



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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December 2, 2024

VIA EMAIL ONLY

John Anderson Fry, President
Temple University
Sullivan Hall, Second Floor
1330 Polett Walk
Philadelphia, PA 19122
president@temple.edu

Re: OCR Complaint Number 03-24-2103

Dear President Fry:

This letter is to advise you that the U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint filed against Temple 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 in October 2023. By letter dated January 16, 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) during the 2023-2024 school year 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 our investigation OCR reviewed documentation provided by the Complainant and the University regarding an off-campus protest that occurred on October 12, 2023, and an on-campus protest that occurred on October 25, 2023; correspondence to the University community from the University President at the time (referred to in this letter as the former President), interim Vice President for Student Affairs, and Vice President for Public Safety; and documentation describing training for students and training for faculty and staff. OCR also reviewed documentation of 50 incidents of alleged harassment on the basis of shared ancestry reported to the University during the 2023–2024 school year. Based upon OCR’s review of the evidence produced to date, OCR recognizes the University’s responsiveness to notice it received regarding some incidents that could contribute to a hostile environment for students based on

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

national origin, including shared ancestry; however, OCR also identified concerns that the University appears not to have taken steps consistently to assess whether the incidents about which it had notice individually or cumulatively created a hostile environment for students, faculty, or staff, and, if so, taken steps reasonably calculated to end the hostile environment, as required by Title VI. This letter discusses OCR's concerns below.

To resolve the compliance concerns OCR has identified in its investigation to date, the University requested to enter into a voluntary resolution agreement under Section 302 of OCR's Case Processing Manual which provides that allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, when the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement.

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 Policies and Procedures

According to the University, reports of discrimination or harassment are processed according to Policy Number 04.81.11, Preventing and Addressing Discrimination and Harassment (the Policy) (last amended October 2022), and the Student Code of Conduct (the Code) (last amended August 2023).

1. The Policy

The Policy applies broadly to all members of the University community, including “[a]ny present or former employee of the university, student, applicant for admission or employment, or participant in a university program or activity.” The Policy states that the “university is committed to providing a workplace and educational environment, programs, and activities, free of unlawful discrimination and harassment. This policy does not allow curtailment or censorship of constitutionally protected expression.” The Policy defines harassment as “[u]nwelcome conduct directed against a person based on one or more of that person's Protected Characteristics/Statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in university programs or activities, and creates a working, learning, program, or activity environment that a reasonable

person would find intimidating, hostile or offensive.” Protected characteristics/statuses include national or ethnic origin, race, and religion, among others.

The Policy is administered by the [Equal Opportunity Compliance](#) office (EOC) which is housed within the University’s Office of Institutional Diversity, Equity, Advocacy and Leadership (IDEAL). EOC has primary responsibility for responding to reports of discrimination and harassment under the Policy. The [EOC website](#) contains information about how to file a complaint of discrimination or harassment. The EOC receives complaints through several channels, including email, telephone, walk-in visits, and referrals from other University departments.

The Policy first sets forth informal resolution procedures. Informal complaints may be oral or written and can be made to the Title IX Coordinator, EOC, IDEAL, Human Resources, or any Equal Opportunity Ombudsperson (EO Ombudspersons) who will advise the complainant and respondent about support services and the availability of both formal and informal complaint resolution procedures. If requested by the complainant, and circumstances allow, the individual receiving the complaint will assist in attempting to resolve the complaint informally by, for example, advising and assisting the complainant in communicating their concerns with the respondent in an appropriate manner or exploring other possible resolutions. Use of the informal procedures is not a prerequisite to initiating a formal complaint.

Each school, college, and major administrative unit at the University has at least one designated EO Ombudsperson, listed in a [directory](#) on the EOC website, and may be contacted directly by members of the University community and are to be knowledgeable about discrimination, harassment, and retaliation matters and trained to assist in understanding and resolving these matters. EO Ombudspersons act as liaisons for EOC within each University unit. When an EO Ombudsperson receives an informal complaint or inquiry, they are instructed to advise the complainant about available resources and services at the University, including applicable formal and informal complaint resolution procedures. If requested by the complainant, and circumstances allow, the EO Ombudsperson may help EOC resolve the complaint informally. EO Ombudspersons regularly consult with EOC regarding these reports and are advised to keep records of informal complaints they receive.

If the complainant opts for formal resolution, the EOC will ensure a prompt investigation to determine if a violation of policy has occurred. Both parties will be afforded an opportunity to examine the evidence, and the respondent will have the opportunity to respond to the allegations. Once a determination has been made, the parties will be notified in writing of the outcome of the investigation. If the result of the investigation is a determination that it is more likely than not that a violation of the Policy occurred, and a negotiated resolution cannot be reached, then the appropriate University officer will initiate formal disciplinary action.

2. The Code

Discrimination or harassment prohibited by the Policy may also be a violation of the Code, which applies only to students and student organizations of the University. The Code prohibits “conduct (including any gesture, written, verbal, or physical act), or any electronic

communication (which includes, but is not limited to, e-mail, text messaging, and Internet posting on web-sites or other social media) that causes severe or pervasive distress by...violations [sic] of the [Policy]... .”

The Code applies to conduct that occurs on University premises, within 500 yards of University premises, on shuttle buses and other vehicles owned, used by or under the control of the University, or at University sponsored events. The Code “may also apply to off-campus incidents or conduct that adversely affect the University community and/or the pursuit of its objectives” and conduct occurring before classes begin, during breaks, or after classes end can still be considered a violation of the Code.

The Code states that a violation of any of its provisions constitutes a “Bias Incident” “if the conduct in question was directed at any person or group because of an actual or perceived membership in a Protected Category. Where a violation of this Code is determined by the Student Conduct Board to be a Bias Incident, the violation may result in an enhanced sanction.” According to the Code, the term Protected Category “refers to one or more of the following categories: age, color, disability, marital status, national or ethnic origin, race, religion, sex..., sexual orientation, gender identity, veteran status and genetic information.”

A violation of the Code’s provision regarding “Bias-related Intimidation or Harassment” “constitutes a Bias Incident and may result in an enhanced sanction.” “Bias-related Intimidation or Harassment” is defined as:

Conduct (including any gesture, written, verbal or physical act), or any electronic communication (which includes, but is not limited to, e-mail, text messaging, and internet posting on web-sites or other social media) that is directed by the Respondent at a person or group and is actually motivated, or reasonably perceived as being motivated, by another person's or group's actual or perceived membership in a "Protected Category," and that a reasonable person under the circumstances should have known that their actions will:

- a. Inflict bodily harm, or severe or pervasive emotional distress upon a person, or
- b. Damage a person's and/or the university's property, or
- c. Place a person in reasonable apprehension of such physical, emotional, or property harm, or
- d. Cause substantial disruption in or interference with the orderly operation of the University, or
- e. Create a hostile educational environment by severely and pervasively infringing on the rights of one or more students and substantially interfering with one or more students' education.

In addition to procedures available through the Policy, complaints alleging violations of the Code may be filed with the Student Conduct and Community Standards office (SCCS), which has primary responsibility for responding to reports of conduct by student-respondents under the Code. SCCS confers regularly with EOC on student matters and may refer investigations to EOC if allegations of discrimination or harassment are involved. The [SCCS website](#) contains

information on how to file a complaint regarding student conduct. SCCS accepts complaints in writing via email or through a referral from other campus resources.

Once a complaint is filed pursuant to the Code, the complaint will be directed to the SCCS, and the Student Conduct Administrator may then initiate an investigation. The Code Administrator may determine if there is enough information to warrant the use of alternative resolution options (e.g., conflict education, mediation) during the process, but this will only be offered if all parties agree. If informal resolution is not successful, the disciplinary charges may be resolved through the ordinary conduct process, including the appropriate hearing process, which may include an administrative hearing or Student Conduct Board hearing.

Proactive Efforts by the University

In the spring of 2022, the President of the University established the Blue Ribbon Commission on Antisemitism and University Responses in response to “the noticeable pattern of rising antisemitism in American society and on college campuses nationwide.” The purpose of the Commission was to “study Temple’s response to the various needs of Jewish students, faculty and staff.” The University told OCR that the Commission’s work included an analysis of available resources at the University for preventing and responding to antisemitism, a peer institution analysis of 13 other institutions’ resources and strategies, and a full-day workshop by Commission members to address emerging topics. The work culminated in a May 2022 report with recommendations, which the University provided to OCR. The [Blue Ribbon webpage](#) describes in greater detail the Commission’s recommendations and other proactive initiatives undertaken by the University.

In December 2022, IDEAL hired a Special Advisor on Antisemitism (the Special Advisor) who assists EOC with “triaging incoming reports relating to antisemitism, discrimination or harassment based on shared Jewish ancestry, and more, recently, with any reports or complaints relating to the Israel-Gaza war.” The Special Advisor “proactively offers to meet with individuals who have a concern, and during those meetings she provides them with information about available University resources and reporting options as well as potential avenues for addressing and responding to bias incidents.” She directs students with policy questions to EOC and/or Student affairs and she facilitates educational conversations and other forms of informal resolutions and wraparound care for impacted individuals. The information about available University resources is also publicized on the IDEAL [webpage](#).

October 12 and 25, 2023 Pro-Palestine Rallies

OCR requested all formal and informal complaints regarding conduct that occurred during pro-Palestine rallies that occurred on October 12 and October 25, 2023. The University informed OCR that it is not aware of any reports or complaints regarding conduct that occurred during an October 12 pro-Palestine rally. The University also told OCR that, to the best of its knowledge, the rally on October 12 occurred off-campus at a local media station and was not organized by University-affiliated individuals. It was billed as a “Rally Against Philly Media Suppression of Palestinian Resistance.” The University acknowledges that the Complainant said that several groups from other local colleges co-signed a statement in support of the Palestinian cause and participated in the rally and asserts that it has no jurisdiction over non-Temple entities. Further,

in its response to OCR, the University wrote: “Moreover, unless speech crosses the line into unlawful harassment or discrimination, the University is required to promote and protect freedom of speech. While the issues related to the Israel-Gaza war are fraught and have created tremendous polarization across college campuses, and the country, individuals and student organizations have a constitutional right to engage in protected speech, even where that speech is deemed offensive by other individuals.”

On October 25, 2023, Students for Justice in Palestine (SJP) organized a campus-wide walkout. Participants, who included hundreds of students, faculty, and local activists, gathered at the University’s Bell Tower after leaving classes at 11:30 a.m. At the rally, a member of SJP addressed the crowd, calling for an immediate cease fire in Gaza and for the University stand in solidarity with SJP.

According to the University, one student complained about conduct stemming from the October 25 rally. The student emailed IDEAL’s Special Advisor to report that during the rally, an individual held a poster that said, “Intifada Until Victory.” The student wrote:

At today’s SJP sponsored rally, a flag was waved advocating for Intifada. I’ll attach the video, but I am quite sure this crosses the line and made several Jewish students with me feel as if they had to hide walking to class. Clearly, this advocates for violence against anyone supporting Israel and thus Jewish students on campus.

The University told OCR that the video provided by the student “reflects a peaceful assembly of individuals, with some chanting ‘From the river to the sea, Palestine will be free!’ and one unidentifiable individual holding up a sign that says, ‘Intifada Until Victory. Socialist Revolution.’ The sign also displays a sickle and hammer.” The University wrote: “Based on the known information, the University considers these written and verbal messages to be protected speech. Accordingly, the University did not open an investigation into this complaint.”

The University also told OCR that, because the October 25 rally occurred on campus, the University took proactive and coordinated steps to ensure the safety and well-being of all attendees and onlookers. Specifically, the Department of Public Safety (DPS) coordinated with local law enforcement to arrange for an additional security detail of a lieutenant and two bicycle officers for the event, which was in addition to over 20 Philadelphia Police Department officers who were present. DPS also spoke with the faculty advisor for SJP to identify any concerns in advance of the rally. In addition, DPS emailed representatives from Student Affairs and Human Resources to ensure that they were present for the event as witnesses in case there were any “negative interactions or conflicts.” DPS forwarded the email to the Vice President, DEI (Vice President) to ensure representation from her office at the rally. According to the University, the DPS and other University employees who attended the rally “noted that the event was attended by University community members as well as members of the public at large, and observed that the crowd was orderly and peaceful, even recognizing that some of the messages and statements espoused at the event may have been hurtful or offensive to others given the polarizing nature of the Israel-Gaza war.”

Also on October 25, immediately preceding the rally, several first-year law school students interrupted a civil procedure class chanting “From the River to the Sea, Palestine Will Be Free” before walking out of the class. The Law School Dean for Academic Affairs and Diversity, Equity, and Inclusion Liaison held a closed zoom meeting with students in that class, and the class’s midterm scheduled for the following day was postponed. The Law School also sent out an email to the student body, stating that while the school was committed to free speech, freedom of speech is not absolute, and the school could place restrictions on the time, place, and manner of on certain types of speech. The University included in the email that conduct that seriously and unreasonably disrupts classroom activities violates the Code.

The student who reported the rally on October 25 to the Special Advisor also reported other incidents on campus that he believed constituted antisemitic conduct. The University told OCR that these incidents comprised social media posts on Temple University’s SJP’s Instagram account that glorified the Hamas “freedom fighters” of October 7, vandalism of a University building in the form of graffiti that stated, “Free Palestine,” and a different poster displayed at a November 9, pro-Palestine rally that stated that Israel has blood on its hands. The University told OCR that, in response to these reports, the Special Advisor held multiple in-person meetings with the reporting student and email chains in which she listened to his concerns, checked on his well-being, offered support and care, reviewed available campus resources and formal/informal reporting options, and reiterated the University’s extensive efforts to support Jewish students, staff and faculty. The University told OCR that the Special Advisor last contacted the reporting student on January 11, 2024, to ask if he was interested in participating in an Interfaith engagement project that she was leading, but the Student did not follow-up about participating.

Post-October 7 Responses by the University

The University provided OCR with the following information regarding public communications following October 7 and other subsequent events on campus:

- On [October 9](#), the former University President wrote to the entire University community: “Temple University mourns the tragic loss of life caused by this weekend’s horrific violence in Israel and the ongoing violence in Gaza . . . We also recognize . . . a diversity of connections to and perspectives on this conflict. We ask that we collectively carry forward with empathy and compassion.” The message from the University encouraged community members to engage with the University’s Counseling Center and Interfaith Inclusion Center for support.
- On [October 13](#) the former University President again wrote to the entire University community: “We are appalled and saddened by the reports of staggering brutality by Hamas . . . The Temple community will continue to hold dear our institution’s values. We unequivocally condemn terrorism, violence, [and] hate speech . . . It is only by facilitating respectful interchange that we serve our mission. But let me be clear – violence is not protected and will not be tolerated by our community.”
- On [October 13](#), the interim Vice President for Student Affairs issued a statement to the community that shared available resources for students and affirmed the University’s commitment to free speech and peaceful protest consistent with the Student Conduct Code.

- On October 13, the Department of Public Safety's (DPS) Vice President for Public Safety issued a statement notifying the community that it was “monitoring law enforcement intelligence and social media” regarding an upcoming ‘Day of Jihad,’” and had not identified any credible threats related to that event.
- On November 16, the former University President issued a statement on “Combating Hate,” and publicized a new [Resources: Israel-Gaza Crisis](#) webpage created by IDEAL in response to the crisis. In the message, the former University President described other efforts by the University to understand and combat hate, including the Blue Ribbon Commission, the Interfaith Inclusion Center, the Interfaith Council, the Center for Anti-Racism, and a new program called Messages for Peace.

The University also told OCR that from October to December 2023, the former University President attended 15 meetings and events with various constituencies from the Temple University community, representing students, faculty, and staff, as well as external community partners, including campus religious leaders, IDEAL staff, leaders of the Feinstein Center for American Jewish History, leaders from the Muslim Student Association and Students for Justice in Palestine, and leadership of the Jewish Federation of Greater Philadelphia, the Jewish Community Relations Council and the Israeli Consulate. The University did not provide additional information about the reasoning, goals, or responses to any of the meetings.

The University also produced a sample of the former University President’s responses to emails from supporters of SJP and emails from community members who expressed concerns about resources for Jewish students.

The University also told OCR that DPS has taken extra security measures to enhance the safety of its entire community since October 7, with a particular focus on its Jewish and Muslim populations. First, DPS has been monitoring law enforcement intelligence and social media regarding the ongoing conflict in Israel and Gaza. It has been in daily communication with national, regional, and local law enforcement and intelligence centers, including the FBI, Philadelphia Police Department, and the Delaware Valley Intelligence Center, all of which have been monitoring the situation and sharing sensitive information and intelligence. Further, DPS has been in routine, direct contact with the Executive Director of Hillel, the Rabbi at Chabad, and the student president and faculty advisor of Students for Justice in Palestine. DPS is also in regular contact with other public safety departments from other universities in the region to share information on upcoming events as well as emergent safety issues and concerns. DPS also regularly monitors hundreds of security cameras on campus and coordinates additional security details for Hillel and Chabad upon request, and for vigils, rallies, and protests on campus. DPS has provided additional security patrols for events at Hillel and Chabad, even though they are not officially University organizations. The University provided OCR with a memorandum dated October 24, 2023, from the Vice President for Public Safety to the former University President that summarized many of these efforts.

The University told OCR that DPS has provided an equal and proportionate police presence for both pro-Israel and pro-Palestine demonstrations since October 7. For example, on October 20, DPS provided security assistance for a pro-Palestine high school walkout, as well as a family event at the Perelman School. On October 25, DPS provided an additional presence at a Walkout

for Palestine event, which included collaboration with the Philadelphia Police Department. On November 7, DPS provided security at an interfaith vigil. On November 9, 12, 20, and 31, DPS ensured extra officers were present for pro-Palestine demonstrations. On November 16, DPS provided a police presence for a vigil hosted by Hillel to raise awareness for the ongoing hostage crisis. It also provided security for a Menorah lighting ceremony on campus on December 7, 2023. Finally, on January 30, 2024, DPS coordinated with the Philadelphia Police Department to provide one uniformed officer, one detective, and one sergeant to be present at a planned demonstration in support of Palestine at the University’s Student Center.

Further, in response to the ongoing conflict in Gaza, IDEAL, in collaboration with Student Affairs, created a program called “[Messages for Peace](#),” where it invited all students, faculty, and staff to write messages of peace regarding the crisis in Israel and Gaza. The program was part of an effort to provide a safe space for open communication and to foster a sense of unity and reconciliation. Approximately 250 messages were submitted by University community members, and those messages were curated into an exhibit at Founder’s Garden on October 23 and 24, 2023. At IDEAL’s request, DPS provided extra security patrols for the that location on those dates.

Last, the University provided OCR with the following information regarding initiatives spearheaded by IDEAL since October 7:

- In November 2023, IDEAL launched the [Mapping Spaces of Meaning Project](#) in partnership with the Dialogue Institute. The program, funded in part through a grant from Interfaith America, invites students to identify meaningful spaces on and near the University’s campus that reflect diverse religious, ethnic, and cultural identities. The project seeks to build bridges of understanding and trust across cultural, political, and religious divides. Students work together to research sites and present them to the University community in a creative way, opening a pathway to trust and understanding among students from diverse religious and cultural backgrounds.
- During the Spring 2024 semester, IDEAL planned to host an interfaith dialogue between faith leaders from the Greater Philadelphia region who, despite divergent views of the ongoing crisis in Israel and Gaza, are dedicated to engaging in social justice work together for the benefit of the region.
- The University stated that IDEAL will be welcoming two artists to campus to speak about creating art as a reflection on and response to conflict, and how the intersectional nature of identity can inform that process. OCR was not able to determine a timeline for this event.
- IDEAL’s professional staff continues to design and refine specific training modules for students, Resident Advisors, staff members, and faculty members, in addition to curating public programs to educate the campus community about antisemitism.
- IDEAL’s professional staff is working to create additional educational opportunities that will serve all members of the campus community, including a potential one-credit course focused on defining antisemitism.

Reports of Antisemitism and University Reponses

OCR requested that the University provide documentation of all formal and informal reports/complaints concerning alleged harassment based on national origin, including shared Jewish ancestry, for the 2022-2023 and 2023-2024 academic years. In its March 7, 2024 response to OCR, the University provided a spreadsheet regarding 50 separate reports of harassment based on shared Jewish ancestry that were filed with the University from August 2022 to February 2024. The University also provided documentation related to the complaints, including documents to show how the University addressed these reports. These incidents were reported to different University offices including IDEAL, DPS, the Division of Student Affairs, Housing/Resident Life, various Deans of Students, the Office of the President, and the members of the University's law school staff. Several reports received responses from more than one University office.

Based on the information provided by the University, only one of the 50 reports included a formal complaint reported to, and investigated by, EOC. In the formal complaint, an adjunct assistant professor, who is a [redacted content], alleged that he was harassed by his supervisor, including being routinely criticized for his academic performance, to which the supervisor asked if his struggles were cultural in nature. On October 17, 2023, the University found insufficient evidence to support the allegation of harassment.

The following are examples of the other reports the University received and the University's response. The reports were not limited to one school, department, or activity. While the University provided supportive measures in response to some of the reports, it does not appear that the University considered whether a hostile environment potentially existed for any of these reports, individually or cumulatively.

1. On [redacted content], two students discovered a swastika drawn on their dorm room door. One of the students is “half-Jewish.” The residential assistant was called to respond to the incident. Campus police were then called, and campus maintenance removed the swastika from the door. The students indicated they did not need support and the residential assistant “closed the incident.”
2. On [redacted content], two Jewish students signed a letter and sent it to administration, documenting concerns regarding the SJP club at the University and how the club’s social media platform use violated the Code, including the post “Supporting Palestinian liberation is supporting whatever means necessary it takes to get there...By any means necessary. With no exceptions and no fine print.” Another SJP post stated “Zionism has no home in Philly,” and a third denied the actions of Hamas during the October 7, 2023, terrorist attack. The letter also stated that a Jewish student was not allowed to join an SJP meeting and asked to leave when it became known he was Jewish. The students met with the Dean of Students who connected them with IDEA’s Special Advisor, who then also met with the students.
3. On [redacted content], a pro-Israel rally was held on campus, and it included the participation of two University professors. After the rally, a student reported to the former University President that one of the professors was calling Muslim students “terrorists” and flipped them off. She included photos of the professors and a video of the encounter. The report was forwarded to several University staff members and eventually to the University’s Police Captain for investigation. The Dean of Students met with this student. IDEAL’s Special

Advisor walked by the rally and confirmed that she saw a “throng” of students supporting Palestine gathered around the rally. While most were respectful, others were aggressive and the exchanges the Special Advisor overheard were heated. The Special Advisor did not hear a professor calling Muslim students “terrorists.” According to internal emails, DPS could not verify that the professor called students “terrorists” and that it would not be considered criminal if he did, so it would have to be handled by human resources or student affairs. It is unclear what other steps were taken, if any.

4. A student reported that during the rally on [redacted content], he and others were spit on for supporting the rally and that posters were also kicked over. One of the professors who attended the rally filed a report with DPS also alleging that a male threatened to physically attack him and spit in his direction. He provided a photo and video of that male. DPS confirmed that the video showed a male kicking photos and spitting in the direction of the professor, but while the male appeared to be a student, he was never identified.
5. On [redacted content], this same professor filed a report with DPS that he and the other professor present at the rally received intimidating emails from the same email address, which derided the professors for their support for Israel and accused them as not seeing Palestinians as people. The email to the reporting professor also stated that he should “stop being such an ignorant bigot and actually inform yourself . . .” In his report, the professor also stated he had been verbally attacked on campus over the last 36 hours and believed he would be assaulted soon because he was Jewish. He also sent an email to the former University President sharing that the campus had become a dangerous place for Jews and Israelis, reminiscent of 1930s Germany. The University Vice President of DPS responded, stating that the events at the rally were under investigation and that the University was aware of and in communication with local leaders about the issues facing the Jewish communities on campus. She stated that the University had increased campus police patrols throughout campus and suggested the professor limit his social media use and utilize University mental health services.
6. On [redacted content], the same professor reported receiving four additional and intimidating emails. One of the emails came from a student and titled, “Zionists Have No Place at Temple U,” and accused the professor of “[t]elling people that they’re on the wrong side of history when you’re actively supporting genocide? You will be removed from [the University] and we will make sure of it.” The University determined that this email did not rise to the level of a student conduct violation.
7. On [redacted content], a graduate student [redacted content] reported to the Interim Associate Vice President for Student Affairs & Dean of Students that her art piece on display had been vandalized. She believed it was vandalized because she is Israeli. She met with the Dean of Students and her advisor. The student also made a report to public safety, but because there were no cameras, public safety was unable to ascertain who defaced the artwork.
8. On November 16, 2023, Owls for Israel club (Owl is the University mascot) held a rally for the Israeli hostages taken by Hamas. After the rally, the University received reports from participating students and faculty that during the rally, the display and attendees were spit on

by individuals walking through the rally. The faculty member, who attended the rally and reported the above incidents, noted that he “had received numerous reports of Jewish students and faculty being a target on campus.” DPS was able to identify one male student who spat at the rally, and he was found responsible for Disorderly Conduct under the Code.

9. On December 13, 2023, the University’s School of Podiatric Medicine held an event on the “Middle East Crisis” in response to a request from a student for a public forum. On [redacted content], the student reported to IDEAL’s Special Advisor that he was put on a website called [redacted content], and that a recording was taken while he was at the Middle East Crisis event. He asked the Advisor for help in figuring out how to start a full legal and internet forensic investigation to discover who posted it and punish that student. The email documentation shows that the Advisor offered to meet with the student. It is unclear what if any other steps were taken.
10. On [redacted content], a Jewish student reported that on [redacted content], when she left her apartment, the car directly in front of her stoop had the word “Jew” written on it. She reviewed security camera footage with her landlord and discovered the vandalism was done by her neighbor, a male University student. She asked to file a formal complaint. The DEI Director stated that she would speak to the student and “see what exactly they were seeking as an end result.” The student and Director met on [redacted content], and on [redacted content]. The Director connected the student with the University DPS [redacted content] who would be in charge of the investigation and planned to meet with the student in March after the spring break.
11. On [redacted content], a student reported to IDEAL’s Special Advisor that on [redacted content], she walked into the student center with another Jewish student and encountered an SJP protest where participants were screaming “Long Live the Intifada” while holding ceasefire now posters. She also complained that the University’s news organization posted about the protest on Instagram and included the following quote from a protestor, “We are sitting in to protest Temple’s complicity in the ongoing genocide in Gaza that is carried out by the terrorist state of Israel and funded by our tuition and tax dollars.” She wrote that Temple should not be calling Israel a terrorist state, even if it was a quote. The Advisor met with the student to provide supportive services. The Dean of Students also met with the student, and they discussed the First Amendment implications. The Student asked for an update after SJP was educated on the words being used and the Dean stated that she would reach out to SJP’s advisor to let her know the impact the organization’s actions were having on other students. As of its March 7, 2024, submission, the University’s response is ongoing.
12. On [redacted content], a Jewish student emailed the Interim Associate Vice President for Student Affairs about unsettling incidents that occurred at two separate SJP rallies. The student said he attended the rallies to peacefully and silently counter protest. At one rally, the student was pointed out by the rally speaker, who the student reported proceeded to have the entire group of protestors insult and yell at the student. The student also raised concerns about disturbing signs from a rally during the Fall 2023 semester. The Associate Vice President met with the student, and as of its March 7, 2024, submission, the University’s response is still ongoing.

13. On October 18, 2023, November 22, 2023, and January 29, 2024, reports were made of graffiti of “Free Palestine” appearing on the University’s campus. In response to these reports, the graffiti was marked to be removed.

Recent Events

Publicly available information indicated the existence of ongoing incidents of harassing conduct at the University. After the University expressed interest in entering into a voluntary agreement to resolve this complaint, the University provided information about the recent events described below and the University’s responses.

Recent Protests

On April 25, 2024, as many as 200 student, faculty, and staff participated in a march that started on the University’s main campus and proceeded to Philadelphia’s City Hall. The participants gathered at the University’s “Bell Tower,” where organizers demanded that the University disinvest from companies aiding Israel’s war efforts, sever ties with Israeli universities, and make a public statement acknowledging the conflict in Palestine as genocide and calling for a ceasefire. Chants included “expose, divest, we won’t stop, we won’t rest” and “Gaza, Gaza you will rise, Temple is on your side.” The protestors carried a large sign reading “Occupation is the source of violence. End the occupation.” A group of counter protestors on campus waived Israeli flags and a sign that read, “We’re done explaining our right to exist.”

On August 29, 2024, a news outlet reported that University students and non-students held a pro-Palestinian march that began at the University’s library and ended with a demonstration outside of the University’s Hillel earlier that day. The event was organized by Temple SJP. In a statement in response to the march and demonstration, the University’s President acknowledged the University’s commitment to honoring the First Amendment and affirmed the right of the University community “to engage in peaceful and orderly demonstrations.” The statement went on to explain that while the march began as a peaceful and orderly event, some of the demonstrators migrated to the home of the Temple Chapter of Hillel and while there, “demonstrators used megaphones to chant directly at the occupants within the building.” The President’s statement also stated that “[t]argeting a group of individuals because of their Jewish identity is not acceptable and intimidation and harassment tactics like those seen today will not be tolerated.” The statement noted that the University was investigating the incident, and if students or student organizations are found to have been involved, they would be subject to discipline under the University’s Student Conduct Code.

The University reported to OCR that it “took steps to work with Students for Justice in Palestine in advance of the planned events to ensure that the protests occurred safely.” After the protest that proceeded to the Hillel building, the President emailed the University community the statement quoted above. That email included a link to resources available to support students, faculty, and staff.

According to the University, the Director of Public Safety met with the Director of Hillel to discuss the incident, any concerns, and recommendations to ensure its members felt comfortable in the building. The University’s Director of Interfaith Inclusion and Civil Discourse met with

the Director of Hillel to offer resources and support. SCCS reviewed and investigated reports of misconduct related to these protests and is moving forward with charges of violations of the Student Conduct Code. The University noted that SCCS coordinated with the Equal Opportunity Office within IDEAL to ensure that reports of misconduct are reviewed under all applicable University policies, including an assessment of whether the conduct contributed to a potential hostile environment, either individually or under the totality of the circumstances. The University also retained a subject matter expert “to ensure fulsome review of reported concerns . . . in the context of a Title VI hostile environment analysis, considering both discrete incidents and incidents in aggregate.”

Incidents at Alpha Epsilon Pi

On May 9, 2024, a news outlet reported that the Jewish fraternity, Alpha Epsilon Pi (AEPi), had its Israeli flag stolen and had “Free Palestine” spray painted on the roof of the fraternity house. The news article reported that campus police were investigating the incident. On August 2, 2024, the University’s President issued a statement, informing the University community about the May 2024 incidents at AEPi. He also stated that University police had investigated the incident and increased patrols in the area, while the University’s Division of Student Affairs and the Department of Public Safety offered support to the impacted students. However, the President then shared that over the weekend that University and Philadelphia police were called to the AEPi house with reports of individuals on the rooftop. The incident is currently being investigated as both a criminal and disciplinary matter and the University President stated that if any student was found to be involved they would face disciplinary actions under the Code in addition to any criminal charges. The President continued by stating that the University “does not tolerate antisemitic or other hate crimes, including vandalism and damage to property” and “unequivocally condemns antisemitism and other acts of hatred, incitement to violence, threats, harassment and discrimination against any person.... As a university community that is committed to inclusion, tolerance, and respect for all people, these incidents are unacceptable. We take seriously our commitment to educating and supporting our students, and this includes keeping them and our entire community safe. We have many university resources available to support our community, and I encourage all students, faculty and staff to review the list and keep themselves informed.” The email included a link to these resources.

On August 10, 2024, a news outlet reported that the Philadelphia District Attorney’s Office approved felony charges for a University student and alumna related to an attempted burglary at a fraternity on May 24 and July 27, 2024. The article also stated that University police were looking into the possibility that the July 27 incident was a hate crime because of the fraternity house’s affiliation with the Jewish community. The University reported that its Police Department (TUPD) investigated these incidents, independently and in conjunction with the Philadelphia Police Department, to obtain and execute arrest warrants for two individuals in connection with two of the three incidents.

According to the University, IDEAL, the Department of Student Affairs, and other University departments communicated directly with residents of the AEPi house and others to better understand the impact of the incidents on the University community, including whether a potential hostile environment existed. The University also sought to provide information about available supports, reporting options, and other resources. The University reported that after each

of these incidents the Director of TUPD and the Interim Vice President of Student Affairs/Dean of Students met with the residents of the AEPi house to hear their concerns and to discuss available resources and supportive measures. University staff also met with residents of the AEPi house and the fraternity's regional director on multiple occasions to discuss the impact of these events. TUPD also increased its physical presence around the private residence of student members of AEPi. The University also provided copies of emails from its Interim Associate Vice President for Student Affairs and Dean of Students and its Vice President for Student Affairs to the members of AEPi in response to the incidents and offering support and resources.

LEGAL ANALYSIS

The evidence OCR obtained shows that the University received multiple reports of shared ancestry discrimination and harassment during the 2022-2023 and 2023-2024 school years, including incidents of antisemitic, as well as anti-Muslim and anti-Palestinian, conduct at on-campus protests; reports of antisemitic vandalism and graffiti; and reports of posts on social media sites. University records suggest that notwithstanding the University's many proactive steps to support an inclusive and nondiscriminatory campus environment the University appears not to have met its Title VI obligations to its campus community.

OCR is concerned that the University appears not to have consistently taken steps to assess whether the incidents about which it had notice individually or cumulatively created a hostile environment for students, faculty, or staff, and, if so, taken steps reasonably calculated to end the hostile environment, as required by Title VI. These incidents included repeated and escalating reports that a Jewish University professor experienced harassment based on his shared ancestry, that students supporting Israel had been spit on in response to their support for Israel and that an [redacted content] student's [redacted content] was vandalized because she is [redacted content], and that a University professor called Muslim students "terrorists." The University records produced to date in this investigation, until the commencement of discussions with OCR regarding resolution of the investigation, do not reflect University evaluation of the operation of a hostile environment for Jewish or Muslim or Arab or Palestinian students, faculty, or staff, related to these incidents. Moreover, that the University permitted whichever University office received a report alleging shared ancestry harassment to address the report, without sharing information across offices, appears to have contributed to its apparent failure to assess whether the incidents cumulatively created a hostile environment. OCR recognizes the University's more recent incorporation of the hostile environment standard in its response to notice it received of harassment based on shared ancestry.

Under Section 302 of OCR's Case Processing Manual, allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In this case, the University expressed an interest in voluntarily resolving the allegations prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. The University signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

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 Connor Lacy, Team Attorney.

Sincerely,

/s/

Amy Niedzalkoski
Chief Regional Attorney
Philadelphia Office
Office for Civil Rights