OCR that the Instagram account was private, so OIE’s inquiry was limited.

Incident 2 (Redacted content): Staff Member 4 emailed various University staff to report that Staff Member 5 created a hostile work environment through her social media postings. No screenshots were provided and the account was private, but the documentation shows that [Redacted content] staff spoke with Staff Member 5 and she “agreed to refrain from interacting with co-workers on social media and from discussing inflammatory issues in the workplace.”

Incident 3 [Redacted content]: A non-University affiliated individual emailed the Title IX Coordinator to report Student 6’s social media posts. OCR reviewed screenshots of the posts, in which Student 6 refers to Israel as a terrorist state and the IDF as terrorist, Netanyahu as a murderer and war criminal, and accuses anyone who stands with Israel as standing with genocide, colonialism, apartheid and racism. In one post, Student 6 reposted an image of toast with strawberry jelly that resembles smeared blood, with the title, “See what Hamas did.” In another, Student 6 reposted a comment that a person who is pro-Israel is not a good person. Further, in response to a flood in Northern Tel Aviv, Student 6 reposted “I hope they drown.” The Title IX Coordinator forwarded the information to Public Safety, who determined that there was no direct threat. The documentation also shows that the Title IX Coordinator determined that there was nothing more for OIE or Student Conduct to do with regard to Student 6.

Incident 4 [Redacted content]: Student 22 wrote an article [Redacted content] in which Student 22 expressed pro-Israel opinions. Subsequently, he filed a report with Public Safety because on an anonymous Instagram account, someone posted a picture of him walking on campus that said something along the lines of Student 22 was a bad person. In another anonymous account, someone screenshotted the article and wrote, “disgusting shit written by disgusting shit,” including a profile picture from Student 22’s social media account. On that same day, the Hillel

Executive Director sent an email to University staff with a screenshot of an Instagram post in which a student wrote: “I need a couple of y’alls ugly ass Zionists to sit on my porch for Halloween.” She asked why this was not considered hate speech and said that she had a “file an inch thick of screen shots like this.” There is no documentation of the University’s response to the Hillel Executive Director. With regard to Student 22, OIE closed the complaint because it “lacked a basis for formal investigation into any alleged violation of the Discrimination and Harassment Policy by any identified individual.” The emails show that OIE staff did not think that the posts rose to the level even for an educational conversation as the posts were about the content of the article, not about Student 22 personally.

Incident 5 [Redacted content]: A non-University affiliated individual filed an OIE report regarding Student 24’s social media posts in which he lamented working for Jewish people and made other offensive statements. The Title IX Coordinator spoke with Student 24 in [Redacted content] and stated that Student 24’s conduct could implicate University policies as it could be interpreted as unwelcome conduct based on protected categories that could create a hostile environment. After the conversation, she sent him an email advising him that OIE now considered the matter closed. The University told OCR that the reporter in this case is a non-University affiliated individual who expressed a desire to remain anonymous and thought Student 24 could use help and support but did not wish to move forward with a formal investigation. As such, OIE decided to resolve the matter through an educational conversation.

Incident 6 [Redacted content]: An anonymous reporter filed an OIE complaint about Staff Member 6’s social media postings that were “exclusively pro-Palestine content, and most recently, made a comparison between Nazi medical ethics and Israelis.” The Title IX Coordinator forwarded the report to the Director of Staff Member 6’s program and asked that he advise Staff Member 6 of the complaint “to let [Staff Member 6] know what was reported, and how her (alleged) comments were perceived.” On [Redacted content], the Director of the program confirmed that he spoke with Staff Member 6, and that she expressed “some concerns about OIE’s approach.” The case was then closed.

Incident 7 [Redacted content]: Student 8 filed an OIE complaint about a former friend, Student 9. Student 8 explained in the complaint that he and Student 9 engaged in an online conversation about each other’s posts about the Israel-Hamas conflict and Student 9 called Student 8 “racist” and “colonizer” and then posted on his Instagram story that he didn’t want anymore “rich white Americans popping into his DMs about the issue.” Another time, Student 9 directly called Student 8 out by using his nickname on an Instagram story. The documentation shows that OIE staff did not believe that the incident “rose to the level of an investigation” but instead engaged in an educational conversation with Student 9 and implemented a no-contact order. In its correspondence with Student 9, OIE staff advised Student 9 that while his conduct in this instance did not rise to a level requiring an investigation, the University prohibits identity-based harassment and future conduct which rises to that level could be investigated as a policy violation and could lead to disciplinary consequences.

Incident 8 [Redacted content]: Student 11 filed an OIE complaint stating that University students took photos that she posted of herself at the March for Israel in D.C. on her Instagram account, and posted them with offensive comments, including “It’s always the busted bitches,” and “Honestly, this isn’t something to be proud of...questionable how y’all say bring the people

home, yet Palestinians are being bombed every day.” The University told OCR that two of the posts reported by Student 11 were made on SideChat and therefore, anonymous. [Sidechat](#) is an application where University students are able to make anonymous posts and comments. Students register for the application using their University email address. The third post was made by a named student who commented on Student 11’s Instagram post “maybe if they went to lecture, they would be educate[d] on who actually is the victim.” OIE closed the complaint after Student 11 did not respond to outreach.

Incident 9, 10, 11 and 12 [Redacted content]: The Director [Redacted content] filed an OIE complaint regarding three Instagram accounts @hopkinsjusticecollective, @jhudissenters and @bsph.sjp, regarding a series of pictures posted to the accounts that talked about a trip to Israel that was sponsored by Hopkins Hillel. The Hopkins Justice Collective Instagram account states that it is a community organization of students, affiliates and alumni of the University. JHU Dissenters identifies itself as “a new wave of young people turning the tide against endless war & empire,” and @bsph.sjp is the Students for Justice in Palestine for the Bloomberg School of Public Health. The post discussed how Israel was engaging in genocide and occupation of Palestinians, and stated that the Student Government Association (GSA) was preparing to have elections and that students voting should be aware that many of those running for positions attended the trip to Israel sponsored by Hopkins Hillel. The post included a copy of an email that the Director [Redacted content] had sent to GSA members inviting them to attend the trip, with her contact information identifiable. The email that was posted identified previous attendees by their first and last initial. In another post, the Hopkins Justice Collective, JHU Dissenters and BSPH SJP called for the University to cancel the trip to Israel facilitated by Hopkins Hillel and posted a petition to the Instagram post. The Director wrote that this “is a clear attempt to intimidate and doxx students planning to participate in this year’s trip.” At least one student whose initials appeared in the post as a previous attendee also filed an OIE complaint stating that she felt she was doxxed and that the post was intended to influence elections. OIE closed the complaint because it had “insufficient information to identify the individual who made the offending post, and is unable to take further action.” However, the reporting individuals were advised that their concerns about anonymous social media posts and accounts had been passed to University leadership. Further, although the Director asked if any action would be taken against identifiable students who reshared the post, OIE advised her that no action was warranted. Another staff member and another student complained about the incident, but although OIE attempted outreach with all students whose initials appeared in the post, none agreed to meet.

Incident 13 and 14 [Redacted content]: Student 37 and Student 40 filed separate OIE complaints regarding a professor who posted on X calling for an “Intifada.” The University told OCR that as of June 2024, the investigation was still open. The documentation shows that OIE staff met with Student 37, and spoke with the professor, but that Student 40 did not reply to outreach.

Incident 15 [Redacted content]: Student 46 filed an OIE complaint about an Instagram post by Student 47 which read: “Don’t fuck Zionists, they don’t deserve to cum. FREE Palestine.” OIE staff emailed Student 47 asking to meet, but advising her that the purpose of the meeting was informational/educational and that she was not the subject of any OIE investigation. The notes of the meeting reflect that OIE staff told Student 47 that the “reported conduct in and of itself would not constitute a violation of the discrimination and harassment policy,” but warned her that “continued posts calling for negative conduct towards groups of people based on their

identity – either religious or national origin could constitute a violation if found to create an abusive of [sic] hostile environment...” The notes reflect that OIE staff advised Student 47 that conduct that occurs off campus over social media could create a hostile environment, however, in this one instance, it did not. OIE closed the report after the conversation with Student 47.

SideChat

Incident 16 [Redacted content]: Student 19 emailed various University staff to report that she was targeted in SideChat due to her outspoken views on Israel. The documentation shows that in SideChat messages, Student 19 was referred to as a “witch.” One screenshot shows an image of a witch that refers to Student 19, surrounded by dead Palestinian children. In another post, Student 19 is referred to as a “terrorist supporting a terrorist group.” In another post, she is referred to by first name – a unique, Israeli name – with “the [first name] girl lowkey needs to shut the fuck up about israel, focus on your exams or something,” with the comment “classic white woman center of the university syndrome.” The Hillel Executive Director attended a meeting with OIE with Student 19 as her support person [Redacted content]. The documentation shows that OIE informed Student 19 that it did “not have a basis for a formal investigation” because it could not identify the individuals making the posts and “OIE doesn’t have the authority to compel them to tell us.” The notes indicate however that OIE staff shared with Student 19 and the Executive Director that there had been meetings between the University President and student body representative to discuss SideChat, and he communicated that if the student body wanted SideChat to remain on campus, it was a truly anonymous platform over which the University had no authority to police.

Incident 17 [Redacted content]: An anonymous reporter filed an OIE complaint regarding a SideChat post in which someone added a poll asking which side is the victim, with the two responses being “people with more skin melanin,” and “people with more pointy noses.” The poll also asked whether Israel or Palestine was the victim. Because SideChat is anonymous, the University took no individual action.

Incident 18 [Redacted content]: Student 13 filed an OIE complaint regarding a SideChat post “with an infographic [sic] linking an alleged organized effort by Zionists/Israel to Jeffrey Epstein’s crimes.” Student 14 also filed an OIE complaint regarding the same SideChat post. Because SideChat is anonymous, the University took no individual action.

Incident 19 [Redacted content] and Incident 20 [Redacted content]: On [Redacted content], Student 7 filed an OIE report because someone wrote a SideChat post the day prior stating, “don’t fucking tell me to feel bad for hillel because they lost a member, I’ve seen those mf make fun of dead Palestinians, no sympathy for them.” The post was in response to a University student who was a member of Hillel who passed recently. OIE closed the report because the identity of the respondent was unknown, but OIE staff advised Student 7 that his concerns regarding SideChat were brought to the attention of University leadership for further discussion. Student 7 replied on [Redacted content], raising concerns regarding another SideChat post but there is no documentation of a reply from the University.

The University explained to OCR that complaints regarding alleged misconduct on Sidechat are difficult to investigate given the anonymous nature of the posters, which limits OIE’s ability to

identify a respondent. In such cases, OIE will assess if there is any indication that the reporter knows who made the post or if there is any other evidence indicating the poster's identity. Absent any such indications, OIE's ability to investigate anonymous conduct on Sidechat is limited. Nonetheless, the University told OCR that it has taken a number of steps to address concerns of harassment and discrimination in Sidechat. For example, shortly after October 7, the University initiated meetings among individuals from Student Affairs, OIE, the President's office, Human Resources, and other University components to discuss how best to support students during this time. As part of the discussions, University officials would "review and identify trends in case files to determine how to handle these incidents, and as part of that process, discussed the rise in complaints about Sidechat." In light of the difficulty in investigating these kind of complaints, the University told OCR that it pursued other non-disciplinary measures to address these concerns. For example, on November 20, 2023, the Student Government Association, Muslim Association and Jewish Students Association sent a community-wide message encouraging respectful discourse on campus, specifically warning students against the misuse of social media channels to engage in targeted speech. According to the University, the message was crafted in collaboration with University leadership and sent by the student groups to maximize impact on peers.

Vandalism

Incident 21 and 22 [Redacted content]: Students 20 and 21 filed separate OIE complaints that Free Palestine posters were torn down. The documentation also shows that on [Redacted content], Public Safety observed that photos of Israeli hostages were also removed from the same location. The University was not able to identify the respondents.

Incident 23 [Redacted content]: A swastika was scratched into an elevator at a University medical school facility. Public safety was unable to determine who made the image. Facilities removed it.

Incident 24 [Redacted content]: "Rich Jew Violence" was written on the exterior door of a building. The words were covered until they could be removed. Public Safety was able to identify a person of interest and the matter was referred to the local police.

Incident 25 [Redacted content]: A Resident Advisor found graffiti in an elevator bulletin board where a student wrote, "I converted to Judaism," with someone else writing "ewww" with an arrow pointing to the first phrase. The graffiti was removed and the case was closed because Public Safety was unable to identify the respondent.

Protests

Incident 26, 27 and 28 [Redacted content]: Several students filed separate OIE reports regarding a solidarity event for Palestine on the Beach in October 2023. The Beach is a grassy area of the Hopkins Homewood campus. One Jewish student said that she stood at the back and one of the organizers recognized her and invited her to come closer, which she declined. Some time later, a student who was speaking said "to the Zionists who are here, we see you and we are not afraid," which the Jewish student found to be intimidating and targeting her. Student 22 said that he also attended and heard one of the speakers say, "we see you Jews here and we aren't scared." An

anonymous reporter stated that he heard chants of “There is only one solution: Intifada Revolution.” There is no evidence the University took any action in response to the complaints.

Incident 29 [Redacted content], Incident 30, Incident 31, Incident 32, Incident 33, Incident 34, Incident 35, Incident 36, Incident 37 [Redacted content]: From April 29 through May 12, 2024, protestors built an encampment at the Beach. In response to the encampment, the University President issued a statement on [April 30](#), [May 2](#), [May 10](#), and [May 12, 2024](#).

Several students filed OIE complaints regarding the protest and resulting encampment at the University during this timeframe. Specifically, Student 7 filmed protestors chanting “one solution, intifada.” The videos also show the speaker saying, “from the river to the sea,” and “they say its hate speech when we tell them that you lied about the beheaded babies, you lied about the mass rape. You lied about the number of people who was [sic] killed on October the 7th. The truth is, you’re the one who is killing the babies. You’re the one who are raping civilians...” In another clip provided by Student 7, the speaker calls for protestors to yell “Smash Zionism” seven times. Internal emails reflect that University staff identified the speaker, and determined that he was not affiliated with the University. OIE thanked Student 7 for the report and informed him that it was working with campus partners and University leadership to address the reported concerns, and had increased security on campus.

In another report, Public Safety emailed various University staff to report that, while monitoring protest activity at the Beach, they “observed an unknown individual holding a sign depicting a swastika that stated, ‘Go Hamas, from the river to the sea, finish the job.’” Public Safety wrote that they did not believe that the individual was part of the demonstration group as members of the group attempted to snatch the sign from him, and when they were not successful, they attempted to cover the sign.

In separate OIE complaints filed on [Redacted content], an anonymous reporter and Student 12 complained about a sign that was being held that stated, “Zionism upholds Nazi ideology + White Supremacy. When people are occupied, resistance is justified.” The following day, [Redacted content], Student 12 emailed the Vice Provost for Student Affairs to report that she was assaulted at the protest that day at the Beach entrance. The documentation shows that Student 12 was wearing an Israeli flag, and after speaking to the press at the encampment, she walked towards the main entrance where there was a girl waving a Palestinian flag who asked Student 12 what she was doing there. After Student 12 responded that she was a student, the girl allegedly told her, “go back to Europe,” and hit Student 12 with the fabric part of the Palestinian flag on Student 12’s left hand, twice. The assault was reported in the press and other parents, professors and students emailed University leadership regarding their concern. The documentation shows that, as of June 2024, the University is investigating the incident and attempting to identify the respondent.

In subsequent days [Redacted content], several students and parents reported their discontent with the encampment and phrases that were being chanted, such as “Intifada, Intifada, Intifada Revolution,” and “Resistance is justified when you are occupied,” and “From the river to the sea, Palestine will be free.” Other than the community-wide message sent by the University President in response to the encampment, there is no evidence the University took any other action in response to the complaints.

Flags/Posters

Incident 38 [Redacted content]: Staff Member 7 emailed the Dean [Redacted content] at the School [Redacted content] to ask for guidance in response to a staff member putting up a Palestinian flag in their cubicle. According to the email, another staff member raised a concern to their supervisor and asked that the flag be taken down. The Dean forwarded the email to the Vice Provost of Institutional Equity, asking for guidance. The Vice Provost said that she was not aware of Human Resource's stance on private workspaces so she was including the Executive Director of Strategic Human Resource Delivery to the email chain. The Vice Provost also said that the Dean could refer to the complainant to OIE to file a complaint. The documentation shows that the Executive Director and General Counsel responded to the email, however they are redacted so OCR is unable to determine the outcome regarding this incident.

Incident 39 [Redacted content] and Incident 40 [Redacted content]: Professor 6 emailed OIE staff to inquire about workplace policies regarding posting signs in the workplace, as Student 27 had posted signs on his cubicle that could be found offensive. The posters stated: "Israel is a TERRORIST and NAZI state. BOYCOTT THEM and SPEAK OUT before it is too late," "From the River to the Sea, Palestine will be FREE!" and "If you wonder what you would do in Nazi Germany... it is what you are doing right now." Professor 6 emailed Student 27 to advise him that the posters contained language that members of the community could find offensive, and that he would consult with OIE. According to Professor 6, Student 27 agreed to take the signs down rather than have Professor 6 report them but expressed concern with other signage in the building. After OIE asked for the name of Student 27, Professor 6 refused. However, OIE was able to obtain the identity of Student 27 through other means. OIE conducted outreach but Student 27 declined to meet.

Incident 41 [Redacted content]: OIE received an anonymous complaint regarding posters that were put up across the street from Hillel which stated "When people are occupied, resistance is justified. Free Palestine," and "The struggle for liberation is a struggle for life," with a photo of individuals wearing keffiyehs with one using a slingshot. Public Safety coordinated with facilities to remove the posters on University property, and contacted the city's 311 service line regarding the posters on city property.

Incident 42 [Redacted content]: Student 37 called OIE staff to complain that there were Palestinian flags on the main quad at the start of Passover. OIE spoke with Student 37 and subsequently sent her an email advising her that the flags were removed, per University policy. The next day, Student 37 emailed OIE staff to report that the flags had reappeared. OIE staff emailed Student 37 to inform her that the flags were removed once more. The emails show that OIE staff also met with facilities and campus safety to discuss how often they were doing rounds on campus.

Other

Incident 43 [Redacted content]: On [Redacted content], OIE received a complaint regarding messages sent by a professor to his class. Specifically, following October 7, the professor wrote to his students about the war and his concerns about his family in Israel, and stated: "Those brutal Arabs will, God willing, pay a price like never before for simply butchering more than

1000 (!) Israelis including kids and elderly and CAPTURING INTO GAZA what looks like more than 200 civilians. Insane!!!!” The documentation shows that the Dean of the professor’s program had an educational conversation with the professor, during which the professor apologized. The professor also sent an email to the Dean apologizing. The Vice Provost for Institutional Equity also had a conversation with the professor, during which the professor also apologized, and clarified that his email was about the individuals who carried out the attacks, not all Arabs. He also sent an apology via email to the Vice Provost. OIE sent an outreach email to all students in the class. There is no documentation or information showing that any student responded.

Incident 44 [Redacted content]: An anonymous complaint was filed with OIE regarding Professor 11 [Redacted content]. The complaint included screenshots of Professor 11’s social media posts in which he said that it wasn’t just Hamas but all Palestinians who had one object - to kill Jews. He also called Palestinians “Barbaric animals w [sic] no concern for life,” “Blood thirsty morally depraved animals,” that they showed the world that all they cared for was dead Jews, that they are “Just savage animals,” and that it was “Time to reclaim Gaza.” The Professor was placed on leave, and OIE conducted an investigation in which it determined that his posts created a hostile environment in violation of the University’s Discrimination and Harassment Policy and Procedures. No information was provided regarding the steps taken by the University to redress the hostile environment.

Incident 45 [Redacted content]: Student 23 reported to Public Safety that someone took photos of her and put an ad on a Baltimore escort site with her real phone number and the name “jewess cass.” She reported being fearful and believing a University student had made the post. Public Safety referred the report to OIE. However, once OIE learned that Student 23 filed a local police report, and did not respond to further outreach, it closed the case.

Incident 46 [Redacted content] and Incident 47 [Redacted content]: An anonymous OIE report was filed regarding Professor 12 and his social media posts. In one post, he opined that Mohamed bin Zayed University of Artificial Intelligence received a high ranking by U.S. News and World Report because “they are paying a bunch of faculty who are apparently willing to sell their names and reputations for money... in a country that has no tradition of scholarship or a respectable academy.” Additional complaints were filed regarding a post that Professor 12 made in which he stated, “and I see those @MIT faculty mis-use the term ‘Islamophobia’; they should listen to Sam Harris’s recent podcast where he explains that ‘it’s a word invented by fascists and used by cowards to manipulate morons.’” OIE determined that the content of the posts did not violate Policy but asked the Dean of Professor 12’s program to speak with Professor 12 regarding the attention that his posts were receiving. OIE informed the students who complained that it had addressed their complaints. At least one student expressed dissatisfaction to OIE regarding its handling of the incident.

Incident 48 [Redacted content]: Student 5 reported to Professor 2 that Professor 1 emailed her after she made a Twitter post about people resisting the urge to take a side in the conflict, stating that “the moral equivalence argument is frequently made but intellectually wanting. I do take a side. I side with humanity against barbarism.” He also wrote, “I’m an atheist, but if I were to pray, it would be that the death cults that your religion and my former religion so often embrace could be eradicated.” Professor 2 emailed the report to the Title IX Coordinator. The

documentation shows that OIE staff determined that the comments were “highly inappropriate and offensive,” but that it was difficult to discern whether the comments were directed at Muslim people in general or at the actions of Hamas. The documentation also shows that the case was closed because Student 5 refused to move forward with an investigation. Leadership in Professor 1’s program discussed the incident with him.

Incident 49 [Redacted content]: At a roundtable discussion with Jewish students, the Hillel Executive Director, and University leadership, several students described antisemitic discrimination and harassment they experienced. OIE attempted outreach with each student, but none responded.

Incident 50 [Redacted content]: The Office of the Vice President and General Counsel received a hotline complaint from Student 8 against Professor 4. The complaint was forwarded to OIE. The documentation shows that Professor 4 informed a [Redacted content] Employee, who was Student 8’s team lead, that Student 8 should not wear his keffiyah [Redacted content] while working [Redacted content]. The team lead informed Student 8. While Student 8 told OIE staff that the team lead told him that Professor 4 said that Student 8 should not wear his keffiyah because “it symbolized terrorism, hate and bad people,” the team lead denied to OIE staff that Professor 4 made these statements. OIE staff also interviewed Professor 4, who acknowledged that she suggested Student 8 remove his keffiyeh because it could be interpreted as a “political statement,” and she observed a Jewish family visually react when they saw the keffiyeh on Student 8 [Redacted content]. Internal emails from OIE staff show that they disagreed with Professor 4’s perspective but believed that they did not have a basis to take any action. OIE staff “closed the loop” by speaking with Student 8 and sharing what Professor 4 told them during the investigation.

Incident 51 and Incident 52 [Redacted content]: In the [Redacted content], Professor 5 taught a [Redacted content] course. In early [Redacted content], he invited a guest lecturer to class to discuss [Redacted content] the Holocaust. Following the guest lecture, Professor 5 gave an assignment to the class to discuss the lecture on the online discussion board, and in response to several student comments in the discussion board, Professor 5 sent an email to the class warning them that several posts veered “off the session’s topic of [Redacted content]” and instead condoned and/or rationalized “the Hamas terrorists’ antisemitic mass slaughter and kidnappings of unarmed Jewish women children, infants, and elderly. Student posts condoning or rationalizing antisemitic attacks and violent racist hate speech are not tolerated in this course. I urge everyone to review their posts and ensure adherence to the course guidelines before I finalize and submit grading.” No students submitted any complaints, but Professor 5 sent an email to the Director [Redacted content] about pursuing student conduct charges against the students, and the Director referred the matter to OIE. OIE determined that none of the student comments rose “to the level of violations of OIE’s policies on harassment and discrimination because none of the student posts expressed race or religion based hate,” so the complaint was closed. OIE subsequently followed up with students in the class to ensure that they were not impacted by the Professor’s actions and also held an educational conversation with Professor 5 to affirm that he would not change student grades based on their opinions. A non-profit organization subsequently filed a retaliation complaint on behalf of Professor 5 in [Redacted content] because a few months after Professor 5 emailed the Director regarding his concerns about the student comments, the department declined to renew his contract for [Redacted]

content]. The University referred the matter to an outside law firm to conduct a review. The law firm concluded that there was no evidence of retaliation.

Incident 53, 54, 55 [Redacted content]: During a Zoom seminar on Jewish philosophy, someone obtained unauthorized access and started showing pornography and “Free Palestine” on the screen. OIE reached out to the professor and students who attended the Zoom to offer to meet and provide supportive resources. Internal emails show that University staff did not believe that anyone at the University was involved with the incident. The documentation also shows that the incident was referred to the Baltimore police department.

Incident 56 [Redacted content]: Professor 7, [Redacted content], filed an OIE report stating that Student 35 came to her office and spoke to her in a “loud harassing tone,” yelling at her because she had an Israeli flag on her table at a recent event [Redacted content]. She wrote in the complaint that Student 35 accused her of being a “nationalist” and “colonist” and that the Israeli flag was an insult to others. The OIE case was closed because Professor 7 subsequently retracted her complaint, although OIE forwarded the report, and Student 35’s name to the Student Conduct Office. The University did not provide any further information or documentation regarding any actions taken by the Student Conduct Office.

Incident 57 [Redacted content]: The parent of a prospective student emailed the Admissions office to report that during her son’s admissions tour, the tour guide stopped in front of a sculpture that was painted entirely with a Palestinian flag and had a copy of a “Land Day Vigil” flyer on it that had a picture of Israel with a banner across it stating, “From the River to the Sea.” She expressed concern regarding the flyer and flag, but also expressed concern that the tour guide stood in front of the sculpture for 10-15 minutes and talked about free speech on campus. The email was forwarded to OIE, and in response, the Vice Provost of Institutional Equity called the parent and spoke with her. Subsequently the parent sent another email to express concern about an encampment at the University and chantings heard such as, “There is only one solution: Intifada Revolution.” There is no evidence that anyone at the University responded.

Incident 58 [Redacted content]: Student 28 filed an OIE report that she received an email from a University email address that she did not recognize, accusing her of pretending to be Jewish and someone else. The email stated: “I saw you on CBS today, wrapped in a Keffiyeh and having given the false name of [Redacted content]. Everyone is entitled to their own political beliefs and has their right to protest for what they believe in, but I’m writing this hoping I can appeal to your ethical side. Many people in the Jewish community know you used a fake Jewish name in order to give “legitimacy” of a Jewish presence at an anti-Israel protest. I hope you could see how if the inverse happened, if a student used a fake Muslim name at a pro-Israel protest at Hopkins, how that might be a misleading lie and an inaccurate representation of that cultural group’s belief at Hopkins.” Student 28 denied the accusation but told OIE that she did not want to take further action so the report was closed.

LEGAL ANALYSIS

In addition to specific proactive outreach to support an inclusive educational environment following the Hamas attack in Israel on October 7, 2023, the University has comprehensive policies that cover its Title VI obligations to the campus community. Nonetheless, University

records reflect only infrequent University evaluation of whether reported incidents create or contribute to hostile environments for the University campus community that require University redress.

For example, although the University received multiple reports that University professors directed stereotyped slurs toward Arab and Palestinian people, including in a communication one professor sent directly to his students, the University records produced to date do not reflect that the University assessed whether these professors' comments impacted their students' equal access to education. Similarly, University records are replete with reports that Jewish students and University community members experienced distress regarding stereotypes directed at them regarding their shared ancestry, including a characterization of Jewish Zionists as "ugly" Halloween monsters; reports of University-specific social media commentary about, for example, a reductive stereotype about Jewish noses; and that, for example, someone at a campus protest held a sign depicting a swastika with the threat: "Go Hamas, from the river to the sea, finish the job" – but the records generally do not reflect University consideration of whether these and other incidents individually or cumulatively created a hostile environment for Jewish students.

In other incidents, OCR is concerned that the University did not employ the correct legal standard in assessing whether the incident created or contributed to a hostile environment or was inconsistent in its application of the appropriate legal standard. For example, in one reported incident, a student made derogatory social media posts regarding Israel, including an image of toast with strawberry jelly that resembles smeared blood, with the title, "See what Hamas did." Instead of assessing whether the social media posts created or contributed to a hostile environment for Jewish students, the University closed the complaint because there was no direct threat, which is not an element of the hostile environment under Title VI. By contrast, however, in several incidents where students and/or staff were directly targeted, the University took no action. For example, in one incident, students posted and reposted derogatory information regarding staff and students who attended or were invited to attend a trip to Israel. In another, a post of a Jewish student attending the March for Israel was circulated with derogatory comments about her. In these reports, students and/or staff were directly targeted, but the University nonetheless closed the complaint on the ground that it could not identify the respondent or because the reporting party did not respond to outreach, even though it had sufficient information to identify the respondents in each. Further, there is no evidence that the University considered whether these posts created or contributed to a hostile environment, thereby necessitating other steps to address the hostile environment.

These records therefore raise a compliance concern regarding the University's fulfillment of its Title VI obligation not to operate a hostile environment based on shared ancestry.

The University entered into the attached Agreement to address the concerns raised by OCR's investigation. The Agreement requires the University to:

- provide annual training to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics;

- provide training to all staff and students addressing discrimination based on race, color and national origin, including harassment based on shared ancestry and ethnic characteristics;
- develop and administer a climate assessment for students and staff in the University to evaluate the climate with respect to shared ancestry and provide OCR with a report summarizing the assessment results with a description of activities the University proposes to take in response to the assessment results;
- review its response to each report of discrimination and/or harassment on the basis of shared ancestry received by the University on or after October 7, 2023 through the end of the 2023-2024 school year; and
- provide OCR with the University’s response to all complaints of discrimination, including harassment, on the basis of shared ancestry, for the 2024-2025 school year.

CONCLUSION

This concludes OCR’s investigation of the complaint. This letter should not be interpreted to address the University’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

Thank you for your cooperation during the resolution of this complaint. If you have any questions, please contact Spencer Plante.

Sincerely,

/s/

Beth Gellman-Beer
Regional Director
Philadelphia Office
Office for Civil Rights