



April 25, 2024

VIA EMAIL

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

Re: Title VI Complaint Against Columbia University (National Origin – Palestinian, Race – Arab, Shared Ancestry or Ethnic Characteristics – Muslim)

Dear Secretary Cardona and Assistant Secretary Lhamon,

We write on behalf of four Columbia University students¹ and Columbia Students for Justice in Palestine (Columbia SJP) who have been the target of extreme anti-Palestinian, anti-Arab, and Islamophobic harassment on campus since October 9, 2023, including receiving multiple death threats, being called terrorists and “Jew killers,” being harassed for wearing keffiyehs (traditional Palestinian scarf) or hijab, being doxed, being stereotyped as supporting Hamas or as terrorists, being treated differently by high-ranking administrators—including Columbia University President Minouche Shafik—being attacked with a chemical agent that led to a Palestinian student and others associated with Palestinians or perceived to be Palestinians being hospitalized, and more. Despite students filing dozens of complaints, Columbia has failed to take meaningful steps to end the harassment, prevent it from occurring, or remedy its effects. Instead, Columbia has reinforced the hostile anti-Palestinian environment, including by suspending Students for Justice in Palestine—a student organization that advocates for Palestinian human rights—for engaging in speech activity supporting Palestinian rights, and by repeatedly engaging in different treatment of Palestinian students and their allies.

Columbia’s extreme different treatment of Palestinian students and students affiliated with Palestinians and advocating for their rights culminated last week in Shafik inviting the New York Police Department (NYPD) onto campus for the first time in decades to arrest over 100 students who had been peacefully protesting Israel’s genocide of Palestinians, summarily suspending many of them, locking them out of classes, and even prohibiting them from taking exams or submitting papers online. On April 24, it was reported that Columbia told students that if they did not stop their Gaza Encampment protest, the National Guard would be called in, suggesting Vietnam War-era state violence could be unleashed on campus.

¹ These students are Maryam Alwan, Deen Haleem, Daria Mateescu, and Layla Saliba. Maryam, Deen, and Layla are of Palestinian origin.

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

I. The University Has Failed to Respond Promptly and Effectively to Notice of a Hostile Environment Towards Students of Palestinian and/or Arab Descent and/or Those Perceived to Be or Associated with Palestinians

a. Columbia Fails to Take Adequate Action to Support Doxed Palestinian, Arab, or Muslim Students; Those Perceived to Be Palestinian; or Those Advocating for or Associated with Palestinians

i. Doxing of Students and Columbia's Response

On October 9, approximately twenty Columbia student groups released a statement extending condolences to those in the campus community who experienced loss. The statement also called for an end to Israeli apartheid and provided statistics relating to Palestinians killed by Israeli settlers and soldiers prior to October 7, in addition to condemning discrimination against Palestinians and urging Columbia to “stand against such discrimination.”²

Soon after the statement was published, Palestinian, Arab, or Muslim students; students perceived to be Palestinian; and/or those associated with or advocating for Palestinians, began to get doxed by off-campus groups and fellow students, whereby their names, images, and/or private or identifying individual information, including membership in student groups, were published with malicious intent over their support of Palestinian rights.

For example, on October 25, a truck with digital billboards began circling the campus, displaying the names and images of students alleged to be members of groups that signed the October 9 statement, smearing them as antisemites for voicing opposition to anti-Palestinian discrimination and in support of Palestinian equality. Upon information and belief, the trucks, paid for by the right-wing anti-Palestinian group Accuracy in Media (AIM), circled or were parked just outside of campus, so that all students, staff, and faculty entering campus through Columbia's main gates at 116th Street viewed the images and text they displayed.

On October 25, the organization AIM separately created a website titled “Columbia Hates Jews,” which included the names of dozens of Columbia students who are Palestinian, perceived to be Palestinian, or have advocated for Palestinian rights.³ Student journalists

² Columbia Students for Justice in Palestine et al., *Joint Statement from Palestine Solidarity Groups at Columbia University regarding the recent events in Palestine/Israel: Oppression Breeds Resistance* (Oct. 10, 2023), <https://docs.google.com/forms/d/e/1FAIpQLSeHe5p0in9g4h9xURoTx6NPn-v2rb-m7k6ZIm4YNGqOPRVsFQ/viewform>; Sabrina Ticer-Wurr, *Nearly two dozen Palestinian solidarity groups release open letter, joint statement*, COLUMBIA SPECTATOR (Oct. 12, 2023), <https://www.columbiaspectator.com/news/2023/10/12/nearly-two-dozen-palestinian-solidarity-groups-release-open-letter-joint-statement/>.

³ Rebecca Massel & Daksha Pillai, *Students protest against 'doxing truck,'* COLUMBIA SPECTATOR (Oct. 27, 2023), <https://www.columbiaspectator.com/news/2023/10/27/students-protest-against-doxing-truck/>.

reported on the doxing and the impact it was having on students who spoke of fearing for their safety. In a request for comment from the *Columbia Spectator* on the doxing truck, a university spokesperson failed to condemn the racist anti-Palestinian stereotyping and harassment and instead “declined to comment.”⁴ (In contrast, Columbia is swift to condemn harassment and stereotyping of non-Palestinians in statements to the media, rather than defaulting to “no comment.”)⁵

In addition to the doxing and harassment Palestinian students and their allies have faced, Columbia Students for Justice in Palestine (SJP) received multiple death threats to the group’s official email address.⁶

ii. *Doxing Assisted by Fellow Columbia Student*

Following a protest in support of Palestinian rights at Columbia Law School, the *Washington Free Beacon*, a right-wing, anti-Palestinian publication, revealed the names of three students who it identified as having attended the protest. The *Washington Free Beacon* noted that a Columbia student reviewed footage of the protest and identified three students at the protest, including Deen Haleem.⁷ After the *Washington Free Beacon* posted these students’ names in a November 21 article that it tweeted, upon information and belief, a number of people responded with racist anti-Palestinian comments on X (formerly Twitter), such as “deport them,” “Why don’t those who take the terrorist Osama Bin Laden as their role model be expelled?,” and “university administrators have coddled these jihadists for profit and in the name of ‘diversity’ ...These jihadists will turn every place into Gaza.”⁸

One of the students who was doxed in the article, an Arab student, emailed Law School Dean Gillian Lester and Associate Dean of Student and Registration Services Yadira Ramos-Herbert later that day (cc’ing Deen and their other doxed classmate), informing them that the *Washington Free Beacon* released a front-page article doxing the three of them. The Arab student wrote:

⁴ Esha Karam, ‘Doxing truck’ displaying names and faces of affiliates it calls ‘Antisemites’ comes to Columbia, COLUMBIA SPECTATOR (Oct. 25, 2023), <https://www.columbiaspectator.com/news/2023/10/25/doxing-truck-displaying-names-and-faces-of-affiliates-it-calls-antisemites-comes-to-columbia/>.

⁵ Rebecca Massel et al., *General Studies student allegedly assaulted in front of Butler Library, suspect arrested and charged, NYPD says*, COLUMBIA SPECTATOR (Oct. 12, 2023), <https://www.columbiaspectator.com/news/2023/10/12/general-studies-student-allegedly-assaulted-in-front-of-butler-library-suspect-arrested-and-charged-nypd-says/>; Shih-Fu Chang, Lisa Rosen-Metsch, Josef Sorett, *Reaffirming Our Community Values*, COLUMBIA UNIVERSITY SCHOOL OF GENERAL STUDIES (Oct. 12, 2023), <https://www.gs.columbia.edu/news/reaffirming-our-community-values>.

⁶ Esha Karam, Sarah Huddleston, & Sabrina Ticer-Wurr, ‘We’re the ones being targeted’: Pro-Palestinian affiliates report harassment, threats, COLUMBIA SPECTATOR (Nov. 2, 2023), <https://www.columbiaspectator.com/news/2023/11/02/were-the-ones-being-targeted-pro-palestinian-affiliates-report-harrassment-threats/>.

⁷ Aaron Sibarium, *Columbia Administrators Stand By as Anti-Israel Protesters Overrun Law School and Disrupt Class*, WASHINGTON FREE BEACON (Nov. 21, 2023), <https://freebeacon.com/campus/columbia-administrators-stand-by-as-anti-israel-protesters-overrun-law-school-and-disrupt-classes/>.

⁸ See Exhibit 1 – November 21 Email thread with Deans.

The article mentions who the student doxxed is. We were wondering what the protocol for reaching out to the doxxing task force is?

Also, I think it's worth bringing to your attention the racist and xenophobic nature of this article and the tweet it links. The article states "The incident illustrates the reluctance of some universities to crack down on anti-Israel protests...The unwillingness to shut down these protests may stem in part from the large number of foreign students participating in them." It is worth noting that while Deen is Palestinian and I am Lebanese, we are both US citizens. Furthermore many of the replies to the tweet he linked with our names in it say things like "deport them" "why don't those who take the terrorist Osama Bin Laden as their role model be expelled" "how hard is it to just expel them? most are probably not paying tuition anyway" and "university administrators have coddled these jihadists for profit and in the name of 'diversity,' This is what DEI and CRT gets you. Clean up the rot or bid goodbye to western civ. These jihadists will turn every place into Gaza."

We are beyond hurt that a student within the law school would expose us to this level of racism and harassment. Speaking personally, this smear campaign and doxxing against me makes me genuinely worry for my safety on and off campus. What will the law school do to protect us from this? We are hoping that though there is no Task Force for Arab and Muslim students, the law school will take affirmative steps to fight this.⁹

Upon information and belief, the student received no response.

Two weeks later, on December 6, the third student who was doxed in the article, a white student, wrote Lester and Ramos-Herbert noting:

It has been more than two weeks since [Student]'s email and none of us have received a response. This fits a disturbing trend of Arab and Muslim students' concerns not being taken seriously by the law school. You can say that you have been busy, but again I'd like to repeat that it's been more [than] two weeks and you will only reply after a white student sends a reminder email to follow up.¹⁰

Ramos-Herbert responded within twenty-four hours stating that "...I did connect with the University and asked that they email you to discuss resources for students listed in the article. I did that before your underlying email. I apologize for not responding to this immediate note as I presumed my colleagues would connect. I will follow up with them to reach out to you and detail resources available."¹¹

Though Columbia President Minouche Shafik had condemned the doxing of students in an

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

October 18 email¹² and announced a Doxing Resource Group on November 1,¹³ the group has been extremely slow to respond, sending a response email to Deen Haleem over one month after help was requested by the students smeared in the article, long after the damage had been done.¹⁴

b. Racist Harassment on Campus

i. Students Wearing Keffiyehs or Hijabs Followed, Assaulted, and Harassed on Columbia's Campus

Students wearing a keffiyeh, the traditional Palestinian scarf, have been harassed in person, physically, and verbally; spat at; doxed; and stalked. They have also been the recipients of hate speech and even death threats.¹⁵ Students wearing a keffiyeh were followed by fellow students, called “terrorists,” had photos taken of them without their consent, and have endured verbal intimidation by fellow students, faculty, and third parties. In response to this harassment and the failure of Columbia to implement safety measures or speak out against anti-Palestinian racism, one Palestinian student reported to the *Columbia Spectator*: “Our students started to coordinate to walk in like two or three because some of them would be harassed or scared of wearing [the] keffiyeh on their shoulder.”¹⁶

Upon information and belief, a number of other Palestinian students, students perceived to be Palestinian students, or students associated with or advocating for Palestinians were subjected to racist anti-Palestinian remarks for wearing a keffiyeh around campus, had their path blocked by their peers, had their keffiyeh pulled from them, and were followed by someone alleged to be a former Israeli army soldier. Our understanding is that Columbia was aware of several such incidents via student reporting or reporting via the news or social media, but that Columbia has not taken further action.

The following incident was reported directly to SJP. On October 9, 2023, at approximately 6:25 p.m. outside of the Low Library steps on Columbia's campus, a student wearing a keffiyeh walked by what appeared to be a vigil with Israeli flags. The student took a picture of the vigil from afar. After taking a photo, a fellow student came up to the keffiyeh-wearing student and demanded to know their University Network ID (UNI). The keffiyeh-wearing student asked why, to which the other student accused them of harassing the Israeli students by wearing a keffiyeh and again asked for their UNI. The student wearing a keffiyeh responded, “I’m not harassing anyone, you’re the one harassing me.” After a final attempt to get the keffiyeh-wearing student’s UNI, the student cursed at them saying, “Fuck you, you’re a terrorist,” as the student wearing a keffiyeh moved away, and ultimately left campus.

On October 19, 2023, a student wearing a hijab was followed by a man who walked towards the

¹² Minouche Shafik, *Upholding Our Values*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Oct. 18, 2023), <https://president.columbia.edu/news/upholding-our-values>.

¹³ Minouche Shafik, *Announcing Doxing Resource Group*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Nov. 1, 2023), <https://president.columbia.edu/news/announcing-doxing-resource-group>.

¹⁴ See Exhibit 2 – December 22 Email from Doxing Group to Deen.

¹⁵ Esha Karam et al., *supra* at 6.

¹⁶ *Id.*

student until the student crossed the street, and who then stuck his middle finger out at the student and followed the student on 116th Street on the campus side. The student reached out to the Muslim Students Association (MSA) on campus to see if someone was going home at the same time so that they could avoid the man if he was still there.

ii. *Columbia Fails to Address Racist Anti-Palestinian and Islamophobic Posters on Campus*

On March 20, 2024, Maryam Alwan emailed Columbia, alerting them to racist anti-Palestinian and Islamophobic posters posted on campus. The posters depict what appear to be Palestinian children dressed as combatants holding guns, while wearing headwear displaying Arabic text, including religious Islamic text. The posters state: “NOBODY IS BORN A MONSTER.”¹⁷

In her email, Maryam also asks whether EOAA investigated other racist flyers found on campus that said, “Get Hamas Off Campus,” along with other racist phrases, which appear to be referencing groups that advocate for Palestinian equality such as SJP.¹⁸ Portraying Palestinians as violent, Islamists, supporters of Hamas, who brainwash their children into violence and religious extremism are common anti-Palestinian tropes.

Upon information and belief, Columbia did not condemn these posters nor took any action to address them.

c. ***Failure to Address Racist Statements at Campus Events/by University Employees***

i. *October 12 Columbia Employee Radio Interview*

At a protest organized by Students for Justice in Palestine and Jewish Voice for Peace on October 12, 2023, a person who claimed to be “an officer of the administration” and who held a Columbia ID due to his employment at the Columbia University Irving Medical Center, stated in an interview with Columbia’s student-run radio station WKCR: “I’m Jewish, okay? I’m a Zionist, okay? I hope every one of those people die,” referring to students at the protest, many of whom were Palestinian, Muslim, and Arab, or associated with these identities.¹⁹ This incident has been widely reported in the *Columbia Spectator* and on @sjp.columbia’s public Instagram account.²⁰

¹⁷ Exhibit 3 – March 20 Email from Maryam to Admin.

¹⁸ Exhibit 4 – March 20 Flyers Linked in Maryam Email to Admin. These are the types of flyers that were seen around campus.

¹⁹ Esha Karam & Isabella Ramirez, *Medical center spokesperson denounces viral WKCR audio of Columbia employee as ‘words that incite dangerous behavior,’* COLUMBIA SPECTATOR (October 17, 2023), <https://www.columbiaspectator.com/news/2023/10/17/medical-center-spokesperson-denounces-viral-wkcr-audio-of-columbia-employee-as-words-that-incite-dangerous-behavior/>.

²⁰ *Id.*, Columbia SJP (@sjp.columbia), INSTAGRAM (Oct. 13, 2023), <https://www.instagram.com/reel/CyWMQ7tOvX5/?igsh=ZjFxb3czeHB6YzZ1>.

ii. November 2023 JLSA Event

On November 21, Columbia’s Jewish Law Students Association (JLSA) and Society for the Advancement of Law & Talmud (SALT) organized an event titled “Jews of the Middle East & North Africa: A Rich History in the Face of Marginalization, Persecution, & Ethnic Cleansing,” that featured Giulietta Boukhobza as the speaker.²¹ The following day, the Muslim Law Students Association (MLSA) at Columbia forwarded a message from the Middle Eastern Law Students Association (MELSA) at Columbia to its listserv describing the extreme Islamophobic and anti-Palestinian remarks that were reportedly made during the event.

MELSA’s email explained:

“During this ‘educational event’ Boukhobza insinuated that Muslim Arabs wanted to kill all Mizrahi Jews and that it should not be a shock that women were raped on Oct. 7th, because Muslim Arabs were involved. Further, while responding to a student’s question about whether one could be Jewish and Arab at the same time, Boukhobza stated that though she is Jewish and Arab, she has nothing in common with, and does not want to be associated with, Muslim Arabs, and was reminded of this on October 7th.”²²

Columbia made no statements condemning this language or stating that it disapproved of the language, or that the language was hateful, as it has done with respect to other events it disapproved of.

iii. March 2024 Center for Israeli Legal Studies Event

On Wednesday, March 6, 2024, Columbia’s Center for Israeli Legal Studies hosted an event at Columbia Law School titled, “Israel as a Law-Abiding, Liberal Democracy in Wartime,” featuring acting head of the Israeli Bar Association, Tami Ullman, along with five other speakers who included a former Israeli judge, Israeli bar officials, and a former Attorney General for the State of Israel.

On March 6, Daria Mateescu, president of Columbia Law Students for Palestine, emailed Dean Andrea Saavedra at Columbia Law School and explained that there were offensive and hateful comments made at the event. In her email, she wrote: “In particular, Tami Ullman stated, ‘there is a difference between fighting against enemies and animals,’ and that human rights law does not apply to this war.”²³ After the event, MELSA sent an email to Gillian Lester, Dean of Columbia Law School; Zohar Goshen, professor and Co-Director of the Center for Israeli Legal Studies; and Joshua Mitts, professor and Associate Director of the Center for Israeli Legal Studies, calling attention to statements that, they explain, were made by panelists at the event, including: “[t]he Arabs say they want to kill us, and they want to throw us in the river,” referring to civilian casualties as “unfortunate, inevitable collateral damage,” and using the words “Arabs,” “Palestinians,” and “Hammas” interchangeably, seemingly equating all Arabs and

²¹ Exhibit 5 - November 22 MLSA Email Amplifying MELSA Statement on Boukhobza Event.

²² *Id.*

²³ See Exhibit 6 – March 6 Email from Daria to Admin.

Palestinians with Hamas.²⁴

All of these racist statements were reported to Columbia – which was also on notice as a Columbia Law School center hosted the event. Ahead of the event, the Columbia Law Coalition for a Free Palestine and Columbia Law Students for Palestine put out a statement on Instagram condemning Columbia for choosing to hold an event that they described as “an attempt to normalize and justify the ongoing genocide perpetuated by Israel against Palestinians under the guise of international law and political legitimacy.”²⁵

To date, neither Columbia University, nor the law school, nor the dean or any administrator has made a statement condemning the racist anti-Palestinian language reportedly made at the Center for Israeli Legal Studies March 6 event.

In contrast, as noted above and elsewhere in this complaint, Columbia is swift to take action when there are allegations of racist or otherwise demeaning language—often without regard to their merit—used against non-Palestinians.

d. January 19 Rally and Attack

i. Anti-Palestinian Harassment and Attack at January 19 Rally Results in Dozens Requiring Medical Attention

On January 19, 2024, Columbia University Apartheid Divest (CUAD), a coalition of student groups organizing for Palestinian rights, held a rally on the steps of Low Library, where hundreds of students, many of whom were Palestinian, Arab, and/or associated with Palestinians, gathered to call on Columbia University to divest from companies aiding and abetting in human rights abuses against Palestinians.²⁶ During the rally, two individuals, who were quickly identified as Columbia students, sprayed a concoction of chemicals known as “skunk” water into the crowd, resulting in dozens of students requiring medical attention.²⁷ Prior to this incident, students reported counterprotestors harassing protestors while Columbia Public Safety failed to intervene.²⁸ All of these incidents were documented and reported by students and/or by news outlets, yet Columbia failed to respond promptly or adequately to the concerns of Palestinian students and their allies either during the rally or following this violent attack.

²⁴ See Exhibit 7 – March 19 Email from MELSA to Deans.

²⁵ See Exhibit 8 – March 6 IG post re Israeli Legal Studies Event.

²⁶ Daksha Pillail et al., *Pro-Palestinian student groups hold ‘divestment now’ rally on Low Steps, call for tuition strike*, COLUMBIA SPECTATOR (Jan. 19, 2024), <https://www.columbiaspectator.com/news/2024/01/19/pro-palestinian-student-groups-hold-divestment-now-rally-on-low-steps-call-for-tuition-strike/>.

²⁷ Maryam Alwan, *(Pro-)Palestinian lives do not matter to Columbia University*, COLUMBIA SPECTATOR (Jan. 31, 2024), <https://www.columbiaspectator.com/opinion/2024/01/31/pro-palestinian-lives-do-not-matter-to-columbia-university/>; Columbia University Apartheid Divest Coalition (CUAD), *Columbia University Apartheid Divest coalition statement on chemical skunk attack*, MONDOWEISS (Jan. 23, 2024), <https://mondoweiss.net/2024/01/columbia-university-apartheid-divest-coalition-statement-on-chemical-skunk-attack/> (Students identified the perpetrators as students in the Columbia School of General Studies (GS)).

²⁸ CUAD, *supra* at 27.

As a result of being sprayed by skunk water, at least 10 students who were perceived to be Palestinian, and/or advocating for or associated with Palestinians, required hospitalization, and dozens more, including Layla Saliba, sought help via urgent care and/or campus health services.²⁹ Students who underwent medical treatment stated that they were “experiencing symptoms of blurred vision, dizziness, headache, nausea, and irritated skin, even days after the attack.”³⁰ One student “was rushed to [the] hospital [and] received a chest x-ray, a nebulizer, and an electrocardiogram due to toxic chemical inhalation.”³¹ The skunk water also resulted in damage to students’ personal belongings.³² As a result of the attack, Layla kept throwing up, had a headache that would not go away, and her eyes were burning. Her medical record from urgent care indicates her diagnoses, including exposure to potentially hazardous chemicals, nausea, fatigue, and headache.³³

A student who had been sprayed with skunk water reported that Palestinian friends had “recognize[d] that smell from the West Bank and Palestine because Israeli forces use [skunk water] on Palestinians as crowd control.”³⁴ Skunk water can be lethal in high doses and is used by the Israeli military against Palestinians.³⁵

Prior to the attack, counterprotestors, reportedly including the perpetrators of the skunk attack, harassed protestors. CUAD reported that a “counter-protester attacked a Palestinian student and issued a death threat. Instead of responding to this serious attack, which they witnessed, public safety officials surrounded and initiated a physical altercation with the Palestinian student, accused him falsely of pushing them, and allowed the assailant to disappear.”³⁶ The perpetrators of the skunk water attack, who allegedly also served in the Israeli army,³⁷ had reportedly approached student protestors and accused them of being “Jew killers” and “terrorists.”³⁸ Maryam Alwan, a Palestinian fourth-year, noticed that Columbia Public Safety and the New

²⁹ Alwan *supra* at 27; Exhibit 9 – January 20 Layla Saliba Medical Record – Urgent Care; “Pro-Palestine Students Face Alleged Chemical Attack At Columbia,” AJ+ (Apr. 12, 2024), <https://www.youtube.com/watch?v=s2vNJOQfDmI> (see video at 3:18).

³⁰ Pauline Ertel, ‘Negligence’: Columbia Students Furious at University After Skunk Water Doused on Protestors, MIDDLE EAST EYE (Jan. 23, 2024), <https://www.middleeasteye.net/news/columbia-university-students-furious-skunk-water-attack-protesters>.

³¹ *Id.*

³² Chris Mendell, *Protestors allegedly sprayed with hazardous chemical at Pro-Palestinian rally*, nearly two dozen report, COLUMBIA SPECTATOR (Jan. 22, 2024), <https://www.columbiaspectator.com/news/2024/01/22/protesters-allegedly-sprayed-with-hazardous-chemical-at-pro-palestinian-rally-nearly-two-dozen-report/>.

³³ See Exhibit 9 – January 20 Layla Saliba Medical Record – Urgent Care; AJ+, *supra* at 28 (see video at 5:47).

³⁴ Mendell, *supra* at 32.

³⁵ Yara Hawari, ‘The Skunk’: Another Israeli Weapon for Collective Punishment, AL JAZEERA (May 12, 2021), <https://www.aljazeera.com/opinions/2021/5/12/the-skunk-another-israeli-weapon-for-collective-punishment>.

³⁶ CUAD, *supra* at 27.

³⁷ John Doe v. Columbia University, Case 1:24-cv-02870 (S.D.N.Y. Apr. 16, 2024); Exhibit 10 – SDNY Lawsuit (In a recent lawsuit filed in the Southern District of New York, one of the perpetrators of the skunk water attack describes himself as a veteran of the Israeli Defense Forces).

³⁸ Mendell, *supra* at 32.

York Police Department were present “without doing anything to protect the protestors.”³⁹

Columbia Students for Justice in Palestine (SJP) publicly condemned the attack on their Instagram and X accounts on January 20.⁴⁰ In one tweet, SJP stated: “Students at Columbia University have suffered potential damage to the lining of their eyes & are going to Urgent Care after Israeli soldier students sprayed them on campus with a chemical weapon. The NYPD was there only to monitor and racialize the protestors. Shame on Columbia.”⁴¹ Numerous other media outlets covered the incident. Layla Saliba emailed members of Columbia’s administration three days after the attack reporting her injuries and requesting support.⁴² Maryam Alwan also reported the incident to Columbia’s administration.⁴³

ii. Columbia’s Delayed and Inadequate Response to the January 19 Attack

On January 22, 2024, three days after students were attacked with a harmful chemical substance on Columbia’s campus and after significant media coverage of the attack and student injuries,⁴⁴ Dennis A. Mitchell, the then Interim Provost at Columbia, sent out his first statement to the Columbia community about this incident. Mitchell’s statement failed to mention the chemical attack or its anti-Palestinian nature but instead discussed “tensions of recent months,” and “sources of these tensions” while calling for a “renewed focus on [Columbia’s] core mission of education, research, and service.” The message contained a list of seemingly random university rules such as “it is a violation of the Rules of University Conduct to obstruct the view of the speaker with banners or placards,” and “Students should also be mindful of the University’s Standards and Discipline Policy and school-specific policies and practices.”⁴⁵

From reading the message, one would have no clue that a group of Palestinian protesters and their affiliates and allies calling for Palestinian rights had been violently attacked; indeed, it could appear from reading the message that it was Palestinian students and their affiliates who had broken school rules, as these protesters had been demonstrating by holding banners and placards.

That same day, in a comment to *The Intercept*, Columbia appeared to blame the victims for what it called an “unsanctioned” event that “violated university policies and procedures” rather than

³⁹ Ertel, *supra* at 30.

⁴⁰ Columbia SJP (@ColumbiaSJP), X (FORMERLY TWITTER) (Jan. 20, 2024), <https://twitter.com/ColumbiaSJP/status/1748729253770698944?s=20>; Columbia SJP (@sjp.columbia), INSTAGRAM (Jan 20, 2024), https://www.instagram.com/sjp.columbia/p/C2U3W1-uV7Z/?img_index=9.

⁴¹ Columbia SJP (@ColumbiaSJP), X (FORMERLY TWITTER) (Jan. 20, 2024), <https://twitter.com/ColumbiaSJP/status/1748857917397225710>.

⁴² Exhibit 11 – January 22 Emails Between Layla and Admin; (Layla also posted about the incident publicly on her X account. Her post received hundreds of thousands of views. Layla Saliba, X (FORMERLY TWITTER) (Jan. 19, 2024), <https://twitter.com/itslaylas/status/1748525746606297252>).

⁴³ Exhibit 12 – January 23 Maryam Emails with Dean Kromm.

⁴⁴ See Exhibit 13 – January 22 Provost Email after Skunk Incident; Eduardo Cuevas, *NYPD probing reported chemical attack against students during pro-Palestinian protest at Columbia*, USA TODAY (Jan. 23, 2024), <https://www.usatoday.com/story/news/nation/2024/01/23/columbia-university-protest-attack/72325189007/>.

⁴⁵ See Exhibit 13 – January 22 Provost Email after Skunk Incident.

condemning the racist, anti-Palestinian assault.⁴⁶ Despite claiming that CUAD violated rules, to date, CUAD has not been charged with a single rule violation over the January 19 rally, much less found to have violated any rule or policy over this event.

Columbia waited two entire days before emailing the campus community about this matter, despite the extent of the harm to students and the university's own acknowledgement that it received multiple reports about the incident.⁴⁷ In its initial statement, Columbia failed to mention the attack or its anti-Palestinian nature; instead, the university described the chemical attack as simply "incidents...of great concern."⁴⁸

Later that day, the interim provost sent out another statement saying that, in response to the skunk water incident, Columbia "has since been actively working with local and federal authorities" and that "[t]he New York City Police Department is taking the lead role in investigating what appear to have been serious crimes, possibly hate crimes."⁴⁹ The provost's second message still failed to mention that Palestinian students and/or their affiliates and allies were assaulted.

The message noted that alleged perpetrators were "immediately banned from campus while the law enforcement investigation proceeds."⁵⁰ However, Layla reported to administrators that students had seen the attackers on campus even after they were allegedly banned from campus,⁵¹ suggesting their university IDs remained active and leaving Palestinian students, those perceived to be Palestinians, or those advocating or associated with Palestinians to fear for their safety on campus. After this incident, one student recounted his fears of being attacked once again: "I feel even more scared for my safety, especially since [the Jan. 19 attackers] have not been arrested yet...[With] the lack of severity in the university's response – or the lack of response at all – I feel the violence will escalate. Which means more people can commit violent acts thinking they will be able to get off scot-free."⁵²

According to Columbia Public Safety, "Columbia University is required to alert the campus community to certain crimes that pose a continuing danger to the campus community in a manner that is timely and will aid in the prevention of similar crimes."⁵³ When Layla asked

⁴⁶ Prem Thakker, *Columbia scolds students for "unsanctioned" Gaza rally where they were attacked with chemicals*, THE INTERCEPT (Jan. 22, 2024), <https://theintercept.com/2024/01/22/columbia-university-palestine-protest-skunk/>.

⁴⁷ Mendell, *supra* at 32.

⁴⁸ *Update on Investigation of Incidents Reported in Connection with Friday's Protest*, COLUMBIA UNIVERSITY PUBLIC SAFETY (Jan. 21, 2024), <https://publicsafety.columbia.edu/news/update-investigation-incidents-reported-connection-fridays-protest>.

⁴⁹ Dennis A. Mitchell, *Update on Campus Incidents*, COLUMBIA UNIVERSITY OFFICE OF THE PROVOST (Jan. 22, 2024), <https://provost.columbia.edu/news/update-campus-incidents>.

⁵⁰ *Id.*

⁵¹ See Exhibit 14 – January 26 Email from Layla to Admin re: Skunk Attack.

⁵² Anna Rajagopal, *Pro-Palestine Columbia Students Attacked with Israeli Chemical, University Administration Fails to Act*, INSTITUTE FOR PALESTINE STUDIES (Jan. 31, 2024), <https://www.palestine-studies.org/en/node/1655130>.

⁵³ Clery Crime Alerts, COLUMBIA UNIVERSITY PUBLIC SAFETY, <https://publicsafety.columbia.edu/content/clery-crime-alerts>.

Columbia Public Safety why a Clery alert had never been sent out following the skunk water attack, Public Safety responded that it did not send out a Clery alert because there was no continuing threat to the university.⁵⁴ This was despite the fact that students had reported seeing the perpetrators on campus, even after the school said they had been banned.⁵⁵ Columbia did not issue a Clery alert as it routinely does for other public safety threats.⁵⁶

The University's response to this incident stands in stark contrast to its rapid and unified response in condemning incidents harming non-Palestinian students. For example, multiple deans swiftly condemned an incident when an Israeli student was allegedly hit by a former student on campus.⁵⁷ The next day, on October 12, School of Engineering and Applied Science Dean Shih-Fu Chang, School of General Studies Dean Lisa Rosen-Metsch, and Columbia College Dean Josef Sorett sent a statement to undergraduate students stating that campus is "extremely charged and many are concerned for their personal safety...Community members are observing and experiencing disturbing anti-semitic and islamophobic acts...with some students being targeted based on their religious identity or political speech."⁵⁸ On October 27, Shafik sent a university-wide email from the Office of the President, titled "Standing in Solidarity," with the first line stating "I have been shocked to hear of several antisemitic incidents in just the last couple of days."

Columbia also has been swift to condemn racists acts where the victims are not Palestinian in previous years. For example, in 2022, in response to racist, anti-Black language in the classroom, Columbia Law School sent out an email seeking to promote inclusiveness in the classroom setting and asking faculty to refamiliarize themselves with the Columbia's EOAA Policies & Procedures.⁵⁹ In 2023, in response to a faculty member using dismissive language and uttering an expletive in response to a student's request for the faculty member to speak more slowly in class, Columbia Law School sent out an email calling the faculty member's actions "unacceptable" and reaffirmed the school's "commitment to fostering a welcoming learning environment."⁶⁰

As noted above, often when Palestinians or their allies were attacked, Columbia was slow to make any statements – and often after the media reported critically of its lack of a response. When it did make a statement, it noted that incident was "possibly [a] hate crime,"⁶¹ failed to note that Palestinians or their allies were attacked, and did not condemn the attack as anti-Palestinian, as it has done when non-Palestinians were the victims – despite reports that the

⁵⁴ See Exhibit 15 - February 19 Email from Layla re: Clery Alert.

⁵⁵ See Exhibit 14 – January 26 Email from Layla to Admin re: Skunk Attack.

⁵⁶ Columbia University Public Safety, *supra* at 53 (Columbia routinely sends students Clery alerts).

⁵⁷ Rebecca Massel et al., *General Studies student allegedly assaulted in front of Butler Library, suspect arrested and charged*, *NYPD says*, COLUMBIA SPECTATOR (Oct. 12, 2023), <https://www.columbiaspectator.com/news/2023/10/12/general-studies-student-allegedly-assaulted-in-front-of-butler-library-suspect-arrested-and-charged-nypd-says/>.

⁵⁸ Shih-Fu Chang, Lisa Rosen-Metsch, Josef Sorett, *Reaffirming Our Community Values*, COLUMBIA UNIVERSITY SCHOOL OF GENERAL STUDIES (Oct. 12, 2023), <https://www.gs.columbia.edu/news/reaffirming-our-community-values>.

⁵⁹ See Exhibit 16 – November 18, 2022 Email from Dean Lester to CLS Students.

⁶⁰ See Exhibit 17 – January 27, 2023 Email from Dean Lester to CLS Community.

⁶¹ Mitchell, *supra* at 49.

perpetrators called students advocating for Palestine “terrorists” and “Jew killers,”⁶² which are dangerous and harmful anti-Palestinian stereotypes that paint Palestinians and those associated with them as inherently violent.

iii. Impact of January 19 Attack

As a result of the January 19 skunk water attack, Layla Saliba, who is Palestinian, was vomiting several times a day, was diagnosed with PTSD, and had to miss one week of classes. Layla also reported that she could not sleep well at night, felt her chest tightening when she went to campus, had difficulty focusing on her classes, and at times felt scared to go to class as she saw the perpetrators after the incident. A month later, she was still feeling the impact of the assault due to an immunodeficiency issue.

In a series of emails with administrators following the attack, Layla explained that dozens of students had been impacted and that she herself had to “throw away her sheets, blankets, and many of [her] clothes because they smell like raw sewage and they burn [her] skin when [she] touch[es] them.”⁶³

Under investigative guidance for racial incidents and harassment against students provided by the Office for Civil Rights (OCR), OCR has found that “in some cases, a racially hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe. Such incidents may include, for example, injury to persons or property or conduct threatening injury to persons or property.”⁶⁴ The harm caused by a harmful chemical substance attack qualifies as an incident that on its own could create a racially hostile environment. OCR has stated that “in some cases, the...severity of the racial harassment may be enough to infer that the recipient had notice of the hostile environment (e.g. a racially motivated assault on a group of students). A finding that a recipient had constructive notice of a hostile environment meets the notice requirement of the analysis.”⁶⁵ In this case, the school also had actual notice of the incident as students reported the incident to the university and the incident was widely covered in the media.

e. Statements and Actions of Professor Shai Davidai

i. Shai Davidai Harasses Palestinian, Muslim, and Arab students; Those Perceived to be Palestinian; or Those Advocating for or Associated with Palestinians, on Social Media and Otherwise

Since October, Shai Davidai, Assistant Professor of Business at Columbia—and son of an

⁶² Mendell, *supra* at 32.

⁶³ Exhibit 11 – January 22 Emails Between Layla and Admin re: Skunk Attack.

⁶⁴ Office for Civil Rights, *Racial Incidents and Harassment Against Students*, U.S. DEPARTMENT OF EDUCATION (Mar. 10, 1994), <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html>.

⁶⁵ *Id.*

allegedly wealthy Israeli executive with ties to weapons manufacturing⁶⁶—has continuously harassed, doxed, and stereotyped Palestinian students and their affiliates and advocates as being terrorist sympathizers, terrorists, pro-Hamas, and actually Hamas. Below is a non-comprehensive list of Davidai’s actions. Columbia has received more than 50 complaints about Davidai; yet Columbia has been slow to act. Davidai has also targeted Maryam Alwan and Layla Saliba directly.⁶⁷ In addition, Maryam and Layla have been bullied, harassed, insulted, called terrorists, and received death threats for their advocacy in support of Palestinian rights. They have felt scared, worried for their safety, have seen a sharp decline in their mental health, and have felt completely abandoned by their university. Davidai’s actions have only exacerbated this hostile environment. Layla was even followed by someone to her internship who claimed to have known her from Davidai’s social media. Soon after, Layla moved her internship to be remote.

On October 18, 2023, Davidai spoke at a vigil on Columbia’s campus where he called on Columbia to “eradicate pro-terror student organizations,” in apparent reference to Students for Justice in Palestine, which he likened to supporters of ISIS, a racist anti-Palestinian stereotype that smears supporters of Palestinian rights as violent and affiliated with designated terrorist groups.⁶⁸

On his social media account on numerous occasions, Davidai has falsely accused Palestinian, Arab, or Muslim students; those perceived to be Palestinian; or those advocating or associated with Palestinians of being Hamas supporters and celebrating violence, kidnapping, and rape.⁶⁹

On January 16, the first day of Columbia’s spring semester, Davidai identified an individual student by name via his social media. Davidai tweeted a “Call to Action” along with a link to a page that directed individuals to send a prewritten email to Columbia accusing Maryam Alwan of violating federal anti-terrorism laws and school policy because of her organizing in support of Palestinian rights.⁷⁰ The email also misattributed the words of another student of color who had the same first name to her.⁷¹

Davidai called for Palestinian students and their allies to be removed from Columbia, saying: “...SJP is an antisemitic organization. The leaders of SJP @Columbia are antisemitic. They

⁶⁶ Joshua Frank, *Columbia Professor Shai Davidai's Family Tied to Weapons Manufacturing*, COUNTERPUNCH (Apr. 20, 2024), <https://www.counterpunch.org/2024/04/22/columbia-universitys-shai-davidais-family-tied-to-weapons-manufacturing/>.

⁶⁷ Joseph Zuloaga, *SJP petition calls for termination of Business School professor Shai Davidai*, COLUMBIA SPECTATOR (Apr. 17, 2024), <https://www.columbiaspectator.com/news/2024/04/17/sjp-petition-calls-for-termination-of-business-school-professor-shai-davidai/>.

⁶⁸ Shai Davidai, “An Open Letter to Every Parent in America,” YOUTUBE (Oct. 18, 2023), <https://www.youtube.com/watch?v=uo7fdxrjMlc> (4:24-4:37 and 6:56-7:20).

⁶⁹ See Exhibit 18 – November 12 and December 20 Davidai Tweets.

⁷⁰ See Exhibit 19 – January 16 Davidai Tweet (@ShaiDavidai), X (FORMERLY TWITTER) (Jan. 16, 2024), <https://twitter.com/ShaiDavidai/status/1747346477100191939>; Columbia SJP, *Tell Columbia University: Fire Shai Davidai*, CHANGE.ORG (Apr. 9, 2024), https://www.change.org/p/tell-columbia-university-fire-shai-davidai?recruiter=85462137&recruited_by_id=a717f684-f75c-491a-a512-afecba3efc38&utm_source=share_petition&utm_campaign=share_for_starters_page&utm_medium=copy_link.

⁷¹ Columbia SJP, *supra* at 70.

should immediately be removed from campus.”⁷²

Davidai has also urged his followers to contact the FBI or NYPD about SJP. On January 30, he tweeted: “...Don’t let them terrorize our community. If anyone has connections in the FBI/NYPD, please alert them.”⁷³

On February 2, Davidai posted a photo of protestors during a protest co-organized by CUAD, a coalition of student groups advocating for a free Palestine and divestment from Israeli apartheid. Davidai’s post showed protestors just outside Columbia wearing keffiyehs, stating, “And they fully support Hamas’ crimes against humanity. For them, even the most violent acts are legitimate and necessary means. Raping teenage girls. Torturing entire families. Burning babies. Kidnapping old women. Dead Israeli Jews. This is what they want.”⁷⁴

In the same February 2 thread, Davidai stated, “If they can’t kill the Jews, they at least want to get rid of them.”⁷⁵ Responses to Professor Davidai’s tweets include racist statements against the protestors, including calling them “barbarians,” “promoters of violent savagery,” and claims that they “are Hamas operatives, doing Hamas’ bidding.”⁷⁶ Upon information and belief, Davidai took no steps to condemn these hateful, racist anti-Palestinian stereotypes.

On March 21, Shai Davidai accused Layla of being “[a] prominent organizer of the pro-Hamas protests.” Shortly after this tweet, Layla received thousands of views on her social media, and the anti-Palestinian doxing site, Canary Mission, created a profile for her, smearing her as a supporter of terrorism.⁷⁷

Davidai’s bullying and harassment have not been restricted to the internet. Students reported that on April 4, Davidai appeared at a campus rally for Gaza’s Al-Shifa Hospital—which had been bombed by Israel and where mass graves have recently been discovered—and screamed into a microphone, drowning out a protestor who was speaking about her experience being sexually assaulted. Students reported that Davidai also approached multiple students, harassing them.⁷⁸

On April 7, Davidai again targeted Layla, sharing a screenshot of a tweet she had reposted. In this tweet, Davidai tagged Columbia’s School of Social Work, where Layla is enrolled, called her a “prominent pro-Hamas organizer,” and referred to her and Columbia SJP as “modern day Hitler Youth.”⁷⁹ He then tweeted: “It’s time that these terror supporters face some consequences. I know many of you have been personally targeted by this instigator. Please share your stories.

⁷² See Exhibit 20 – January 31 Davidai Tweet.

⁷³ See Exhibit 21 – January 30 Davidai Tweet.

⁷⁴ See Exhibit 22 – February 2 Davidai Tweet.

⁷⁵ See Exhibit 23 – February 2 Davidai Tweet (in same thread).

⁷⁶ See Exhibit 24 – Tweet responses to Davidai.

⁷⁷ See Exhibit 25 – March 21 Davidai Tweet; see also Columbia SJP, *supra* at 70.

⁷⁸ Columbia SJP, *supra* at 70.

⁷⁹ See Exhibit 26 – April 7 Davidai Tweet (a); see also Columbia SJP, *supra* at 70.

The world needs to know what kind of people they are.”⁸⁰ Prior to this tweet, Layla had blocked Davidai and his wife on X. Therefore, it appears that Davidai used a burner account in order to obtain the screenshot of Layla’s account for his post.⁸¹

Students contacted Columbia administrators, starting in October, over Davidai’s actions, notifying the school that Davidai spread misinformation about Palestinian students and those advocating for Palestinian rights and that he endangered student safety.⁸² Since then, Columbia has received numerous complaints alerting them to the continued harassment by Shai Davidai.

According to Shafik, over 50 complaints have been filed against Davidai.⁸³ On April 9, Columbia SJP started a petition calling on Columbia to fire Davidai. The petition lists numerous examples of Davidai’s harassment and how students have been impacted.⁸⁴

Davidai’s racist stereotyping of Palestinians and those who affiliate with Palestinians or support Palestinian rights continues until today. Between April 20 and April 23 alone, Davidai has repeatedly referred to Palestinians and those who affiliate with Palestinians as “ Hamas,” “ pro-Hamas,” “ Hamas on campus,” the “ Hamas mob,” or “ Hamas students” on X⁸⁵ and separately called these students “ terrorists” or a “ pro-Hamas terror organization”.⁸⁶ He has also called on Columbia to call the National Guard onto campus, presumably to take violent action against

⁸⁰ See Exhibit 27 – April 7 Davidai Tweet (b); Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 7, 2024), <https://twitter.com/ShaiDavidai/status/1777122384169799882>; see also Columbia SJP, *supra* at 70.

⁸¹ See also Columbia SJP, *supra* at 70.

⁸² See Exhibit 28 – October 15 SJP email to Columbia re Shai Davidai.

⁸³ House Committee on Education & the Workforce, “Columbia in Crisis: Columbia University’s Response to Antisemitism,” YOUTUBE (Apr. 17, 2024), https://www.youtube.com/watch?app=desktop&v=31Eu-xEZKzQ&ab_channel=HouseCommitteeonEducation%26theWorkforce (see video at 2:54:38-2:55:13).

⁸⁴ Columbia SJP, *supra* at 70.

⁸⁵ See Exhibit 29 – April 21-23 Davidai Tweets; Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 23, 2024), <https://twitter.com/ShaiDavidai/status/1782782641256698128>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 23, 2024), <https://twitter.com/ShaiDavidai/status/1782782315061547035>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 23, 2024), <https://twitter.com/ShaiDavidai/status/1782782174611091892>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 23, 2024), <https://twitter.com/ShaiDavidai/status/1782781202371387869>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 23, 2024), <https://twitter.com/ShaiDavidai/status/1782644166570168371>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 21, 2024), <https://twitter.com/ShaiDavidai/status/1782181378244645330>.

⁸⁶ See Exhibit 30 – April 21-22 Davidai Tweets;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 22, 2024), <https://twitter.com/ShaiDavidai/status/1782495115585479071>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 21, 2024), <https://twitter.com/ShaiDavidai/status/1781927143758262389>;

Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 21, 2024), <https://twitter.com/ShaiDavidai/status/1781915239149154508>.

protesters, as the National Guard had done during the Vietnam War-era protests on other college campuses.⁸⁷

ii. *Columbia Opens Delayed Investigation into Shai Davidai 4 Months After Complaints of Harassment*

After months of complaints regarding Davidai’s behavior, our understanding is that Columbia finally opened an investigation on February 16—four months after students first complained.

Upon information and belief, no Columbia dean or high-level administrator has publicly condemned Davidai’s behavior, nor has Shafik said he would be removed from committees or classroom teaching or that he had been “spoken to.” This stands in stark contrast to how swiftly Columbia disciplines or opens investigations when students who are not Palestinian or affiliated with Palestinians are impacted, or when anti-Palestinian students complain about professors, as evidenced by Shafik’s April 17 testimony before the House Committee on Education & the Workforce, where she informed the nation that a Palestinian professor had been removed from a committee, would not get tenure (if he were up for tenure today) and that he had been “spoken to” after he published an article on October 8 criticizing Israel as a settler colonial state.⁸⁸

It should be noted that deans do often call out speech with which they disagree—when non-Palestinians complain or disagree with viewpoints. For example, in response to an event flyer announcing a teach-in regarding October 7 (organized by students supporting Palestinian rights), Dean of the Columbia School of Social Work, Melissa Begg sent an email to the Columbia School of Social Work titled “Statement regarding Social Media Post,” which said, “We learned late last night of a flier and accompanying text being circulated about a December 6th event at the Columbia’s School of Social Work (CSSW). This is not a CSSW-sponsored event. [...] CSSW supports free speech but does not condone language that promotes violence in any manner, which is antithetical to our values.”⁸⁹ A similar statement was posted on CSSW’s Instagram account.

Perhaps due to Columbia’s slow response and refusal to condemn Davidai’s racist anti-Palestinian stereotyping and harassment, Davidai has continued to engage in his anti-Palestinian pattern of behavior. Indeed, the outlet *Jewish Link* noted that, “Davidai said he assumes even if the university finds cause that he harassed students the whole matter will be ‘swept under the rug’ and he would be given ‘a slap on the wrist.’”⁹⁰

⁸⁷ See Exhibit 31 – April 20-24 Davidai Tweets; Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 20, 2024),

<https://twitter.com/ShaiDavidai/status/1781881189327868207>; Shai Davidai (@ShaiDavidai), X (FORMERLY TWITTER) (Apr. 24, 2024), <https://twitter.com/ShaiDavidai/status/1783007098034405459>.

⁸⁸ House Committee on Education & the Workforce, *supra* at 83 (see video at 1:11:37-1:13:02; 1:15:41-1:16:01).

⁸⁹ Melissa Begg, *Statement regarding Social Media post*, COLUMBIA SCHOOL OF SOCIAL WORK (Dec. 4, 2023), <https://socialwork.columbia.edu/news/statement-regarding-social-media-post>.

⁹⁰ Debra Rubin, *Columbia Professor Targeted for Calling Out Antisemitism*, JEWISH LINK (Mar. 21, 2024), <https://jewishlink.news/columbia-professor-targeted-for-calling-out->

II. The University Engaged in Different Treatment on the Basis of National Origin/Shared Ancestry and Advocacy for Palestinians

a. *Columbia Treats Palestinian Students Differently Than Non-Palestinian Students in Official Statements and Provision of Resources*

As noted in this complaint, Columbia is quick to condemn speech it deems hateful or offensive to non-Palestinians, but when Palestinian students are the targets of anti-Palestinian hate or violence, the university stalls or fails to condemn the actions. When it does make a statement, Columbia fails to note that Palestinian students were the victims, unlike when non-Palestinians are harmed.

On October 9, 2023, the Monday following Hamas’s October 7 attack on Israel, Shafik sent a statement to the entire campus community, which in part stated:

I was devastated by the horrific attack on Israel this weekend and the ensuing violence that is affecting so many people. Unfortunately, at this moment, little is certain except that the fighting and human suffering are not likely to end soon.

I know many members of our community are being impacted in profound ways and I want to assure each of you that Columbia will provide any measure of care or comfort that we can. This is your community, and you are not alone.

Since Saturday, our first priority has been to make sure everyone connected to Columbia is safe and to provide logistical support and other types of resources for students, staff, and faculty who are directly affected by the conflict. We are in close touch with students, staff, alumni, and faculty throughout the region. I have included a list of university resources below.

I am gratified by and grateful for the skill, agility, and care that I have witnessed by professionals across Columbia. Colleagues in our community have shown great sensitivity and leadership, including staff at the Kraft Center for Jewish Student Life, our leaders in the Earl Hall Center for Religious Life, and the various student support teams across our schools.⁹¹

The October 9 message included a detailed list of university resources for students impacted by the attack on Israel, including contact information for an “Enhanced Emotional Support Counselor” through University Counseling and Psychological Services, and links to further information for University Health Services on Columbia’s Morningside and Manhattanville Campuses, Office of the University Chaplain and Office of Religious Life, the International Students and Scholars Office, University Life, and several resources for faculty and staff.

[antisemitism/#:~:text=Davidai%20said%20he%20assumes%20even,fight%20any%20kind%20of%20cen sure.](#)

⁹¹ Minouche Shafik, *Message of Concern for Our Community*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Oct. 9, 2023), <https://president.columbia.edu/news/message-concern-our-community>.

The message did not acknowledge Israel’s attacks on Gaza or the violence that has affected Palestinians. Instead, the message included a link to a webinar “examining the evolving situation in Israel and Gaza,” which would be held at the School for International and Public Affairs (SIPA),⁹² leaving Palestinian students to feel like the loss of their loved ones and family members in Gaza were not horrifying or devastating and that the services were not meant for them.

Over the course of the next nine days, as Israel invaded Gaza, ordering tens of thousands to evacuate their homes in northern Gaza and killing approximately 3500 Palestinians,⁹³ Palestinian students at Columbia waited to hear whether their families were alive or dead. As hundreds of thousands marched on foot and crowded into small apartment buildings or slept in tents, not a single message of support was released by Shafik suggesting resources for students impacted by Israel’s invasion of Gaza (i.e., Palestinian students)—much less expressing devastation or horror.

Meanwhile, Palestinian students, students perceived to be Palestinian, and students associated with or advocating for Palestinians on campus had been doxed, threatened, and harassed (as noted elsewhere in this complaint) for expressing support for Palestinians in Gaza and calling attention to Israel’s killing and forced displacement of Palestinians in Gaza.

Unlike the president’s rapid and proactive outreach to provide support to students impacted by the attack *on Israel*, administrators failed to condemn or express devastation with respect to Israel’s attack *on Gaza* (i.e., which impacts Palestinian students, faculty, and staff).

Layla Saliba, a Palestinian student who had 14 family members that were killed by Israel in Gaza in October, was left to fend for herself, as Columbia did not offer her the same support and resources as non-Palestinian students when it came to assistance requesting accommodations from professors.

On October 18, Shafik sent a second email to the campus community, titled, “Upholding Our Values.”⁹⁴ The email opened by noting that many “are suffering great distress over the terror attacks on Israel and humanitarian crisis in Gaza,” and promised that “Columbia will do everything possible to support” “those who are struggling.”

For Palestinian students, this email was too little, too late. They could not help but notice that whereas Shafik did not hesitate to lay blame for the attacks on Israel—and call them attacks—she called what was happening in Gaza a “humanitarian crisis.”

⁹² Institute of Global Politics, *Assessing Israel’s Next Moves*, COLUMBIA SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS (Oct. 12, 2023), <https://igp.sipa.columbia.edu/news/assessing-israels-next-moves> (SIPA described the event as “an expert panel to consider the recent Hamas attack on Israel, Israel’s response, and the wider geopolitical ramifications”).

⁹³ Tara Subramaniam et al., *October 18, 2023 – Israel-Hamas war news*, CNN (Oct. 18, 2023), https://www.cnn.com/middleeast/live-news/israel-news-hamas-war-10-18-23/h_71a5454926178e750d98a55e21a79a24.

⁹⁴ Shafik, *supra* at 12.

To date, Israel has killed over 34,000 Palestinians in Gaza in what the International Court of Justice and multiple genocide experts have called a “plausible” genocide.⁹⁵ Upon information and belief, Shafik has not issued a single statement or message calling Israel’s actions “horrific” or expressing “devastation” at Palestinian loss of life, leaving Palestinian students on campus feeling like the university values their lives less.⁹⁶

Upon information and belief, Columbia students expressed to administrators directly and on social media Columbia’s different treatment when it came to their lives, and whose lives lost merited expressions of sympathy from the president.

b. Columbia Condemns Racism and Discrimination at Campus Events, Except for Anti-Palestinian Racism and Islamophobia

Columbia has also failed to condemn statements made at campus events that reportedly likened Palestinians to animals or stereotyped them as Hamas, but it does not hesitate to make such statements when non-Palestinians are impacted, as noted in detail throughout this complaint.

For example, according to students, on March 6, 2024, a speaker at an on-campus event hosted by Columbia’s Center for Israeli Legal Studies stated, “There is a difference between fighting against enemies and animals.” Comparing Palestinians to animals is a racist, dehumanizing anti-Palestinian trope. At the event, titled “Israel as a Law-Abiding, Liberal Democracy in Wartime,” students noticed that statements that panelists made, including using the terms “Arabs,” “Palestinians,” and “Hamas” interchangeably, seemingly equating Arabs and Palestinians with Hamas, and referring to civilian casualties as “unfortunate, inevitable collateral damage.”⁹⁷

Despite complaints from students, Columbia did not condemn this racist anti-Palestinian language, or language that killing of Palestinians is inevitable.

In contrast, on October 27, Shafik sent a message to the entire campus community condemning antisemitism. The statement noted, “I want to reiterate that antisemitism, like any form of bigotry, is an assault on everything we stand for at Columbia,” and noted that hate speech violates university rules.⁹⁸

A November 1, 2023, statement by Shafik again noted alleged antisemitic incidents on campus, stating “we will not tolerate such actions and are moving forcefully against antisemitic threats, images, and other violations as they are reported, and we will continue to provide additional

⁹⁵ International Court of Justice, *Application of the Convention on the Prevention and Punishment of Genocide in the Gaza Strip (South Africa v. Israel)*, ICJ (Jan. 26, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf>.

⁹⁶ Minouche Shafik, *Standing in Solidarity*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Oct. 27, 2023), <https://president.columbia.edu/news/standing-solidarity> (On October 27, Shafik sent an email condemning antisemitic incidents on campus, whereby she also mentioned that Palestinian, Muslim and Arab students had been doxed. The message did not express condemnation of Israel’s attack on Gaza or provide resources to students impacted by these attacks, as she had done in her October 9 email. In fact, the email did not mention the word Gaza).

⁹⁷ See Exhibit 7 – Mar 19 Email from MELSA to Deans.

⁹⁸ Shafik, *supra* at 96.

resources to protect our campuses."⁹⁹

On March 18, 2024, Shafik similarly sent a statement to the entire campus community after students read out names of Palestinians killed by Israel at a vigil at the law school on admitted students' day. The statement noted that the protest "left many Jewish attendees feeling uncomfortable and unwelcome."¹⁰⁰ Upon information and belief, Columbia has rarely condemned speech activity or protest by groups or students supporting Israel's actions that have left Palestinian students and their allies feeling uncomfortable and unwelcome; when it did condemn such speech, it did not acknowledge the anti-Palestinian nature of the speech.

c. Columbia Treats Palestinian Students and Their Allies Differently Than Non-Palestinian Students with Regard to Student Discipline and Event Policies

i. Suspension of Students for Justice in Palestine

On November 10, 2023, Columbia University suspended Students for Justice in Palestine after a peaceful student demonstration and temporary art installation on Columbia's campus.¹⁰¹ In a public announcement, Gerald Rosberg, the Senior Executive Vice President of the University and Chair of the Special Committee on Campus Safety, stated:

Columbia University is suspending Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) as official student groups through the end of the fall term. This decision was made after the two groups repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon that proceeded despite warnings and included threatening rhetoric and intimidation.¹⁰²

The suspension of SJP continues to today.¹⁰³

The demonstration and art installation were planned by CUAD (Columbia University Apartheid Divest), which is a coalition of student groups. The event was publicized and students were

⁹⁹ Minouche Shafik, *Announcing Task Force on Antisemitism*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Nov. 1, 2023), <https://president.columbia.edu/news/announcing-task-force-antisemitism>.

¹⁰⁰ Minouche Shafik, *Statement from Columbia University President Minouche Shafik*, COLUMBIA UNIVERSITY OFFICE OF THE PRESIDENT (Mar. 18, 2024), <https://president.columbia.edu/news/statement-columbia-university-president-minouche-shafik>.

¹⁰¹ Columbia Students for Justice in Palestine, Columbia-Barnard Jewish Voice for Peace, Maryam Alwan, and Cameron Jones v. Trustees of Columbia University in the City of New York, Columbia University in the City of New York, Minouche Shafik, Index No. 152220/2024, at 15 of 26 (N.Y. Sup. Ct. Mar. 11, 2024),

https://www.nyclu.org/uploads/2024/03/nyscef_055_memorandum_of_law_in_support_of_verified_petiti_on_2024-03-11_for_website.pdf (Note that, because this complaint represents SJP, and not JVP, the language here will only relate to SJP).

¹⁰² Gerald Rosberg, *Statement from Gerald Rosberg, Chair of the Special Committee on Campus Safety*, COLUMBIA UNIVERSITY (Nov. 10, 2023), <https://news.columbia.edu/news/statement-gerald-rosberg-chair-special-committee-campus-safety>.

¹⁰³ Columbia SJP et al., at 15 of 26.

invited to join. Over 200 students attended the event. Columbia was aware that the event was being hosted by CUAD because CUAD delivered a letter to the university to explain this on November 9, 2023. Despite numerous other groups being a part of CUAD, the coalition that organized the event, only JVP and SJP were suspended.¹⁰⁴ These are two groups whose mission it is to advocate for Palestinian rights. They are known to be the largest and most prominent student groups on campus that advocate for Palestinian rights and liberation. Columbia's different treatment with respect to these groups shows that it is the association with Palestine and Palestinians that is a punishable offense.

The university also falsely claimed that SJP and JVP students had engaged in threatening rhetoric and intimidation. However, when pressed to articulate which of the groups' actions could be characterized this way, Rosberg stated, "I think all the talk about genocide all the talk about apartheid state and racist state, 'Minouche Shafik, you're supporting genocide.' I think if you're saying that—you don't think why would anybody be upset about that, but I think, I could imagine that somebody listening to that, that an Israeli student being told that their state is an apartheid state, a racist state committing genocide, seems to them like an incitement of violence against them."¹⁰⁵

By stating that the existence of Palestinians (i.e., not being killed in a genocide) or their equal rights (i.e., standing against an apartheid state) was rightly scary to some students, Columbia itself engaged in anti-Palestinian stereotyping and discrimination of the highest form. It would be similarly a violation of Title VI should Columbia state that the presence of Black students, or their equal rights or advocacy against segregation could rightly be upsetting to a white student and seem like an incitement to violence against them. Rosberg also stereotyped Palestinians and their affiliates as violent by labeling speech for their basic rights (right to life, equal rights) as "an incitement of violence."

The university violated its own policies by circumventing its established procedures and unilaterally suspending SJP and JVP. Columbia has an established process by which the University's Student Governing Board (SGB) and Student Group Adjudication Board (SGAB) are tasked with enforcing rules and adjudicating disciplinary actions regarding student groups on Columbia's campus.¹⁰⁶ These established channels allow for due process for student groups, including an opportunity to appeal the decision.¹⁰⁷ With Columbia's unilateral decision via an ad hoc "safety" committee to suspend SJP and JVP, not only were both groups denied an opportunity to be heard, but also they have no way to appeal the university's decision.¹⁰⁸

James L. Dohr Professor of Law Katherine Franke, who has been affiliated with Columbia for over forty-five years, noted in an affirmation that prior to the university's suspension of SJP and JVP:

¹⁰⁴ Columbia SJP et al., at 14-15 of 26.

¹⁰⁵ Columbia SJP et al., Affirmation of Katherine Franke, at 4, https://www.nyclu.org/sites/default/files/field_documents/nysecf_017_affirmation_of_katherine_franke_2024-03-11.pdf.

¹⁰⁶ Columbia SJP et al., at 7-9 of 26.

¹⁰⁷ Columbia SJP et al., page 12-13 of 26.

¹⁰⁸ Columbia SJP et al., page 20-21 of 26.

I have never seen the university suspend a student group for its members' activism, nor issue a public announcement of doing so...I have never seen the university unilaterally suspend and discipline a student group for peaceful protest on campus.¹⁰⁹

The fact that Columbia publicly proclaimed the groups' suspension and publicly associated their suspension with "threatening rhetoric and intimidation" perpetuates dangerous stereotypes about Palestinians, Muslims, and Arabs, and others who are associated with Palestinians.¹¹⁰ The fact that Columbia suspended these groups for their activism at all raise concerns that Columbia acted based on the identity of these student groups, as groups explicitly associated with Palestine and Palestinians. Dean of Undergraduate Student Life Cristen Kromm even admitted that SJP and JVP were not the only student groups that had apparently violated the university's event policies during the fall semester.¹¹¹ Yet, upon information and belief, no other group has been disciplined or investigated for such allegations.

As a result of SJP's suspension, SJP members, who are Palestinian, Arab, or Muslim; perceived to be Palestinian; or associated with or advocating for Palestinians, were "inundated with racist anti-Palestinian and Islamophobic hate comments, posts, and death threats, both individually and as a student group."¹¹² Maryam Alwan, SJP member, describes that for her "as a Palestinian-American student, the suspension of SJP has had an especially negative effect on [her] by preventing [her] from being able to share [her] grief, frustration, and pervasive anxiety over the deaths of thousands of Palestinian people without fear of retaliation....By unilaterally and illegitimately suspending our student groups, Columbia sent the message that those who vocally support Palestinian rights will not be protected by the school and are in fact a 'threat' to be neutralized."¹¹³

ii. Columbia Law Students for Palestine November Event

In early November, a student who is a part of Columbia Law Students for Palestine requested a small space for an event to be held on November 16 with Omar Shakir, the Israel and Palestine Director at Human Rights Watch (HRW). The event, "Israeli Authorities' Crime of Apartheid Under International Law," was to discuss HRW's work and recent events in Gaza. It was sponsored by Columbia Law Students for Palestine and Dar (the Palestinian Student Union), and it was co-sponsored by the Palestine Working Group from SIPA, Progressive Jewish Law Students Association, National Lawyers Guild, and the Columbia Law and Political Economy Society. The event was only going to be open to Columbia ID holders for on-campus attendance, and open to all via Zoom. The event used student senate funds.

¹⁰⁹ Columbia SJP et al., Affirmation of Katherine Franke, page 1-3.

¹¹⁰ See Exhibit 32 - New York Civil Liberties Union Letter to Columbia University, "Re: Columbia University's Unlawful Suspension of Students for Justice in Palestine and Jewish Voice for Peace," NYCLU (Feb. 22, 2023), at 3.

¹¹¹ Columbia SJP et al., Affirmation of Maryam Alwan, page 10, https://www.nyclu.org/uploads/2024/03/nyscef_003_affirmation_of_maryam_alwan_2024-03-11.pdf.

¹¹² Affirmation of Maryam Alwan, page 10.

¹¹³ Affirmation of Maryam Alwan, page 11.

The school did not respond until after a follow-up email was sent and just two days before the event was scheduled to take place, stating that they designated this law talk as a “special event,” which, under school policies required a 10-business day advance notice.¹¹⁴ The school told organizers to make the event completely virtual or postpone the event. Organizers believed Palestinian students and their allies should have spaces on campus to have events, so they canceled the event and on or about November 14, they applied to hold the event again, on November 20.

On November 20, at 4:01 pm, less than 90 minutes before the event was to start, Jeffrey Bagares, the Director of Operations at Columbia Law School, emailed Deen Haleem, the organizer of the event, and told him they “[had] reviewed the information made available regarding this event and have determined that it falls under the “special event” category of the University Event Policy” and that “[g]iven the short notice of the event, and our inability to provide the necessary support under the current circumstances, we will be unable to honor your reservation.”¹¹⁵ Bagares then recommended the meeting be held completely virtual rather than having students in attendance on campus to avoid the “special event” designation. When Deen asked why the event had now been designated as a “Special Event,” *less than an hour and a half before the event started*, he was given no explanation, with Bagares responding that “[t]his event is not approved to take place [on Columbia’s campus].” The event was again postponed.

This incident suggests that Columbia may use a different standard requiring more advanced notice for events supportive of Palestinian equality and/or organized by groups affiliated with Palestinians. Upon information and belief, Columbia has waived the 10-business day requirement for events touching on emergent political issues and has approved events supportive of Israel’s actions against Palestinians, or events that are anti-Palestinian.

¹¹⁴ See Exhibit 33 – November Emails Between Law Student and Administration re Omar Shakir Event, *Student Group Event Policy and Procedure*, COLUMBIA UNIVERSITY POLICIES, <https://universitypolicies.columbia.edu/content/student-group-event-policy-and-procedure>. Under Columbia’s Student Group Event Policy and Procedure, the policy classifies two types of events: “Standard Events” or “Special Events,” and states that “the classification of an event is dependent upon variables such as type of event (meeting, performance, exhibit, protest, tabling, vigil, etc.), attendance projections, speakers or performers, level of advertising, and safety considerations.” The policy further enumerates what Special Events consist of:

“Special Events include those events that meet any of the following criteria:

- presence of press/media (invited or otherwise)
- advertised beyond Columbia’s campus
- high attendance/capacity
- presence of alcohol
- potential for significant disruption
- security concerns.”

¹¹⁵ See Exhibit 34 – November Emails Between Deen Haleem and Administration re Omar Shakir Event

iii. Layla Saliba Student Discipline Notice

On December 6, Palestinian student Layla Shaliba shared with students at an on-campus event that Israel had killed 14 of her family members in the Gaza church bombings, and that her family members' remains were still under the rubble. On December 13, 2023, at 10:30pm, she received a Notice of Meeting Regarding Rules of University Conduct notifying her that she may have broken several of Columbia's Rules of University Conduct, including "engag[ing] in conduct that places another in danger of bodily harm."¹¹⁶ Layla had a final presentation to give the next day, and the timing and vagueness of the notice left her unable to focus all her attention on her assignment.

Because Columbia requested to meet with Layla during her examination period, her ability to study was severely impacted due to the increased stress. Layla explained to the administration that such notices were impacting her mental health and made her feel unsafe on campus.¹¹⁷

Layla asked the school what actions she had taken that broke the code of conduct, and explained that she was concerned that speaking about her dead family members in Gaza was apparently a conduct violation.¹¹⁸ The school did not inform Layla what actions she took that broke the code of conduct.¹¹⁹ To date, Layla still has received no response from the school about what actions she took that violated the code of conduct.

Upon information and belief, a Jewish student who spoke at the same event about his family being killed by Hamas on October 7 did not receive any disciplinary notices.

iv. Columbia Condemns Vigil Honoring Palestinians

On February 29, the Columbia Law Students for a Free Palestine, a collective of students at Columbia Law School, held a vigil, less than one hour long, for Palestinians killed by Israel in Rafah in the "bustling" Lenfest Café during lunchtime.¹²⁰ The vigil was held on the same day as the Columbia Law School admitted students' day, and no official admitted students' day events took place in the cafeteria or near the cafeteria at that time.¹²¹ According to a statement posted by the organizers, "students participating in the vigil used no microphone or loudspeaker, and many students already seated in the Café continued on with their lunches and work throughout the event."¹²²

¹¹⁶ See Exhibit 35 – December 13 Notification of Potential Violation of Rules of University Conduct.

¹¹⁷ See Exhibit 36 – December 14 Email from Layla to Ann Thornton.

¹¹⁸ See Exhibit 37 – December 13 Email from Layla to Ann Thornton.

¹¹⁹ See Exhibit 38 – December 14 Email from Ann Thornton to Layla.

¹²⁰ Columbia Law School for a Free Palestine et al. (@clsforfreepalestine), INSTAGRAM (Mar. 22, 2024), https://www.instagram.com/p/C40yvtvsuzTD/?igsh=MTFmcml3dW5pZmNrbA%3D%3D&img_index=4.

¹²¹ *Id.*

¹²² *Id.*

During the vigil, not a single administrator approached students to tell them to disperse or to inform them that they were breaking any rules. In fact, administrators “conceded at the time of the vigil that it was not disrupting any classes or events.”¹²³

At this same time, Zionist students were playing the nationalist Israeli song “Am Israeli Chai” in an open hallway outside of a classroom on the first floor of Jerome Greene Hall (JGH) in the law school¹²⁴—where new admits and their families pass upon entering the law school.

In response to a vigil in support of Palestinian rights, Law School Dean Lester sent a school-wide email, calling attention to the “disruption” and those who “reported feeling harassed and intimidated by the manner of the disruption.”¹²⁵ Shafik also described the vigil as a disruption in a university-wide statement, claiming that the vigil “left many Jewish attendees feeling uncomfortable and unwelcome” (despite the fact that many Jewish students planned and participated in the vigil) and called it “an affront to our commitment to be a welcoming community to all of our students.”¹²⁶ Though neither statement directly mentioned the vigil, both were widely understood to be condemnations of the vigil.¹²⁷ At the recent April 17 congressional hearing by the House Committee on Education and the Workforce on antisemitism at Columbia, Board of Trustees member Claire Shipman referred to the vigil as “anti-Jewish.”¹²⁸

Students felt that the university’s different treatment of a vigil supporting Palestinian life “reflect the Columbia administration’s consistent prioritization of political Zionism over advocacy for Palestinian freedom” and are “part of a deeply troubling pattern wherein Columbia’s administrators deem students speech against genocide, or event speech that honors and recognizes the humanity of Palestinians, as ‘hurtful’ and deserving of discipline and punishment.”¹²⁹ They also noted, “The message that Columbia University sends is crystal clear: that Palestinian, Arab, Muslim, and other students of color are ‘dangerous’ and not deserving of safety and care.”¹³⁰

In response to events that could potentially make Palestinian, Arab, and Muslim students feel uncomfortable, stereotyped, or harassed, Columbia has usually stayed silent.

Although students reported the Zionist students’ actions to the administration, Columbia put out no statement about the students playing a nationalist Israeli song (using sound amplification) in a law school hallway, that could be seen by many Palestinians or supporters of Palestinian

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Gillian Lester, *Our Commitment to Welcoming All Students*, COLUMBIA LAW SCHOOL (Mar. 14, 2024), <https://www.law.columbia.edu/news/archive/our-commitment-welcoming-all-students>.

¹²⁶ Shafik, *supra* at 98.

¹²⁷ Daniela Ospino Pallares, *University President Minouche Shafik addresses ‘disruption’ at Law School event, asserts zero tolerance for harassment*, COLUMBIA SPECTATOR (Mar. 19, 2024), <https://www.columbiaspectator.com/news/2024/03/19/university-president-minouche-shafik-addresses-disruption-at-law-school-event-asserts-zero-tolerance-for-harassment/>.

¹²⁸ House Committee on Education & the Workforce, *supra* at 83 (see video at 3:10:10-3:10:28).

¹²⁹ Columbia Law School for a Free Palestine et al., *supra* at 120.

¹³⁰ *Id.*

rights as supporting the Israeli government at a time when it is engaged in a genocide against Palestinians.

Columbia made no comment in other instances as well, such as the March 6, 2024, Center for Israeli Legal Studies event where a speaker reportedly equated Palestinians to animals, or the November 2023 event hosted by the Jewish Law Students Association (JLSA) and the Society for the Advancement of Law & Talmud (SALT), where the guest speaker reportedly insinuated that Muslim Arabs wanted to kill all Mizrahi Jews.

Following this vigil, students were sent disciplinary notices and are now facing disciplinary charges, including Deen Haleem and Daria Mateescu. A majority of the students who received disciplinary notices following the vigil were students of color. Upon information and belief, no consequences were levied against the Israeli students.

d. Columbia Differently Treats Palestinians, Muslims, and Arab Students by Failing to Create Anti-Palestinian (or Islamophobia or Anti-Arab) Task Force, Instead Creating a Task Force That Threatens Speech in Support of Palestinian Rights

On November 1, Columbia announced the creation of a Columbia Task Force on Antisemitism. The composition of the task force appears to exclude Jews who are affiliated with Palestinians and/or who support Palestinian rights.¹³¹ Moreover, the mandate of the Task Force on Antisemitism suggests that it is making recommendations regarding student protests and discipline, raising concerns that the university will investigate or prosecute students who affiliate with Palestinians or speak in favor of Palestinian equality.

These issues are even more concerning given that Columbia has refused to create a task force to address anti-Palestinian racism, anti-Arab racism, and/or Islamophobia, despite students' requests.

When asked, earlier this month, by students why such a task force had not been formed, Shafik suggested that it would somehow compete with the Antisemitism Task Force, as Maryam detailed in an essay in the Columbia Spectator¹³²:

Toward the end of my Listening Forum session earlier this month, Shafik was questioned about why the long-promised initiative addressing anti-Arab hatred and Islamophobia never materialized after its announcement in December.

¹³¹ See, e.g., Prem Thakker, *Columbia's New "Antisemitism Task Force" Won't Say What It Thinks Antisemitism Is,* THE INTERCEPT (March 7, 2024), <https://theintercept.com/2024/03/07/israel-gaza-protests-columbia-antisemitism/>; Literary Hub, *Internal Emails Reveal Columbia's Task Force on Antisemitism Is Causing Ruptures in Faculty,* LITHUB (Feb. 26, 2024), <https://lithub.com/internal-emails-reveal-columbias-task-force-on-antisemitism-is-causing-ruptures-in-its-faculty/>.

¹³² Maryam Alwan, *President Shafik already persecutes pro-Palestinian students. Will that be enough for Congress?* COLUMBIA SPECTATOR (Apr. 17, 2024), <https://www.columbiaspectator.com/opinion/2024/04/17/president-shafik-already-persecutes-pro-palestinian-students-will-that-be-enough-for-congress/>.

According to my notes, after waffling about not being able to mobilize faculty—“I’ll do it for you!” I interjected—Shafik said that she wouldn’t want to have such a task force compete with the antisemitism task force. To suggest that a task force meant to protect Jewish students would be at odds with one meant to protect Palestinian students reveals what we all already gathered from its first egregious report, which was endorsed by the ardently Zionist group StandWithUs. This task force is more so geared towards stifling pro-Palestinian speech—and thus criminalizing people like me—than protecting all Jewish students.

Needless to say, one ethnic group getting an education on campus free from racism does not compete with the rights of any other group. Such segregation-era thinking has no basis in fact or law.

e. In Major Break from Decades-Long Practice, Columbia Invites NYPD to Arrest Students at Gaza Solidarity Encampment, Falsely Claiming “Clear and Present Danger,” and Suspends Students

In the early hours of April 17, 2024, Columbia students gathered on Columbia’s South Lawn to protest Israel’s ongoing genocide of Palestinians, in which Israel has killed more than 34,000 Palestinians since October 2023.¹³³

The protest, which students dubbed the Gaza Solidarity Encampment, consisted of tents and signs in support of Palestinian rights. Throughout the day, students made speeches, wore keffiyehs, sang songs, prayed together, and ate meals together.¹³⁴ Students set up a sign called “Liberated Zone” in reference to previous protests on campus and held a teach-in with a professor who discussed the anti-apartheid movement in South Africa.¹³⁵ There are extensive media accounts from individuals who attended or observed the encampment that spoke to the peaceful nature of this action—which largely consisted of Palestinian students, Arab students, Muslim students, students perceived to be Palestinian, students associated with Palestinians, and students advocating for Palestinians.¹³⁶

On April 18, Shafik made the exceptional decision to invite the New York Police Department (NYPD) onto campus to arrest students, which she falsely deemed a “clear and present danger.”¹³⁷ According to Police Chief John Chell, students “were peaceful, offered no resistance

¹³³ *100% targeted! Rep. Ilhan Omar's Daughter Speaks Out After Arrest, Suspension*, MSNBC (April 20, 2024), <https://www.msnbc.com/ayman-mohyeldin/watch/-100-targeted-rep-ilhan-omar-s-daughter-speaks-out-after-arrest-suspension-209404997518>. Columbia students are also calling on Columbia to divest from all companies that aid and abet in genocide and transparency from Columbia with respect to their investments.

¹³⁴ *Id.*

¹³⁵ *Id.*; Maryam Alwan (@maryamalwan), X (FORMERLY TWITTER) (Apr. 22, 2024), <https://twitter.com/maryamalwan/status/1782533226885460440>.

¹³⁶ Citations can be made available later in addition to witness interviews.

¹³⁷ Maya Stahl, *Shafik authorizes NYPD to sweep ‘Gaza Solidarity Encampment,’ officers in riot gear arrest over 100*, COLUMBIA SPECTATOR (Apr. 18, 2024), <https://www.columbiaspectator.com/news/2024/04/18/shafik-authorizes-nypd-to-sweep-gaza-solidarity-encampment-officers-in-riot-gear-arrest-over-100/>.

whatsoever, and were saying what they wanted to say in a peaceful manner.”¹³⁸ Over 100 students, including Maryam Alwan and many students with SJP, were arrested.¹³⁹ On April 19, Alwan received notice that she was suspended “effective immediately and until further notice,” and that she was barred from attending classes or exams (including remotely) and prohibited from submitting assignments.¹⁴⁰ Upon information and belief, Columbia (or Barnard) suspended, many, if not all, of the arrested students. In Shafik’s letter to the NYPD, she notes that “[a]ll University students participating in the encampment have been informed they are suspended.”¹⁴¹

Columbia’s decision to call in the NYPD to arrest its students represents a significant break from decades-long practice and treatment of student protests and is an egregious example of different treatment of Palestinian students, those perceived to be Palestinian, and those associated with or advocating for Palestinians.

As Columbia Law Professor David Pozen noted:

The last time the university called the cops on student protesters was April 1968;* that episode ended so bitterly and bloodily that it yielded a norm of police noninvolvement. Since 1968, student protesters have repeatedly occupied Low Library, blockaded Hamilton Hall, held sit-ins in administrative offices, waged hunger strikes, staged walkouts, and more. Some of these protests led to disciplinary code charges. None elicited a criminal law enforcement response. This week’s encampment on the South Lawn posed a difficult problem for the university administration, to be sure, but not one that was different in kind, duration, or disruptiveness from scores of post-1968 protests.¹⁴²

Pozen updated his post to note that while students “were arrested in 1987 for ‘chain[ing] the doors of Hamilton shut’ and in 1996 for ‘blockad[ing] the five entrances to Low Library to prevent University employees from entering’, . . . ‘it is striking that the norm against inviting cops on campus to arrest peaceful protesters otherwise remained so robust and that both deviations from the norm involved the forced closure of a university building, unlike with this week’s encampment.’”¹⁴³

Columbia’s Knight First Amendment Institute also criticized Shafik’s decision to call in the NYPD, noting:

This is the first time that the University has taken such a step in decades . . . The decision to involve dozens of police officers in riot gear also increased the risk of violence, and we wonder whether the University took this into account in deciding to pursue this course. More broadly, we fear that the presence of a large

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Alwan received an interim suspension letter on April 19, 2024.

¹⁴¹ Minouche Shafik, Letter to NYPD, COLUMBIA UNIVERSITY PUBLIC SAFETY (Apr. 18, 2024), <https://publicsafety.columbia.edu/content/letter-nypd>.

¹⁴² David Pozen, Norm Breaking at Columbia, BALKINIZATION (April 19, 2024), <https://balkin.blogspot.com/2024/04/norm-breaking-at-columbia.html>.

¹⁴³ *Id.*

number of police officers on Columbia's campus will create a charged, intimidating, and repressive atmosphere in which conflict will become more likely and more dangerous.¹⁴⁴

The American Association of University Professors put out a statement titled "Columbia President Shafik Trampled on Students' Rights," noting that Shafik's decision to call in the NYPD violated a statute requiring consultation with the University Senate's Executive Committee, "which does not appear to have occurred, according to the executive committee's chair."¹⁴⁵

Upon information and belief, since 1968 there have been dozens of sit-ins, hunger strikes, and/or encampments that have taken place on Columbia's campus on or near the South Lawn, without Columbia calling in the NYPD.

Notably, the university did not have students arrested during a three-week blockade of a campus building in 1985 to support divestment from Apartheid South Africa,¹⁴⁶ or an eight-day sit-in for divestment from fossil fuels in Columbia's Low Library in 2016.¹⁴⁷ Upon information and belief, the punishment for the 2016 protestors consisted of writing a letter of apology to custodial staff and did not involve arrests or suspensions, despite the fact that students occupied a university building.¹⁴⁸

In contrast, Shafik called the NYPD to arrest protestors for an encampment that was under 35 hours old.

This long history of student protest at Columbia and the decades-long practice of not involving law enforcement underscores Columbia's different treatment of Palestinian students, those perceived to be Palestinian, and those associated with or advocating for Palestinians involved in the Gaza Solidarity Encampment. Moreover, Shafik's claims that the encampment posed a "clear

¹⁴⁴ *Knight Institute Calls for Urgent Course Correction on Response to Student Protests at Columbia University*, KNIGHT COLUMBIA (Apr. 22, 2024), <https://knightcolumbia.org/blog/knight-institute-calls-for-urgent-course-correction-on-response-to-student-protests-at-columbia-university>.

¹⁴⁵ *AAUP President: Columbia President Shafik Trampled on Students' Rights*, AAUP (Apr. 19, 2024), <https://www.aaup.org/news/aaup-president-columbia-president-shafik-trampled-students%E2%80%99-rights>.

¹⁴⁶ Larry Rohter, *Columbia Students to End Anti-Apartheid Protest*, NEW YORK TIMES (Apr. 23, 1985), <https://www.nytimes.com/1985/04/23/nyregion/columbia-students-to-end-anti-apartheid-protest.html>.

¹⁴⁷ Sunrise Columbia, *Divestment unites us, from environmental justice to a free Palestine*, COLUMBIA SPECTATOR (Mar. 8, 2024), <https://www.columbiaspectator.com/opinion/2024/03/08/divestment-unites-us-from-environmental-justice-to-a-free-palestine/>.

¹⁴⁸ See also Affirmation of Katherine Franke https://www.nyclu.org/uploads/2024/03/nyscef_017_affirmation_of_katherine_franke_2024-03-11.pdf. ("To my knowledge, during my time as a student, Columbia University and Barnard College allowed the protests and demonstrations enumerated above to take place on the campus, did not require students to request permission in advance for the events to take place. What is more, I recall no students or student groups being charged with disciplinary violations for organizing or participating in campus protests. I also did a comprehensive search of the Columbia newspaper, the Spectator, and found no mention of disciplinary charges being filed against students who protested while I was a student at Barnard/Columbia.")

and present danger” —claims debunked by the NYPD and countless media reports of the peaceful nature of the protests—evoke dangerous and racist stereotypes that Palestinians, Arabs, and/or Muslims are somehow inherently dangerous or violent. Columbia’s response to the Gaza Solidarity Encampment is both a reflection and escalation of the hostile environment it has tolerated and reinforced toward Palestinian, Arab, and Muslim students, and those perceived to be Palestinian, or those associated with or advocating for Palestinians since October.

As a result of Columbia’s different treatment of this protest in support of Palestinian rights, Maryam and over 100 other students have faced significant harm and denial of education opportunities. In addition to being barred from campus, going to classes, sitting for exams, and submitting papers—even remotely or via zoom—students reported experiencing physical injury and harm, including bruising on their wrists, lack of circulation to the arms while in handcuffs, strip searches by NYPD, and exhaustion due to not receiving food and water while in jail. Students reported that after student protestors were arrested, Columbia gathered up and threw away their property, including backpacks, electronics, and perishables.¹⁴⁹

On April 24, it was reported that Columbia told students that if they did not stop their protest, the National Guard would be called in.¹⁵⁰

III. Palestinian Students, Students Perceived to Be Palestinian, Students Affiliated with Palestinians, Arab, and Muslim Students Have Been Denied their Educational Opportunities

As noted in this complaint, our clients have been denied their educational opportunities in numerous ways due to Columbia’s direct discrimination against Palestinian, Arab, and Muslim students and those associated with them, and due to the hostile environment that Columbia has allowed to persist on its campus. Our clients have been arrested, assaulted, suspended, locked out of campus and their classes, forced to seek medical attention, and forced to drop classes and delay their own graduation. They have lost sleep, been unable to focus, and have had to carry on with their studies amidst a hostile environment of historical proportions.

In speaking about her experience at Columbia, Layla Saliba explained that simply from looking at Columbia’s statements and emails about antisemitism compared to its lack of statements and emails about anti-Palestinian racism, Columbia does not offer the same resources and support for its Palestinian, Arab, and Muslim students. Deen Haleem said that as a student at Columbia, he has lived in constant fear of being doxed and harassed. As one of the only Palestinians at the law school, he has felt forced to choose between displaying his identity through his clothing or his affiliation with Palestine groups, or having a safe environment. Deen has received stares and even sneers from professors, and multiple times he has been told that he supports terrorism. Because of all the stress, Deen has experienced multiple days where he gets home and cries for hours. In addition to all of this, Deen has had to go weeks without getting more than six hours of sleep per night, and he has been exhausted while attending classes and completing classwork.

¹⁴⁹ Jews Against Zionism (@Jews.Against.Zionism) INSTAGRAM (Apr. 18, 2024), https://www.instagram.com/p/C56nZeuuu5l/?hl=en&img_index=1.

¹⁵⁰ Columbia SJP (@ColumbiaSJP), X (FORMERLY TWITTER) (APR. 24, 2024) <https://twitter.com/ColumbiaSJP/status/1782986207892250850>.

As a result of the incessant harassment on campus and Columbia's failure to remedy the hostile environment towards Palestinians, Maryam Alwan, a Palestinian student, had to delay her graduation. Maryam had to drop to 2 classes during the fall semester and one class this semester. Maryam was also diagnosed with PTSD and has to take medication. She has frequent panic attacks in class or while on campus. As a result, she was registered with Columbia's Disability Services office.

IV. Columbia University's Actions Violate Title VI of the Civil Rights Act of 1964

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

A university recipient of federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own or if it permits a hostile environment, i.e., when harassment by a third party or student is "so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an education opportunity or benefit."¹⁵¹

A university recipient that has actual or constructive knowledge of a hostile environment must take prompt and effective steps that are reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects, by ensuring that students are not restricted from participating in or benefiting from educational opportunities as a result of a hostile environment.¹⁵² A university that responds with deliberate indifference or fails to take appropriate responsive action to a known hostile environment violates Title VI and risks losing federal financial assistance.¹⁵³

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

¹⁵¹ See *Davis ex rel. LaShonda v. Monroe Cty. Bd. Of Educ.*, 526 U.S. 629, 633 (1999). Although *Davis* is a Title IX case, the same legal standards are applied to Title VI enforcement. See, e.g., *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) ("Congress modeled Title IX after Title VI of the Civil Rights Act of 1964, and passed Title IX with the explicit understanding that it would be interpreted as Title VI was.").

¹⁵² See, e.g., Letter from Melanie Velez, Reg'l Dir., Dep't of Educ. Office for Civil Rights Region IV to Kathryn LeRoy, Superintendent of Polk County Pub. Schs. at 3 (March 23, 2016) (RE: Case No. 04-14-1664), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04141664-a.pdf>.

¹⁵³ 42 U.S.C. § 2000d-1 (1964).

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

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

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

V. Demands

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

Specifically, in light of Columbia's top-down, extreme anti-Palestinian environment and discriminatory anti-Palestinian actions, OCR should require the university to take the following steps:

- a. **Columbia must ensure that the harm to all students impacted by the hostile environment and different treatment, including by Columbia's disproportionate response to the Gaza Solidarity Encampment, is swiftly remedied.**

Columbia must take appropriate action to rectify the impact of the harassment by reversing the suspensions and clearing the disciplinary records related to the Gaza encampment for all students involved, dropping any related civil charges stemming from the arrests, reversing any negative impact caused by probationary status, removing all reference to the probation or other disciplinary consequences of the arrest from their disciplinary files, refunding any outstanding fees or tuition due to repeating of courses, offering to allow students whose grades have been negatively impacted the opportunity to rectify such impact, offering to pay for psychotherapy for students who request it, and providing any other remedy necessary to put the students back into the position they would have been in had the University taken prompt and effective action to put

an end to the hostile environment and not engaged in different treatment.

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

Columbia's actions demonstrate a systemic failure to address the needs and concerns of Palestinian students. OCR should conduct a review and establish ongoing monitoring of Columbia's handling of complaints of discrimination against Palestinian students and their allies, and where necessary, reopen investigations that were not conducted properly. Columbia must also implement mechanisms to protect students from discriminatory harassment by external and internal entities for their campus activities.

In order to ensure that Columbia provides Palestinian students equal access to services on an ongoing basis, the university must also establish a formal mechanism, such as an advisory committee on Palestinian student life, to allow students to voice their needs and concerns and to monitor actions by the university to remedy its discriminatory treatment of Palestinian students.

Columbia must put out a statement condemning Israel's genocide of Palestinians and list resources for students impacted by Israel's actions.

c. Columbia must end discriminatory investigations and criminal charges of Palestinian students, Arab students, Muslim students, students perceived to be Palestinian, students associated with Palestinians, and students advocating for Palestinian rights.

Columbia must cease discriminatory, intrusive investigations of Palestinian students, Arab students, Muslim students, Students for Justice in Palestine, faculty, staff, and student groups who advocate for Palestinian rights or criticize Israel or the political ideology of Zionism. Because Palestinian students, Arab students, Muslim students, and those who believe in equality for Palestinians are subjected to campaigns of harassment and intimidation by anti-Palestinian groups,¹⁵⁴ Columbia must ensure that processes are put in place (including the trainings noted below) to ensure that Palestinians and their allies are not further victimized by investigations that validate and give fuel to these campaigns of hate.

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

Columbia must issue a public statement condemning anti-Palestinian racism on its website, on social media, and to the campus community. The university must apologize for its failure to offer services and help to Palestinians impacted by violence as it has other students and for its selective targeting of Palestinian students/groups and those who advocate for Palestinian rights

¹⁵⁴ See CTR. FOR CONSTITUTIONAL RIGHTS & PALESTINE LEGAL, *The Palestine Exception to Free Speech: A Movement Under Attack in the US* (2015), <https://ccrjustice.org/the-palestine-exception>; 2021 Year-In-Review: *Palestinian Uprising Generates Record Solidarity—And Fierce Backlash*, PALESTINE LEGAL (2021), <https://palestinelegal.org/2021-report>.

for criminal investigations and disciplinary procedures. The statement must use the word Palestine or Palestinian—not an overbroad category such as Arab or Muslim that in the wrong context contributes to Palestinian erasure.

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

For Palestinians, believing in their own humanity and equality is an integral part of their identity. Because Zionism is fundamentally about privileging one group of people over another, opposition to Zionism is fundamentally anti-racist. Columbia must revise its discrimination policies to recognize this and conduct mandatory trainings for university staff on anti-Palestinian discrimination. These trainings must combat anti-Palestinian sentiment, while acknowledging Zionism as a form of racism.

- f. Columbia must not censor, punish, or investigate students or any member of the Columbia community for use of the word “intifada” or the phrase “from the river to the sea, Palestine must be free.”**

Students using the word “intifada” or the phrase “from the river to the sea, Palestine must (or will) be free” have often been smeared as antisemitic or supporters of terrorism. These smears rely on racist, anti-Palestinian tropes that paint Palestinians as inherently violent and hateful. Columbia must acknowledge these phrases as students intend them to be—as expressions of Palestinian freedom and equality.¹⁵⁵ Columbia must not discipline students for using these words and phrases, or variations of them such as “globalize the intifada” or “long live the intifada.”

- g. Columbia must grant a full scholarship to students who have suffered from Columbia’s anti-Palestinian, anti-Arab, and Islamophobic environment.**

Columbia must cover tuition for its students who have had to endure an anti-Palestinian, anti-Arab, and Islamophobic environment on campus, without remedy or recourse from Columbia for nearly two whole semesters. In addition, Columbia must establish several scholarships for Palestinian students throughout its various schools, including the Columbia School of Social Work and Mailman School of Public Health.

- h. Columbia must allow for equal educational access and opportunities for its students.**

Columbia boasts a Center for Israeli Legal Studies at the Law School, without any comparable department for Palestinian Legal Studies. Columbia must ensure funding for similar initiatives focusing on Palestine. In addition, Columbia must ensure that it does not sponsor or offer any programs that are not accessible to students of Palestinian origin on an equal basis. For example, Columbia’s dual degree program with Tel Aviv University or Columbia’s study abroad programs in Israel would not be easily or even at all accessible to Palestinian students or students of

¹⁵⁵ Yousef Munayyer, *What Does “From the River to the Sea” Really Mean?* JEWISH CURRENTS (Jun. 11, 2021), <https://jewishcurrents.org/what-does-from-the-river-to-the-sea-really-mean>.

Palestinian origin. These programs, which are not equally accessible, should not exist at Columbia.

- i. Columbia must not adopt, enforce, or rely on the International Holocaust Remembrance Alliance Working Definition (IHRA) or its contemporary examples to identify or combat antisemitism or similar definitions that conflate support for Palestinian rights and identity with anti-Jewish bigotry.**

It appears from Shafik’s April 24 testimony that pro-Israel lobby groups are pressuring Columbia to adopt the IHRA definition. Endorsing the IHRA definition would not only further facilitate anti-Palestinian discrimination and harassment of the sort this complaint describes, but would lead to the infringement of bedrock free speech and academic freedom protections. The vast opposition to IHRA and its application in educational settings in particular shows its use as a tool of censorship and harassment of Palestinians and their allies.¹⁵⁶

The guiding “contemporary examples of antisemitism” attached to the IHRA definition falsely conflate political criticism of Israel/support for Palestinian rights with antisemitism, placing anyone charged with implementing the definition in the position of engaging in anti-Palestinian bias.¹⁵⁷

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

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

- j. Columbia must not treat Palestinian students and their allies differently in responding to student protests in support of social justice issues.**

In response to Columbia students’ Gaza Solidarity Encampment demonstration, Columbia has called upon the NYPD to come in and arrest students. In addition, Columbia has informed students that if their encampment continues, the National Guard would be called in, inferring Vietnam War-era violence could be unleashed on campus. Columbia has an obligation to ensure its Palestinian, Arab, and Muslim students are able to access educational opportunities safely on its campus. Threatening and calling in law enforcement to respond to peaceful student protests

¹⁵⁶ See Letter from Civil Rights Organizations to Catherine E. Lhamon, Assistant Secretary for Civil Rights (Aug. 31, 2022).

¹⁵⁷ These contemporary examples include: “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor” and “Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.”

deeply undercuts the responsibility that Columbia has to its students under Title VI. By reacting in this way, Columbia is shunning its legal obligations under federal antidiscrimination law.

k. Columbia must revise its investigatory procedures under Title VI.

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

II. Conclusion

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

Sincerely,



Sabiya Ahamed



Radhika Sainath

Staff Attorney
Palestine Legal

Senior Staff Attorney
Palestine Legal



Meera Shah

Senior Staff Attorney
Palestine Legal