



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 15, 2025

Via email only to: pres@u.washington.edu

Dr. Ana Mari Cauce
President
University of Washington
301 Gerberding Hall, Box 351230
Seattle, Washington 98195

Re: University of Washington
OCR Case Numbers 10242040 and 10242317

Dear Dr. Cauce:

This letter is to advise you that the U.S. Department of Education, Office for Civil Rights (OCR) has resolved the above-referenced complaints filed against the University of Washington (University), alleging that the University discriminated against students on the basis of their national origin (shared Jewish ancestry) by failing to respond to incidents of harassment consistent with the requirements of Title VI.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, in any program or activity that receives 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 information provided by the Complainants and the University. During OCR's investigation, OCR reviewed documentation of approximately 140 reports of alleged discrimination or harassment on the basis of shared ancestry against students that were submitted to the University during the 2022-2023, and 2023-2024 academic years. OCR identified concerns, discussed below, regarding the effectiveness of the University's responses to the reports, as required by Title VI.

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

While OCR's investigation identified steps the University has taken to address incidents that may have created a hostile environment based on shared ancestry on campus, OCR's investigation to date also identified compliance concerns regarding how the University addressed its Title VI obligations when it has notice of incidents of harassment based on shared ancestry. Before OCR completed its investigation, the University expressed an interest in resolving both complaints pursuant to Section 302 of OCR's [Case Processing Manual](#).

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 race (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.

SUMMARY OF OCR INVESTIGATION TO DATE

The University of Washington is a public research university founded in 1861. The University's main campus is located in Seattle, Washington, with satellite campuses in Bothell, Washington and Tacoma, Washington. For the 2023-2024 academic year, the University had a total undergraduate enrollment of 43,255 students, and a total of 17,448 graduate and professional students. In a blog post from May 29, 2024, the University President (President) noted that more than 2,500 Jewish students are earning degrees at the University.

University Policies Regarding Nondiscrimination

The University has in place non-discrimination and non-retaliation policies and procedures prohibiting discrimination or harassment against a member of the University community. The University has two policies addressing allegations of Title VI discrimination or harassment by a member of the University community against students, staff, and faculty. For students, the Washington Administrative Code (WAC) Chapter 478-121, or Student Conduct Code, applies, and Executive Order 31 applies to University community members. Both policies include non-retaliation provisions. The Student Conduct Code includes several provisions relating to discrimination: discriminatory harassment (WAC 478-121-123); harassment or bullying (WAC 478-121-133); hazing (WAC 478-121-135); and vandalism (WAC 478-121-167). Discriminatory harassment includes: “verbal, physical, electronic, or other conduct based on an individual's race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or veteran status.” The University website states that “issues around freedom of expression on campus generally fall under” disruption or obstruction provision (WAC 478-121-125).

If a student engages in conduct alleged to violate the Student Conduct Code, a conduct proceeding is initiated, as outlined in Student Governance Policy, Chapter 209 (Student Conduct Policy for Academic Misconduct and Behavioral Misconduct) and Chapter 210 (Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation). Registered Student Organizations (RSOs) are subject to the Student Code of Conduct, and the RSO policy guide states: “Alleged violations of this Handbook by an RSO will be adjudicated primarily by the Student Activities Office, or in the case of individual students, the matter will be referred to Community Standards and Student Conduct. Alleged violations committed by Panhellenic or Interfraternity Council (IFC) organizations will be referred to the Office of Fraternity and Sorority Life.”

In addition, students who reside in University housing, sign housing agreements with an addendum addressing community standards. The community standard provisions include conduct, guests, safety and security, and state that residents will not “participate in any action or situation involving physical or mental abuse, harassment, bullying, cyberbullying, intimidation, hazing, pranks and/or other conduct that recklessly or intentionally endangers or threatens the health, safety, or welfare of any person or results in damage to University property.” Student-athletes are governed by the student-athlete handbook, which states “any discriminatory harassment, including harassment that is based on an individual’s race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or

veteran status will not be tolerated. Hate speech, behavior, and actions in any form will not be tolerated.”

Executive Order 31 states the policy’s goal is to promote an environment that is free of discrimination, harassment, and retaliation, and that in order to facilitate that goal, the University retains the authority to discipline or take appropriate corrective action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful discrimination, harassment, or retaliation.

The University states on its website that students have freedom of expression within the guidelines of the law and Student Conduct Code. The website directs users to the Student Conduct Code for questions regarding student activities relating to freedom of expression but does not provide any specific citations. With regard to harassment or bullying, the Student Code of Conduct covers harassment or bullying that occurs through electronic means, such as electronic media, the internet, social networks, blogs, cell phones, or text messages.

University’s Practice Regarding Responding to Reports of Discrimination Based on National Origin

The Office of Community Standards and Conduct (CSSC) is responsible for investigating and adjudicating complaints of alleged violations of the Student Conduct Code. Reports can be submitted through an online portal available on the University website. After the submission of a report, a CSSC team member will contact the complainant to review the student conduct process, and an investigation would take place to determine whether there was a violation. Based on information provided by the University to OCR during its investigation to date, CSSC complaints “may not be anonymous, as they trigger an investigative process.”

The Bias Incident Reporting Tool (BIR Tool) is available for any University member to report incidents of bias or suspected bias. The BIR Tool website defines bias as including discrimination or harassment against a University community member based on race, color, national origin, sex, and disability. The BIR Tool’s website states: “something does not necessarily need to rise to the level of a hate crime (malicious harassment as defined in Revised Code of Washington 9A.36.080) to constitute a bias incident.” The BIR Tool allows for reports to be made anonymously. Submitted reports are not formal complaints, and do not “automatically initiate an investigation.” Based on information provided by the University to OCR, the “reported incidents are monitored by a [U]niversity committee chaired by two associate Deans and tracked for trends. This data is used to work with campus offices and departments to develop strategies for addressing bias trends and patterns [at the University]. The Bias Incident Reports are not directly

investigated, though the referrals made to reporters using the tool often include other investigative processes.” There are no links on the BIR Tool website to the Student Code of Conduct, or any University policies, and the website states the intention of the BIR Tool is to “connect those who have witnessed or themselves become a target of an act of bias with appropriate campus support and resources.” The BIR Tool website also states that the University “cannot guarantee it will respond to all reports.” In an OCR interview, the Vice President for Student Life, stated that “Typically, when we direct students to resources, there is no university wide tracking. If the Dean of Students referred them, there is no universal tracking.” In an OCR interview, the Executive Director of Compliance Services responded to a request for information regarding tracking of referrals provided to students that “I don’t know, and I don’t think there is a formal accounting of that, and I would assume that would be documented somewhere, but I don’t know it could be.”

The Civil Rights Investigation Office (CRIO) is responsible for investigating allegations of University employees who may have violated the University’s policies prohibiting “discrimination, harassment, retaliation, sexual misconduct, and relationship conflict of interest,” including allegations of discrimination based on race, color, or national origin. With respect to students, CRIO investigates allegations of sexual misconduct under the Student Conduct Code, including sexual assault and sexual harassment. While the CRIO webpage provides information on how to file a report regarding sex discrimination and harassment, the CRIO webpage states that it “does not investigate other forms of student misconduct” and does not include any mention of how to report or file a complaint concerning race, color, or national origin discrimination and harassment.

Incidents of Alleged Discrimination or Harassment Based on Shared Ancestry & the University’s Response

The University provided approximately 140 reports alleging shared ancestry harassment or discrimination against students that were submitted to the University from August 2022 through December 2023, and for the months of March, April, May, and September in 2024. These reports are from the: BIR Tool, CRIO, International Relations & Cultural Leadership Exchange (CIRCLE), CSSC, SafeCampus, and the University of Washington Police Department (UWPD). SafeCampus is the University’s violence prevention and response program. The reports included allegations of racist, sexist, and antisemitic graffiti on campus and harassment of Jewish, and Muslim students. The reports included multiple reports regarding the same alleged incidents. Following is a discussion of key incidents relating to alleged discrimination or harassment against students based on shared ancestry and the University’s response.

October Rally Flier

Multiple reports were submitted to the BIR Tool, SafeCampus, and CSSC, including a series of emails sent to University administration officials from both Jewish and non-Jewish students, staff, faculty, alumni, parents, religious leaders, and community members, citing serious safety concerns for Jewish and Middle Eastern students on campus, following the October 7, 2023 attack in Israel by Hamas. During the several days leading up to an October 12, 2023, campus rally in support of Palestine, many complaints focused on a flier being used to promote the rally by the Students United for Palestinian Equality and Return (SUPER-UW), a University recognized student organization. The rally flier included an image of a hang glider, and the flier appears to have originated from the National Students for Justice in Palestine organization, in a “Day of Resistance Toolkit” that was shared with student organizations supporting Palestine.

Prior to and following the rally, several students reported to the University they feared for their safety and were not coming to campus on October 12 due to the rally, stating they were: “feeling unsafe due to the events on campus (the protest at Red Square) and a general feeling of antisemitism brought on by this” and were reporting it because “they just needed a witness and to tell someone that I am scared.” In a SafeCampus report, a University faculty member stated: “This rally is extremely disruptive to academic activities and creates an extremely hostile environment for many students, faculty members, and other [University] community members. . . Many of my students expressed their fear of attending classes today and walking safely on campus, some decided to avoid going altogether. With the abusive and threatening language used in the toolkit in support of this rally, this protest is de facto creating a hostile and unsafe environment for the Israeli and Jewish community on campus. This protest stands in direct violation of the [University] code of student conduct.” A University community member reported to SafeCampus in reference to the flyer that that “I am scared for my safety” and “I do not know the codes of conduct or rules by which students must obey but I believe this imagery is no different [than] threatening Jewish people with a swastika or images of a concentration camp.”

Based on publicly available information, several students shared their safety concerns in local news reports, where one student stated: “I feel scared for my life,” and “As a Jewish student, I feel unsupported, I feel unsafe. I don’t think I can walk safely across campus. I don’t feel safe wearing a Star of David necklace. I know my Jewish peers don’t feel safe wearing kippahs on campus. It’s dangerous.” A Jewish alumnus reported that while the rally is “completely justified given the tribulations the Palestinian people have been through since 1948. . . what is unjustified, however, is that in their imagery to advertise the protest, they made widespread use of a hang glider, symbolic of the Hamas terrorists

who used hang gliders.” Further, the alumnus was “horrified to see the lack of condemnation of such a blatant violent symbol that does not stand for the liberation of Palestinians, but the merciless slaughter of Jews.”

After the rally, parents, and Jewish religious leaders stated in a letter to University leadership that the “SUPER-UW demonstration that occurred in Red Square on October 12th contained explicit chants, signage, and flyers that constitute hate speech” and “by not denouncing this overstep of free speech, students were left feeling vulnerable and frightened that their university did not protect them from threats to their existence as Jews.”

University records indicate that University [redacted content] did meet with SUPER-UW [redacted content] regarding security issues with the rally, however there is no indication that the flier was discussed, or any further discussion with the student group after the rally regarding their actions. The University stated in its response that the “rally was not sanctioned or supported by the University. University administrators and leaders discussed how to help students feel safe, both during the rally and after. Several University leaders were present at the rally to talk with students and provide them with resources.” Based on information provided by the University, the University has suspended SUPER-UW’s status as an RSO for an indefinite term, as of June 13, 2024, is not providing the group University funding, and has designated the group as ineligible for any University funding.

On [redacted content], a Bias Incident Report was submitted about a message on a posterboard in the [redacted content] Building, and a photo of the message was attached. The report states that “either one or multiple writers had written ‘nuke the middle east’ on the board.” The reporter stated that the message “incites harassment/bullying/violence towards multiple targeted groups such as Middle Eastern, Arab, Muslim, and Palestinian students,” and requested immediate action in removing and/or replacing the posterboard. The next day, the Bias Incident Report responder emailed the reporter: “while I can typically put in a request for [University] facilities staff to remove, I believe the board can be refreshed sooner by contacting the School of [redacted content]” and provided the reporter with the [redacted content] Department Chair’s email for the student to contact about the posterboard. No further action was taken.

On [redacted content], Student 1, who identifies as Jewish, submitted a Bias Incident Report that a person screamed at Student 1: “F*** you IDF Zionist baby killer” when Student 1 was walking on campus. In Student 1’s report, Student 1 indicated that [redacted content] wanted to be contacted. The responder apologized to Student 1 for the experience, and thanked Student 1 for reporting it, stating: “you help tell the story of what [University] students, staff and faculty are experiencing on campus.” The responder

provided a referral to SafeCampus, and the Bias Incident Report was closed several weeks later because there was “no further communication from reporter” and no further action was taken.

Residence Hall Incidents

In [redacted content], a Housing & Food Services (HFS) resident advisor submitted a Bias Incident Report that a student discovered a swastika carved into a dresser when they moved into their room at [redacted content], an undergraduate residence hall. The responder thanked the staff member (reporter) for submitting the Bias Incident Report because “it helps us better understand what our [University] community is experiencing” and apologized for the student’s experience. The responder asked the reporter to contact the responder if they needed assistance in finding a University resource to remove the symbol and thanked the reporter for providing “support” to the student. The Bias Incident Report was closed without any further action.

In [redacted content], Student 2 submitted a Bias Incident Report about an antisemitic incident involving [redacted content] other students that took place at [redacted content], an undergraduate residence hall. Student 2 identifies as Jewish. Student 3 commented to Student 2 about [redacted content] Student 2 decorated stating: “It kinda looks like Hitler therefore its a Hitler [redacted content] now.” Student 2 responded to Student 3: “you [are] aware I'm Jewish right?” Student 3 indicated [redacted content] is aware that Student 2 is Jewish and laughed at Student 2. Student 2 stated in the Bias Incident Report that HFS was aware of the incident, but that HFS had not taken any action. The responder told Student 2 that there was no current resident director for [redacted content], provided a referral for Student 2 to make a report with the CSSC, and instructed Student 2 to email the interim director “to tell your story and see what next steps can be worked out.” The Bias Incident Report was closed within two weeks without any further action.

In [redacted content], there were multiple incidents of swastika graffiti, as well as anti-Black, homophobic, and sexist graffiti reported at [redacted content] undergraduate residence halls during a two-week period. These two residence halls are located [redacted content].

On [redacted content], a swastika was found on the inside of an elevator at [redacted content] and was reported by a student to the Resident Director. The swastika was removed, and an email was sent to residents several days later providing students with a list of campus resources, stating: “acts of antisemitism, in addition to vandalizing property, is unacceptable in our community, and furthermore violates the Residential Life Community Standards and the University of Washington Student Conduct Code.” The email to students indicated that the incident had been reported to the University as “bias

related vandalism,” however there is no report with UWPD, and there does not appear to be a report with any other University office. University records indicate that the “police were not called for the incident in [redacted content] because no individual residents were targeted, as far as we are aware. Residents are certainly impacted, but there didn't seem to be a direct target for the incident in [redacted content].” In a response to an email from a University [redacted content] about the incident, the University stated that “for the privacy of residents, there are no security cameras on the residence hall floors.” University records also indicate that HFS had “seen an increase in bias incidents over the last few weeks.”

On [redacted content], in a separate incident at [redacted content], swastikas were found on two whiteboards, by Student 4 and Student 4's roommate. Student 4 identifies as Jewish and reported that [redacted content] roommate found a swastika on the whiteboard of their room door [Room A]. They also found a swastika on the whiteboard of another room door [Room B] on their floor. Student 4 filed a police report and emailed the resident assistant and director about the swastikas stating that Student 4 felt it was a “targeted attack and I feel very scared and do not feel safe right now in our dorm. We found another swastika on [Room B] and we have erased both but have photos of both. I am reporting it to you in the hopes that we can do a meeting about safety and condemning any actions of hate in the dorms.” Both Student 4's parents, and the resident director filed separate Bias Incident Reports about the swastikas. Student 4 is a University [redacted content], and Student 4's parents also reported the incident to Student 4's [redacted content].

The responder emailed the resident director the following day, thanked the resident director for making the Bias Incident Report “so that it becomes part of the record of what the [University] community is experiencing” and stated that UWPD had already received a report regarding the incident. The Bias Incident Report was closed several weeks later because there was “no further communication from reporter” and no further action was taken. The responder emailed Student 4's parents on [redacted content], apologizing for Student 4's experience, and thanked them for making the report “so that we can tell the story of what our students, faculty and staff are experiencing on campus.” The responder also shared referrals to SafeCampus, and LiveWell for the parents to provide to Student 4. The responder noted that she believed she had already responded to the Bias Incident Report earlier but did not see that the response had been recorded. The Bias Incident Report was closed several weeks later because there was “no further communication from reporter” and no other action was taken.

The UWPD report states Student 4 believes “[Student 4] may be targeted because [Student 4] is Jewish.” UWPD stated they “provided personal safety tips” to Student 4 and Student 4's roommate. UWPD spoke with the residents in the other room, who did

not identify as being Jewish, and were not aware that a swastika was on their room door whiteboard. UWPD stated in the report they had “advised that extra checks would be conducted on the floor regarding the incident by UWPD and [HFS].”

On [redacted content], the [redacted content] resident advisor contacted UWPD to report a series of antisemitic, homophobic, sexist, and racist graffiti on three floors in [redacted content]. The report describes [redacted content] as being “a secure, University of Washington, residential, facility, with access granted to only residents, staff and escorted guests.” The report lists 11 separate incidents of graffiti, including several swastikas, homophobic slurs, anti-Black, and sexist slurs that were drawn on chalkboards of room doors on [redacted content] stairwell. There was graffiti reported on the [redacted content], however at the time of the UWPD arrival, the graffiti had already been removed.

The responding UWPD officer stated he spent “significant time” with resident staff “discussing crime prevention tips and suggestions.” The report notes that “there is no [redacted content] available for the locations” and “prior incidents of similar vandalism have occurred recently at this location and nearby Residence Halls on the University of Washington campus.” During the investigation, UWPD received surveillance video from HFS, and in reviewing the video noted that there was “no evidence of any individuals committing any crimes. Some non-residents may have entered the [redacted content] however, the video does not indicate where individuals went once, they entered.”

An HFS report indicated that before discovering the vandalism, two students heard “a group of people in the hallway,” and on another floor, two [redacted] students reported that they heard “what sounded like knocking on their room. [Student 5] looked out the peephole and saw two [redacted content] outside their room. One seemed to be writing on their chalkboard and one was standing in front of the peephole. After the [redacted content] left, they opened the door and saw profanity written on their chalkboard. They then looked at the rest of the floor and saw vandalism.” Another student reported that they recognized the handwriting from a previous vandalism incident.

In a December 1, 2023, blog posting titled, “Our University will not tolerate religious bigotry or harassment,” the President states: “Graffiti that is hateful, offensive, or targets specific groups by faith, ethnicity, or race will not be tolerated and we will support prosecution to the fullest extent of the law of anyone found to be defacing buildings or structures.” The President emphasizes that “we will not tolerate harassment, violence or any specific threats of violence on our campuses,” and states: “We will work with law enforcement and through our disciplinary processes to investigate any and every threat of violence, harassment or other discriminatory behavior targeted at individuals for their faith, ethnicity, or race.” The posting notes that security measures are being increased on

campus and encourages University community members to report incidents of bias through the BIR Tool, and to contact SafeCampus for additional resources.

In [redacted content], HFS identified several individuals from the group who had entered [redacted content] as being current and former students from [redacted content]. HFS issued letters to the identified individuals prohibiting their entry into all residence halls.

Graffiti on Campus

Throughout the 2023-2024 academic year, the University campus was a target for graffiti, as well as poster and sticker, by pro-Palestine protestors. The graffiti included racist, sexist, and antisemitic language as well as threatening messages directed at Jewish University community members, University leadership, and UWPD. Graffiti tags included, “F*** Israel,” “End Israel Study Abroad,” “materially divest from Israel,” “condemn Israel and Zionism,” and “long live the intifada.” The George Washington statue on campus was tagged multiple times throughout the year, with variations of “Kill all colonizers! Free Palestine,” and “Boycott Israel! Free Palestine!”

From October 2023 through December 2023, 17 work orders were submitted to the University’s Facilities Department, as well as multiple Bias Incident Reports, for removal of “politically and racially charged” graffiti on campus buildings with several Bias Incident Reports remaining open and/or active in December for continuing work. For Bias Incident Reports submitted in October through mid-November, the responder would share referrals for SafeCampus, UWPD and CRIO. In a Bias Incident Report submitted on [redacted content], the reporter stated: “It is completely inappropriate that the [U]niversity has not addressed adjacent incidents and the unsafe climate for Jewish and Israeli students on campus. Not only should the graffiti be removed, but the [U]niversity must make it clear they are not complacent in violence of any kind against any party.” In another Bias Incident Report submitted on [redacted content], the reporter stated: “There is graffiti that my Jewish friends find unsafe. It mentions from the river and the Sea and intifada. Please cover the graffiti and remove it.” On and after [redacted content], the response to these Bias Incident Reports changed to “we will submit this information to [University] Facilities and UWPD.”

During the time period of March 21, 2024, through May 23, 2024, 67 different locations on campus had been tagged with graffiti. From April 4 to April 5, 2024, the Husky Union Building (HUB) was occupied and vandalized by a group of approximately 50 pro-Palestine protestors as part of a sit-in. A UWPD report stated: “indelible ink [was] placed on walls, carpets, furniture, art works and television monitors in the HUB.” The words Cauce [University President], UW Board of Regents, Boeing and Zionists were written in [redacted content], and graffiti tags included: “Cauce = Coward,” “Zionists Not

Welcome,” “We are All Palestinians, Long Live the Intifada,” “This University is an active party of ethnic cleansing,” “Fuck the US empire,” “AMC [University President] Hell is Hot you have the blood of thousands of [P]alestinian children on your hands,” “occupation justifies resistance,” “piss on the Zionists,” “Ana Marie Cauce stop sucking Boeing’s Cock Challenge” and “UWPD = KKK = IDF.” A [redacted content] reported to UWPD they were taking photos on April 4, 2024, in the HUB to document the damage done by the protestors, and as [redacted content] was taking photos, a protestor approached [redacted content] and told [redacted content] “If you have your phone out again, we’re gonna fucking punch you.” The [redacted content] declined to pursue the matter, and UWPD was unable to identify the suspect.

In a blog posting on April 5, 2024, the President stated: “Threatening and harassing people, scrawling graffiti on walls, furniture and carpets, and damaging student art is unacceptable and wrong. [UWPD] are investigating, and any individuals or groups found responsible will be held accountable.”

University records indicate additional expenditure in overtime pay, security measures and hiring of additional personnel for graffiti clean-up. In its response, the University stated: “In the Spring of 2024, the [U]niversity established an Emergency Operations Center to monitor protest activity related to an encampment on campus, the presence of graffiti, and other protest activity. Situational updates generated by the center contained information on [the University] facilities’ efforts to remove the graffiti on an ongoing basis. The [U]niversity has subsequently provided additional permanent funding to [University] facilities in FY 24 and 25 to support additional employees and ensure more prompt removal of graffiti. To ensure the safety of employees and to have protocols in place to ensure graffiti removal actions did not escalate protest activity, some graffiti observed during the spring of 2024 remained on buildings forming the Seattle Quad for longer than 24 hours. The graffiti was removed in batches in a coordinated process ensuring staff safety and recognizing the multiple steps required in removing paint from different stone and brick surfaces.”

Letters to Student Organizations

On March 25, 2024, media reported that the “[University] Seattle Somali Student Association received a letter on March 13, during the first few days of Ramadan, which included the phrase, ‘go back to whatever s***hole you came from,’ among other profanity” and ‘we do not need Muslims, antisemites, terrorists, or communists here at [the University].’” It was reported that the “Somali Student Association filed a police report and is calling for solidarity and support. They plan to hold a demonstration at the [University] Quad on March 28 at noon.”

In a March 26, 2024 blog posting, the President wrote “our community is stronger than hate and discrimination” and that “I am also deeply pained by a number of troubling incidents of both Islamophobia and antisemitism that have occurred within our community in recent months. I want to unambiguously reaffirm that our University will not tolerate harassment or violence, and we will pursue every possible avenue to identify and hold accountable anyone guilty of committing these crimes against our students, faculty, or staff.”

In its response to OCR, the University stated: “the letter to our Somali Student Association (“SSA”) was one of 4 virtually identical letters sent to three [University] student organizations and a student activities director.” The other two organizations receiving letters were the African Student Organization and the [redacted content]. The University stated the letters were under investigation by law enforcement, and that the “sender may have been from outside the [University] community.” The University shared that the “staff at our Kelly Ethnic Cultural Center quickly started working with the SSA when they learned of the letter. They assisted the group in filing a police report and connected the group with support services, including counseling.”

Protestor Encampment on the Quad

Based on publicly available information, the Progressive Student Union (PSU) and the United Front for Palestinian Liberation’s (UF), set up tent encampments on the campus Quad beginning on April 29, 2024. UF is a “broad coalition of different student and community organizations,” and the PSU is a registered student organization. The encampment included both student protesters and non-student protesters. Collectively referred to as UF, the student protesters had three demands from the University: “materially and academically divest from Israel,” “cut all ties with Boeing,” and “end the repression of pro-Palestinian students, workers, and faculty.”

Multiple UWPD, Bias Incident, and CSSC reports were submitted by University students, visitors, and media members about harassment, assault, and intimidation by the protesters at the encampment. Student 6, who identifies as Jewish, reported to the media on April 29, 2024: “I do not feel safe on campus. I’ve been called names, I’ve been spit at, I’ve been laughed at in the Senate, I’m also a student senator” and also shared that she receives text messages from other Jewish students about whether it was safe to come to campus and that her message to Jewish students is “to keep going to your classes, to keep being proud, stay safe. We’ve warned students about the encampment and to stay away from it.” On [redacted content], Student 7 reported to UWPD that as Student 7 was walking through the quad, [redacted content] began taking photos of the encampment. As [redacted content] was taking photos, an unknown individual approached Student 7 and

began shouting “Kill all the Jews.” Student 7 did not interact with the individual and continued walking through the Quad area. Student 7 reported the incident to UWPD and provided a photo, and a possible social media username of the unknown individual to UWPD. UWPD provided Student 7 with Live Well and SafeCampus resources, and advised Student 7 to exercise caution in posting “[redacted content] concerns with political activity on campus” on social media platforms. Student 7 reported to UWPD that Student 7 did not believe that the individual was aware Student 7 is Jewish, however, “[Student 7] now is fearful of going near the Quad and that [redacted content] has not been going to classes to avoid any further incidents.” The University’s student newspaper, The Daily, reported on May 1, 2024, that there were counter protesters, some of whom were carrying Israel flags, and “an encampment member took a counter protester’s flag and cut it up with a pair of scissors.”

On [redacted content], Student 8 reported to UWPD that [redacted content] was walking through the Quad when three individuals from the encampment blocked Student 8’s path, and Student 8 [redacted content].” On May 7, 2024, during a Turning Point event on campus, there were several altercations between encampment members and counter protesters. In one incident reported to UWPD, a journalist who was present for the event began filming the encampment. The journalist along with two other individuals, exchanged words with the protestors, after which they were assaulted by “5-6 individuals . . . with fists and [an] umbrella, and chased out of the area.” Also, on [redacted content], Student 9 reported to UWPD that [redacted content] was walking in the Quad with a friend, and Student 9 began taking a photo of an unknown [redacted content] putting on a mask and a helmet inside the quad. An unknown individual approached Student 9 and told Student 9 not to take pictures of people. After a verbal exchange between Student 9 and the individual, Student 9 attempted to walk away several times, but the individual continued to block Student 9. After Student 9 attempted to push the individual away, the individual punched Student 9 on Student 9’s head.

An anonymous Bias Incident Report was submitted about the encampment, stating: “A large group of [antisemitic] protesters have been allowed to gather on the Quad for several weeks. They routinely deface school property, assault, and harass students and passers-by, block entry into buildings, repeatedly engage in language and chants, and use signs within the Quad that are vile and [antisemitic]. UWPD needs to act and remove those who damage school property and who are openly calling for violent action against Jewish students.” On [redacted content], in a report submitted to CSSC, Student 10 stated that as Student 10 was walking through the Quad going to the HUB, Student 10 noticed one [redacted content] and one [redacted content] individual from the encampment were staring at Student 10 and Student 10 asked them if [redacted content] could help them, and they laughed at [redacted content]. Student 10 described [redacted content] as a [redacted content] on campus, and stated when [redacted content] was crossing through

the Quad again on [redacted content] return trip, the same individuals continued to stare at [redacted content, at which point [redacted content] told them: “I don't appreciate you staring at me and trying to use intimidation, I don't know who you are or what you want, you seem to be very fascinated in me and I don't know why.” The [redacted content] individual told Student 10, “If you don't want us to stare or know who you are then you should wear a mask,” and Student 10 responded “so you're targeting me” and there was no response. Student 10 walked away, and another student from the encampment followed Student 10 and asked Student 10 why [redacted content] was irritated, and Student 10 replied, that [redacted content] does not “appreciate being targeted for my views or who I am. I have never said anything to any of you or done anything. We might have different ideologies, but I am respectful and kind, I would hope for the same would be honored for me.” The student laughed at Student 10, and Student 10 stated in the report that [redacted content] was being “targeted and made to feel uncomfortable because they know I am a [redacted content] on campus.”

In a May 15, 2024, blog posting to the University community, “Update on the tent encampment in the Quad,” the President stated, “University leaders, including myself, have held multiple, ongoing discussions with representatives of the encampment to find common ground with the expectation that the encampment peacefully and voluntarily disband.” The President also stated, that on May 15, 2024, there was “offensive graffiti across multiple buildings all over campus, some quite clearly both antisemitic and violent, creating an unwelcome and fearful environment for many students, faculty, and staff, especially those who are Jewish. Much to my dismay, given the relatively cordial tone of many of our discussions, the [student protestor] representatives also said the new graffiti is an intentional escalation to compel the University to agree to their demands.” The encampment was voluntarily taken down by the protestors several days later after reaching a resolution agreement with the University on May 20, 2024, and agreeing not to reestablish a future encampment. In a May 17, 2024, blog posting, the President stated, “The University will forgo referrals for citations or conduct violations for camping. Any other violations of law and policy, such as for vandalism, harassment or discrimination, will continue to be investigated and acted on accordingly.”

Disruption of Board of Regents Meeting

On September 12, 2024, during the public comment portion of the University's Board of Regents meeting, pro-Palestine protestors shouted over Jewish speakers. According to local media reports, the President of the Jewish Federation of Greater Seattle was present at the Board of Regents meeting to ask for “clear communicated expectations and plans to ensure the safety of the Jewish community.” According to local media reports, Jewish speakers were subjected to chants of “Shame! Shame! Shame!” by the pro-Palestine protestors who called for the University's divestment from Israel.

That same day, the Board of Regents issued a statement about the meeting disruption and adjournment: “Speakers addressing labor issues and those calling for divestment from Israel had spoken without interruption, but when Jewish speakers opposed to divestment and concerned about antisemitism on campus began their comments, protestors repeatedly interrupted and shouted them down.” An article in The Daily reported that the Board of Regents held a special meeting on September 24, 2024, during which the Chair stated: “The Board regrets that a vocal minority was able to disrupt the orderly conduct of [U]niversity business. Obstruction and disruption of university operations is unlawful and a violation of the Student Code of Conduct, there will be consequences for those who violate laws and [U]niversity policies.” During the special meeting, participants “criticized the [Board] for the actions taken at the previous meeting, asking for the [Board] to issue an apology to those who were not given time to speak September 12.”

In a President blog posting on September 16, 2024, titled “Expectations and responsibilities of our University community,” a link was included to a “Freedom of Expression and Community Standards” page that included resources on time, place, and manner regulations. There is also a summary of prohibited events which include “Camping overnight, including erecting a tent or other shelter” and a time, place manner restriction that “Expressive activity may not create unreasonable safety risks nor an imminent threat, health or safety hazard.”

Proactive Efforts by the University

The University shared with OCR several actions taken by the President and University leadership following the October 7th attacks. The University noted that the President “was one of the first university presidents in the country to speak out about the atrocities publicly” and issued a public statement on October 9 condemning those actions. During the period of October 2023 through May 2024, there were ten postings on the Presidential Blog relating to shared ancestry incidents and events on campus in which the President condemned hateful actions on campus, shared resources, and encouraged University community members to report acts of hate. The President stated that “paramount among these resources is the Bias Incident Reporting Tool, a method by which individuals can report all incidents of bias or suspected bias.”

The University reported that within days of the attacks, “the University’s Vice President of Student Life . . . sent an email to students from Israel and Gaza and Registered Student Organizations and student groups who were most likely to have affected members or communities, acknowledging the conflict and providing links to resources.” The University stated that the President also “visited both Hillel and Chabad Jewish Student Group to talk with students and maintained weekly contact with leadership at Chabad and

Hillel to let them know of any information that might be available about upcoming demonstrations, and to provide support. Shortly after October 7th, both the Vice President of Student Life and Vice President of the Office of Minority Affairs and Diversity, Rickey Hall, attended a workshop in Los Angeles with leaders of Hillel about how to best support Jewish students.”

On March 7, 2024, the University created two task forces: an Antisemitism Task Force and an Islamophobia Task Force to assess the climate for “how students, faculty and staff are experiencing discrimination or harassment because they are Jewish or Palestinian/Middle Eastern/Muslim on our campus, and to what degree they feel the climate is supportive and welcoming.” On October 15, 2024, the Task Forces released their respective reports online, and included the findings from the climate assessment survey and focus groups. The Executive Summary for both reports notes that the survey and focus groups “occurred primarily between May 6-24, 2024” and that the “encampment and related protests and counterdemonstrations heightened tensions significantly.” The Executive Summary further noted that “We recognize the importance of preserving public free speech; however, the encampment and campus protests, at times, were perceived to go beyond these lines of argument and advocacy to call, implicitly or even explicitly, for violence.” Both Task Forces recommended a review of and to make clear “disciplinary procedures for antisemitic and Islamophobic behaviors: Many community members note a lack of clarity on submission of complaints and wide variance across units in the handling of disciplinary cases.”

Participants in the antisemitism focus groups shared a feeling of isolation as they “received little to no support from their colleagues or the administration, leaving them feeling as though nobody really cares about the experience of Jewish and Israeli individuals on the [University] campus. In addition, staff expressed that they felt responsible for identifying antisemitism and bringing it to the attention of the [U]niversity.” They also stated that it “felt as though the [University] was aligning itself with one particular side and added that communications in general have not served to make them feel any safer or more supported.” The report notes that “harassment, discrimination, and exclusion experienced by Jewish students, faculty, and staff last year did not result simply from the excesses of a polarized political climate but rather were a manifestation of systemic antisemitism that has percolated on campus for many years.”

The Antisemitism Task Force Report listed the following six primary recommendations for addressing antisemitism at the University:

1. Establish a University Committee on Antisemitism and Campus Climate to Monitor Key Performance Indicators;

2. Swift and Public Communication and Enforcement of Washington Administrative Codes;
3. Enforce Reasonable Time, Place, and Manner Restrictions to Protect Campus Safety and Academic Integrity;
4. Commit to Civil Discourse and Free Exchange of Ideas;
5. Clarify Faculty Responsibility in Safeguarding an Educational Environment Free from Discrimination; and
6. Develop Antisemitism Education for Diversity, Equity and Inclusion Professionals, Student Life Staff, Resident Advisers and First-Year Program Staff.

The Islamophobia Task Force Report noted the number of participants was “notably low” in comparison with the Antisemitism Task Force and stated that the discrepancy “underscores a broader issue of trust; many Arab, Muslim, Palestinian, and MENA individuals within the [University] community felt that trust in the University and its processes had been significantly eroded.” Participants voiced “deep disappointment in the University’s inadequate support and protection when they are attacked or threatened – whether online, on campus, or in academic settings.” The Islamophobia Task Force listed the following six primary recommendations:

1. Form a Standing Committee on Islamophobia and Anti-Arab Racism;
2. Establish a Community Advisory Board;
3. Create Spaces for Communities affected by Islamophobia and anti-Arab Racism at the University;
4. Establish a Liaison Role for Addressing Bias Incidents;
5. Encourage the Formation of Affinity Groups; and
6. Education, Cultural Awareness and Sensitivity Trainings.

On November 4, 2024, the University listed a series of actions it will be taking to address the concerns from the climate assessment, and Task Force Reports. These actions include:

1. Creation of a Title VI Coordinator to oversee institutional compliance with Title VI and Executive Order 31 to ensure complaints of discrimination based on race, religion and national origin receive appropriate review and follow-up;
2. Creation of a consolidated Civil Rights Compliance Office within Compliance and Risk Services that will include the Title VI Coordinator, the Title IX Coordinator and the Civil Rights Investigation Office to ensure consistent approach across these processes and better monitor, appropriately direct and resolve incoming complaints; and
3. Establishing new policies to ensure consistent tracking and evaluation of trends identified in the University’s bias reporting tools, including consolidating

University bias reporting tools, establishing clear and common metrics for gathering data and information, and ensuring appropriate follow-up to reported incidents.

The University stated that “as our work moves ahead, we will be aided by the launch this academic year of our second, comprehensive University Climate Assessment. This will build on the work of the task forces, provide a next opportunity to assess the degree to which our campus community feels the University climate is supportive and welcoming, and inform actions to support our on-going commitment to this goal.”

ANALYSIS

OCR recognizes that the University has taken several steps to address incidents that may have created a hostile environment based on shared ancestry on campus. The President, through postings on the Presidential Blog, condemned hate speech and acts of vandalism, and also included posts celebrating both Jewish Heritage Month and Arab Heritage Month. In addition, the University created the Antisemitism Task Force, and the Islamophobia Task Force, with the purpose of completing a climate assessment for University members from the Jewish, Muslim, Israeli, Palestinian, Arab and Middle East communities.

OCR is concerned that, notwithstanding the University’s efforts to respond proactively to prevent a hostile environment based on shared ancestry, the University appears not to have taken steps as required under Title VI to assess whether incidents about which it had notice individually or cumulatively created a hostile environment for students, faculty, or staff, and, if so, to take steps reasonably calculated to end the hostile environment, remedy its effects, and prevent its recurrence. For example, the BIR Tool is repeatedly identified by the University, including in the Presidential Blog, as being the “paramount” resource for reporting incidents of bias. However, the information provided by the University to date does not show that a Bias Incident Report for University community members to “report bias” prompts the University to assess whether a hostile environment has been created and what reasonable and effective steps need to be taken to eliminate a hostile environment. OCR reviewed numerous Bias Incident Reports in which reporters stated they felt threatened, unsafe, and targeted based on their shared ancestry, but the University documentation reflects that the University generally declined to take responsive action. The information produced to date reflects that University responders tell the reporters that they “help tell the story of what [University] students, staff and faculty are experiencing on campus” without oversight of whether or how complaints were ultimately addressed or whether any response was prompt or effective, resulting in no evident action to remedy any potential hostile environment. For example, in a [redacted content] incident, the responder referred the student to file a report with another

University Office, CSSC, and closed the Bias Incident Report within two weeks without any documented follow up with the student or CSSC. Following an [redacted content], report about a message targeting Middle Eastern, Arab, Muslim, and Palestinian students, the Bias Incident Report responder recommended that the reporter contact the relevant Department Chair without any further action documented in University records. In an OCR interview, the Vice President for Student Life, stated that “Typically, when we direct students to resources, there is no university wide tracking. If the Dean of Students referred them, there is no universal tracking.” In an OCR interview, the Executive Director of Compliance Services responded to a request for information regarding tracking of referrals provided to students that “I don’t know, and I don’t think there is a formal accounting of that, and I would assume that would be documented somewhere, but I don’t know it could be.” OCR recognizes the University’s stated plan, as of November 4, 2024, to address these Title VI compliance concerns prospectively through the creation of a Title VI Compliance Coordinator with responsibility to oversee the University’s compliance with Title VI.

University records also suggest the University conditioned a response to harassing conduct on a reporter’s follow up rather than fulfilling the University’s Title VI obligation to assess whether a hostile environment exists independent of whether a reporter does or does not respond to or follow up with the University. For example, after a Jewish student reported that a person screamed at the student: “F*** you IDF Zionist baby killer” when the student was walking on campus, the Bias Incident Report responder thanked the student for telling the student’s “story” and then did not follow up with the student because there was “no further communication from reporter.” And after the separate [redacted content] graffiti incident the same day, a Bias Incident Report was made by the parent of a student, and the responder provided referrals to SafeCampus and LiveWell for the parent to provide to the student. There is no documented follow up with either the parent or the student, or HFS, on whether the issue was being addressed by SafeCampus, LiveWell, or HFS. The University records show the University took no further action because there was “no further communication from reporter.”

Finally, records produced by the University indicate that University responses were not designed to remedy any existing hostile environment resulting from shared ancestry-based harassment. University records reflect numerous Bias Incident, CSSC, and UWPD Reports were filed throughout the past academic year in response to the October rally flier, harassment of students by protestors, and campus wide antisemitic, racist graffiti, and do not identify any other steps taken to assess the existence of or redress any resulting hostile environment from the conduct. Reporters were repeatedly provided with referrals for campus resources, however little to no action was taken by the University to protect students and community members from a hostile environment.

RESOLUTION AGREEMENT

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

OCR will monitor the University's implementation of the Agreement until the University is in compliance with the terms of the Agreement and the obligations under Title VI and its implementing regulations at 34 C.F.R. Part 100 that were at issue in the case.

CONCLUSION

This concludes OCR's investigation of the complaints. 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 two individual OCR cases. This letter is not a formal statement of OCR policy and should 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 Complainants 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.

Page 23 – OCR Case Numbers 10242040 and 10242317

Thank you for your cooperation during the resolution of these complaints. OCR looks forward to receiving the University's first monitoring report. If you have any questions, please contact OCR Attorney Rabya Khan.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Resolution Agreement