



## I. INTRODUCTION

1. This case is brought to remedy Haverford College's deliberate indifference to, and enabling of, a hostile environment that has deprived Jewish students of educational opportunities based on their ethnic identity as Jews committed to Israel as a homeland and safe haven for the Jewish people. In the aftermath of the Hamas<sup>1</sup> terrorist attacks of October 7-8, 2023, numerous Haverford students and faculty have exhibited and expressed severe and pervasive hostility toward Jewish students whose ethnic identity includes this fundamental commitment to Israel. Rather than debating policy issues or discussing historical or current events, the many students, faculty and administrators at Haverford manifesting this hostility have subjected Plaintiffs (and anyone else who endorses the Jewish commitment to Israel) to sustained harassment, intimidation and ostracization. Within days of October 7, Haverford faculty members publicly celebrated the terrorist attacks and denounced the Jewish commitment to Israel as racist and genocidal. Hamas sympathizers on campus masquerading under the banner of "student activism" have accosted Jewish students in their classes and other campus spaces, calling for the eradication of Israel, accusing Jewish students of racism and support for genocide, shouting antisemitic slogans, occupying buildings and other common spaces to impede the movement of anyone who does not publicly express agreement with their views. Posters advertising Jewish events have been torn down and a mob of masked protestors employed disruptive and intimidating tactics, instilling fear for their physical safety in those attending the single Haverford-sponsored event addressing antisemitism, presented by a legacy Jewish institution.

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<sup>1</sup> Since 1997, Hamas has been designated a foreign terrorist organization by the United States government under section 219 of the Immigration and Nationality Act, as amended. Australia, Canada, the European Union, Israel, Japan, New Zealand, and the United Kingdom have also designated Hamas a terrorist organization.

2. These and specific incidents further described herein creating a hostile environment on Haverford's campus were public in nature and provoked animated discussion and debate among members of Haverford's community, including and especially among Jews at Haverford. For each of the incidents here at issue, and as alleged in further detail below, each of the Plaintiffs either witnessed the incident directly or learned about it by word of mouth or through a private group messaging service created expressly for this purpose.

3. Haverford's leadership, including President Wendy Raymond, Dean of the College John McKnight, and Vice President for Institutional Equity and Access (IEA) Thelalia ("Nikki") Young, were specifically and repeatedly notified in clear and unambiguous terms that these incidents were creating a hostile environment for Jewish students sharing a commitment to the existence of Israel as a Jewish homeland. As detailed below, after each of the incidents here at issue, Haverford received numerous written and face-to-face communications from students, parents, faculty, alumni, and even official representatives of the Jewish community of Philadelphia, informing them of the hostile environment for Jews at Haverford and asking Haverford's leaders to intervene. Indeed, as long ago as January 2024, the College's Board President acknowledged the "slowness and inadequacy" of the College's response both to antisemitism on campus generally and to threats to Plaintiff Ally Landau in particular.<sup>2</sup> Yet Haverford's leadership consistently refused to address the individual incidents in any effective way or to take steps to remedy the hostile environment these incidents have created, so that ten months after this *mea culpa* from the College's then-board chairman, the College's President and Vice President for IEA sat quietly and did nothing to prevent

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<sup>2</sup> Charley Beever, then-Board President of Haverford College, made these admissions in email and telephone communications with Ally's parents and Haverford President Wendy Raymond, between December 28, 2023 and January 5, 2024.

a mob of students from menacing those attending a presentation on campus by the Anti-Defamation League.

4. On the contrary: Haverford's leaders have demonstrated time and again to Plaintiffs, and have explicitly stated to parents, alumni and representatives of the Jewish community of Philadelphia, that they know Haverford's campus has become a hostile environment for Jewish students but that, in place of administrative intervention, Jewish students should pursue dialogue and mediation via student judicial procedures overseen and controlled by the very students who took part in harassing and discriminating against them. Rather than protecting Plaintiffs through enforcement of its policies on discrimination, harassment, and bias, Haverford has left them to fend for themselves in addressing willful misconduct by large numbers of students who have declared their unwavering hostility to and repudiation of Plaintiffs.

5. This lawsuit seeks to hold Haverford responsible for its abdication of responsibility, which has continued even after Plaintiffs threatened to bring—and brought—this action against Haverford for violation of their federal civil rights.

## II. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims arising under Title VI of the Civil Rights Act of 1964 (“Title VI”) (42 U.S.C. § 2000d *et seq.*).

7. This Court has personal jurisdiction over Haverford College because it resides and does business in this district.

8. Venue lies in this district pursuant to 28 U.S.C. § 1391 because Haverford is located in this district and a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this district.

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### III. PARTIES

9. Plaintiff Jews at Haverford is an unincorporated active membership association consisting of over fifty Jewish students, as well as faculty, alumni and parents of students of Haverford, who are Jewish and who share a commitment to the existence and survival of Israel as a Jewish homeland and safe haven (hereafter, a “commitment to Israel”). Members of this association run the gamut on their political affiliations, degree of religious observance, as well as their support for the current government of the state of Israel and its leadership.<sup>3</sup> Indeed, the association’s membership includes outspoken critics of many Israeli government policies and of Prime Minister Benjamin Netanyahu. No element of Plaintiffs’ claims in this case arises out of any person’s expression of substantive disagreement with any policy position taken by the Government of the State of Israel.

10. Jews at Haverford formed in the immediate aftermath of the Hamas Massacre of October 7, 2023. Jewish students with a commitment to Israel needed, and still need, a safe space to speak with one another about the horrors and dangers experienced by family, friends and other Jews in Israel, and the hostility directed against Jewish students on Haverford’s campus because of their commitment to Israel. Student members of Jews at Haverford interact through in-person gatherings and online. Their primary mode of virtual communication is a WhatsApp group named “Many Jews, Even More Opinions,” which students use on a regular basis, sometimes many times daily, to discuss and support one another in connection with incidents contributing to the hostile environment on campus; ways to address those incidents, including reporting them to the College;

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<sup>3</sup> Plaintiffs recognize that not all Jewish students at Haverford share their commitment to Israel. As used in this Complaint, references to a hostile environment for Jewish students committed to Israel describes the environment affecting Plaintiffs and other Jewish students whose ethnic identity includes a commitment to the existence of a Jewish state in the land of Israel.

and the responses received (and not received) to such reports. This WhatsApp group also allowed students to share information about communal dinners and other events of mutual interest.

11. In-person meetings of this group have taken and continue to take place at the home of a faculty member who belongs to Jews at Haverford, and at an off-campus location near Haverford's campus where Jewish students who share a commitment to Israel can safely and confidentially discuss that commitment and the events at issue in this case.

12. Plaintiff Ally Landau was a senior at Haverford when this action was filed and is a member of Jews at Haverford. Ally graduated in May 2024.

13. Plaintiff "HJSB" is a senior at Haverford and a member of Jews at Haverford. She received permission from the Court to proceed under this pseudonym.

14. Plaintiff "HJSC" is a junior at Haverford and a member of Jews at Haverford. She also received permission from the Court to proceed under a pseudonym.

15. As detailed below, Ally Landau and each of the anonymous student Plaintiffs (HJSB and HJSC), as well as all current student members have been personally injured by the individual incidents alleged in this Complaint and by the resulting hostile environment at Haverford.

16. Defendant Haverford is a liberal-arts college near Philadelphia with total enrollment of under 1,500 students. It accepts substantial direct financial assistance for its educational programs from the federal government through grants and loans, as well as substantial indirect federal financial assistance through tuition paid with federal financial aid. As a recipient of federal financial assistance, Haverford is subject to the requirements of Title VI.

#### IV. HAVERFORD POLICIES ON DISCRIMINATION AND HARASSMENT

##### A. Nondiscrimination

17. Haverford maintains a comprehensive policy barring discrimination against any member of the College community on the basis of characteristics protected by law. Under its Non-discrimination Statement and the Anti-Discrimination, Harassment, and Bias Policy (hereafter, the “Nondiscrimination Policy”), Haverford “is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of religion, ... national origin, ancestry, citizenship ... or any other characteristic protected by law.” These Policies are attached hereto as Exhibit A.

18. A commitment to Israel is an essential component of Jewish ethnic identity for most Jews, including each of the Plaintiffs in this case and all members of Jews at Haverford. Under federal law, this aspect of Jewish identity is a protected characteristic. In particular, Title VI prohibits antisemitic harassment and discrimination targeting Jewish ancestry and ethnic character tied to Israel, including “when criticism of Israel or promotion of the Palestinian cause veers into antisemitism.” *Landau v. Corp. of Haverford Coll.*, 2025 WL 35469, at \*3 (E.D. Pa. Jan. 6, 2025).

19. The conduct of the Haverford students, faculty and administration described and at issue herein readily satisfies both definitions of “antisemitism” in common usage: the Jerusalem Declaration definition and the definition adopted by the International Holocaust Remembrance Alliance (IHRA).<sup>4</sup> Section B of the Jerusalem Guidelines provides examples of *prima facie* antisemitism, including “[r]equiring people, because they are Jewish, publicly to condemn Israel

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<sup>4</sup> Haverford President Wendy Raymond has indicated to Plaintiffs that she prefers the Jerusalem Declaration definition over the IHRA definition, but that preference is immaterial given that the conduct alleged herein readily satisfies both definitions.

or Zionism (for example, at a political meeting),” and “[d]enying the right of Jews in the State of Israel to exist and flourish, collectively and individually, as Jews, in accordance with the principle of equality.” (Guidelines 8 & 10). IHRA contemporary examples of antisemitism include: (1) 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; (2) applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation; (3) drawing comparisons of contemporary Israeli policy to that of the Nazis; and (4) holding Jews collectively responsible for actions of the state of Israel.

20. Accordingly, pursuant to federal law, and by incorporation under its nondiscrimination policy, Haverford is prohibited from discriminating against Jewish students and faculty based on their commitment to Israel, including by acting with deliberate indifference in the face of a severe or pervasive hostile environment for those who share this commitment.

**B. Anti-Discrimination, Harassment, and Bias**

21. The Anti-Discrimination, Harassment, and Bias Policy (hereafter, “Bias Policy”) posted on Haverford’s website and in effect during the 2023-2024 academic year states:

The College recognizes that a learning environment that encourages free inquiry and open-minded, robust discussion, and intellectual debate, at times may cause discomfort for its participants. *However, the College does not protect or tolerate behaviors on campus that may cause harm by constituting targeted harassment or bias.*

(emphasis added).

22. Haverford administrators are responsible for enforcing Haverford’s Bias Policy against faculty and students who engage in antisemitic discrimination and harassment. Under the Bias Policy, the College “is required to conduct a thorough inquiry and address all reports of bias incidents of which it becomes aware.” After a complaint is filed, a Bias Reporting Committee

(“BRC”) including Vice President Young and Dean McKnight performs an “initial screening process and determines whether the case will proceed.” If the BRC determines that the reported incident “does not constitute an act of violation of the policy,” the BRC “will communicate with the reporting individuals to inform them of the decision.” If the BRC determines that “there is sufficient information in the report for potential violation of the policy,” the matter is referred to a Bias Incident Response Team (“BIRT”). The BIRT is charged with determining whether “there is sufficient information to launch a formal investigation,” in which case it “will notify the reporting individual and responding individuals with a written notice about the launch of the investigation.”

23. For complaints of discrimination and harassment by students, the BIRT may make referral to and/or specifically consult with Dean McKnight and the Student Handbook. For complaints of discrimination and harassment by faculty, the BIRT may make referral to and/or specifically consult with the Provost’s Office, Human Resources, and Faculty Handbook.

24. During BRC and BIRT review, and prior to the launch of a formal investigation, Haverford can undertake “protective actions” including “changes in campus housing; limits on participation in student activities; changes in academic or employment schedule, arrangement, or supervision; withdrawal from academic projects; and temporary leave for faculty or staff.”

25. A formal investigation can result in “resolutions” that include, but are not limited to: (1) “mediated conversation with the reporting individuals, responding individuals, and any other individuals who are involved in the investigation”; (2) “written communications, listening sessions, training, and educational opportunities”; (3) “[c]hanges in status or relationship to the community”; (4) “[p]olicy-change recommendations and/or updates to existing policy”; (5) “[d]isciplinary action”; and (6) “[s]upportive measures or resources that may include referral to

counseling, campus and off-campus resources, etc.”

26. Haverford has failed to apply these policies to protect Plaintiffs from discrimination and harassment on the basis of their commitment to Israel. Plaintiffs and other community members have filed bias reports regarding antisemitic harassment and discrimination, have repeatedly reported their concerns directly to campus administrators, and have enlisted the assistance of Jewish leadership on campus and in the greater Philadelphia area to make further appeals on their behalf, as detailed more fully below at ¶¶35-36. Haverford has repeatedly ignored or downplayed these reports and requests and has failed to undertake appropriate investigations or implement adequate remedial measures. Further, Haverford has failed to adopt mandatory antisemitism training, and other measures outside its Bias Policy to effectively protect its Jewish students against harassment and abuse, despite repeated requests by Jewish clerical leaders at Haverford. As a result, Plaintiffs have been deprived of the opportunity to live and study with the protection of the nondiscrimination policies Haverford has committed to, as mandated by federal law.

### **C. Honor Code**

27. In addition to the antidiscrimination and bias policies described above, Haverford also maintains student judicial procedures governed by the Haverford Honor Code and overseen by students on the Honor Council.

28. The Honor Code processes are wholly inadequate to address the flood of antisemitism on Haverford’s campus: instead in certain ways described below, they endorse or even require it. In general, Honor Code provisions and processes address personal confrontations between two individuals, not coordinated intimidation and harassment by large groups of students (often masked and unidentified) targeting a smaller group of students. In addition, these processes are

overseen by Honor Council members who themselves took part in and supported the very misconduct and violation of Haverford's Nondiscrimination and Bias Policies of which Plaintiffs complained. Furthermore, the Honor Code itself embeds a facile dichotomy between "marginalized" and "privileged" groups, which anti-Israel students have consistently weaponized to bully and silence Plaintiffs, with the assertion that Jews committed to Israel are necessarily "privileged," while those who reject that commitment are "marginalized." Recourse to the Honor Code would therefore have been futile for Plaintiffs in addressing the harassment and discrimination at issue in this lawsuit.

29. Nonetheless, Haverford administrators repeatedly informed Plaintiffs, their parents, and other members of Jews at Haverford that they should address antisemitic harassment and discrimination under the Honor Code's remedial process. For example, on December 12, 2023, a Jewish parent wrote to President Raymond describing the sense of "betrayal" her son felt at the hands of his peers and the isolation and demonization he felt as a Jew committed to Israel. President Raymond responded: "Given your son's experience, if he feels that he experienced activity counter to the Code, I would encourage him to consider whether he wishes to use the Code's various processes as a pathway toward reconciliation." This response was emblematic of Haverford's endorsement of the Code's discrimination against Jews committed to Israel, and Haverford's response to appeals for intervention from Plaintiffs, their parents, and Jewish community leaders.

30. Plaintiffs were entitled to recourse under Haverford's Nondiscrimination and Bias Policies, which do not require exhaustion of any Honor Code process.

31. Haverford administrators abdicated responsibility when refusing to enforce the Nondiscrimination and Bias Policies and instead deflecting to the inapplicable and futile

processes purportedly available under Honor Code.

## V. HAVERFORD'S FAILURE TO PROTECT JEWISH STUDENTS

32. Even when approached directly by Plaintiffs, Haverford administrators with authority and responsibility to take disciplinary action and create a safe learning environment have refused to address antisemitic conduct and protect Jewish students.

33. Indeed, Plaintiffs have well-founded concerns that McKnight and Young—the very administrators primarily responsible for overseeing Haverford's response to antisemitic discrimination and harassment—themselves lack the necessary understanding to deal with bias and discrimination against Jews committed to Israel.

34. For example, on November 25, 2023, Haverford students held a community-wide vigil for a Palestinian student who had been shot in Vermont along with his two Palestinian friends. The vigil was supposed to rise above politics and unite the Haverford community, and pro-Israel students and leadership made a point of attending to show support for their classmate and his community. Rather than delivering a unifying message, however, Vice President Young took the occasion to link the shooting—rashly and baselessly—to a supposed “genocide” Israel was committing against Palestinians. This message was divisive, misleading, and antisemitic.<sup>5</sup> Plaintiffs discussed this incident amongst themselves and concluded, to their dismay, that they could not trust Vice President Young to take seriously their concerns about antisemitic harassment and discrimination.<sup>6</sup>

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<sup>5</sup> Contrary to Young's implication, the shooting was *not* committed by a supporter of Israel. To the contrary, the shooter himself wrote: “[T]he notion that Hamas is ‘evil’ for defending their state from occupation is absurd. They are owed a state. Pay up.” <https://www.sevendaysvt.com/news/driven-by-hate-man-charged-in-burlington-shooting-was-a-volunteer-with-a-troubled-personal-life-39673363>.

<sup>6</sup> A Haverford alumna wrote to Wendy Raymond on Nov. 29, 2023, regarding the vigil, that instead of calling for

35. On January 31, 2024, the affiliate advisors of Hillel and Chabad met with Dean McKnight and Vice President Young, as well as Provost Linda Strong-Leek and President Raymond's Chief of Staff, Jesse Lytle. This meeting took place after the advisors' repeated requests for an opportunity to address the antisemitism problem at Haverford had been consistently ignored. The Jewish representatives described the fear and isolation experienced by Jewish students at Haverford, underscoring that, in this climate, Jewish students simply did not feel safe on Haverford's campus. When asked what assurances they could provide to Jewish prospective students and their parents, the Haverford administrators responded that racial minority students had never felt safe at Haverford, and that Jewish prospective students *should not expect* to feel safe and should instead prepare to be "brave." The advisors therefore could not reassure Jewish students and their parents and instead had to caution Plaintiffs that Haverford administrators had expressed no intention to use their authority to protect them from discrimination and harassment. The Jewish leadership present were stunned by this response.

36. A subsequent meeting to address the issue of antisemitism at Haverford which took place on the Haverford campus on April 16, 2024, this time included the very highest leadership of the greater Philadelphia Jewish community. At this meeting Vice President Young once again stunned Jewish leaders when she informed them that historically at Haverford, members of the LGBT community had to be closeted; members of the Black/Brown community had to be quiet about anti-Black racism; and that now Jewish students needed to condemn "genocide" rather than reporting antisemitism. Jewish leaders were horrified by Young's willingness to explicitly condone antisemitism against Jewish students who maintain a connection to Israel and reject the

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unity amongst Haverford students, V.P. Young instead chose to speak of the "genocide" in Gaza, which was "incendiary, racist, inflammatory, and antisemitic." No response to this communication was received by the sender, and to Plaintiffs' knowledge, information and belief, no action was taken in response to the communication.

charge that its conduct is genocidal. The only positive result of the meeting, they thought, was that Haverford leadership promised to hold more meetings with them. Despite that promise, no subsequent meetings have been held.

**A. Haverford's Culture of Discrimination Against Jews**

37. Even before the October 7 terrorist attacks and the ensuing war in Gaza, Haverford tolerated a culture of discrimination against Jewish students.

38. In 2020, students led a "student strike" in response to the killing of a Black man by a Philadelphia police officer. Numerous student organizations signed a petition supporting the objectives of the student strike. But when a pro-Israel Jewish student group attempted to sign, the student strike leaders told the Jewish students to "get the f\*ck off the document" and to "f\*cking choke." The Jewish student group was the only student organization that was not allowed to sign the petition.

39. Also in 2020, a Chabad-affiliated student group asked to join an ethnic affinity group at Haverford College, which was open to all other ethnic groups. The request was rejected on the purported ground that Chabad has "a questionable history with the strike" and the Chabad group was advised that "other members of the affinity group board would be most comfortable if you did not join."

40. Subsequently, at the beginning of the 2023-2024 academic year, select students and members of the College admissions team, including a member of Jews at Haverford, met to review student applicants for tour guide positions with the College Office of Admissions. Students on the selection committee rejected a number of applications on the ground that the applicants "are Zionists." Two Haverford College administration employees were present and witnessed this but said nothing to challenge these decisions.

**B. Haverford Fails to Support its Jewish Students in the Wake of the October 7 Massacre**

41. The October 7, 2023, Hamas terrorist attacks, which involved mass rape and torture, the murder of over 1,200 Israelis, and the brutal captivity of another 251 Israeli citizens and residents, spurred a corresponding onslaught of hate at Haverford against Israel and against Jewish students with a commitment to Israel. Jewish students at Haverford, especially those with friends and family in Israel, reeled from the news of the devastating attacks.

42. Hamas sympathizers on campus quickly organized to demonstrate their support for the terrorist attacks and to vent their hatred of Israel and Zionists, on social media and in person. This organizing took place in the public domain, through Haverford-related social media accounts and on campus. Yet even as the drumbeat of harassment and discrimination intensified, Haverford administrators and policies protecting Jewish students were nowhere to be found.

43. Haverford made no public institutional statement focused on the attacks in their immediate aftermath. Plaintiffs were hurt and dismayed given the shock, fear, and pain they were suffering, and by their knowledge of the enormous and unqualified solicitude the College has historically shown for students of any other ethnic or identity groups whose members are attacked elsewhere in the world.

44. On October 9, 2023, Dean McKnight and Vice President Young sent a community email addressing “several tragedies across the globe” that had occurred “[s]ince the start of this semester.” McKnight and Young gave primacy in their email to “devastating earthquakes in Morocco and Afghanistan, wildfires in California, Hawaii, and Canada, and hurricanes in the Caribbean and southeastern United States,” before obliquely referencing “large-scale acts of aggression, like the continuing Russia-Ukraine war and, now, the outbreak of war in Israel and Gaza.” They made no mention of Hamas or its atrocities and failed to note who was responsible

for the “outbreak of war,” instead observing that “[t]he escalation of violence in Israel and Gaza over the weekend builds on a long and complex history.”

45. When a Jewish student leader and member of Jews at Haverford complained about the email’s failure to specifically address the Hamas terror attacks against Israel, Dean McKnight responded: “I got emails from all different individuals; I can’t make everyone happy.”<sup>7</sup> A Jewish faculty member wrote to inform Dean McKnight that his statement was “wholly inadequate” when “what we’ve seen in Israel is nothing less than war crimes.” McKnight responded that “institutional statements are often inadequate.”

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<sup>7</sup> Plaintiffs acknowledge that administrators are accorded wide latitude in matters of campus governance, and do not allege that Dean McKnight’s email *alone* created or caused a hostile environment. Rather, Plaintiffs allege that the indifference showed by Dean McKnight in this incident, together with the other alleged instances of administrative indifference and inaction, contributed to the conditions for a hostile environment on Haverford’s campus.

### C. Haverford Tolerates Antisemitic Social Media Postings and Conduct

46. All the while, anti-Israel Haverford students and student groups began publicly posting harassing and discriminatory content on social media. As one Jewish student later described in a January 2024 post issued through the Haverford Political Science Department messaging service:

It seemed obvious to me that the entire world would mourn and that all peace-loving people would denounce such a vicious attack on civilians. To my disbelief, that is not what I saw in the immediate aftermath of the attack. Instead, I saw infographics on Instagram within the Haverford and Bryn Mawr College community like this (Fig. A) the very next day, that patently disregarded the innocent men, women, and children brutally murdered.

Figure A:



The Israeli counteroffensive had not yet begun, and the only dead were civilians in Israel and terrorists. Up until October 7th, I had truly believed that at a liberal arts institution like Haverford in the 21st century, there was no place for antisemitism, but I do not know how else to label cheering the death of innocent Jews.

47. Plaintiffs filed bias reports regarding these posts. When Haverford failed to act on these bias reports, Plaintiffs and other concerned community members brought these postings to the

attention of Haverford administrators directly. Yet Haverford administrators have done nothing to discipline or restrain the students who posted, and continue to post, such messages.

48. Hostile postings were not limited to student authors. Rather, in the wake of the October 7 attacks, and continuing to the present, Haverford faculty have authored and reposted public messages on social media targeting Jews committed to Israel and calling for the wholesale elimination of Israel as a Jewish state, among other antisemitic messages. These messages clearly violated Haverford's nondiscrimination policy and contributed to the hostile environment experienced by Jewish students at Haverford.

49. For example, on or about October 11, 2023, Professor Tarik Aougab publicly praised the Hamas atrocities of October 7 on social media, calling for "unequivocal and firm support for the Palestinian resistance" and reposting a message stating that defenders of Hamas's brutal terrorist attack "should never have to apologize for celebrating these scenes of an imprisoned people breaking free from their chains." Aougab later publicly attacked Haverford students who support Israel, calling them "racist genocidaires." And he announced that he would not provide recommendations for students seeking to study in Israel. Several members of Jews at Haverford, including an alumna and parent of a current student majoring in math<sup>8</sup> wrote to President Raymond regarding their horror that someone who publicly celebrates the brazen and barbaric murder of Jews is paid by Haverford to teach their students.

50. On March 31, 2024, an event called "How Do You Jew?" brought together Haverford Jews to discuss what being Jewish means to them and how they express that sense. Many students who spoke talked about the pain of October 7 and its aftermath, and how painful life has

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<sup>8</sup> Among other duties, Professor Aougab teaches an introductory required mathematics class. Students are therefore unable to avoid being in his class.

been on Haverford campus as a Jew. President Raymond attended this event. When it concluded, several Jewish Haverford students asked Raymond for her reaction to Professor Aougab's repost of a photo of a bulldozer smashing through a barrier from Gaza into Israel to begin the Hamas attack. President Raymond's response was that the post "could be perceived in many ways." When pressed about what *she* perceived, President Raymond effectively endorsed the post, responding that she "heard people breaking free from their chains." Preposterously, President Raymond added that there were "peaceful" people from Gaza who crossed into Israel through the destroyed fence on October 7. President Raymond's callousness inflicted enduring pain on those Jewish students, who discussed this incident repeatedly amongst themselves and the larger Jews at Haverford group.

51. On October 12, 2023, just five days after the October 7 Hamas atrocities and well before the Israel Defense Forces had begun a concerted response to those attacks, Professor Gina Velasco, Haverford's Director of Gender and Sexuality Studies, changed her Facebook profile picture to blame *Israel* for the massacre of innocent *Palestinian* civilians. Then, in the immediate aftermath of the November 25 shooting in Vermont of a Palestinian Haverford student and two Palestinian friends, Professor Velasco posted to her Facebook page that the victims were shot "for speaking Arabic and wearing keffiyehs.... #FuckZionism #Fuck Islamophobia #FuckantiArabacism."

52. On December 11, 2023, an alumna wrote to President Raymond about Velasco's posts. Raymond's chief of staff responded, "acknowledging receipt" and noting that "the College has systems and policies in place to safeguard academic freedoms while addressing related concerns." That same alumna wrote back on Jan. 15, 2024, informing him that not only has Professor Velasco not removed her attacks on Zionists, but that she has now blamed Zionists for

the shooting of a Palestinian student in Vermont. No further responses, and no substantive responses of any kind, were forthcoming from Haverford. Professor Velasco remains employed by Haverford and, upon information and belief, has not faced any discipline for these posts.

53. On February 28, 2024, an alumna informed the College that she could no longer continue with her volunteer role of assisting with admissions because of the widespread and unchecked antisemitism on campus. She felt she could no longer honestly tell Jewish students that they would be comfortable at Haverford. This former alumna later rescinded her donation to the College because of its continuing to allow the uninterrupted flow of antisemitism on campus. No substantive response was received to this communication.

54. Between August 15 and August 19, 2024, Professor Guangtian Ha, an associate professor of Religion, authored a series of incendiary and obscene posts attacking Plaintiffs and any other Jew committed to Israel. In one post, Ha advised that “the only way to deal with Zionists”—presumably including his students—“is to stop talking to them and refuse to let them waste your time.” In another post, Professor Ha said: “Anyone who says ‘what about Hamas’ can go f\*\*\* themselves.” In yet another post, Professor Ha opined: “By this point matter is no longer just ceasefire. The state of Israel must be dismantled and the society de-Nazified. Arms embargo, sanction, boycott, attack Zionism on all fronts. Zionism is Nazism, it is fascism. Zionists are racists.” Professor Ha also announced of people in “my little world,” i.e. Haverford, who are silent on this genocide or even tacitly support it,” including all Plaintiffs: “I will never forgive them. I know their names and I know their faces. Never forgive. No reconciliation.” Professor Ha posted that “Zionism is fundamentally a modern racist ideology that has next to nothing to do with Judaism as an ancient religion.”

55. Plaintiffs learned of Professor Ha’s posts and understood them as hostile denunciations of

their Jewish commitment to Israel. Professor Ha's statement that he knew the "names" and "faces" of Jewish supporters of Israel on campus was genuinely threatening and may well have violated state law and other Haverford policies beyond discrimination and harassment.

Obviously, these posts make clear that Jewish students connected to Israel cannot safely take a class with Professor Ha.

56. These posts by Professor Ha were made known to Haverford's leaders at least with the filing of Plaintiff's First Amended Complaint on September 9, 2024. So far as is known to Plaintiffs, neither President Raymond nor any other representative of Haverford has ever taken any action to cause Professor Ha to cease issuing such denunciations of Plaintiffs' commitments. Professor Ha remains employed by Haverford.

57. Professor Aougab's postings celebrating the Hamas terror attacks and attacking Jews for their commitment to Israel were discussed extensively in the WhatsApp group by Jews at Haverford. Plaintiffs learned about Ha's and Velasco's posts no later than May or August of 2024. All Plaintiffs were hurt and threatened by them. As more fully alleged below, Professor Aougab issued an announcement on his official Haverford webpage that he will not write letters of recommendations for any student who, inter alia, plans to work or study at an Israeli academic or cultural institution. Plaintiffs learned of and discussed this offense as well.

58. When Dean McKnight was asked in April, 2024 by an alumnus why Haverford did nothing to condemn antisemitic messages when they clearly would be sanctioned if directed against, for example, gay or transgender groups, McKnight claimed these were instances of off-campus protected speech and stated that derogatory attacks on other minority groups are "different" than attacks against Jews who are committed to Israel, such as lauding terror attacks against Israel itself.

59. Professor Aougab's post was specifically called to the attention of President Raymond by the parents of then-current students in the fall and spring of 2023-24, and by an alumna on February 27, 2024, and by the Demand Letter Plaintiffs' counsel sent to Haverford on February 9, 2024. See Exhibit B hereto. To Plaintiffs' knowledge, neither Raymond nor any other person acting on behalf of Haverford has ever taken any action to discipline Professor Aougab or Professor Ha because of their posts. Instead, in Spring 2024, Haverford announced it that had hired yet another professor who publicly glorified the October 7 terror attacks. Namely, Christopher R. Rogers, hired as a Visiting Assistant Professor at the College's Writing Center, publicly posted his praise for Hamas's atrocities, tweeting that on October 7 there were "beautiful sights to wake up to this morning."

60. The treatment of these posts stands in stark contrast to the treatment of posts supporting the Jewish commitment to Israel. Plaintiff Barak Mendelsohn is a tenured professor at Haverford, specializing in Middle East security and terrorism. Professor Mendelsohn is Jewish, and he was born and raised in Israel. He is a member of Jews at Haverford.

61. Professor Mendelsohn has found it difficult to sleep since the Hamas-led pogroms on October 7, 2023. Because of the impact on Professor Mendelsohn of the attacks on him at Haverford, he has had to assure his wife on at least three occasions that he is not going to kill himself.

62. In light of his area of expertise, Professor Mendelsohn scheduled a teach-in for October 11, 2023. Before the event, Dean John McKnight wrote to Professor Mendelsohn stating that the program "needs more diversity." Mendelsohn learned from others that a protest against the presentation was likely. Nevertheless, Professor Mendelsohn decided to go forward with the

teach-in, without additional speakers.

63. Shortly after Mendelsohn's teach-in, another Haverford professor, Gina Velasco (referenced above as the person who had publicly tweeted "Fuck Zionism") held her own teach-in. It was not only one-sided but a virulent attack on Israel, Zionism, and anyone who supports either. On information and belief, no request from the College was made that this event "need[ed] more diversity." The event was so hostile to the Jewish commitment to Israel that a parent wrote to President Raymond complaining about it. The complaint received no response.

64. While Professor Mendelsohn strongly believes in the right of Israel to exist as a Jewish state, he has long been sharply critical of Israeli Prime Minister Benjamin Netanyahu and the governments he has led, especially regarding the treatment of Palestinians in Israel and the surrounding territories.

65. Thus, Professor Mendelsohn not only supports criticism of Israel, he has himself on many occasions engaged directly in such criticism.

66. On or about November 29, 2023, Professor Mendelsohn tweeted on his personal Twitter account as follows: "Haverford College has a Jewish problem. Its student body is led by Hamas apologists and tainted by anti-Semitism. If I'm a parent of a Jewish student I will not send them to Haverford College."

67. As a result of this statement, a letter from over 600 individuals identifying as Haverford and Bryn Mawr alumni, students and parents recommending the dismissal or imposition of a severe sanction on Professor Mendelsohn. The letter declared that students were "mobilizing against the ideology that has motivated anti-Palestinian violence from Gaza to Vermont" and

accused Professor Mendelsohn of basing his views on the “disinformation narrative” that “from the river to the sea” is genocidal and antisemitic. It went on to blame the Professor for both his personal mode of expression and for his supposed use of “thought-terminating Zionist rhetorical devices.”

68. On or about December 14, 2023, Haverford Provost Linda Strong-Leek wrote Professor Mendelsohn, notifying him that the College was commencing an investigation into whether statements he made on his private Twitter account critical of those who had signed a ceasefire petition had violated College policies regarding discrimination and harassment as well as general expectations of faculty.

69. At the close of this investigation, Professor Mendelsohn was found not have “engage[d] in discrimination or harassment” but guilty of behavior “inconsistent with the College’s expectations of its faculty.” Since this investigation concluded, new charges have been brought against him by two faculty members at Haverford, one of whom accuses Mendelsohn of “antisemitism.” All relate to his speech about the conflict on his own social media accounts. The College has initiated disciplinary proceedings related to these statements, notwithstanding its claim that social media posts on private accounts lie beyond its jurisdiction and its refusal to discipline faculty who have posted overtly antisemitic and discriminatory comments attacking Plaintiffs and their commitment to Israel.

70. To Plaintiffs’ knowledge, no other Haverford professors have been disciplined or investigated for their social media posts and/or other conduct relating to the October 7 pogroms and Israel’s war against Hamas.

71. As a native Israeli and Jew, Professor Mendelsohn has found the environment at Haverford College to be profoundly hostile since October 7, 2023. Since that date, many Jewish students and faculty members have personally expressed to Professor Mendelsohn the profound sense of exclusion and extreme hostility from others they are experiencing.

72. All Plaintiffs, and most other members of Jews at Haverford, are aware of the treatment meted out to Professor Mendelsohn by the College, and of the disparity between that treatment and the College's failure to do anything about the social media posts by Professors Aougab, Ha and Velasco attacking the Plaintiffs and all other Jews committed to Israel. Plaintiffs view these facts as yet another manifestation of Haverford's hostility to any expression supportive of the Jewish commitment to Israel and its effective endorsement of attacks on that commitment.

73. On or about November 30, 2023, Professor Mendelsohn and Haverford Hillel Rabbi Jeremy Winakur led a meeting of Jewish students experiencing problems with the campus environment. The meeting was kept secret due to student concerns about likely retaliation from fellow students if their concerns and views were made public. Since the date of the meeting, Professor Mendelsohn has remained in regular contact with students who attended the meeting, and others, regarding their difficulties as Jews at Haverford. While Professor Mendelsohn did not personally experience all of the incidents detailed in this SAC, most of the incidents became a matter of immediate public knowledge at Haverford, especially within the Jewish community, and other incidents were contemporaneously brought to Professor Mendelsohn's attention by the affected individuals and their friends.

**D. Haverford Tolerates Intimidating and Disruptive Conduct Targeting Plaintiffs**

74. Anti-Israel Haverford students have also engaged in discriminatory and harassing

conduct, including encampments, occupations, targeted attacks on Plaintiffs at plenary and in public statements, and the destruction of flyers advertising Jewish events.

75. The following paragraphs set forth details regarding the policy violations by students and faculty and the discriminatory action, inaction and acquiescence by senior administrators, which, together, created an environment at Haverford hostile to Jewish students committed to Israel.

76. These acts identified here are not claimed to be objectionable because they articulate a view with which the Plaintiffs disagree about that commitment. Their significance is that these acts are designed to, and did in fact, make it impossible for Plaintiffs, or any Jew committed to Israel, to articulate, either explicitly or implicitly, that commitment on Haverford's campus. Because of this hostility, expression of the Jewish commitment to Israel on Haverford's campus is impossible -- at all, or without being subjected to abuse and attack which is intended to silence any articulation of that commitment. As will be evident from this account, many of these actions are explicit calls for the removal from campus of "Zionists" or anyone else who shares or gives voice to this commitment. These calls for making Haverford's campus a Zionism-free zone have been heard and respectfully engaged with by Haverford's leadership. They have never been condemned by any Haverford administrator.

77. As alleged in further detail below with respect to each act, senior administration, including some or all of President Wendy Raymond, Vice President Nikki Young, and/or Dean John McKnight, was put on notice of each of these acts. None of those officials, or any other Haverford administrator, caused Haverford to take any steps to ameliorate the hostile environment caused by these acts. As more fully alleged below, these leaders of Haverford College at times joined in or praised these acts.

78. As alleged in further detail below with respect to each of these acts, the Plaintiffs were aware of each of these acts either because they witnessed them personally or because they learned about them subsequently. As a result, each of these acts has affected each of the Plaintiffs and contributed to the hostility that each of these Plaintiffs experiences at Haverford to their commitment to Israel.

The Deborah Project

## VI. HOSTILE ACTION BY STUDENTS

### A. The ADL Event

79. The most recent of these events is the most illustrative. On September 30, 2024, Haverford hosted a presentation by the Anti-Defamation League entitled “Anti-Semitism 101.” In the weeks prior to the event, students thrust flyers into the hands of everyone they passed on campus. Those flyers claimed that the ADL is a “genocidal, racist, antisemitic organization,” and were part of a larger organized movement to #DroptheADL. These students insisted the ADL event be canceled so that the ideas and commitments which ADL sought to explain would not be heard on Haverford’s campus.

80. Immediately prior to the event, which took place in a room with windows, anti-Israel Haverford student-protesters zip-tied the blinds on the windows so they couldn’t be closed. This was discovered and the zip ties were removed before the event began. The students who had zip-tied the blinds mobbed the space outside the windows throughout the event, banging on cowbells and pots with spoons and shouting, with the use of a bullhorn. Had the blinds remained zip-tied as planned, the mob’s intimidation effect would have been even greater than it was. The protesters screamed and banged throughout the event inside, chanting slogans such as, “From Gaza to Lebanon, Israel will Soon be Gone!” and “From the River to the Sea, Palestine will Soon be Free.” Audio recordings of the screaming, banging and chanting through a bullhorn have been submitted in physical media, and are incorporated herein by reference.

81. Inside, while the ADL representative attempted to deliver their talks, they were repeatedly interrupted, by students who, seriatim, suddenly stood up, ripped off their sweatshirts to expose their t-shirts claiming “Not in My Name,” and denouncing Israel and the ADL. Dean John McKnight, who was present at the event, allowed three of these interruptions to take place

without interference or objection. When the fourth interrupter rose to begin speaking, Dean McKnight asked whether there were any others planning to interrupt, and requested that they come forward and participate in what he said would be the last interruption. Vice President Young and President Raymond were also present during the ADL event. Neither took any action to stop the interruptions inside or in any way to address the threatening behavior outside.

82. A Haverford student submitted a Bias Report about what occurred during the event, the response to which is detailed below. Shortly after this event, a Haverford alumna wrote to Wendy Raymond about what occurred outside the event: “We are all horrified by aggressive and purposefully intimidating student behavior of the JVP and SLP on campus.” She further explained that “We saw a group assembled next to the Dining Center windows directly where the ADL Teach In was being held shouting Anti-Semitic and threatening slogans (“from Gaza to Lebanon Israel must be gone” was one, “Stand up fight back” and “by whatever means necessary” were others), carrying signs with slogans such as “No Zionists on campus”, and shouting their support for the terrorist groups Hezbollah and Hamas. Most all of the group had their faces covered with masks.” Finally, she called Raymond’s attention to the failure of Haverford administration to do anything about any of this: “The students actions were offensive and disturbing, but even more so was the inaction of the several HC staff that were standing around doing nothing- or maybe they were there giving support. HC staff from DEI, security, and someone else with no information on the HC badge who said she was Administration, were only a few feet away on the path.”

83. The behavior of the protesters inside and outside room put those attending the ADL event in fear for their physical safety, as Professor Richard Freedman, a faculty member of Jews at Haverford, informed President Raymond after the event.

84. No discipline of any kind was imposed on any of the student protesters who had zip-tied the blinds, banged on pots, shouted through a megaphone throughout the presentation or otherwise sought to disrupt the event through their conduct outside the room.

85. President Wendy Raymond did not need to be notified of these events and actions because she was physically present and witnessed them. She said nothing at all at the event, she did nothing to stop any of it, and she has issued no public statement regarding any of it.

86. Several members of Jews at Haverford were physically present at this event and were frightened and disturbed by the protesters' actions and by the impunity with which the protesters disrupted an event that was supposed to educate the community about antisemitism. All Plaintiffs who were not in attendance learned about this incident either while it was happening or immediately after it ended, other than Ally Landau, who has graduated and learned of it later.

#### **B. Plenary**

87. At Haverford, the annual student Plenary plays a pivotal and sacrosanct role in social and academic life at the College. It is the event in which the student body gathers as a community to discuss and vote to ratify various policies, including the Honor Code. It is supposed to be a safe space.

88. The two regularly-scheduled and the one emergency Plenary held at Haverford College during the 2023-24 academic year were largely focused on one-sided attacks against Israel.

89. The Haverford College Fall Plenary took place on November 5, 2023, less than a month after the Hamas massacre in southern Israel.

90. On information and belief, students planning the 2023 Fall Plenary secretly coordinated with members so that Students for Justice in Palestine, an anti-Israel and anti-Zionist organization, and Jewish Voice for Peace, which has the same goals as SJP but the name of

which implies Jewish membership, so that these anti-Israel members could condemn Israel's existence and demand that the entire student body adopt a resolution calling on Israel to cease defending itself from Hamas. Many SJP/JVP members therefore signed up in advance to speak during the public comment segment. Using their advance knowledge of what would transpire during Plenary, these hostile students also prepared a PowerPoint presentation to be shown during the event, and displayed a huge banner "From the River to the Sea, Palestine Will be Free." Plenary was ready with equipment to present the PowerPoint.

91. Plaintiffs received no notice of this secret plan to use Plenary to bash Israel, Zionism and the Jewish commitment to Israel.

92. All Plaintiffs were present at this Plenary and personally witnessed the events described here. Certain of them sought to speak, to articulate their views and their commitments, but were not permitted to do so, on the asserted ground that all of the speaking slots had already been claimed—by the SJP/JVP students who had signed up in advance, because only they were aware of what the content of the meeting would be.

93. During this event, some members of Jews at Haverford furiously texted each other wondering what they could do to stop the onslaught, but most simply expressed agony.

94. Both President Wendy Raymond and Dean John McKnight were physically present at this event, and observed that Plaintiffs sought, but were being denied, the right to speak.

Although each of these administrators had the authority to intervene and ensure that the student Plaintiffs were given an opportunity to respond, they did not do so. After members of Jews at Haverford asked that he intervene, McKnight sent a text to the Students Council leadership suggesting that they reconsider and allow the Jewish students to speak, but this note was ignored, and the Administration made no further efforts to ensure that the public comments section

offered a balance of opinions and information on one of the most controversial and explosive topics circuiting the globe. President Wendy Raymond witnessed the verbal assaults on the Jewish State which dominated the student participation portion of Plenary, but she did nothing.

95. When Fall Plenary concluded, President Raymond publicly praised it as a “great success – way to go, Haverford students!” thus demonstrating not just complete indifference to, but outright support for, the fact that Jewish students committed to Israel had been brutalized and silenced at the event.

96. Six parents of Haverford students wrote to Raymond on November 16, 2023, and explained the impact on their children of the event and the administration’s failure to act:

As you may know, during the November 5, 2023, plenary session, several students presented a poster with the slogan “From the River to the Sea.” While it’s important for students to have a forum to express their beliefs, this particular phrase is incendiary at best and flatly inconsistent with the Quaker value of peace. The Anti-Defamation League and many Jewish people consider those words to be an antisemitic trope that calls for the elimination of the State of Israel and the genocide of all Jews.

Our Jewish kids are feeling vulnerable and fearful of speaking up. Your letter to the community on November 9, 2023 stated that “antisemitism is not and will not be tolerated.” Without strong and specific condemnation, though, Haverford students are being taught that terrorism is acceptable and that there is a place for antisemitism on campus.

We are left wondering, what actions have been taken by Haverford to help its Jewish students feel safe in the Haverford community? Many are experiencing Jewish hate as tolerated on campus. What will be done to prevent Jewish hate on campus in the future?

97. In response to being silenced at this Plenary and in the face of the Administration’s inaction and President Raymond’s praise for this procedure, on November 8, 2024, and with permission from Dean McKnight, Ally Landau sent a letter “In the name of many concerned Jewish students at Haverford and Bryn Mawr” to the entire Haverford community using Haverford’s all-college email system. Ally alone signed the letter because the other Jews at

Haverford were so fearful of having their own names attached to anything that branded them as supportive of the Jewish State. That letter is attached hereto as Exhibit C.

98. That letter was an effort to respond to the SJP/JVP's otherwise unanswered attack on the Jewish State at Plenary, and it defended Israel's right to exist and to its self-determination and self-defense.

99. Partially in response to Ally's letter, students published what they entitled the "Haverford Grievances Document", which is attached hereto as Exhibit D. The document was issued sometime after November 27<sup>th</sup>, 2023, and demanded a response by December 1, 2023.

100. This Grievances Document asserted that Ally's articulation of the beliefs and commitments of these Jewish students was a cause for a Palestinian Haverford student's being shot in Vermont over the 2023 Thanksgiving vacation.

101. The Grievances Document was widely circulated throughout Haverford's campus, and every Plaintiff was aware of its content and of its baseless attack against Ally.

102. Haverford administrators knew of the Grievances Document and its attack on Ally, but when it was released, they failed to take any action to protect Ally. This fact too was known to each of the Plaintiffs. Ultimately, a worried member of the Haverford Community contacted Ally's parents, Jeff and Michele Landau, on November 30, and informed them of the potential danger to Ally created by the appearance of her name in the Grievances Document.

103. The Landaus contacted President Raymond, and insisted that the College take action to protect their daughter. President Raymond refused to identify any action she would take on Ally's behalf, and initially refused to take any at all. Even after the Landaus continued to press, the only thing the Haverford College president grudgingly agreed to do was that she and her Administration would attempt to remove Ally's name from the circulating Google Doc version of

the Grievances Document. They also suggested that Ally avail herself of mental health services. But the substance of the accusations against Ally remained in the document, and her identity was already known because of her campus-wide letter.

104. At least one member of the College Administration acknowledged that the Grievances Document contained “elements . . . reasonably read as anti-semitic,” but President Raymond informed the Landaus that she would only speak to the Document’s authors about “restorative justice,” – i.e., resort to “enforcement” of Haverford’s Honor code—and would not take any punitive action. This was a dead-end that would have served only to invite Ally’s peers to heap further scorn and abuse upon her. Raymond publicly thanked the authors of the Grievances Document for engaging with her and the College Administration, and praised the Grievances Document itself as “dialogue” that Raymond found “open, honest thoughtful and constructive.”

105. Raymond’s response to the Grievances Document carefully and respectfully addressed each topic in it, promising responses within 24 hours as well as a series of meetings, scheduled within a day or two, as the students had demanded. She said nothing, then or at any other time, about antisemitism or about the Document’s assertion that Ally’s articulation of the Jewish commitment to Israel was a cause of the violence. Rather than condemning this accusation, President Raymond claimed that Ally’s statement that SJP/JVP members had “hijack[ed]” the Plenary was morally equivalent to their calls for the extermination of the Jewish State. All of these acts and failures to act by Raymond were known to the Plaintiffs shortly after they occurred, and further cemented their conviction that the College did not care about harassment and threats to them from their fellow students, and that the College would do nothing to stop those threats from continuing to be made.

106. From February 29 – March 3, a second, “emergency” Plenary was held, devoted entirely

to efforts to adopt a resolution condemning Israel for fighting against Hamas, and demanding that Israel agree to a cease-fire immediately.

107. This “Emergency” Plenary was conducted through a series of clear violations of the Haverford rules governing in-person voting at Plenaries and the rules the students had themselves put in place for the governance of Plenary proceedings, including:

- The Haverford Constitution mandates the physical presence in the same room at Plenary of a quorum of students, with carefully defined relaxations of that requirement for students with disabilities or those with claustrophobia. The rules specify that if a quorum is lost the meeting must be suspended or ended. Rule 4.02(g)(i).
- The rules further provide that, simultaneously with the requirement that a quorum be physically present, only students who are physically present may vote. Rule 402(g)(iv).

108. But the Emergency Plenary was held over four days, during which voting took place during three of the days and without any fixed location, including tables set up outside the library where students were importuned to sign.

109. Students’ Council Co-Presidents admitted to at least one member of Jews at Haverford that the Plenary rules had not been followed.

110. The rules were violated solely because the leaders of Students Council hoped to use this event to cause the adoption of a resolution calling for Israel to immediately cease its war against Hamas. In clear violation of Plenary rules, the voting deadline was extended in an attempt to reach quorum. However, the resolution did not pass as quorum was not reached, in part because

Jewish students refused to participate.

111. Haverford's Administration was put on notice of these violations no later than February 25, 2024, by a letter to President Raymond from Haverford alumnus Bryan C. Hathorn. That letter is attached hereto as Exhibit E. It, and its warnings, were completely ignored by Haverford College. In addition, a letter was sent to Raymond by a woman who is both an alumna and a parent, calling Raymond's attention to the rule violations of the emergency Plenary. Another parent wrote her on February 28, 2024, that her responses to antisemitism on campus were wholly ineffective: "it appears that you are dealing with antisemitism on campus by occasionally issuing timid missives that neither antisemitism nor Islamophobia will be tolerated, but there is little evidence either that those pronouncements are heeded or that there is any enforcement."

112. At a staff meeting later in March 2024, President Raymond and Dean McKnight effusively praised the efforts of the Students' Council to get the resolution passed.

113. All of the Plaintiffs were aware of the events taking place during the Emergency Plenary, and were either physically present for some of it or chose specifically to avoid it because they knew it would consist entirely of denunciations of their beliefs and identity.

114. When Spring Plenary was held, a student stood at the entrance and offered every person who entered a Palestinian flag, thus forcing entrants to either accept the flag or to be seen publicly refusing it—something that would lead to attacks, shunning and worse. At this Plenary the ceasefire resolution finally passed.

115. Immediately after this event, the mother of a Jewish Haverford student wrote to Raymond:

I am devastated. Tonight, I spoke at length with my son, [REDACTED], who described what plenary was like for him today. He said he walked in and felt unwelcomed and

discriminated against since Palestinian flags were handed out and the main focus was passing the same ceasefire resolution that didn't pass a few weeks ago. He had voted "no" in the anonymous online vote but felt "really stressed out" to vote honestly, given the immense pressure not to be singled out amongst the outspoken cohort of students who want to set Israel apart from all of the nations in the world and thereby openly express their hatred for the Jewish people. Voting by publicly showing one's opinion did not go well for my shy son who could not stomach unwanted, negative attention. He didn't want even his good friends to know where he stood because the message on campus is to vote against Israel or be shunned.

So, against his gut and heart, [my son] voted yes today. He 100% does not support a ceasefire but didn't feel comfortable voting honestly. That is so upsetting as a parent for me to hear that my son didn't have the courage to be genuinely himself. Yet, I get it. He feels that after what happened to Ali this fall and with the endlessness of "Free Palestine" on campus and the permissive nature of Haverford's laissez-faire administration, conformity was safer than speaking out. My son's anxiety about this, his sense of isolation, and his feeling of need to vote against himself and his religion was what he considered to be his best choice - his best choice at Haverford - a school we chose for its community!

Wendy, I've been writing to you since Oct. 7 that your Jewish students do not feel safe on campus to speak their minds. You either ignore me or send me a generic email about how "many students are seeking common ground across their peers, seeking unity across differences." You might be kidding yourself but you are not fooling me or your Jewish students.

There is a private WhatsApp group among several concerned Jewish students at Haverford and once again, after plenary today, it apparently "blew up" with these students writing to each other about feeling bullied, silenced, pressured, and uncomfortable speaking their minds. Wendy, you wrote to me and said, "I would want to learn more about the expression you are describing as hateful." I keep telling you about these Jew-hating experiences. You aren't doing anything about it, especially for the students for whom it most deeply affects.

116. No substantive response to this communication was received.

117. In the wake of Spring Plenary, on April 9, 2024, the President of the College wrote to the community to highlight that students—particularly Jewish students—“have felt fearful, silenced, or a protective need to self-censor.” Indeed, numerous students felt pressured into voting “for” the resolution against their conscience because votes were required to be public. Other than acknowledge that some Jewish students felt this way, however, Raymond did nothing about the hostility to Jewish students.

### C. Lecture Claiming Israel Is Murdering Palestinians by Spreading Disease

118. On March 27, 2024, after substantial pre-event publicity, Haverford students advertised and then conducted a lecture with the announced title “Mass Death on all Fronts: Israel’s weaponization of Covid against Palestinians,” which presented the antisemitic conspiracy theory that the state of Israel has intentionally infected the Palestinian residents of Gaza and the West Bank with Covid. This claim, for which no respectable evidence exists, has exactly the same intellectual or evidentiary merit as the medieval blood libels that sought to hold the Jews responsible for the spread of the bubonic plague, or for claims that Jews murder Christian children so they can use their blood to make matzah for Passover.

119. Many complaints about this event were submitted, by students, alumni, parents and Jewish community members, including the leadership of the Philadelphia Jewish community, who called Haverford’s attention to the similarity between this accusation and centuries-old claims that Jews have murdered non-Jews by spreading disease. When confronted with the obvious antisemitism of this event, Dean McKnight suggested to the Weaponization of Covid’s promoters that they change the name of the event, but he saw no need to change the substance of what was to be said there. The new name, “COVID in Time of Genocide: Teach-in on how Israel uses COVID as a tool for settler colonialism in Palestine,” was even more overtly antisemitic than the old one.

120. The event sparked horror among the Jews at Haverford group, who discussed in their WhatsApp group how to respond:

[3/28/24, 5:41:04 PM] new antisemitism achievement unlocked

[3/28/24, 5:41:49 PM] That’s crazyyy

[3/28/24, 5:42:13 PM] Alright Wendy where’s the statement

[3/28/24, 5:42:24 PM] There will be no statement

[3/28/24, 5:42:29 PM] There will never be a statement

[3/28/24, 5:42:49 PM] Anyhow, WaWa with Wendy is from 8-9pm

[3/28/24, 5:49:35 PM] Anyone wanna go chew her out?

[3/28/24, 5:58:15 PM] After my meeting with her... only the title was change[d]

[3/28/24, 5:58:38 PM] Wow

[3/28/24, 6:04:01 PM] Omg wait no there's more to this haha. McKnight essentially emailed the groups saying "it could be perceived as offensive and they should change the name". Nothing about how the event itself is absolutely not okay.

121. Numerous students, parents and representatives of the Philadelphia Jewish community called the attention of Haverford's leadership, including specifically Wendy Raymond, to the antisemitic nature of the accusation that the Jewish state was intentionally spreading disease to kill civilians. Raymond never responded to these messages.

122. The publication of this attack was defended by Haverford's spokesperson as protected and even valued speech:

Haverford supports its community members' rights to expressive freedom, including around political matters. The ability to challenge ideas and understand conflicting views is foundational to our academic mission. We also expect that even the most well-intentioned individuals will make mistakes in these arenas, and even—and especially—in those moments, we aim to provide learning opportunities that will lead to greater empathy, mutual understanding, and constructive citizenship in a world that is struggling to reach peaceful solutions to conflict," said [Christopher] Mills [on behalf of the Haverford administration].

<https://delawarevalleyjournal.com/haverford-college-students-hold-anti-israel-event/>

#### **D. The Sit-In At Founders Hall**

123. On December 5, 2023, Haverford students occupied the space surrounding, and took over, the Founders Hall building for more than a week. Founders Hall is the main administrative office on the Haverford College campus. It is located on the main quadrangle, is adjacent to the library, and is on the path to Haverford's dining hall. Almost all students must pass through this site nearly every day. The Sit-In took place at the same time that Haverford's annual student

announcement of majors also took place, also at Founder's Green. The Sit-In forced Haverford's Jewish students to choose between skipping the ceremony and conspicuously not joining the Sit-In, with the attendant social opprobrium.

124. The students who took over Founders Hall and Green hung banners outside the building, and daily conducted chants that were intended to, and had the effect of, intimidating and harassing Jewish students committed to Israel. The chants denounced those supporting Israel's existence as advocates for genocide, and called for Intifadah. When a student passed by the sit-in who was identified as supporting Israel's existence, the chants were directed specifically at that student. Jewish students committed to Israel had no choice but to endure this harassment on a daily basis. Their only alternatives were to take lengthy detours around the middle of campus, hide in their dormitory rooms, or flee campus.

125. Professor Tarik Aougab was invited to, and did, present a public talk at Founders Hall during the Sit-in, charging that Israel's creation was an exercise in white supremacy and charging the Jewish state with genocide and apartheid, and denouncing those who are committed to Israel's existence as a Jewish state "racist genocidaires."

126. These attacks and the event at which they were waged denied to Plaintiffs an equal educational experience, and made their presence on campus a source of dread, which could be endured only at the price of constant, face-to-face public denunciation of their ethnic, religious and ancestral commitments by students and faculty.

127. Like all Plaintiffs and everyone else on campus, President Raymond was well aware of the Sit-In while it was occurring. Rather than enforcing Haverford's Nondiscrimination and Bias policies against the responsible student protesters, President Raymond publicly commended the

event, and their conduct, as “a recent example of peaceful protest,” and promised that Haverford College would take “no punitive action” against the participating students for any action taken by them. She thus assigned exactly no significance to the fact that Jewish students committed to Israel were being abused as they walked across campus by the students and faculty conducting the Sit-In.

128. Ally’s parents discussed the Sit-In with President Raymond and explained its impact on Jewish students committed to Israel. Nonetheless, Raymond had publicly issued her praise even though she acknowledged explicitly to Ally’s parents that the Sit-in violated multiple Haverford rules. When Mr. Landau challenged her on how she could allow conduct in clear violation of the College’s rules, President Raymond answered that she feared that if she took action to stop it, even worse behavior by the students would result.

#### **E. Nova Festival Screening and Demand That Zionists Be Banished**

129. On April 14, 2024, a movie about the massacre at the Nova Festival on October 7, 2023, was screened on the Haverford campus, and members of the public were invited. This event was organized and arranged by the Jewish leadership and faculty members. After the screening ended, Haverford protesters demanded an apology from President Raymond for her having the temerity to invite “Zionists” to campus.

130. Numerous Jewish students at Haverford *are* Zionists, and one of them wrote to President Raymond asking why students were allowed to demand an apology for her inviting people who shared this student’s beliefs and identity to the College’s campus—and why Raymond did not respond to this demand by explaining to the students who had issued it that they had an obligation, under Haverford’s policies, to engage respectfully with their Zionist fellow students.

Raymond did not respond to this communication.

131. Plaintiffs were all aware of the demand that President Raymond apologize for inviting Zionists to campus, and were aware that she had said nothing to suggest that such a demand was improper.

#### **F. The Encampment**

132. In the Spring of 2024, Haverford's campus was taken over by an encampment of students, and other, non-students, who occupied or barred access to a central College building and college green, and who stated their intention to remain in place until various "demands" were met. <https://docs.google.com/document/d/18JA1Fi7SeVNvjdl2R97miuh-7mhyXNS3C4jLK4HUdJs/edit>

133. Haverford's encampment consisted of tents, banners, and the declaration of a "Liberated Zone." No person not in accord with the demands of these protesters was permitted to enter the Liberated Zone; and because the "Liberated Zone" was at the center of campus, this rendered the heart of the College inaccessible to Plaintiffs. The Liberated Zone featured posters quoting Hamas to advocate for the destruction of the Jewish state, and chants such as "long live the Intifadah." It barred access to Founders' Hall, which Haverford College describes as "the centerpiece of its campus." <https://www.haverford.edu/libraries/news/many-faces-founders-hall> The demonstrators were present, imposing this blockage, for at least three days, remaining on the campus 24 hours a day during that period. Any person who walked past the Encampment and did not express support for this goal was shouted at and insulted while they were concluding their academic semester and preparing for final exams. All Plaintiffs either personally experienced this or knew about it from others who had. Students attempting to study for finals repeatedly

agonized about the disruption in their private message group. The parent of at least one student wrote to President Raymond, worrying about how her child could possibly study, especially since the pandemonium could not be avoided even inside the library.

134. The Encampment was impossible to ignore and it addressed its “demands” directly to President Raymond and the Haverford College Board of Managers, who were physically present because they were meeting in Founders Hall at this time. The leadership did absolutely nothing to limit in any way the overt hostility manifested by these activities—though if such hostility had been displayed in chants directed at any minority group other than Jews because of their commitment to Israel, the response of the Administration would likely have been very different.

135. Every Plaintiff, and, on information and belief, essentially every student at Haverford, was aware of the facts alleged in the paragraphs herein regarding the encampment.

136. One student member of Jews at Haverford wrote to Raymond on April 25, 2024, while the encampment was still taking place:

As the same people have done in numerous other instances, they are impeding the movement of every Haverford person, student or faculty, who is not already standing with them. With bullhorns, they are loudly chanting from the Hamas Charter and (falsely) accusing Israel of “genocide” -- when in fact Israel is engaged in urban combat, defending its Jewish population from terrorists who expressly proclaimed their intention to murder Jews – i.e. actual genocide -- and then filmed themselves doing exactly that.

As a Jew I experience this conduct exactly as these people intend for me to experience it: as grossly demeaning, insulting and, most important, physically threatening. Glorifying in Hamas’s conduct, and insisting that Israel do nothing to stop Hamas from doing it again, can’t be anything other than a threat to Jews.

You must know that this is the impact of such conduct, because it’s already occurred numerous times at Haverford since October 7. And I know that I, and many of my friends, have repeatedly spoken directly to you about the impact of such conduct on our ability to survive as Jews and as students at this college. You’ve done nothing in the past, and you’re doing nothing now.

Where are you?

What are you doing to protect me and my fellow Jews?

137. The student received no reply this communication. Members of Jews at Haverford, including Plaintiffs, were aware of the communication and aware that no response was received to it.

**G. Members Of the Incoming Students WhatsApp Group Drive Away A Jewish Student**

138. Haverford students conduct a WhatsApp group for incoming first year students. The group manifests such hostility to the Jewish commitment to Israel that a Jewish student who had been offered and accepted Haverford offer of admission found this group so hostile to that commitment that he felt he had to change his plans and go to college elsewhere, explaining

when they hear that I went to a Jewish Day School and am a Jew, I get asked almost immediately if I support Israel and if I'm a Zionist, I either get blocked or ridiculed by other Haverford students who I barely even know.

139. This student advised Dean McKnight of his decision and

the dean called me after my email was passed along to him and he asked me to send him the evidence that I had to then be taken a look at by the honor council which is composed of the student government — the same students that promote the pro Palestine stuff and used intimidation tactics when students were voting on the ceasefire resolution. Those were the people that were going to look into the case.

140. No further action was taken by Haverford after it learned of this student's decision. This event was discussed in the Jews at Haverford WhatsApp group shortly after it occurred, along with the College's failure to do anything other than ask the offended student to provide the evidence. All Plaintiffs learned of it, and of the College's indifference to it. They recognized

these actions for what they were: Haverford's willingness to have its campus be so hostile an environment for Jews committed to Israel that anyone so committed would either leave or not come in the first place.

**H. Orientation For New Students Attacks Plaintiffs' Commitment and Identity**

141. "Customs" is the name Haverford College ascribes to its orientation program for incoming students. It takes place on campus prior to the return of upperclass members. It is an opportunity for new Haverford students to learn about the campus culture and values, as well as its resources.

142. A series of presentations were made at Customs this Fall, including a lengthy one regarding political activity on campus. These presentations are led by upper class Haverford students, who themselves participate in an orientation process to prepare them to make these presentations and to lead Customs.

143. Jewish students who are committed to Israel approached the Haverford administration official responsible for Customs and asked to be permitted to make a presentation to the students who would lead Customs about the views of these students relating to events on campus touching on Israel during the 2023-2024 academic year, including student demonstrations and other issues, many of which were the subject of the original complaint in this action.

144. These Jewish students were afforded such an opportunity, and they presented several slides that set forth their views, and a request that their views be conveyed as part of the Customs presentations.

145. These slides explained how these Jewish students felt about Israel and Zionism, about Israel's war against Hamas, and about the atmosphere at Haverford for people who hold such commitments.

146. This presentation was met with anger and disgust by the student Customs leaders to whom it was made during their preparatory meeting. One student who viewed it was so outraged at having to hear these opinions that when it ended the student asked out loud, “what the actual F\*ck was that?” about the presentation.

147. The students to whom the presentation was made were so angry at having been forced to listen to it that they demanded an apology from Haverford College for being subjected to this presentation.

148. Haverford apologized.

149. The resulting presentation as made to incoming students was entirely hostile to Plaintiffs’ beliefs and commitments, explaining, for example, that the current round of conflict in the middle east began with “Israel’s declaration of war on Gaza,” its assertion that it is racist to deny that Palestinians are "an Indigenous people with a collective identity, belonging, and rights in relation to occupied and historic Palestine" while omitting any recognition that it is Antisemitic to deny the Jewish people's historic, ancestral, and religious ties to the land of Israel, despite a specific request for that content by a Jewish student.

150. Haverford administrators were put on notice of all of the above before the Customs event took place, at least from the email sent by a Jewish community leader which detailed the issues set out above. Rather than taking action, Haverford avoided doing anything based on various pretexts. Its representatives claimed that the presentation was reserved to customs organizers' discretion based on the principle of "student agency" (without explaining how that principle justified denying agency to Jewish students), that administrators' involvement would only make the situation worse (without accounting for the warnings administrators themselves ignored that

they should get ahead of this issue months prior), and that Jewish campus leaders were themselves engaged in "activism" because of the pendency of this lawsuit.

151. Plaintiffs either experienced these events directly or became aware of them as or immediately after they occurred. Plaintiffs understood them as yet another manifestation of Haverford's policy of hostility to Jews committed to Israel.

**I. Haverford Awards A Student Who Mocked Jewish Complaints That Posters Advertising Jewish Events Were Being Pulled Down**

152. Throughout the academic year, Plaintiffs and other Jewish students put up posters on Haverford's campus advertising Jewish events. One such event, entitled "How do you Jew," took place on March 31, 2024.

153. In the days immediately prior to this event, posters advertising it were repeatedly pulled down. When they were replaced, they were pulled down again. This process occurred repeatedly, at multiple locations throughout campus, including at least one dormitory and public buildings.

154. The matter was brought to the attention of President Raymond and other senior administrators. They purported to conduct an investigation which concluded that the posters—some of which were found crumpled up on the floor, and some of which had been removed from boards that are indoors—were blown down by the wind. Other than announcing that *if* someone had torn down a poster advertising a Jewish event, the act would be considered antisemitic and constitute a violation of the Honor Code, the College did nothing to stop this from continuing to happen.

155. On the contrary: at graduation, the College presented an award to a student who had publicly mocked the Jews' concern about their posters, posting a message that "i be tearing down

chabad posters and eating them like fucking fruit rollups.” The award was, on information and belief, a calculated insult to the Jews who had expressed concern about the issue.

156. At the beginning of this academic year, “Bi-Co Students for Peace,” changed its name to “Bi-Co Students for the Liberation of Palestine.” It simultaneously announced that the organization is committed to “the liberation of Palestine through the complete dismantling of the apartheid settler colonial state of Israel, *by all means necessary*.” (emphasis added). The phrase “by all means necessary” is a call for the legitimization of physical violence, including the tactics deployed by Hamas on October 7, 2023. Upon information and belief, Haverford College has failed to remove this organization from its campus or to seek in any way to mitigate the evil of its call for the murder of Jews. So far as Plaintiffs are aware, Haverford has taken no steps to remove it from campus. The presence of a group on campus calling for violence to destroy the Jewish state; the change of name of the organization, and the new endorsement of “all means necessary” to destroy Israel are all known to Plaintiffs were known to them shortly after they were announced. These facts were the subject of at least one complaint to President Raymond by a student, a fact of which Plaintiffs are also aware. And Plaintiffs also know that no substantive response was received to this complaint.

## VII. HOSTILE ACTION BY ADMINISTRATORS

157. Haverford's leaders themselves took action that created and ratified hostility against Plaintiffs because of their identity.

### A. Cancellation of the Antisemitism Awareness Basketball Game

158. The College has permitted the dedication of certain of its sporting events to a variety of causes, and Ally Landau sought and obtained permission from Vice President Nikki Young in November 2023 to dedicate a home women's intercollegiate basketball game to Antisemitism Awareness. Ally was told by Assistant Director of Athletics Jason Rash that February 6, 2024, was available, and the Antisemitism Awareness Game was scheduled for that date. Ally made the planned event known to Jews at Haverford, including the Plaintiffs. In advance of the event, Ally made sure that a table and chairs would be available outside the stadium so that spectators would be able to pick up literature about antisemitism and "blue square" buttons which are a symbol of eradicating antisemitism. That was the entire antisemitism awareness component of the basketball game.

159. Less than a week before the game was to take place, and after the event had been made public, Ally was summoned to a meeting with Dean John McKnight and the Athletic Director Danielle Lynch. At this meeting Ally was told by Dean McKnight that having an Antisemitism Awareness basketball game might prove too antagonistic to the pro-Palestinian students on campus and that the College might not be able to control the anticipated mob from storming the basketball court and refusing to leave. Were that to happen, Ally was informed, the Haverford women's basketball team would have to forfeit the game, as required by the NCAA rules. Understanding herself to have no choice, Ally agreed to cancel the Antisemitism Awareness component of the basketball game.

160. The substance of Ally's conversation with McKnight, and the cancellation of the event, were made known to Jews at Haverford, including Plaintiffs, right after they occurred. Parents and alumni complained to Dean McKnight and President Raymond. Both of these officials, and Chief of Staff Jesse Lytle, answered that Ally had decided on her own to cancel the Antisemitism Awareness component of the game, and that Dean McKnight had offered to support the team if she chose to go forward with it. This is false.

161. Ally's father Mr. Landau told Dean McKnight that it was clear to him that the Dean had pressured Ally to cancel the event. Dean McKnight answered that "maybe the pressure was coming from you [Jeff Landau] and the Chabad Rabbi." Mr. Landau instructed Dean McKnight to cease conversations with his daughter. Dean McKnight answered: "as Dean of the College I can talk to any student whenever I want to." Dean McKnight's evasion of responsibility showed deliberate indifference to the effect of his own threats to Ally regarding what might happen if the Antisemitism Awareness Game proceeded as planned.

**B. Vice President Nikki Young Denounces Israel At A Vigil For A Student**

162. As described above at ¶34, Haverford Vice President Nikki Young used the vigil for Haverford student Kinnan Abdallahamid to denounce Israel and accuse it of committing genocide.

163. One of the many complaints about the issue, this one from an alumna, explained:

instead of calling for unity amongst Haverford students, the head of DEI chose to speak of the "genocide" in Palestine. The shooting of a Haverford student is something so awful that no matter the climate, it inherently should bring the Haverford community together. For any administrator, let alone the head of DEI, to use this incendiary, racist, and inflammatory wording - and at a gathering to come together for a student shot in what was almost definitely a hate crime - is antisemitic and divisive.

No response was received to this Complaint. No action was taken, and no statement made, by any Haverford official about Young's abuse of the vigil. All Plaintiffs knew about Young's

statement, all knew that complaints were submitted to Haverford's leadership about it, and all knew that nothing was done or said in response to any of these complaints.

**C. Haverford Informs Jewish Community Leaders That They Want Jews To Feel Unsafe on Campus**

164. As alleged in greater detail above at ¶¶35 and 36, Antisemitism as Haverford reached so high a level that leaders of the Philadelphia Jewish community have requested and held two meetings with Haverford leadership on the subject. At both of these meetings, the Jewish community leaders explained to Haverford administrators that Jewish students who are committed to Israel feel unable to publicly manifest or express that belief on campus. Haverford's leaders did not deny or even question this assertion; instead, they informed the Jewish leaders that this was known and was to be expected. Blacks and gays have in the past not felt safe on campus, and it is now the turn of the Jews to experience that feeling, Vice President Nikki Young explained to the Jewish leadership the first time implicitly, the second time explicitly.

165. Plaintiffs learned of these meetings, and the statements made by Haverford's leaders, shortly after they occurred. The events further demonstrated to Plaintiffs that their identity as Jews committed to Israel is deemed wholly unworthy of protection by Haverford College.

**D. Haverford Ratifies Student Hostility To Plaintiffs and Their Commitments**

166. As alleged in greater detail above with respect to each of these events, Haverford's leaders including President Raymond and Dean McKnight ratified and endorsed the hostility to Plaintiffs manifested by their fellow students in The Grievances Document, the Plenaries, the Nova film screening, the lecture about Israel spreading disease, the Sit-in and the Encampment. As alleged in further detail above, in each of these instances, large groups of students attacked Plaintiffs and their commitment to Israel as evil and as unworthy of presence on Haverford's

campus. In each instance, the attacks were the subject of complaints submitted to Haverford's leaders, although in most, Haverford's leaders were physically present and witnessed the attacks. In each instance, Haverford's leadership did and said nothing substantive in response to the complaints, and instead thanked the students for the attacking statements and/or praised them as legitimate expressions of opinion.

167. Haverford similarly demonstrated deliberate indifference to the hostility of the campus environment each time that President Raymond or other Haverford officials advised Plaintiffs that the only remedy for the hostile acts they had complained about was for the student to seek to resort to the Honor Code—the very set of rules which ratify hostility to Plaintiffs, their identity and their commitments, and which are enforced by the very people who were and are manifesting that hostility.

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### VIII. PLAINTIFFS' INJURIES

168. Plaintiffs have been subject to intimidation and harassment for their expression of their commitment to Israel, and as a result, they fear for their personal and community safety. That intimidation and harassment includes personal hostility both online and in face-to-face interactions, being falsely accused of supporting genocide and white supremacy, and being shunned and ostracized by their peers. As a result, Plaintiffs have been denied an equal opportunity to take part in educational programs and other activities offered by Haverford.

169. In confidence, Plaintiffs expressed profound fear and intimidation in response to this hostile environment. As one student confessed to others in the Jews at Haverford WhatsApp group, she was “literally shaking” because her “class just got SO anti zionist and [she] spoke up.” She described being “literally terrified about it,” including “what’s going to happen now.” Others responded with encouraging messages such as “Sorry you went through that,” “Here for ya,” “Incredibly brave move,” and “So proud of you ... for speaking up, we love you!!” The student who had spoken up in class replied: “i’m gonna cry thank yall.”

170. Other examples further illustrate how Plaintiffs responded to the hostile environment at Haverford with fear, anxiety, and self-suppression. See, e.g., ¶¶96, 97, 113, 115.

171. Ally was personally affected by antisemitic demonstrations actions and policies on campus and by constant demands from her student peers, professors and administrators that she stop speaking about her commitment to Israel and that she publicly disavow that commitment and instead affirm calls for the destruction of the state of Israel and false accusations that the state of Israel was committing genocide. When a student, Ally was forced to change her routine at Haverford to avoid being confronted by blood libels directed at the Jewish people. Ally was harassed and insulted by other students and faculty at Haverford College purporting to instruct

her on what constitutes the tenets of her religious commitment and claiming that her commitment to Israel has nothing to do with her Judaism. Ally was shunned by Haverford students because she has made known her opinion that Israel has the right to exist as a Jewish state. Ally repeatedly beseeched President Raymond and her Administration to intervene and ensure that the antisemitic animus pervading Haverford College cease putting Raymond and other administrative leaders of Haverford on notice of the actions, omissions and policies at issue in this case. She and/or her concerns were repeatedly rebuffed and/or ignored; and she was told she should deal with the matter herself. For Ally, not a single day went by when she was on Haverford's campus when the rampant antisemitism on Haverford's campus was not at the forefront of her mind.

172. In the immediate aftermath of October 7, as she watched the violent hostility to Israel unfold on Haverford's campus, HJSB initially remained in her room and then fled campus to her parents' home, unable to function as a student at Haverford because she found herself surrounded by fellow students who she had thought were her friends, but who were initially indifferent to, and then actually celebrating, the murder of Jews. HJSB attends Jewish programs and events on and off campus and has lost friends and been shunned because of this attendance, with other Haverford students telling HJSB that she should not support a Zionist entity on campus. HJSB has been personally affected by incidents alleged in this Complaint that create a hostile environment at Haverford. HJSB has been forced to change her routine at Haverford in order to avoid being confronted by blood libels directed at the Jewish people. HJSB has agonized over how she can "refute her Jewishness just enough so I don't have a target on my back." The hostile environment for HJSB is something she thinks about every single day since October 7. That concern is on her mind whenever she leaves her dorm room and is especially acute in classes,

where she fears that she might say something out loud that indicates she has any affiliation towards or sympathy for Israel which would immediately brand her as someone who supports “genocide” by other students and faculty alike.

173. HJSC attends Jewish programs and events on and off campus and has lost friends and been shunned because of this attendance. HJSC has personally been affected by the incidents at issue in this case which have created an environment on Haverford’s campus hostile to the Jewish commitment to Israel.

174. HJSC has been forced to change her routine at Haverford in order to avoid being confronted by blood libels directed at the Jewish people. HJSC has been repeatedly insulted by other students and faculty at Haverford College purporting to instruct her on what constitutes the tenets of her religious commitment and claiming that her commitment to Israel has nothing to do with her Judaism.

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COUNT I

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 42 U.S.C. § 2000d et seq.**

175. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs.

176. Defendant receives financial assistance from the U.S. Department of Education and is therefore subject to suit under Title VI of the Civil Rights Act of 1964.

177. A hostile educational environment is present when students are victimized by unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies the student's ability to participate in or benefit from the educational program or activity in which the student is enrolled.

178. Discrimination against Jews is prohibited under Title VI of the Civil Rights Act of 1964, as reflected in the written policies of the Department of Education's Office for Civil Rights ("OCR"). See e.g., U.S. Dep't of Educ., OCR Dear Colleague Letter: Addressing Discrimination Against Jewish Students (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitismdcl.pdf>; U.S. Dep't of Educ., OCR-000127, Questions and Answers on Executive Order 13,899 (Jan. 19, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>; U.S. Dep't of Educ., OCR-00107, Dear Colleague Letter: Combatting Discrimination Against Jewish Students (2017), <https://www2.ed.gov/about/offices/list/ocr/docs/jewish-factsheet-201701.pdf>; Letter from Thomas Perez, Asst. Att. Gen., Civ. Rts. Div., U.S. Dep't of Justice to Russlyn Ali, Asst. Sec'y for Civ. Rts., OCR, U.S. Dep't of Educ. Re: Title VI and Coverage of Religiously Identifiable Groups (Sept. 8, 2010), [https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed)

OCR Title%20VI and Religiously Identifiable Groups.pdf; U.S. Dep't of Educ., OCR Dear Colleague Letter: Religious Discrimination (Sept. 23, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

179. Attacks on Jewish students committed Israel and Zionism are recognized by the OCR as antisemitic. See Exhibit F (OCR finding the presence of “antisemitic harassment” at the University of Vermont (“UVM”) when a single teaching assistant mocked and attacked Zionists). See also U.S. Dep't of Educ., OCR Dear Colleague Letter: Shared Ancestry or Ethnic Characteristics (Nov. 7, 2023), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>.

180. Defendant's discriminatory application of its nondiscrimination policy and willful failure to enforce its nondiscrimination policy as to conduct attacking Jewish students because of their commitment to Israel discriminates against the Plaintiffs.

181. Defendants' discriminatory application of its policy and failure to enforce its nondiscrimination policy has created an environment that is hostile towards Jews, including the Jewish students who are members of the Plaintiff association.

182. The hostility towards Jewish members of the Haverford community is severe or pervasive enough that it interferes with these students' ability to participate in the programs and activities of the school.

183. As described in the allegations above, these students cannot fully participate in the intellectual life on the Haverford campus because in expressing their opinions, they run a very high risk of retaliatory targeting, and therefore expend tremendous energy suppressing their views.

## COUNT II

### BREACH OF CONTRACT

184. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs.

185. In its Non-Discrimination Statement Haverford promises that it “is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of “religion, [] national origin, ancestry, citizenship, ... or any other characteristic protected by law.” <https://www.haverford.edu/student-life/community-guidelines/policies>. Haverford also promises to follow its bias reporting process as detailed in its Bias Policy, described more fully below.

186. Haverford’s Non-Discrimination Statement is enforced as binding through the College’s Anti-Discrimination, Harassment, and Bias Policy, which is itself a binding contract. This Policy, posted on Haverford’s website, attached hereto as Exhibit A and in effect during the 2023-2024 academic year, states:

The College recognizes that a learning environment that encourages free inquiry and open-minded, robust discussion, and intellectual debate, at times may cause discomfort for its participants. However, the College does not protect or tolerate behaviors on campus that may cause harm by constituting targeted harassment or bias.

<https://www.haverford.edu/sites/default/files/Office/President/Haverford-Bias-Policy-Draft-2.8.24.pdf><sup>9</sup>

187. Haverford has promised to enforce these contractual commitments in accordance with federal law, and in particular Title VI. Bias Policy at 2 (“The College will also comply with its

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<sup>9</sup> The policy text as currently available is identified as a draft. A previous version of the policy, in force at the beginning of academic year 2023-2024, was not so identified. The current draft version appeared after this case was filed, and the previous version is no longer available. On information and belief, Haverford had such a policy in force throughout academic year 2023-2024, and does so now. The version attached hereto is the only version of that policy currently accessible.

obligations under . . . Title VI . . . If any provisions of the College’s Anti-Discrimination, Harassment and Bias Policy are in contradiction to or interfere with any federal or state law, that law will supersede the College’s policy provisions.”)

188. Haverford administrators have the authority and the responsibility to enforce Haverford’s nondiscrimination policy against faculty and students who engage in antisemitic discrimination and harassment.

189. Haverford has failed to apply these policies to protect Plaintiffs from discrimination and harassment on the basis of their commitment to Israel. As alleged above, multiple bias reports filed by Plaintiffs and other community members regarding antisemitic harassment and discrimination have either been completely ignored or, in response to those it has acknowledged, Haverford has failed to undertake any appropriate investigation and remedial measures. See, e.g., ¶¶34 n. 6, 63, 111, 115, 137, 163. As a result, Plaintiffs have been deprived of the opportunity to live and study with the protection of the nondiscrimination policy Haverford has committed to as mandated by federal law.

190. Each of the following events constitutes a “bias incident” for purposes of the College’s Non-Discrimination Policy:

- Each instance in which posters were torn down after having been put up by Plaintiffs in compliance with the College’s Poster policy;
- The social media post mocking Jewish students for complaining about their posters being torn down, stating that “I be eating [them] like fruit rollups” and the College’s award to the student who issued this mocking post, and the issuance of an award by the College to the person who put up this post.;

- Each of the social media posts referenced above by Professors Aougab, Velasco and Ha described in ¶¶49, 51 and 54, as well as the fact that the College has ignored these posts while social media statements by a professor supportive of Israel's existence, made on social media channels that are not Official Haverford College platforms, have been pursued as a violation of Haverford's Disciplinary Code;
- At its 2024 Commencement, the College issued an award to Prof. Aougab for embodying the College's values, issued, on information and belief, specifically because of the social media posts he issued referenced in ¶49 above;
- Each instance in which students demanded that "Zionists" be banished from Haverford's campus;
- The actions at each of the Plenaries to silence Jewish students committed to Israel and to manipulate or violate Plenary rules to secure the adoption of a resolution hostile to that commitment;
- The lecture accusing Israel of murdering Palestinian civilians by spreading disease;
- Conduct by participants in the encampment, which harassed students who did not agree with the encampment's hostility to the Jewish commitment to Israel;
- Conduct by participants during the Sit-In, which harassed students who did not agree with the encampment's hostility to the Jewish commitment to Israel;

- The disruption of the ADL event;
- Vice President Nikki Young's denunciation of Israel at the vigil for Kinnan Abdalhamid;
- The cancellation of the Anti-Semitism Awareness Basketball event, and Dean McKnight's threat that such an event would produce violence from which the College was not willing or prepared to protect its women's basketball team or anyone else;
- Each instruction that Jewish students complaining about attacks on their identity, above, could seek protection only from the Honor Council, which enforces the Honor Code, which explicitly discriminates against speech expressing by "privileged" people and that by "marginalized" people, and the implicit rule that expression of the Jewish commitment to Israel falls into the former category.

191. Each of these bias incidents except the last was the subject of at least one bias report. With respect to the last, President Raymond was confronted with the absurdity of telling Jewish students to seek relief from their antisemitic classmates by appeal to those classmates.

192. In no instance was any relief afforded that corrected or even addressed the bias manifest in these events in any meaningful way.

193. Each of these unremedied bias incidents damaged each of the Plaintiffs by creating and enforcing an environment in which they were unable to manifest their true identity; had to flee campus, either by going home to their parents' house or to refuges off campus which are the only places where it was and remains possible to expose their true identity, as Jews committed to Israel, without being denounced or shunned.

194. Each Plaintiff has incurred damages as a result of these breaches of the Non-Discrimination Statement inasmuch as each Plaintiff has been deprived of the educational experience promised, which is one free of discrimination and harassment. This has diminished the value of the education for each Plaintiff has paid. In the alternative, under Pennsylvania law, each Plaintiff is entitled at least to nominal damages for each of these breaches of contract. *See Garcia v. Vertical Screen*, 592 F. Supp. 3d 409, 428 (E.D. Pa. 2022); *Thorsen v. Iron & Glass Bank*, 476 A.2d 928, 931 (Pa. Super. 1984).

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court order the following relief:

195. A writ of mandate permanently requiring Defendant to enforce all of its Policies, including those on discrimination, on expressive freedom, on the posting of posters, and on the use of social media, on an even-handed basis, ensuring that Jewish members of the Haverford community are protected, with respect to their physical safety and otherwise, from discrimination on the basis of their Jewish identity, including those for whom Zionism is an integral part of that identity.

196. An injunction preliminarily and permanently mandating that Defendant take action to end the hostile environment on campus by (i) communicating to the entire Haverford community that Haverford will condemn, investigate, and punish any conduct that harasses members of the Jewish community, or others, on the basis of their religion, and ethnic or ancestral background; (ii) providing education about antisemitism which includes the hostile treatment of Jews who believe in the centrality of Israel to Judaism, by, amongst other ways, conducting mandatory training for students, administrators, staff and faculty; (iii) instituting strict review and approval

of policies to ensure that the administration does not conduct, or finance, programs that deny equal protection to Jewish members of the Haverford community including those for whom Zionism is an integral part of their identity; and (iv) disciplinary measures—including the termination of, deans, administrators, professors, and other employees responsible for antisemitic discrimination and abuse—whether because they engage in it or permit it.

197. A declaratory judgment that the failure by Defendant to enforce its policies to protect Jewish members of the Haverford community has violated Plaintiff's rights under (i)

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Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d et seq., and (ii) Plaintiffs' rights pursuant to their contract with Haverford College.

198. The appointment of a Special Master to oversee and enforce Haverford's compliance with Title VI for a period of five years after the entry of judgment in this matter.

199. Compensatory, consequential, and punitive damages in amounts to be determined at trial.

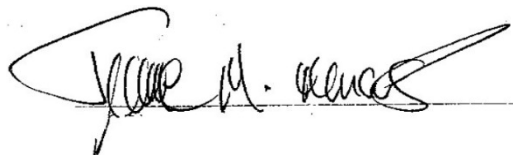
200. Nominal damages pursuant to Pennsylvania law for Defendant's breach of contract.

201. Plaintiff's reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.

202. Any other relief which this Court may deem just and proper.

DATED: January 27, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerome M. Marcus", written over a horizontal line.

Jerome M. Marcus, PA Attorney ID 50708  
Lori Lowenthal Marcus, PA Attorney ID 5338  
THE DEBORAH PROJECT  
P.O. Box 212  
Merion Station, PA. 19066  
Voice: 610.880.0100  
FAX: 610.664.1559

# Exhibit Cover Page

The Deborah Project

**EXHIBIT**   A

## Non-discrimination Statement

Haverford College is committed to providing an employment and educational environment free from all forms of unlawful discrimination because of race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit, or any other characteristic protected by law. This policy is consistent with relevant governmental statutes and regulations, including those pursuant to Title IX of the Federal Education Amendments of 1972, Section 504 of the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended. Inquiries concerning Title IX may be addressed to Kimberly F. Taylor, Bi-Co Title IX Coordinator, (Founders 027, (610) 896-1234, [ktaylor4@haverford.edu](mailto:ktaylor4@haverford.edu)), and other policies of non-discrimination may be referred to the Office of Human Resources (610-896-1250) or to the Director of the Office for Civil Rights, U.S. Department of Education, Washington, DC.

Questions about this policy may be directed to the Office of the Dean of the College.

For the most up to date information on this policy, please visit the [Haverford College Human Resources policies page](#).

Consistent with Title IX of the Education Amendments of 1972, Haverford College does not discriminate on the basis of sex in any of its programs or activities. Sexual harassment, including sexual violence, is a kind of sex discrimination and is therefore prohibited by Title IX and Haverford College. Haverford College, as an educational community, will promptly and equitably respond to all reports of sexual assault and harassment in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

Inquiries or complaints about the application of Title IX may be directed to the [College's Title IX coordinator](#) and/or to the U.S. Department of Education's Office for Civil Rights:

Philadelphia Office  
Office for Civil Rights  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: 215-656-8541  
FAX: 215-656-8605; TDD: 800-877-8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)



**Haverford  
College**

**Anti-Discrimination,  
Harassment, and Bias Policy  
PROPOSAL**

**AY 2023-24**

**Institutional Diversity,  
Equity, And Access (IDEA)**

*This Policy Proposal document and revision copies are confidential  
between the parties in conversation and for internal use only*

## **Anti-Discrimination, Harassment, and Bias Policy and Response Protocol**

Haverford College is committed to the continuous development of a campus environment in which all members of its community are affirmed, respected, and valued as individuals and have equitable access to its employment and educational programs, related activities, and opportunities.

Pursuant to the College's mission and commitment to creating and maintaining a learning, working, and living environment free from discrimination, this **Anti-Discrimination, Harassment, and Bias Policy** has been established and set forth by the College. The policy explicitly prohibits specific forms of discrimination, harassment, and bias on the basis of race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit, or any other legally prohibited basis in accordance with federal, state, and city laws. The Policy details a response protocol for all good faith reports of alleged discrimination, harassment, bias, and retaliation.

Acts of discrimination, harassment, and bias violate the College policy and are antithetical to the mission, values, and standards of the College. To that end, the College welcomes and encourages all students, employees, and community members to join together in a commitment to creating a just and equitable environment for all.

### **I. STATEMENT OF ANTI-DISCRIMINATION, HARASSMENT, AND BIAS**

Haverford College is committed to admitting and providing holistic services and opportunities for students; recruiting, employing, retaining, promoting, and providing benefits to employees; and providing an educational, employment, and living environment free from all forms of discrimination, harassment, and bias on the basis of race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit, or any other legally prohibited basis in accordance with federal, state, and city laws. Under this Anti-Discrimination, Harassment, and Bias Policy, the College also includes in its protected categories: socioeconomic status, caste, colorism, body size and shape, and political views or affiliation. It is also the College's policy to provide reasonable accommodations in accordance with applicable law where required because of an individual's religion or disability.

The College acknowledges and intends to comply with its legal responsibilities in all of its programs, activities, and opportunities. This Anti-Discrimination, Harassment, and Bias Policy is separate and distinct from, and is consistent with, the College's obligations as set forth in [Title IX of Educational Amendments of 1972](#), or any other law or regulation that prohibits discrimination on the basis of any legally protected category in any educational program or activities receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with an individual's ability to equally access educational programs and opportunities. The College will also comply with its obligations under [Title VII of Civil Rights Act of 1964](#), as amended, protecting employees and job applicants from employment discrimination based on race, color, religion, sex, and national origin; [Title VI of Civil Rights Act of 1964](#) protecting any person, on the ground of race, color, or national origin, from exclusion from participating in any program or activity receiving federal financial assistance; [Section 504 of the Rehabilitation Act of 1973](#) and [Americans with Disabilities Act of 1990](#) that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the

general public. If any provisions of the College's Anti-Discrimination, Harassment, and Bias Policy are in contradictions to or interfere with any federal or state law, that law will supersede the College's policy provisions.

## II. TO WHOM THE POLICY APPLIES

This policy applies to the Haverford community, including all students, staff, faculty, members of the Board of Managers and Corporation of Haverford College, volunteers, and visitors. Visitors include alumni, parents, other family members, and individuals from the community, i.e. guest speakers, vendors, contractors, and other individuals who participate in or perform services for the College.

The policy applies to all Haverford College settings, including but not limited to College-sponsored research, internship, mentorship, academic meetings, work-related meetings, summer session, or other affiliated programs. It also applies to off-campus settings where any College-related business or educational programs may occur, study-abroad programs, conferences, other institutions, or any online platforms or via any other electronic medium.

## III. DEFINITIONS

### DEFINITIONS

#### Protected Class and Protected Categories

A Protected Class is a group of individuals who share a specific common social identity and status, and who are legally protected from discrimination on the basis of that characteristic. Characteristics protected by the law include race, color, sex/gender (including pregnancy, childbirth, related conditions, and lactation), religion, age, national origin, ancestry, citizenship, disability, status as a medical marijuana cardholder, genetic information, gender identity or expression, sexual orientation, current or past membership or service in the U.S. Armed Forces or a state military unit.

In addition to the Protected Class, the College has outlined the following characteristics, i.e. socioeconomic status, caste, colorism, body size and shape, and political views or affiliation as Protected Categories covered under this Anti-Discrimination, Harassment, and Bias Policy.

**Privacy.** Any information related to a report or investigation will be treated with the utmost discretion. As 'private' information, it will be shared only with individuals who "need to know" for the purpose of completing a fair and complete inquiry and investigation, and facilitating appropriate resolutions.

**Confidentiality.** Confidentiality is defined as any information provided on the report or during an investigation that cannot be shared by a members of the Bias Reporting Committee (BRC), Bias Incident Response Team (BIRT), or any individuals without explicit permission of the reporting individuals; and in compliance with Family Education Rights & Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), or other College policies. Depending on the nature of the case (e.g. sexual violence or hate crimes), conducting a fair and complete inquiry may require that the full details of the incident, including the identities of the reporting and responding individuals be shared with Campus Safety and law enforcement agencies. In those instances, all parties will receive communication about the College's obligation.

**Retaliation.** Retaliation is defined as an adverse action, ie. intimidating, threatening, coercing, or discriminating conduct, taken by a responding individual or other individuals against anyone who has filed a report, provided testimony, assisted, or participated in any manner during the investigation.

**Formal Report or Complaint**

A formal notification to a college officer of a perceived or actual violation of the College Policy.

**Reporting Individual/Complainant**

An individual who formally makes a report of a perceived or actual violation of the College Policy

**Responding Individual/Respondent**

An individual who has been named in a formal report as allegedly violating the College's Policy.

**Witness in the First Degree**

Individuals named by the reporting individual as being present during the reported incident.

**Appellate Officer**

An individual designated by the Haverford College to receive and review appeals.

**IV. PROHIBITED CONDUCT**

**Discrimination**

Discrimination, under this policy, is defined as conscious or unconscious, verbal, written, visual, or physical conduct based on an individual's actual or perceived membership in a Protected Class and/or Protected Categories that:

- involves inequitable or adverse treatment of a person, and
- undermines, detracts from, or interferes with an individual's right or ability to participate in and/or receive the opportunities—or affects the terms—of an individual's education or employment.

Discrimination also includes any conduct that constitutes a violation under the law of the jurisdiction in which conduct occurs.

**Harassment**

Harassment is defined as a form of discrimination where verbal or physical behavior is directed at an individual based on that's individual's actual or perceived membership in a Protected Class and/or Protected Categories that:

- creates an intimidating or hostile educational, work, or living environment, and
- undermines and detracts from or interferes with an individual's right or ability to fully participate in and/or receives the opportunities, or affects the terms of an individual's education or employment.

Harassment may consist of a single incident or the cumulative result of a series of pervasive incidents. Under this policy, bullying and cyberbullying are forms of harassment that use an imbalance of power to intimidate, threaten, and cause emotional or physical harm; impact an individual's ability to fully participate in educational, work, or living environments.

**Bias**

Biased conduct is defined as any intentional or unintentional, verbal, written, visual, or physical conduct based on an individual's actual or perceived membership in a Protected Class and/or Protected Categories that:

- demeans or intimidates individuals; may include derogatory language, and
- undermines and detracts from or interferes with an individual's right or ability to fully participate in and/or receives the opportunities—or affects the terms—of an individual's education or employment.

## **Hate Crimes**

Hate crimes are criminal offenses defined by federal and state law. Federal and state statutes on hate crime vary in terms of the acts and categories of bias that are covered. Under Pennsylvania Law, Title 18, Section 2710, a hate crime, termed “ethnic intimidation”, is defined as a criminal act motivated by ill will or hatred toward a victim's race, color, religion, or national origin. The Federal Bureau of Investigation defines a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation.”

While not all bias incidents involve criminal acts, all hate crimes as criminal acts are classified as bias conduct under the College's policy. The process for determining whether an incident is a crime, and possibly a hate crime, is a legal matter to be determined by law enforcement officials.

## **V. EXPRESSIVE FREEDOM AND ACADEMIC INTEGRITY**

This policy is consistent with Haverford College's Policy on Expressive Freedom and Responsibility, which states that the College affirms all students' right to free inquiry, assembly, and expression in the broad context of its educational mission. This policy is not intended to interfere with, nor shall it be interpreted as interference with, protected speech and freedom of expression. Consistent with the College's commitment to expressive freedom, inquiry, assembly, and expression of dissent through peaceful protests do not violate this policy.

The College recognizes that a learning environment that encourages free inquiry and open-minded, robust discussion, and intellectual debate, at times may cause discomfort for its participants. However, the College does not protect or tolerate behaviors on campus that may cause harm by constituting targeted harassment or bias. Forms of expression made in the context of power imbalances can intimidate and threaten, and have the potential to cause emotional, physical, and social harm, and might impact an individual's ability to fully participate in educational, work, or living environments.

## **VI. CONFIDENTIALITY**

Haverford College is committed to making reasonable efforts to protect the confidentiality and privacy interests of reporting individuals, responding individuals, first-degree witnesses, and/or other individuals involved in the report and/or the formal investigation. All reports and investigations will be handled with sensitivity and discretion.

### **LEVELS OF CONFIDENTIALITY**

The following guidelines define the various levels of confidentiality that may be requested by individuals and respected by the College. However, in cases that require the College to comply with applicable laws, assurance of confidentiality may be limited.

#### **Confidentiality in General Inquiries**

Any members of the College may make a confidential, general inquiry about a policy or response protocol to a College employee or members of the team handling complaints. A general inquiry does not constitute a report, and inquiries may be referred to members of the Bias Response Committee (BRC).

#### **Confidentiality of the Reporting Individuals**

Reporting individuals may opt for in any of the following levels of confidentiality:

- **Full Anonymity.** Reporting individuals may wish to withhold their identity for the entirety of the report and investigation. Depending on the nature of the incident reported, the College's ability to complete a fair and complete preliminary inquiry and an investigation, facilitate resolutions, and provide supportive measures and resources may be impeded if the identity of the individual is not provided.
- **Partial Disclosure.** Reporting individuals may wish to provide their identity and request that it be held in confidence and disclosed only to the Bias Reporting Committee (BRC), the team that will receive the report and will conduct the initial screening. If individuals request that their identity remain confidential and disclosed only to the Bias Reporting Committee (BRC), the team will endeavor to do so to the extent practicable and permitted by the College policy and applicable laws. Depending on the nature of the case (e.g. sexual violence or hate crimes), a fair and complete inquiry may require that the full details of the incident, including the identities of the reporting and responding individuals, be shared with Campus Safety and law enforcement agencies. In those instances, all parties will receive communication about the College's obligation under the law.
- **Full Disclosure.** Reporting individuals may wish to share their identity and other identifiable information. The Bias Reporting Committee (BRC) and Bias Incident Response Team (BIRT) will maintain confidentiality to the extent possible, as necessary for the investigation, and in compliance with such as Family Education Rights & Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA) or College policy. Depending on the nature of the case (e.g. sexual violence or hate crimes), a fair and complete inquiry may require that the full details of the incident, including the identities of the reporting and responding individuals be shared with Campus Safety and law enforcement agencies. In those instances, all parties will be notified of the College's obligation under the law of jurisdiction.

### **Confidentiality of the Respondents**

To the extent possible, the College will maintain confidentiality of respondents, who are individuals who have been named and respond to the allegations in the report, during and after the investigation. Upon receiving the report, the Bias Incident Response Team (BIRT) will communicate with responding individuals about the individual's responsibility to respond, as well as confidentiality and other rights. If the acts that form the basis of a report violate policies established by the College's Department of Human Resources and/or the Office of the Provost, and/or may lead to criminal proceedings under applicable law (e.g. sexual violence or hate crimes), the College may be required to disclose necessary information to Campus Safety and law enforcement agencies.

### **Confidentiality of Record During the Inquiry and Investigation**

Any records that are compiled during a formal inquiry and/or investigation, including, but not limited to, evidence shared by reporting individuals, responding individuals, and/or other individuals involved in the case; records and notes written by the Bias Reporting Committee (BRC) and Bias Incident Response Team (BIRT); copies of all reports generated as a result of the investigation; will be kept private and confidential to the extent possible. Reporting individuals and responding individuals may have access to their respective records to the extent required by the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA) or College policy.

### **Disclosure Required by Law of the Jurisdiction**

Haverford College will not include the names of reporting individuals or other identifying information in publicly available reports that are compiled in Annual Security Report. The College is part of a larger community, and a variety of legal requirements and obligations may apply. If there is an investigation that constitutes policy violations set by Human Resources and/or the provost, and/or which may lead to criminal proceedings under applicable law (e.g. sexual violence or hate crimes), the parties, witnesses, and/or the College officials may be required by law disclose necessary information to Campus Safety and law enforcement

agencies. Reporting individuals may choose to notify authorities directly, with or without the College's assistance, or may choose not to notify such authorities.

### **Clery Act Reporting**

Pursuant to the Clery Act, Haverford College includes information about crime on campus in its weekly Campus Safety Summary and its annual Security Report and annual Fire Safety Report. The information provided in the College reports will not include any identifiable information about reporting individuals, responding individuals, and/or other individuals who are involved in the report or the formal investigation.

## **VII. PROTECTION AGAINST RETALIATION**

This policy is intended to support the practice of individuals reporting incidents of alleged discrimination, harassment, bias stated in this policy, and to prevent any retaliation. Retaliation is defined as an adverse action, ie. intimidating, threatening, coercing, or discriminating conduct taken by a responding individual or other individuals against any individuals who has filed a report, provided testimonies, assisted, or participated in any manner during the investigation. This protection includes retaliation against a bystander who intervened or attempted to stop acts of discrimination, harassment, and bias. Any individual in the College who is found to have engaged in retaliation is subject to disciplinary action.

Under this policy, the College will not take adverse action against an individual who makes a good faith allegation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who are found to have made dishonest reports or make statements with willful disregard for the truth during the investigation may be subject to disciplinary action.

## **VIII. COMPOSITION AND DUTIES OF BIAS REPORTING COMMITTEE (BRC) AND BIAS INCIDENT RESPONSE TEAM (BIRT)**

The Bias Reporting Committee (BRC) and Bias Incident Response Team (BIRT) are individuals who serve as employees of the College.

The BRC facilitates the initial screening process and determines whether the case will proceed. Depending on the nature of the case, the team may consult with, or make referrals to, appropriate campus officials, including, but not limited to, Title IX Coordinator for cases related to the discrimination on the basis of sex; Human Resources related to professional conducts for employees; Honor Council for the Honor Code violations; and senior College officials. If any case that constitutes policy violations that may lead to criminal proceedings under applicable law (e.g. sexual violence or hate crimes), the BRC may be required to contact Campus Safety and law enforcement officials. The BRC is comprised of the vice president for institutional equity and access, dean of the college, the associate provost for faculty development, and the director of employee relations.

The BIRT is responsible for assessing, completing a fair and complete inquiry, and communicating an appropriate and comprehensive institutional response to discrimination, harassment, and bias incidents. The BIRT will consult other members of the community in its response when appropriate. The goal of this policy, and the BIRT, is to take appropriate measures in responding to bias incidents, to provide educational interventions to the Haverford community, and to cultivate a campus environment that is equitable and accessible. The BIRT is comprised of one of the associate provosts, the director of employee relations, the assistant vice president for institutional equity and access, the associate dean of students diversity, equity, and inclusion (SDEI), the Title IX coordinator, and an SDEI team member-designee.

The BRC and BIRT do not have the authority to conduct disciplinary proceedings or impose disciplinary actions on students, staff, or faculty. Disciplinary matters will be referred and handled in accordance with the College policies, as applicable.

## **IX. REPORTING AN ACT OF DISCRIMINATION, HARASSMENT, AND BIAS**

### **Direct Reporting**

Individuals who would like to make a formal report of a violation of the policy are encouraged to report by completing the **Discrimination, Harassment, and Bias Incident Form**. The report may be filed as any of the following:

- **Impacted Party:** an individual who believes they have been subject to discrimination, harassment, or bias)
- **Witness to Incident:** an individual who is a first-degree witness
- **Support Person:** friend and/or family member to whom the impacted party disclosed
- **Designated Party:** staff or faculty member to whom the impacted party disclosed
- **Responsible Party:** an individual who would like to self-report an incident and/or would like support with mediation.

### **Designated Reporting**

All Haverford College employees are strongly encouraged to become familiar with and follow this policy, and report instances of discrimination, harassment, and bias. This includes reporting any incident witnessed in the first-degree, or violations learned about through the disclosures of others.

### **Reporting for Information Only**

An individual may report an incident without necessarily initiating an inquiry or investigation by the College. The College will, in most circumstances, respect an individual's request not to investigate a report, but may determine that preliminary inquiry or full investigation must be conducted in order to protect the safety of others. If the College determines that it must conduct an inquiry or investigation, it will endeavor to do so in a manner that respects the confidentiality of reporting and responding individuals to the extent possible and permitted by the law.

### **Time Frame for Reporting**

There is no time limit on reporting a violation of this policy; however, Haverford College's ability to conduct a fair and complete investigation, and to facilitate an appropriate response, may be more limited if a significant amount of time passes. In the event that the reporting individual is no longer affiliated with the College, e.g. a report is made after a student has graduated or left the College or an employee who no longer works for the College, the College is responsible for completing the investigation to the extent possible. If the respondent, or reporting party is no longer affiliated with the College, the College is responsible for completing the investigation to the extent possible, and to providing available supportive measures and resources to the reporting individuals. In both instances, (and all other instances), the College may use the learnings and lessons of the cases to enhance the overall climate of the campus.

## **X. PROCEDURES FOR RESOLUTION OF COMPLAINTS**

The College is required to conduct a thorough inquiry and address all reports of bias incidents of which it becomes aware. The response protocol following a report of a possible act is as follows in the following order:

**A. PRELIMINARY INQUIRY.** After receiving a report of an alleged bias incident, the Bias Reporting Committee (BRC) will conduct an initial screening of the report and determine if the case will proceed.

**B. ASSIGNMENT.** Following the conclusion of the preliminary inquiry, the BRC will determine whether the case will proceed and assign it to any one of the following next stages:

**For Response/Action Request cases that will proceed:** If the BRC Team determines that there is sufficient information in the report for potential violation of the policy, the team will consult and/or refer to one or more of following units, which includes:

- *Bias Incident Response Team (BIRT)* for bias-related cases
- *Human Resources* for professional conduct of employees
- *Title IX* for discrimination on the basis of sex
- *Honor Council* for cases involving a violation of the Honor Code
- *Law Enforcement* for any case that constitutes policy violations that may lead to criminal proceedings under applicable law of the jurisdiction (e.g. sexual violence or hate crimes), and the College is obligated to contact campus safety and law enforcement officials.

**For Response/Action Request cases that will not proceed:** If the BRC Team determines that the reported incident does not constitute an act of violation of the policy, the BRC team will communicate with the reporting individuals to inform them of the decision. If the BRC Team determines that the information provided in the report is not sufficient to draw a conclusion, the BRC team will invite the individuals to submit more information, and provide referrals to supportive measures or resources.

**For Information Request Only:** For reports where the individuals indicate that the report is for informational purposes only, the report will be filed for inclusion in (a) de-identified data reports and (b) community reports, and integration into campus education and programs, when appropriate.

**C. BIAS INCIDENT RESPONSE TEAM (BIRT) REVIEW AND DETERMINATION.** After the case is assigned to BIRT, the team will review the information available for an assessment of whether the incident reported constitutes discrimination or harassment, as defined in this Anti-Discrimination, Harassment, and Bias Policy.

- The BIRT Team will communicate with the reporting individuals about rights, opportunities to engage, the BIRT Committee composition, and options to invite an advocate person as support.
- The BIRT Team will also communicate with the respondent who is named in the report about rights, the responsibility to respond, the BIRT Committee composition, and the option to invite an advocate person as support.

If the BIRT Team determines that there is sufficient information to launch a formal investigation, the BIRT will notify the reporting individual and responding individuals with a written notice about the launch of the investigation.

### **Protective Actions**

Based on the nature of the alleged conduct, the College may suggest protective actions prior to launching a formal investigation. The protective actions may include, but are not limited to, changes in campus housing; limits on participation in student activities; changes in academic or employment schedule, arrangement, or supervision; withdrawal from academic projects; and temporary leave for faculty or staff.

**D. FORMAL INVESTIGATION.** The BIRT is committed to conducting a fair, comprehensive, and complete investigation for reports of alleged acts of discrimination, harassment, and bias incidents. The BIRT may undertake any of the following steps in gathering information:

- Consult with appropriate campus officials on a confidential basis
- Meet the reporting individuals and responding individuals
- Meet other individuals who may be involved in the incident, may be first degree witnesses, and/or may be individuals to whom the reporting individuals disclosed the information

Over the course of an investigation, the BIRT may make referrals to any of the following individuals and/or consult specified resources:

- Dean of the College and the Student Handbook for complaints of discrimination, harassment, and bias by *students*
- Human Resources and Employee Handbook for complaints of discrimination, harassment, and bias by *staff*
- Provost Office, Human Resources, and Faculty Handbook for complaints of discrimination, harassment, and bias by a member of the *faculty*

### **Period of Investigation**

The BIRT will endeavor to complete all formal investigations within 90 days of notifying the individuals that a formal investigation has commenced. In cases requiring a longer period of time, the BIRT will extend the investigation for 30 days and notify (in a timely fashion) all individuals involved.

**E. RESOLUTIONS.** Following an appropriate investigation, the BIRT will determine an appropriate response. The team will notify the reporting and named individual(s) of the BIRT's findings, and offer resources including, but not limited to, any one or more of the following:

- Restorative practices facilitated by the [Restorative Practices Team](#) for mediated conversation with the reporting individuals, responding individuals, and any other individuals who are involved in the investigation. Other forms of mediation may include written communications, listening sessions, training, and educational opportunities
- Changes in status or relationship to the community
- Policy-change recommendations and/or updates to existing policy
- Disciplinary action
- Supportive measures or resources that may include referral to counseling, campus and off-campus resources, etc.

### **XI. APPEAL**

The reporting individuals and responding individuals have the right to appeal the final decision and outcome determined by the BIRT. Requests for appeal must be submitted in writing to the Appellate Officer, who is authorized by Haverford College to evaluate the appeal, within 10 business days following the receipt of notice that investigation is complete. Appeals must be based on one or more of the following grounds:

- New evidence that was not available at the time of the investigation
- Procedural errors during the investigation

If an appeal is granted, the Appellate Officer may, at their discretion, reopen the case, consider the additional information, and consult with BRC, BIRT, and other individuals as appropriate.

### **XII. COMMITMENT TO TRANSPARENCY**

Haverford College is committed to transparency about its policies and procedures. It is therefore committed to:

- Educating members of the College community about cultivating a fair and equitable educational, work, and living environment, and prompting community conversation and dialogues.
- Creating a de-identified and aggregate record of incidents and behaviors on campus or in the local

community and the resolutions.

- Evaluating the effectiveness of College policies and processes that uplift the mission, vision, and standards of the College.

### **XIII. RESPONSIBILITIES**

All individuals to whom this applies are encouraged to become familiar with, and follow this policy. College employees who operate with any level of leadership responsibilities, such as managers and supervisors, are responsible for promoting an awareness and understanding of this policy, and for taking appropriate steps to help ensure compliance with its terms.

*First approved/Last revised, Month XX, 2023*

*Effective date, Month XX, 2023*

*New Review required by Month XX, 2023*

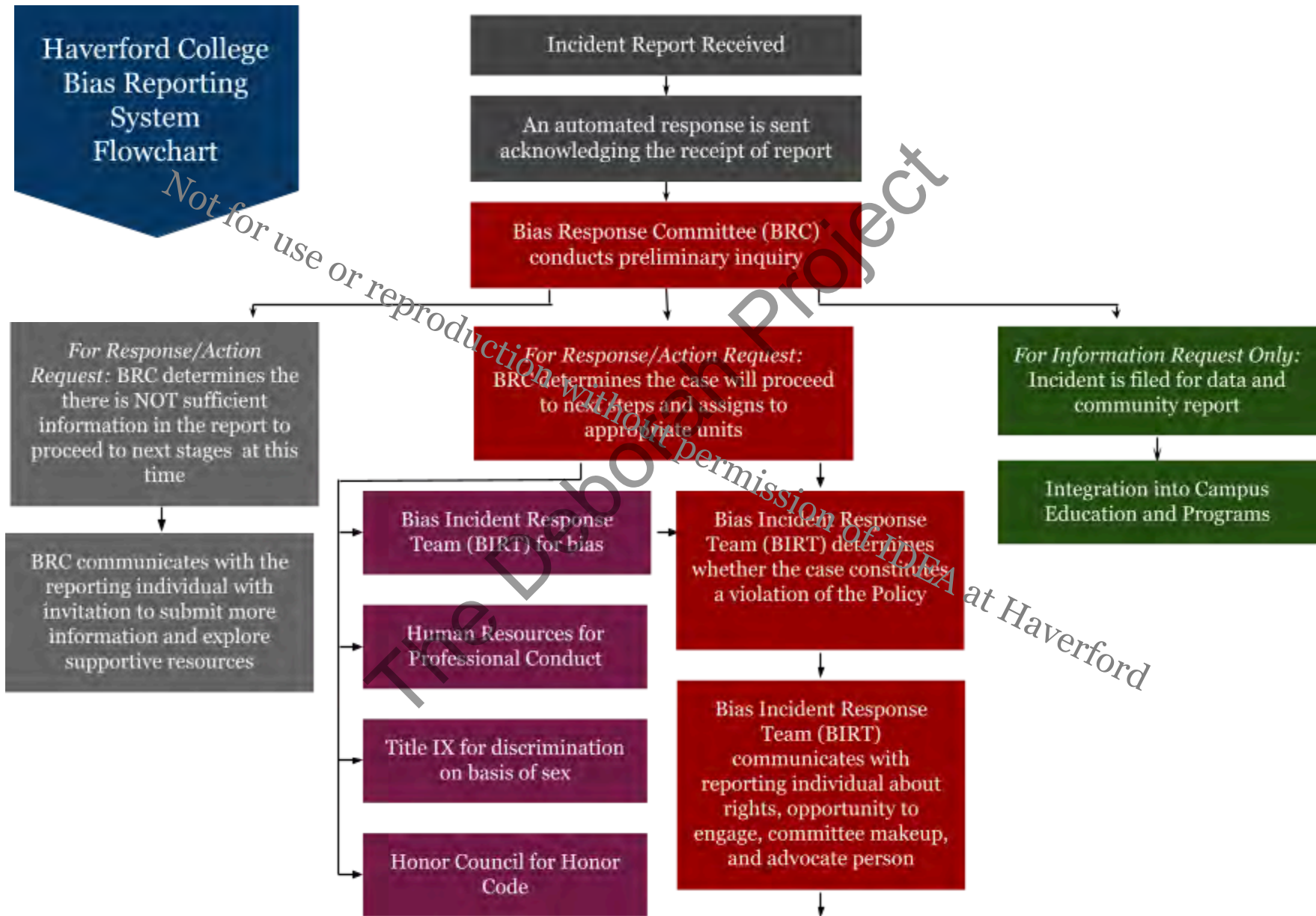
*Sponsor: Nikki Young, Vice President for  
Institutional Equity and Access*

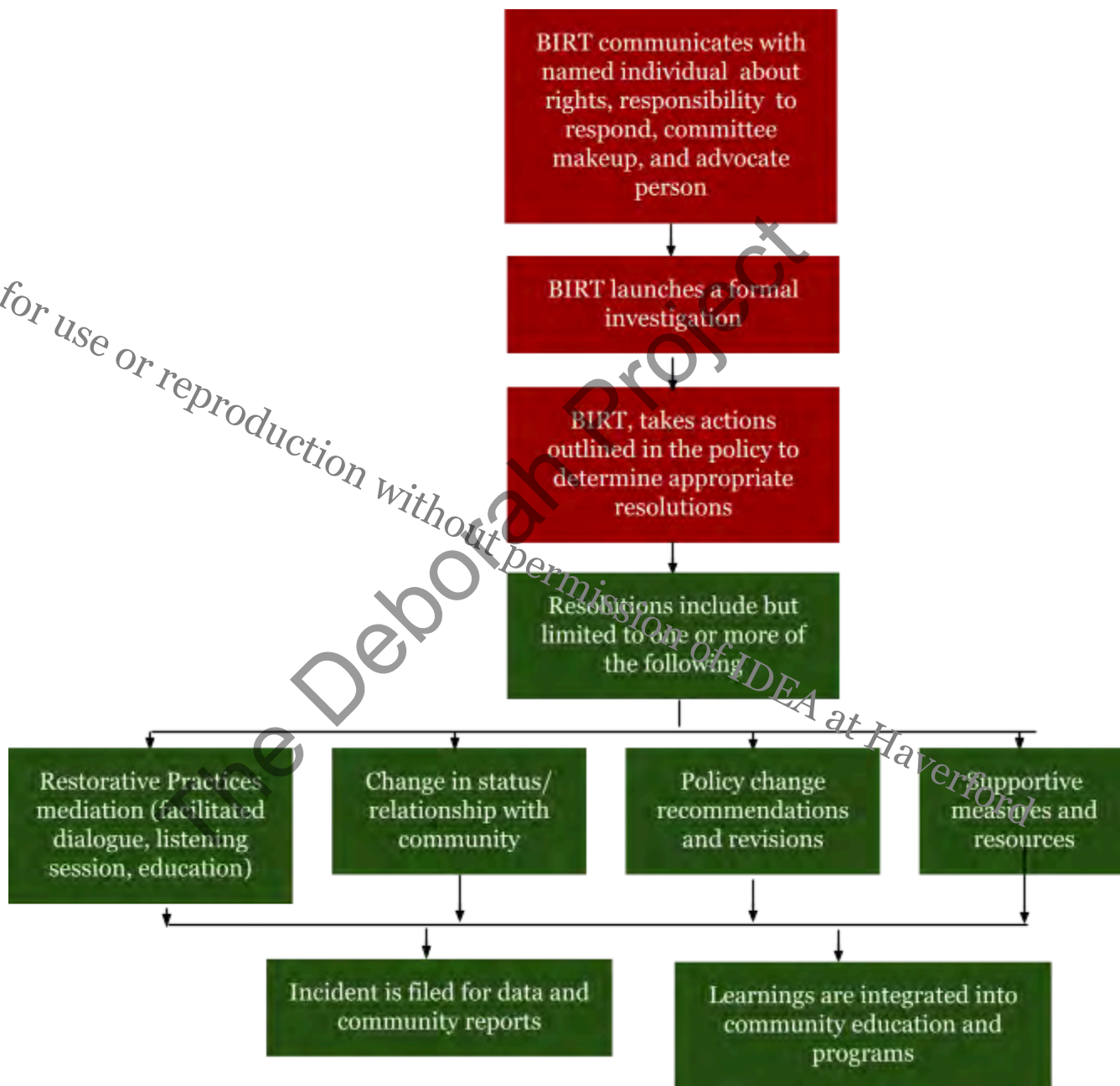
*Contact the Institutional Diversity, Equity,  
and Access with any questions*

*Not for use or reproduction without permission of IDEA at Haverford*

*The Deborah Project*

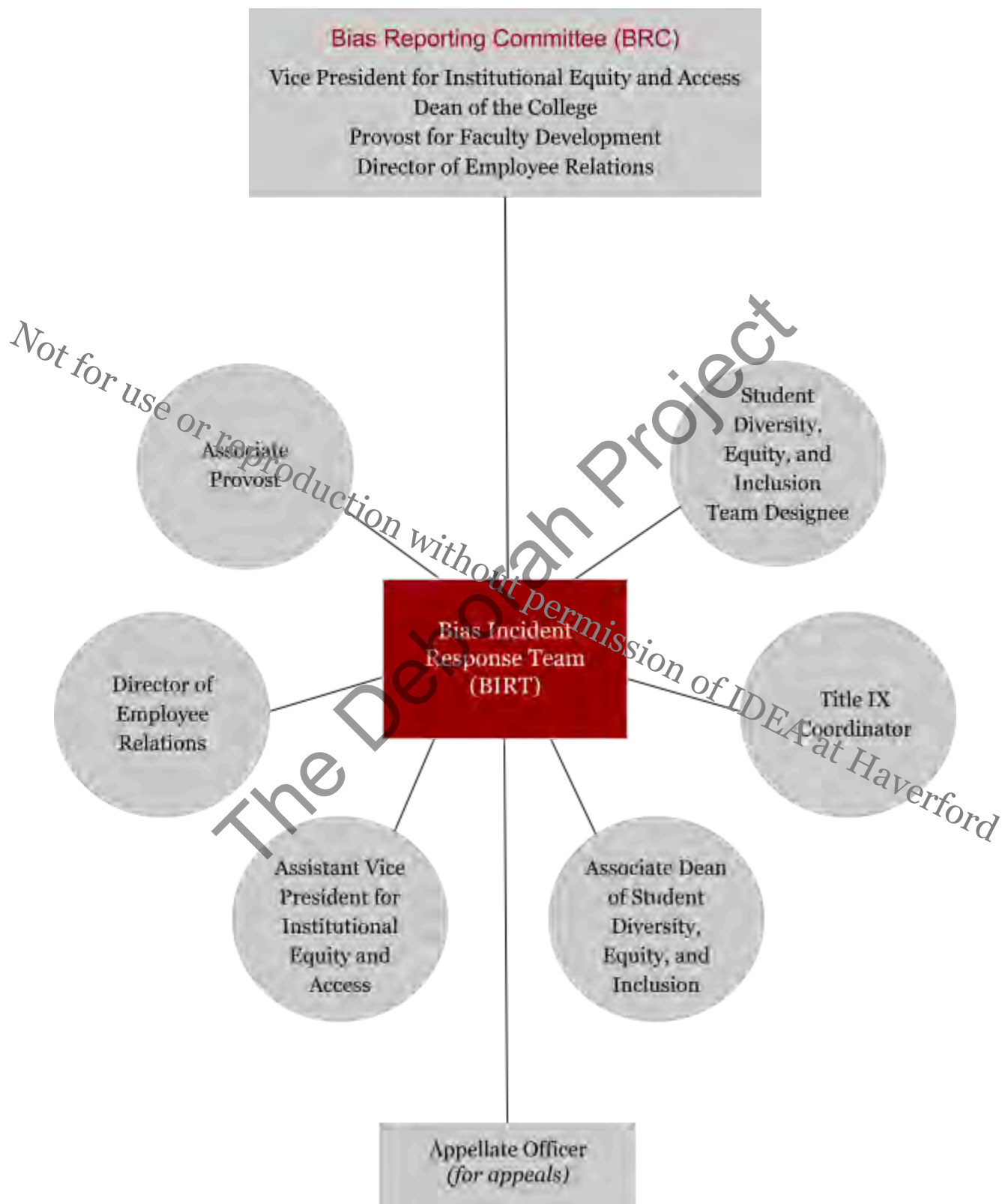
APPENDIX B  
Bias Reporting System & Adjudication Process





APPENDIX C

**Composition of Bias Reporting Committee (BRC)  
and Bias Incident Reporting Team (BIRT)**



# Exhibit Cover Page

The Deborah Project

**EXHIBIT \_\_\_\_\_**



February 7, 2024

**Board of Managers**  
**c/o President Wendy Raymond**  
Haverford College  
370 Lancaster Avenue  
Haverford, Pennsylvania 19063

### DEMAND LETTER

Dear Board of Managers:

I am the Legal Director of The Deborah Project, on behalf of which I represent Jeffrey and Michele Landau and Ally Landau '24. The Deborah Project is a public interest law firm that asserts and defends the civil rights of Jews facing discrimination in educational settings. I write to demand that the Board of Managers take certain actions, outlined below, to address the severe and pervasive hostile antisemitic environment that exists on the Haverford College campus. If the Board of Managers does not take these actions or direct the relevant representatives of Haverford College to do so, my clients and those other members of the Haverford community with whom they have been in contact have authorized us to prepare for legal action against Haverford College.

As everyone receiving this email should know: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in any program or activity that receives federal funding or other federal financial assistance. Title VI protects all students at Haverford College, including Jewish students under the categories of shared ancestry or ethnic characteristics, as well as national origin. Since at least September 2004, it has been the policy of the Office of Civil Rights of the U.S. Department of Education, the agency responsible for enforcing Title VI, to investigate claims relating to antisemitism. In an October 26, 2010, letter to schools receiving federal funding, the OCR confirmed that each such school must address antisemitic harassment under Title VI. As the OCR stated, antisemitic harassment violates Title VI when it creates a "hostile environment" in which "the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the school" or when the harassment is "encouraged, tolerated, not adequately addressed or ignored by school employees."

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The administration of Haverford College, through the action and inaction of President Wendy Raymond, Dean John McKnight and Vice President for Institutional Equity and Access Nikki Young, members of the faculty and others, (the “Administration”) has allowed, and indeed fostered and encouraged, the creation of a severe and pervasive hostile antisemitic environment on Haverford’s campus. Many Jewish students at Haverford have been subject to antisemitic intimidation and harassment, and they fear for their personal and community safety. This hostile environment interferes with the ability of Jewish students to participate in and benefit from the services, activities or opportunities offered by the College.

To date, the Administration has taken no effective action to: (i) address the environment of antisemitic intimidation and harassment; (ii) hold the perpetrators of antisemitic intimidation accountable for their actions; or (iii) prevent further acts of intimidation from occurring. Instead, the Administration has encouraged, tolerated, not adequately addressed or ignored the creation of this severe and pervasive antisemitic environment. Haverford’s deliberate indifference and clearly unreasonable response to anti-Jewish harassment, and its discriminatory application of its policies to exclude Jewish students from their protections, has created an environment in which antisemitic activity has flourished.

The College has long struggled with antisemitism. Dating back to the 1930s, Haverford had a quota on the number (three) of Jewish students who could be in each class. The College apparently had no other quota or limitation on the religious, racial or ethnic makeup of its student body. The College singled out Jewish students as a threat to its perceived mission and makeup. The College’s continuous struggle with antisemitism has manifested itself over time, and once again in 2020 when, during what has become known as the “student strike,” numerous student organizations signed on to a petition to show support for the antiracism objectives of the student strike. However, when a Jewish student group pledged to sign the petition, the group was forbidden to do so by the student strike leaders who told the Jewish students “**get the f\*ck off the document,**” and that the Jewish students should “**f\*cking choke.**” The Jewish student group was the only student organization that was not allowed to sign the petition. Shockingly, the Administration stood by in silence and took no action, despite numerous direct requests made to President Raymond that action be taken in the face of this obviously antisemitic action. Neither President Raymond nor any other member of the Administration even informed the Board of Managers of this antisemitic conduct, let alone their inexcusable inaction in the face of it. Sadly, this recitation of the College’s failures to effectively respond to antisemitism is not exhaustive.

The impact at Haverford of the October 7th terrorist attack must be assessed against this historical backdrop of antisemitism and the Administration’s refusal to address it.

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In response to Hamas' unprovoked attack, murder, mutilation and rape—including death by rape--and kidnapping of innocent Israelis, the Administration, unlike many other of its peer liberal arts colleges (including Wesleyan and Dartmouth), did not condemn Hamas. Rather, on Monday, Oct. 9th (two days after the genocidal antisemitic Hamas terrorist attack on Israel), Dean McKnight and VP-IEA Nikki Young sent an e-mail on behalf of the Administration to the Haverford student body which compared natural disasters (i.e., earthquakes, hurricanes, and wildfires) to the “outbreak of war in Israel and Gaza,” with no mention of the truth of what occurred on Oct. 7th (a heinous act of antisemitic terrorism committed by the Hamas terrorist group (as designated by the U.S. and other governments)). President Raymond approved this email in advance and the Administration has never retracted it.

Equally disconcerting, is that the Administration has permitted students hostile to Jews and the Jewish State to showcase an avowed antisemite Professor Tarik Aougab as a speaker. On October 8th, the day after the Hamas massacre in southern Israel and before the Israel Defense Forces had even begun an organized response, Professor Aougab praised the terrorist attack and slaughter of Israelis in a social media post. That same professor reposted a “tweet” which says “We should never have to apologize for celebrating these scenes of an imprisoned people breaking free from their chains. This was a historic moment to be recorded in the history books.” The “tweet” included a picture of the Hamas terrorists in bulldozers breaking through the fence at the Israel/Gaza border on their way to commit their acts of antisemitic genocide.

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↻ Tarik reposted



روني الدنماركي @Aldanmarki · 4d

**We should never have to apologize for celebrating these scenes of an imprisoned people breaking free from their chains.**

**This was a historic moment to be recorded in the history books.**



↻ 2,685    ❤️ 8,321    📊 203K    ↗

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Professor Aougab is active in the Just Mathematics Collective, which is an antisemitic group that glorifies terrorism and uses their academic skills to hunt and map Jews.



Just a few days later, on October 12th, President Wendy Raymond sent an e-mail to the Haverford student body which did not identify, let alone condemn, Hamas as a terrorist organization or describe the attack as fueled by Jew Hatred, which it was, as anyone who has read the Hamas Charter <https://irp.fas.org/world/para/docs/hamas-2017.pdf> ¶20 knows. President Raymond's e-mail also mentioned the "certainty of more devastation to come for Israelis and Palestinians alike" without stating the truth that the Hamas terrorist attack was the actual commencement of war against Israel by Hamas, the governing authority in Gaza.

The statements and omissions of the Oct. 9th and Oct. 12th communications made it clear to Haverford students and faculty what was already clear from the Administration's inaction during the 2020 student strike: that antisemitism is and would continue to be tolerated (and as later observed, encouraged) without fear of response by the Administration or consequences for those who engage in antisemitic speech and conduct.

In response, on the evening of October 12<sup>th</sup>, Ally Landau '24 requested that President Raymond issue a communication to the Haverford student body condemning antisemitism and the Hamas terror attacks. President Raymond refused, leaving it to Ally Landau, to prepare her own presentation to deliver to the student body. President Raymond effectively delegated her responsibility to address and combat antisemitism to one of the College's students, leaving it to my client, Ally Landau, to explain to the

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College community why Hamas is a terrorist organization that committed an antisemitic act of genocide, and why the State of Israel has a right to exist. This presentation took place on November 1. Not a single member of the College administration attended this presentation during which Ally endured verbal attacks from other Haverford students.

At Haverford, the annual student Plenary plays a pivotal role in social and academic life at the College. It is the event in which the Student Body gathers to, among other things, discuss and vote to ratify the Honor Code. It is the time when all Haverford students are asked to gather as a community. It should be a safe space. But when the Student Council sent an email to the Student Body notifying them of the time and date of Plenary, it also gratuitously affirmed their support for students aligned with the organization Students for Justice in Palestine (“SJP”), and thus against the Jewish students who did not agree with SJP’s antisemitic agenda. This created an environment of intimidation and harassment at Plenary for Jewish students.

Emboldened by the Administration’s fecklessness and refusal to condemn antisemitism, the environment grew even more hostile to Jews on campus when the Student Council arranged the November 5th Plenary meeting and allowed SJP to present its virulently antisemitic point of view, despite the absence of any such item on the written agenda distributed to the Haverford community, prior to the Plenary. This meant that although the SJP students were prepared to present their views, the Jewish students had no idea this would be a topic and so none were prepared or had signed up in advance to speak on this topic. There were multiple SJP speakers at the Plenary all of whom exceeded their allotted time slots. These speakers were permitted to spew hate speech to the student body, holding up placards and repeating “From the River to the Sea, Palestine will be Free,” a phrase understood by Jewish students to be a call for the elimination of Jews and the State of Israel, and which is a direct quote from the Hamas Charter.

Shockingly, again, the Jewish students who then wanted to speak in response to SJPs’ antisemitic comments were not given the opportunity by the Student Council leaders to do so. This was yet another flagrant act of antisemitism for which the responsible parties have suffered no consequences. President Raymond and Dean McKnight were present at the Plenary and utterly failed to effectively intervene to allow the Jewish students to speak. By not being allowed to speak following the unannounced attack by SJP at the Plenary, the Jewish students were silenced and subjected to an increasingly toxic and hostile environment.

Despite this, President Raymond validated the antisemitic actions of the anti-Israel students and encouraged and emboldened further acts of harassment and intimidation

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by posting a communication addressing the student body praising Plenary as a “great success.”



In response to being silenced at Plenary and in the face of the Administration’s flaccidity and President Raymond’s praise for the repeated harassment and intimidation of Jewish students, on November 8, 2024, Ally Landau sent a letter “In the name of many concerned Jewish students at Haverford and Bryn Mawr” to the entire Haverford community using the College’s email server, for which she had permission from Dean McKnight. That letter was an effort to respond to the SJP’s otherwise unanswered attacks on the Jewish State at Plenary, and it defended Israel’s right to exist and to its self-determination. Even this effort was turned against the Jewish

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members of the Haverford community when Ally Landau '24, was pilloried by students for daring to use the College's all-campus email service.

Haverford's repeated failure to appropriately condemn or take significant steps to ameliorate antisemitism on campus has emboldened students to engage in increasingly aggressive antisemitic protests, intensifying the hostile environment Jewish students are forced to endure.

The Administration again took no action, despite express requests that it do so, when in violation of College policy anonymous student groups hung posters throughout the campus calling for a revolution that would culminate in Palestine stretching "from the River to the sea."



The SJP Instagram account attached a Statement from Haverford College Faculty for Justice in Palestine that references the "Israeli state's genocidal violence against Gaza," when the truth is that Hamas committed an antisemitic genocidal terrorist attack against Israel and initiated a war. This statement is overtly antisemitic. Other educational institutions have taken actions against faculty members using antisemitic rhetoric, but the Administration has taken no action against these faculty members,

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even though these faculty members are teaching students to adopt hate-filled antisemitic views.

Emboldened by the inaction of the Administration, antisemitic students at Haverford published what they entitled the Haverford Grievances document (“Grievances Document”), an antisemitic screed sent to the student body. This Grievances Document included a direct reference to Ally Landau, a fact that the Administration knew and about which it failed to take action to protect my client. Ultimately, a worried member of the Haverford Community contacted Jeff and Michele Landau and informed them of the potential danger to Ally created by the appearance of her name in the Grievances Document. That was when my clients Michele and Jeff Landau called President Raymond’s office and refused to get off the telephone until she picked up. When President Raymond got on the telephone, my clients insisted that she take action to protect their daughter. Although Ally’s name was removed from the latest version of the online document, it still remains in the PDF version distributed to Haverford students.

Even though the Haverford Grievances Document named and vilified at least one of its students—Ally Landau--the Administration responded to these antisemitic attacks not by discrediting them, but instead by validating and even praising them: President Raymond actually thanked the students for writing and circulating the document.

What’s more, President Raymond chose to publicly compare Ally Landau’s characterization of SJP’s “hijacking” of Plenary to the slogan calling for the extermination of the Jewish State, “From the River to the Sea. That slogan is the parroting of the Hamas Charter which calls for the extermination of the Jewish State and the genocide of the Jewish people. Hijacking a meeting refers to one group taking control and then dominating a meeting—which is what occurred at the Plenary—and is neither a hateful or a violence-inciting slogan. Comparing these two phrases and deeming them equivalent is grossly antisemitic, and it sent a clear message from the Administration to the student body that it will do more than tolerate, it will sanitize and even praise hate speech directed at Jews and the Jewish State.

When a Haverford student was tragically shot and wounded in an unprovoked attack in Vermont, students at Haverford posted on social media that my client, Ally Landau, a Jewish student leader at Haverford, was responsible for the shooting. Although the Administration was well aware of this targeting and personal attack on Ms. Landau, the College did nothing to address the matter, further validating acts of antisemitism and the targeting and harassment of Jewish students. It is beyond disgraceful that at a **student vigil** for the injured Haverford student, Nikki Young, a senior member of the Administration, took it upon herself to accuse Israel of being guilty of genocide.

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Following the vigil, Haverford students occupied and took over Founders Hall and held a sit-in there for approximately a week. They hung antisemitic banners outside Founders Hall that were intended to, and had the effect of, intimidating and harassing Jewish students. As Founders Hall sits on the main quadrangle on campus, adjacent to the library and on the path to the Dining Center, Jewish students were forced to face this harassment daily.

President Raymond effectively condoned the antisemitic activities of the “Sit-in” (including allowing Professor Aougab to address the students) and she praised it as “a recent example of peaceful protest,” along with a promise of “no punitive action” to the participating students. Professor Aougab continues to be employed by the College and continues to teach Haverford students. On November 26, 2023, Haverford College professor Gina Velasco posted (<https://www.facebook.com/mr.peabodycat>) a message which included the terms “F\*ck Zionism, F\*ckIslamophobia, F\*ckAntiArabRacism. Velasco also continues to be employed at Haverford, where she is an associate professor and director of Gender and Sexuality Studies.

And this Administration’s whitewashing, condoning and enabling of antisemitism continues through this week.

Last semester Ally Landau obtained permission and approval from VP Young to dedicate the February 6, 2024, women’s basketball home game to Antisemitism Awareness. Late last week, however, Dean McKnight and Athletic Director Danielle Lynch contacted Ms. Landau and informed her that it would be best if the Antisemitism Awareness designation for the game were removed. The reason given was that it might incite pro-Palestinian Haverford students to charge the floor and disrupt the game. Should security be unable to control the crowd, Haverford would have to forfeit the game, as required by the rules. It would fall to Ally to shoulder the blame if her team were forced to forfeit a game because of outrageous behavior by anti-Israel students.

Haverford has issued at least five sets of policies ostensibly to protect students from discrimination, harassment, and intimidation: (1) Anti-Discrimination, Harassment, and Bias Policy; (2) Social Media Best Practices and Policy; (3) Non-discrimination Statement; (4) Poster Policy; and (5) Events Policy. Haverford, however, refuses to apply these policies in a non-discriminatory manner to protect Jewish students and prevent antisemitism on campus., Haverford selectively enforces its own rules, deeming Jewish victims unworthy of the protections it readily affords non-Jewish ones. Haverford’s clearly unreasonable response to antisemitic discrimination and harassment reflects an egregious double standard, as it is at odds with Haverford’s aggressive enforcement of its policies concerning alleged misconduct, especially any instances of perceived discrimination not involving antisemitism.

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Jewish students at Haverford are acutely aware that solely because of their Jewish identities, the Administration views and treats them as second-class citizens in the Haverford community, undeserving of the protections that Haverford affords non-Jewish students. Because of Haverford's persistent refusal to comply with its obligations to stop discrimination and harassment, Jewish students are deprived of the benefits that non-Jewish students enjoy, including, but not limited to, physical protection; emotional support; a sense of inclusion and belonging; participation in educational, extracurricular, and College-sanctioned social activities; the ability to freely express their Jewish identity in class, written coursework, and on campus; and their right to express their support for and attachment to Israel, their ancestral homeland, where many have friends and family.

Jewish students at Haverford justifiably fear the harassment, discrimination, and intimidation they face, on any given day, from professors and Haverford leadership—who are supposed to teach and guide them—and from their fellow students, who are required but fail to treat them with respect and dignity pursuant to Haverford's policies. As a result of Haverford's deliberate indifference to its hostile educational environment, Jewish students are often unable to focus, study, or perform their course work to the best of their ability, thereby inhibiting their ability to take full advantage of their Haverford education.

Jeff and Michele have sent five letters or emails to the Administration requesting that it take action to address the severe and pervasive antisemitism at Haverford and further requesting that Board Chair Charley Beever and President Raymond share each communication with the Board of Managers. My clients' communications were dated December 8, 2024, December 28, 2024, January 8, 2024, January 12, 2024, and January 26, 2024. In separate discussions with President Raymond and Board Chair Beever, Michele and Jeff Landaus asked them to identify any inaccuracies in any of their written communications. Neither President Raymond nor Board Chair Beever identified any inaccuracies. The Administration has taken no action in response to these communications, and they told Michele and Jeff Landau, they would not share them with the Board of Managers. ***I have addressed this letter to the Board of Managers and request a copy be provided to each and every member of the Board of Managers prior to its upcoming February Board Meeting.***

Haverford's deliberate indifference to, and indeed enabling of, antisemitism on campus constitutes an egregious violation of Title VI of the Civil Rights Act of 1964, as well as other antidiscrimination laws and indeed of Haverford's own policies. Haverford must now implement institutional, far-reaching, and concrete remedial measures to address the severe and pervasive antisemitic environment on Haverford and allow Jewish students to take full advantage of their Haverford education. Potential remedial measures include, among other things: (i) creating and enforcing an effective policy

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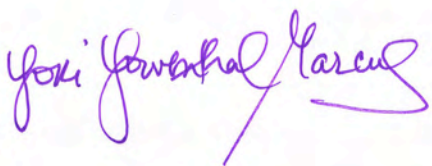
that prohibits antisemitic conduct by students, faculty and members of the Administration; (ii) imposing disciplinary measures, including the termination of, deans, administrators, professors, and other employees responsible for antisemitic discrimination and abuse, whether because they engage in it or permit it; (iii) imposing disciplinary measures, including suspension or expulsion, against students who engage in such conduct; (iv) adding required antisemitism training for Haverford community members; and (v) refraining from renewing the contract of President Wendy Raymond.

Please be advised that although Ally Landau is set to graduate in May of 2024, my clients are committed to continue to seek change at Haverford going forward, either through immediate action by the Board of Managers or through exercising all or any legal or other recourses. In addition, there are numerous other parents and Haverford alumni who are committed to seeing change at Haverford and will continue to press for it well beyond May 2024.

Given the targeting and intimidation of Jewish students at Haverford, I ask that the Administration and the Board of Managers treat this letter and my clients' communications as confidential. The failure to do so may place the safety of Jewish students in further danger, particularly given the targeting of Jewish students that has taken place in the past, which the Administration has shamefully condoned through inaction.

Finally, you are now on notice that Haverford has a legal duty to preserve and retain all materials relevant to this matter, including electronic communications, text messages, chats and documents. Please consult with your legal counsel to ensure no such materials are deleted or destroyed.

Sincerely,



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Lori Lowenthal Marcus  
Legal Director, The Deborah Project  
Counsel for Jeffrey and Michele Landau and Ally Landau'24

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Copies to be provided to the Haverford College Board of Managers

Charles G. Beever, Chair (via US mail & email)

Michael B. Kim, Vice-Chair

Wendy E. Raymond, President of the College (via US mail & email)

Jesse Lytle, Corporate Secretary of the Board (via US mail & email)

Mark G. Anderson

James Kinsella

Sara Recktenwald

Steven L. Begleiter

Thien Le

Maurice Rippel

Amy Taylor Brooks

Don H. Liu

Henry J. Ritchotte

Brian Cooper

Erica Lurie-Hurvitz

Alex Robinson

Petra Doan

Rachel Melroy-Husser

Shreyas Shibulal

Zachary Dutton

Beatrice Mitchell

John D. Spears

Molly Finn

Kari Nadeau

E. Vincent Warren

Jonathan M. Gamse

Terry Nance

David M. Wertheimer

Bruce D. Gorchow

Jennifer S. Perkins

Jerry Williams

The Deborah Project

# Exhibit Cover Page

The Deborah Project

**EXHIBIT \_\_\_\_\_**

From: **Allyson Landau** <[alandau@haverford.edu](mailto:alandau@haverford.edu)>  
Date: Wed, Nov 8, 2023 at 10:24 PM  
Subject: Silenced Jewish Voices  
To: <[hc-allstudents@haverford.edu](mailto:hc-allstudents@haverford.edu)>

Dear fellow Haverfordians,

We are writing with a plea for you to listen to a voice you did **not** hear at Plenary: that of a large representation of Haverford's Jewish community. We are in pain. We are grieving the loss of Israeli lives and for Palestinian civilians in Gaza who are caught in the conflict. We have been silenced and threatened. But we will not keep quiet.

As many of you witnessed, Students for Justice in Palestine (SJP) misused the "community comment" time at Plenary to make a lengthy one-sided appeal to the student body and list their "demands" of the administration. We were intentionally and wrongly denied an opportunity to respond at Plenary, we offer this letter in dissent.

We object to SJP and Students' Council hijacking Plenary to push their one-sided anti-Israel agenda. This did not relate to a resolution, and we the Jewish students at Haverford were not afforded an opportunity to respond or engage in dialogue. The planning and coordination to present just one side is plain when looking at the Students' Council email circulating the Plenary packet on Oct. 26:

Students' Council is intended to represent the entire student body. Clearly, it has failed its core mission. But we will not sit still, we will not be silenced and we will not allow only one side's agenda and rhetoric be heard.

Let us be clear: Jews are not a monolith. We do not all agree on all of the details of how to navigate the current war or the greater geopolitical situation in the Middle East. However, the overwhelming majority of Jews agree on Israel's right to exist. See <https://www.pewresearch.org/religion/2021/05/11/u-s-jews-connections-with-and-attitudes-toward-israel/>. After all, Israel is the only Jewish state in the world. Jewish pluralism does not negate that consensus view, nor does it license transparent attempts to appropriate the Jewish voice in favor of a radical, fringe minority. The few Jews who oppose the Jewish right to self-determination are the fringe exception, not the rule. We reject SJP's efforts to tokenize them for the proposition that anti-Zionism is not a cover for antisemitism. All too often it is, and it is here.

Nor is it remotely acceptable that those Jews on campus who support the Jewish right to self-determination (which is the vast majority) have been intimidated and silenced. Institutions of higher education are intended to foster discussion and critical thinking. Students from all perspectives should be invited to engage in conversation; yet rather than showing up and discussing with other students, SJP avoids dialogue and instead lectures at a captive audience to avoid the accountability of responding to those who disagree.

While SJP disclaims outright Jew-hatred, SJP's platform is fundamentally antisemitic. In fact, SJP has already been expelled from university and college campuses for just this reason. See *as an example* <https://www.bostonherald.com/2023/11/07/brandeis-university-bans-students->

[for-justice-in-palestine-campus-chapter-following-sjp-support-for-hamas/](#). Israel already exists, and the only way to undo that is through mass genocide or expulsion of Jews. It's one thing to advocate for a solution that accommodates both Palestinian and Jewish interests. It is entirely different to advocate against Jews' right to self-determination and self-defense.

The Jewish people have been subjected to centuries of oppression and attempted genocide, And Hamas's stated objective is no different: to exterminate the Jewish people. That terrible goal was fully on display during the October 7th attacks. **This is what Hamas and others mean by "From the river to the sea."** As the ADL explains, this cry "is an antisemitic charge denying the Jewish right to self-determination, including through the removal of Jews from their ancestral homeland." <https://www.adl.org/resources/backgrounder/allegation-river-sea-palestine-will-be-free>.

This slogan is loaded, hateful and unacceptable (just as are other obvious forms of hate speech aimed at the Black, Asian and Hispanic communities) and it is no excuse that the speaker says they believe "it means something else". Does the SJP expect us to believe that repeating this statement over and over again at Plenary does not announce to the Jewish members of our community, "you have no place here?" Certainly this is how it was meant, and this is how we hear it. But we belong, we will not leave and we will not sit by silently.

If SJP really does wish in good faith to achieve understanding and peace with the Jewish people—in Israel, America, or anywhere else—they cannot ignore these truths. Instead, they must unequivocally condemn the brutal slaughter of innocent Jewish men, women, and children by Hamas-led terrorists on October 7. You cannot claim the mantle of friendship while whitewashing this modern-day holocaust. We wait for that unequivocal condemnation, but it has not yet come.

We urge you to bring back the Haverfordian tradition of critical thinking and questioning. Please do not get your "facts" from Social Media – we have amazing professors who shouldn't need public safety to deliver their lectures on this topic. **Please be thoughtful before you (re)post on Instagram or join protests that are centered around demands and slogans that either intentionally or effectively intimidate our community.** We can be better as a community than shout anti-dialogue and hateful speech.

**We extend an opportunity for further learning and dialogue to the Haverford community. We will be hosting "Voices of Jewish History," composed of Jews from across the diaspora. We invite students to attend in good faith in hopes to foster a meaningful conversation, to hear what we were not permitted to say at Plenary and to hear from Jews for whom the conflict is tangible, not theoretical. Please use this link to RSVP: <https://forms.gle/4HqQMbNp1Jf1rSx5A>**

*In the name of many concerned Jewish students at Haverford and Bryn Mawr\*,  
Ally Landau '24*

\* Many students are behind this letter. Unfortunately, because of the current climate, they fear for their safety and of further intimidation. We are hopeful that we will soon all embrace a more inclusive and respectful community.

# Exhibit Cover Page

The Deborah Project

**EXHIBIT \_\_\_\_\_**

## Haverford Grievances

The hate crime perpetrated against one of our Palestinian community members was the direct result of the proliferation of anti-Arab and anti-Palestinian rhetoric on this campus and beyond. It has highlighted the longstanding need to provide for the safety and well-being of our Palestinian and Arab community members who this institution has failed.

Students gathered on November 27th at 8 PM with a sense of urgency and agreement on the following demands to the College. As a community, we feel that the College has failed to address the fundamental concerns of Palestinian Haverford students.

The atmosphere felt on campus is one that is devoid of humanity. Many students feel that they are uncared for, unheard, and feel concern and heartbreak over the treatment of their Palestinian peers particularly affected by the ongoing apartheid. This administration has approved the dissemination of harmful, divisive statements against members of our community that do not foster mutual trust, concern and respect, values under which we do not see the administration operating.

One particular area where our campus has failed is academic leniency. Many Palestinian, Arab, and Muslim students on campus do not feel supported by the academic departments despite the administration claiming the opposite.. No institutional policy currently exists to offer tangible support regarding the ongoing apartheid in Gaza, and there are currently no concrete steps to provide community avenues for academic accommodations. When Palestinian, Arab, and Muslim students not only see a member of their community nearly murdered but experience a tangible lack of support from their college administration, engaging in our college's rigorous academic environment becomes extraordinarily difficult.

**The mental and emotional toll that the hate crime and ongoing violence in Palestine has had on Palestinian, Arab, and Muslim students has been overlooked and underestimated.**

The multiple responses sent out by administration left students feeling disillusioned and unheard.<sup>1</sup> While many students felt that the second response<sup>2</sup> did more to address the

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<sup>1</sup>Wendy Raymond. "Haverford Student Hospitalized Following Shooting in Vermont." November 26, 2023.  
Wendy Raymond. "Supporting Each Other and Standing Against Antisemitism and Islamophobia."  
November 8, 2023.

Wendy Raymond. "War in Israel and Gaza." October 12, 2023.

Wendy Raymond. "Caring for One Another Following Weekend Violence" November 27, 2023.

<sup>2</sup>Wendy Raymond. "Caring for One Another Following Weekend Violence" November 27, 2023.

nature of the attack, not enough is being done by administration to actively transform the culture at Haverford into a safe one for Palestinian students, leaving the labor of support to students. There is a distinction between uplifting the voices of students and placing an undue burden on them to fight for their own ability to function as students and people on this campus. The jump to increase the presence of Campus Safety in particular made many students feel frustrated and unsafe when it was not a decision that had been made with the input of students or a consideration of how surveillance affects minority students on this campus. Overall, there has been a lack of humanity and grace from the administration towards all community members.

While students appreciate the sentiment of vigils and office hours, we believe that the needs of students at this time require further institutional support to ensure that our community feels heard and cared for as hatred and violence continue. Students are troubled by the silence and lack of urgency across our community and after the meeting yesterday many people are going back to their departments, athletic teams, affinity groups, and community spaces to advocate for one another. We are hopeful that if students are coming together, then administrators, faculty, and staff can also join us in making the following changes possible:

- I. Academic Leniency
- II. Culturally Competent Counselors
- III. Support for Faculty and Student Activism
- IV. Accountability and Restorative Action
- V. Transparency from the Board of Managers

## **Demands**

1. Academic Leniency

We demand that the College ensure that academic leniency is proactively offered and guaranteed by the College with acknowledgment of the particular need for leniency for Palestinian students in the following ways:

- a. Extending the pass/fail period to Friday, December 22nd at noon.
- b. Allowing for courses taken pass/fail to count towards major requirements in the Fall 2023 semester and consideration for this policy to continue into the Spring 2024 semester.
- c. Not counting courses taken pass/fail this semester towards the cumulative total of the four allowable pass/fail credits in students' careers at Haverford.

- d. Providing resources, events, and educational material to faculty about the injustices perpetrated against the Palestinian people so that they are aware of the reality that Palestinian students are facing. This should include:
  - i. Developing frameworks for faculty to use inclusive anti-racist language in academic settings.
  - ii. Actively encouraging faculty to utilize these resources to stay educated on the campus climate and updates relating to Palestine.
  - iii. Communicating along with these resources that many students do not have the same capacity now as in a normal semester, particularly with regards to attendance and participation.
- e. Supporting faculty in immediately enacting the following policies:
  - i. Reaching out to all students offering a universal extension policy – upon request with no questions asked – that acknowledges the local and global context that may further necessitate these accommodations for Palestinian, Arab, and Muslim students.
  - ii. Retroactive academic leniency for outstanding assignments from October 7th onward, which should present itself as a proactive willingness to work with students who request that assignments be excused.
  - iii. Alternative final exam options and leniency on granting students incomplete grades in their courses to provide students with more time to complete exams.
  - iv. Providing lecture notes and/or Zoom recordings for all students so that those who are unable to attend can still have access to information covered in person.

We demand to meet with the Provost as soon as possible to have these points fully met by December 8th.

## 2. Culturally Competent Counselors

We demand that the College provides competent mental health services to students who are directly affected by the apartheid in Gaza, especially given that there is only one Muslim counselor at this time. This includes:

- a. Directly hiring (not outsourcing) Arab and Muslim CAPS counselors, specifically Arabic-speaking counselors as well.
- b. Counselors trained in providing trauma-informed counseling that is specifically tailored to grief, silencing, and targeting that Palestinian students have been facing since October 7th, but also the generational struggle within the larger context of the occupation.

- c. Easier access for Palestinian students to current CAPS services given the current barriers to accessing mental health on campus.

We demand to meet with the involved offices and administrators as soon as possible to ensure that these points are fully met by the beginning of next semester (February 2024).

### 3. Support for Faculty and Students' Activism

We demand Haverford ensure full protection for faculty and students who speak out about their positions related to the injustice in Palestine in the following ways:

- a. Academic freedom and freedom of speech includes the guaranteed right to speak about the current aggression on Gaza and its broader historical context.
- b. Provide support to international students and non-U.S citizen students regarding student activism and involvement.
  - i. Make an information session with legal advisors available to students to provide transparency on their protections when it comes to freedom of speech and student activism in the United States so that students have the tools needed to be safely involved in activism on and off campus.
  - ii. Expanding the available immigration legal counseling resources that are available to non-U.S citizen students to explicitly include support for students involved in student activism.
- c. Provide legal support regarding freedom of speech for faculty and staff upon request.
- d. Commit to a policy that ensures that future consideration for tenure-track faculty will not be negatively impacted for speaking up against the apartheid in Palestine, including no financial retributions.

We demand that the information session be held within a month of these demands' announcement, the guarantees of academic freedom within the College should be enacted immediately, and that the new support structures should be initiated by the end of the Spring semester.

### 4. Accountability and Restorative Action

We demand that the administration take accountability for the harm they inflicted upon the student body and that members of the administration carry out specific actions to mend this harm as highlighted below:

- a. Accountability and Restorative Action
  - i. Violation of Student Governance
    1. By undermining the voices of student government officers and failing to respond in a timely manner to emails sent by concerned members of the student body.
  - ii. Mismanagement of hc-allstudents policies
    1. By approving and sending hateful responses that target members of the student body with false accusations, and describing them with hostile, charged language such as “hijacking”<sup>3</sup> and equating calls to end the genocide and ethnic cleansing of a people as ‘anti-semitic’. These responses undermine efforts in support of Palestinian people, promote anti-Arab sentiments, and contribute to the dehumanization of Palestinians that lead to violent attacks against them.
  - iii. Undermining student-initiated events
    1. By dismissing the numerous spaces for conversation that students have created.
    2. By undermining the power of student-led protests supported by a significant amount of the larger student body.
  - iv. Increase of Campus Safety presence on campus
    1. We ask for transparency and student input on increased presence of Campus Safety, future institutional safety measures, and ways we can protect ourselves beyond Campus Safety.
- b. Support and acknowledgment of the injustice enacted against Haverford alumni Elom Tettey-Tamaklo<sup>4</sup>, who was indefinitely suspended from his proctor duties at Harvard Divinity School for supporting Palestine.
- c. A statement from the College condemning the state of Israel as responsible for the ongoing apartheid by:
  - i. Acknowledging the Israeli attacks as a continued ethnic cleansing against the Palestinian people. In particular, an acknowledgment of

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<sup>3</sup> Allyson Landau. “Silenced Jewish Voices.” November 9, 2023.

<sup>4</sup> Harvard College Palestine Solidarity Committee (PSC). “Tweet Message.” <https://twitter.com/HarvardPSC/status/1724630975773094249>.

the (nearly) full history laid out by the UN<sup>5</sup>, starting at the 1948 Nakba.

- ii. Calling for an explicit condemnation of the Israeli government's violent apartheid, as explained by Amnesty International<sup>6</sup>, as an institution that prides itself in its historical stance against South African apartheid.
- iii. Using the College's position as a respected PA institution to publicly call upon Senator Fetterman and Representative Scanlon to support a permanent ceasefire<sup>7</sup> in alignment with other Quaker institutions' statements.<sup>8</sup>

We demand that point A be met by December 22nd through a statement and action plan from the President's Office and Dean of the College outlining how the College will respect student governance and students' right to organize. We also demand that students be involved in decision-making regarding institutional safety measures through the Campus Safety Advisory Committee.

We demand that point B be met by December 22nd through a statement from the President's Office expressing support for the reinstatement of Elom Tettey-Tamaklo.

We demand that point C be met by December 22nd through a public statement from the President's Office.

#### 5. Transparency from the Board of Managers

We demand transparency from the Board of Managers, particularly from the Investment Committee and Executive Board. As well as student input in the Board of Managers Nomination Processes.

##### a. Transparency

- i. Institutional compliance with transparency about events that have transpired within the Board of Managers since October 7th,

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<sup>5</sup> United Nations, "Origins and Evolution of the Palestine Problem." <https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/>.

<sup>6</sup> Amnesty International, "Israel's Apartheid Against Palestinians." <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>.

<sup>7</sup> Representative Scanlon has supported a temporary ceasefire but has yet to voice support for a permanent one.

<sup>8</sup> See Page 1.

- including clarity about the resignation of a member<sup>9</sup> and the withdrawal of specific scholarship funds that have affected the student body. This can take the form of an audit of events and a formal resignation procedure that includes communication with the Haverford community relating to the nature of the resignation and its implications.
- b. Representation of Palestinian voices in the Board of Managers
    - i. Appointment of at least one member of Palestinian descent.
  - c. Investment procedures
    - i. Commitment to the ongoing conversations and process of divestment and separation from institutions and companies that enable and maintain violence against Palestinians.
    - ii. In recognition of the investment process at Haverford that includes an ESG (Environmental, Social, Governance) investment policy, we call on the College to establish a more robust investment policy that is in line with our Quaker values.
    - iii. In alignment with the American Friends Service Committee Social Responsibility Investment Policy<sup>10</sup>, we call on the College to develop a comparable investment policy that includes, but is not limited to the commitment that “Investments should not be made in companies which consistently, knowingly, and directly facilitate and enable state violence and repression, war and occupation, and/or severe violations of international law and human rights.”<sup>11</sup>
    - iv. We demand that the College commit to the aforementioned Social Responsibility Investment Policy<sup>12</sup> as it applies to the Apartheid in Palestine, and take necessary steps to maintain this commitment as needed.
  - d. Student representation in the Board of Managers’ Investment Committee
    - i. We demand at least 2 student representatives to be included in the Investment Committee to represent student values, including, but not limited to, anti-war, nonviolent Quaker ethics.
    - ii. Student representatives should be able to:
      1. Help guide investment policies in alignment with our Quaker values, including:
        - a. Access to dialogue with Investiture.

<sup>9</sup> <https://haverfordclerk.com/alumna-claudia-hammerman-resigns-from-haverford-board-of-managers/>.

<sup>10</sup> <https://afsc.org/sites/default/files/documents/Investment%20Policy%20Statement%202021.pdf>.

<sup>11</sup> <https://afsc.org/sites/default/files/documents/Investment%20Policy%20Statement%202021.pdf> (page 5).

<sup>12</sup> Ibid.



requested in points D, E, and F and see tangible amends by the next Board of Managers Weekend.

## Haverford's Role as a Quaker Institution

*"We are a people that follow after those things that make for peace, love, and unity; it is our desire that others' feet may walk in the same, and do deny and bear our testimony against all strife, and wars."<sup>13</sup>*

– Margaret Fell, Founding member of the Religious Society of Friends

We conclude by saying that we ask for these things knowing that we elected to be a part of a community whose values are central to the way we are present on this campus and the changes we want to see.

The principal Quaker values that one raised in the faith grows up hearing (commonly abbreviated to S.P.I.C.E.S.) include *peace, equity, and stewardship*. Haverford College has failed to live up to these values it was founded with and claims to follow today. The Quaker United Nations Office (QUNO), The American Friends Service Committee, The Philadelphia Yearly Meeting, and the Friends Committee on National Legislation have all called for a ceasefire and condemned Israel's apartheid in Gaza.<sup>14</sup> Paradoxically, Haverford College as a "Quaker" institution is not following suit. By continuing to vocally and monetarily support the government of Israel in its ongoing apartheid of the Palestinian people, Haverford College does not honor peace, and does not foster a safe community for Palestinian Fords. Peace is not limited to moments of silence and vigils—it is a goal that we all must actively work towards. Quakers have a long history of anti-war action. It is inappropriate for Haverford to use its position as a historically Quaker institution as an excuse for remaining silent or trying to take a "both sides" approach on apartheid. Peace is not a passive practice. We have unfortunately also seen this behavior of hiding behind "peace" before from Quaker institutions. From Quaker corporations' implication in South African Apartheid, to the long history of prominent Quakers' enslavement of Black people in the United States and Quaker involvement in the abuse of Indigenous people in the US and Canada, Haverford cannot afford to be part of this legacy of inaction. In the past Haverford has stood out among Quaker institutions for being vocal in its disapproval of apartheid in South Africa; we ask that you have the same initiative in opposing apartheid now in Palestine.

Haverford has failed to exercise the value of *equity* in its language and behavior about the apartheid in Palestine. Time and time again, Haverford has been putting the voices of its Zionist students above the experiences of its Palestinian (and specifically Gazan) students. These offenses include approving the inappropriate hc-allstudents

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<sup>13</sup> <https://qfp.quaker.org.uk/passage/19-46/>.

<sup>14</sup> <https://quno.org/sites/default/files/timeline/files/2023/quaker-statement-on-gaza-10-17-23.pdf>.

email calling anti-Zionist students anti-Jewish, and centering Israeli suffering while initially brushing off Gazan suffering. This inequitable treatment of student voices is inexcusable.

Above all, the College has failed to engage with the Quaker value of *stewardship*, the value of caretaking of one's community. Approving hc-allstudents emails that target specific community members already vulnerable to marginalization<sup>15</sup>, failing to condemn ongoing violence against fellow students, faculty, and staff, labeling Jewish students who condemn Israel as "antisemitic," weaponizing anti-Arab and anti-Palestinian talking points, and neglecting to provide adequate counseling/emotional support for its Palestinian students, are all antithetical to principles of community care. The continued lack of adequate response to the safety and well-being of our Palestinian community members is a failure to foster stewardship and engage in community care. Specific remedies to this issue are outlined in the demands and we are hopeful that these efforts will create a safer, more compassionate, and human community to leave behind for the generations to come.

**We ask for a full response to these grievances by Friday, December 1st.**

-Haverford Students for Peace

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<sup>15</sup> Allyson Landau and students. "Silenced Jewish Voices." November 9, 2023

# Exhibit Cover Page

The Deborah Project

**EXHIBIT \_\_\_\_\_**

**LAW OFFICE OF BRYAN C. HATHORN**

Bryan C. Hathorn, J.D., Ph.D.  
103 Stanley Ave  
Maryville, Tennessee 37803  
(865) 621-0417  
[bchathorn@gmail.com](mailto:bchathorn@gmail.com)

February 25, 2024

**By email only**

President Wendy Raymond  
Haverford College  
370 Lancaster Avenue  
Haverford, PA 19041  
[President@haverford.edu](mailto:President@haverford.edu)

**RE: February 29, 2024 Special Plenary**

Dear President Raymond:

I am a graduate of the class of 1991. I have conducted alumni interviews for years. I have given to the college within my means over the years, and I am a member of the Jacob Jones Society.

I write to share my concerns about the special plenary session scheduled for February 29, 2024. Without getting into the content of the resolution,<sup>1</sup> with which I and a substantial majority of my alumni friends disagree, I write about the gross failure in *procedure* for the plenary. The proposed procedure appears to violate the Haverford Student Association Constitution, from which the plenary rules are excepted as an attachment hereto.

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<sup>1</sup> I am an attorney and a fan of free speech within the bounds of respected norms. Although it is debatable whether the First Amendment applies to private institutions after the decision last year where the Supreme Court conducted a 14<sup>th</sup> Amendment analysis on Harvard. Notably, the 14<sup>th</sup> Amendment incorporates the bill of rights against states, and it is now unclear to me if it applies to private institutions. Nonetheless, I think First Amendment has value, and perhaps its principles should probably be applied broadly with the traditional time, manner, and place restrictions.

Bryan C. Hathorn  
Licensed in California and Tennessee

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### **The Advertised Plenary Procedure**

The details of the plenary procedure are somewhat vague. My understanding comes from the article in the Haverford Clerk, which I quote in pertinent part:

As outlined in Article IV; Section 4.02, J. of the Constitution of the Students' Association, the Students' Council can trigger an emergency plenary—or “further plenary”—to gauge the community response to a particular topic. For the emergency plenary to take place, a petition must be submitted to the Co-Presidents containing the signatures of 40% or more of the student body. For the Spring 2024 semester, this would mean receiving the signatures of at least 537 students. Once the necessary signatures have been collected, the emergency plenary is to be held at the soonest available opportunity and requires a quorum of at least 75% of the student body—1,007 students—in contrast to the 50% [*sic*] required for regular plenary. Concurrently, the resolution writers must collect the signatures of 200 students in support of the resolution for it to be presented at the emergency plenary.

Once the necessary signatures are collected, the emergency plenary town hall will take place on Thursday, February 29, following standard plenary procedures. For accessibility purposes, and to ensure that students can engage in the voting process despite its unexpected announcement, emergency plenary will be a hybrid and asynchronous process. It will take place over three days of quorum and voting collection, the maximum period permitted by the constitution. The town hall will also be the final day to submit friendly or unfriendly amendments for consideration. Following the three days of voting, the plenary will end with a closing town hall and pro-con debate on Sunday, March 3. If the resolution passes, in line with standard plenary procedure, it will be sent to President Wendy Raymond on March 3 for her consideration and approval.

Due to the ambiguity regarding the process of emergency plenary in the Constitution of the Students' Association, the Co-

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Presidents met with the Students' Council Election Coordinators to receive their interpretation of the section. The Election Coordinators determined that for it to pass, 75% of students must vote in support of the resolution.

(Paeton Smith-Hiebert, *Students' Council Proposes Emergency Plenary and Ceasefire Resolution*, Haverford Clerk, February 19, 2024.)

### **Constitutional Failures of the Proposed Procedure.**

There are inconsistencies between the advertised procedure and the procedures set forth in the Student Association Constitution. Indeed, it appears that those who are running the student council didn't even bother to consult the Constitution when they devised the rules.<sup>2</sup>

The Constitutional provisions are designed to give not only an appearance of a fair procedure, but to guarantee actual fairness and representation by all members of the student body, both pro and con. They cannot be set aside for the purpose of convenience.

*The procedure is not "ambiguous."*

As a preliminary matter, the article in the Clerk describes the process of an emergency plenary session in the Constitution of the Students Association as "ambiguous." It is not. The procedure for a special "Further Plenary" is set forth in Section 4.02(j):

Further Plenary sessions may only be called when the Co-Presidents of the Students' Association receive a petition signed by forty percent (40%) of the members of the Students' Association calling for such a Plenary. Quorum for this Plenary must be seventy-five percent (75%) of the Students' Association. Such Plenary sessions will be held at the soonest available opportunity.

There is nothing ambiguous in the procedure. There shall be a petition for a further plenary signed by 40% of the members of the Students Association. After such a petition is received, a new plenary will be held at the soonest available opportunity. The only change to the rules

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<sup>2</sup> Had the students asked me, I would have dedicated my time and resources pro bono to ensure that there was a fair procedure. Personally, I think the resolution is ill-conceived, but if they are going to do it, they should at a minimum have a fair and honest procedure.

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is that the quorum should be seventy five percent of the Students Association. All other rules apply.<sup>3</sup>

*“Asynchronous” and “Virtual” Plenary is Prohibited.*

The article in the Clerk also describes that a three day voting and quorum collection period for “accessibility.” Although, the plenary rules *do* provide for accessibility including such accommodations as “live stream” or an “overflow room,” (Section 4.02(b)), there is *nothing* that permits a plenary to continue without the appropriate numerical quorum—in this case 75%. (See Section 4.02(g)(i).) Indeed, if quorum is lost, the process must cease until it is regained. Indeed, the plenary procedures specifically provide that “only those *physically present* and counting for quorum at Plenary may cast ballots for that vote.” (Section 4.02((g)(iv) (emphasis added).)

In this case the relaxation of the rule is being done for convenience, not for necessity. This makeshift procedure defeats the purpose of the heightened quorum requirement for a special “Further Plenary.” The entire point of a heightened quorum requirement is to make the procedure more difficult and inconvenient. Changing the process to make it asynchronous defeats the protections of the special Further Plenary procedure.

The quorum rule in the Constitution and the voting rules require the student body to be present *at the same time*. To paraphrase President Kennedy, we do these things, not because they are easy, but because they are hard. It is the difficulty of the Further Plenary process that gives it great weight and lends to its validity.

*The Pro And Con Debate Happens After the Votes Are Taken.*

In another perplexing procedure invented to bypass the Plenary rules, the voting happens *before* the pro and con debate.<sup>4</sup> This procedure is nonsense and appears to violate the

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<sup>3</sup> The authors of the article appear to be incorporating the rules for ratification of the *honor code* set forth in Section 3.08 of the Constitution into the rules for a special plenary, included in the appendix. The two sets of rules are different. Incorporation of the special rules for Honor Code ratification should not be permitted under the usual rules of statutory interpretation, which are beyond the scope of my discussion here.

<sup>4</sup> One might wonder what happens if someone decides to change their vote after hearing the pro and con debate. Is that permitted? How would it be done? If votes are anonymous—and one would hope that they would be—it is not possible.

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fundamental precept of Haverford—a meaningful and respectful exchange of values. How can any meaningful exchange of values happen when the debate happens after the vote?

Essentially, the final “town hall” meeting on the last day is nothing more than a rubber stamp of what has already happened. This embarrassing procedure is designed to rubber stamp the desired result rather than have a meaningful exchange of values.

### **The President Should Reject any Resolution Under the Unfair Plenary Process.**

The “Further Plenary” procedure appears to be designed to circumvent any fair process and is without authority. As a result, if and when any resolution is submitted to the President under Section 4.02(h), the President should simply note that it was enacted without any legitimacy and decline to review it. Indeed, to avoid taking sides, I encourage the President to not even read it. The President, can, and should, reject the resolution and note that it is without authority.

### **Conclusion**

I love Haverford. Haverford made me the person I am today. I recommend Haverford to the children of my friends. I recommend Haverford to people in the street. The strong honor code and sense of community make Haverford a special and unique place.

I see what appears to be a completely new plenary process in violation of the stated rules of the Students Association Constitution.<sup>5</sup> The process appears to be designed to force through a resolution supported by some of the students.<sup>6</sup>

Haverford is developing a growing reputation as being a place that supports antisemitism. I hope that this is not true. The time has come for the college to stand up against prejudice and the tide that makes students *of whatever faith* feel uncomfortable and unwelcome on campus. I therefore urge you to use your role under the administrative review provisions in Section 5.02(g) to simply reject any resolution passed **without reading it**. The entire special Further Plenary procedure is outside the scope of the Constitutional process.

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<sup>5</sup> The article in the Clerk may just be poor journalism. It contains numerous errors—for example, it states that for a normal plenary the quorum is 50%, when quorum for an ordinary plenary is 66%. (Section 4.02.)

<sup>6</sup> It is an open question in my mind whether designing a procedure to do an end run around the Student Association Constitution is a violation of the honor code. In my view it is, but ultimately the Honor Council would have to have a trial.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan C. Hathorn '91". The signature is stylized and cursive.

Bryan C. Hathorn '91

The Deborah Project

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## **Excerpts from the Student Association Constitution<sup>7</sup>**

### **Section 4.02 Meetings of the Association**

The number of students required for quorum will be 66% of the Students' Association. When computing quorum, students studying away will not be counted when determining the total number of the Students' Association.

#### **(a) Meeting Dates**

The Students' Association will meet in Plenary session twice yearly. During the first week of each semester, Students' Council will choose and announce the date for Plenary, after checking with as many religious, cultural, and affinity groups as possible to minimize conflict, particularly with religious and cultural events. From the time of announcement, students have 72 hours to notify the Co-Presidents of any conflicts with the proposed date and time of Plenary.

#### **(b) Plenary Day Activities**

The Co-Presidents of Students' Council and members of the community including faculty are responsible for asking all pertinent College offices to refrain from scheduling events (guest speakers, athletics, etc.) on the semi-annually scheduled Plenary Sundays. The Co-Presidents are strongly encouraged to take any additional steps in regards to communication with all pertinent College offices and faculty to make Plenary as accessible as possible. It is the responsibility of the Students' Council Co-Presidents and Class Representatives to establish methods that ensure that accessible participation in Plenary is possible for those with mental health concerns, claustrophobia, or other concerns surrounding accessibility brought to the attention of Students' Council. People for whom Plenary would otherwise be inaccessible should count towards quorum. These methods may include but are not limited to: introducing a livestream, the creation of a smaller overflow room, and digital question-and-answer systems.

#### **(c) Resolution Meeting**

Before Plenary, Students' Council will sponsor a publicized meeting on the issues to discuss and further shape the proposals. This meeting must occur before signatures are collected if changes to the proposals are to be made.

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<sup>7</sup> Available at

[https://docs.google.com/document/d/1uZg9GHbkzbcLqLL4JgY9D7DnCfaYXAUXOgdzmx9E\\_Cg/edit](https://docs.google.com/document/d/1uZg9GHbkzbcLqLL4JgY9D7DnCfaYXAUXOgdzmx9E_Cg/edit); last downloaded February 25, 2025.

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**(d) Resolution Signatures**

In order to bring a resolution to Plenary, the person(s) submitting the resolution must collect two hundred (200) signatures of the members of the Students' Association. Students' signatures will represent their support of the value of discussion of issues contained in the resolution, but may not necessarily represent a vote for the resolution. Resolution presenters are responsible for collecting signatures before a deadline specified in advance by the Students' Council Co-Presidents.

**(e) Resolution Presentation**

Proposals must be submitted to a Students' Council-appointed Committee by a deadline specified in advance by the Students' Council Co-Presidents. This committee will review all resolutions and assure that proper research and preparation has been executed, including discussion with the administration on pertinent matters. This review completed, Students' Council will distribute the resolutions to the Students' Association in time for discussion.

**(f) Plenary Agenda**

The Plenary agenda and rules of order will be determined by the Students' Council or a delegated committee.

**(i) Previous Plenary Resolution Presentation**

Directly following the presentation of the Plenary agenda, the Co-Presidents of the Students' Council will report on the current state of resolutions that were passed at the previous semester's Plenary.

**(ii) Students' Council Agenda**

The Co-Presidents of Students' Council will present the Students' Council agenda for the current semester to the Students' Association. This shall take place prior to the presentation of resolutions. There shall be a fifteen minute pro-con discussion of the agenda which may be extended based on the accepted rules of Plenary. Students' Council shall provide a forum for further discussion of the agenda at the Students' Council meeting directly following Plenary.

**(g) Voting Procedures/Rules of Order**

**(i) Quorum**

In order for quorum to be reached, at least 66% of the students living at Haverford must be present at Plenary. When computing quorum, students studying away will not be counted

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when determining the total number of the Students' Association. If quorum is lost at any point during Plenary, the meeting will be suspended until quorum is again reached. After 30 minutes without quorum, the Chairs may evaluate the situation going forward.

(ii) Voting Options

When voting, students may choose one of three options: "Yes," indicating approval of the matter at hand; "No," indicating disapproval and "no Vote," indicating a conscious decision to not vote.

(iii) Majority Rules

The outcome of all votes is determined by the proportion of students present at Plenary voting in the affirmative. Ratification of or amendments to the Alcohol Policy, the Plenary Rules of Order, and the Students' Constitution will require a two-thirds (2/3) supermajority. Ratification of all other resolutions and amendments will require a simple one-half (1/2) majority.

(iv) Voting Procedures

Votes at Plenary shall be conducted electronically and overseen by the Elections Coordinators. Each ballot will be required to reach a 66% quorum of the students living at Haverford, and Students' Council shall ensure that only those physically present and counting for quorum at Plenary may cast ballots for that vote. When electronic voting is impossible, the Students' Council Co-Presidents may permit a vote to be conducted using an informal method (e.g. raising of packets). If the outcome of the vote is abundantly clear in the eyes of the Elections Coordinators, they may proceed as if that outcome were decided by a formal vote. After any such determination, the Co-Presidents will call for any dissent as to the adjudication of the vote. If eight (8) or more members of the Students' Association come forward, or if the Elections Coordinators determine that the result of the informal vote is unclear, then a paper ballot must be conducted.

(v) Amendments to the Plenary Rules of Order

These may be presented and voted on prior to the presentation of the first resolution. Any portion of the agenda may be changed.

(vi) Pro-Con Debate

During any given pro-con debate a person will not speak for longer than 90 seconds at any given interval, nor shall they be recognized by the chair more than two times. Upon each

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extension of a pro-con debate, a person may be recognized by the chair one (1) additional time.

(vii) Amendments

Plenary may add “Friendly Amendments” or “Unfriendly Amendments” to a resolution by a vote of the majority. All friendly and unfriendly amendments must pertain to the current resolution as seen in the eyes of the chair. Once an amendment has been approved it may not be reversed, nor the resolution be withdrawn.

(xiii) Recusal

To speak to the content of a resolution, a chair must step down until the proposal is resolved. The Co-Vice President(s) shall then preside for the remainder of that resolution.

(ix) Time Limit

The time limit for Plenary shall be four hours. If this time limit expires, the assembled Plenary shall vote to extend the time limit for half an hour no more than two times. If the assembled Plenary fails to extend the time limit by majority vote, the pending resolution (if any) will be voted on immediately, without further discussion.

**(h) Administrative Review**

Within seven (7) days of the close of the Plenary session, the Co-Presidents of Students’ Council will present all passed Plenary resolutions to the President of the College and all senior administrative staff for review. Within thirty (30) days, it is the responsibility of the Co-Presidents to gather a formal written response from the President of the College regarding the state of each resolution and to distribute the statement to the Students’ Association. If the President of the College approves a resolution it will take effect as soon as possible unless otherwise stated in the resolution. Should the President of the College not approve a resolution, the Co-Presidents will hold a discussion session about the resolution. In cases where a resolution explicitly impacts faculty, staff, or the institution as a whole, the President will have the following options: (a) accept completely; (b) accept, with a stipulation for changes; and (c) reject altogether. The President will also be asked to articulate more fully the reasons for their decision. In case (b), the resolution proposers have the ability to either make the changes proposed by the President or they can choose not to make the changes. If the proposers do make a change, the resolution will go back to the community during the next Plenary. Assuming the Students’ Association re-approves the amendment, it will once more turn to the President for feedback. If the proposers choose not to make the changes requested, however, the President will only have the option to accept or

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reject the resolution as proposed. A new Plenary may be called by petition of twenty percent (20%) of the members of the Students' Association, or by the Co-Presidents of Students' Council where a revised resolution may be presented.

**(i) Failure of Quorum**

Should quorum not be reached at the scheduled Plenary session of a given semester, everything to be ratified at that Plenary session fails. When this occurs in the spring semester, the Honor Code fails. If quorum is lost at any point, no more resolutions may be passed until quorum is regained.

**(j) Further Plenary Sessions**

Further Plenary sessions may only be called when the Co-Presidents of the Students' Association receive a petition signed by forty percent (40%) of the members of the Students' Association calling for such a Plenary. Quorum for this Plenary must be seventy-five percent (75%) of the Students' Association. Such Plenary sessions will be held at the soonest available opportunity.

**(k) Honor Code Resolutions**

Resolutions passed in the fall that require changes in the Honor Code will be withheld from use until Spring ratification.

**(l) Copies of the Constitution and Honor Code**

It is the responsibility of the Co-Presidents of Students' Council to ensure that all students have access to an unabridged copy of the Constitution and Honor Code online. A new, corrected and unabridged version must be available to all students within one month.

\* \* \*

**Section 3.08 Ratifying the Honor Code**

At Spring Plenary, there must be a vote by two-thirds of those present in favor of opening ratification of the Code. If this occurs, the electronic ratification system will be open the fourth and fifth days following Spring Plenary.

If two-thirds of those assembled at Plenary do not vote to open ratification of the Honor Code, the Code fails the first round of ratification. To subsequently ratify the Code, students must create and circulate a petition requesting the convening of a Special Plenary to enable ratification

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to open. Forty percent of students must sign this petition conveying their desire for such a Special Plenary and pledging to attend.

During the ratification period, Honor Council will schedule eight hours each day of tabling to answer any questions and receive any criticism of the Honor Code which might arise. This council member will have a computer with network access which students may use to ratify the code. All students are strongly encouraged under the Honor Code to vote or to communicate to Honor Council reasons why they did not or could not.

Ratification ballots will have three options and a space for comments, suggestions, or criticisms. Filling in this space for comments will be required by the electronic ballot. The ballot will read as follows:

- A) I have thoughtfully considered my position on the Code and I vote for its ratification for the following reason(s):
- B) I have thoughtfully considered my position on the Code and I vote for its ratification, but I have the following objection(s):
- C) I have thoughtfully considered my position on the Code, and I do not vote for its ratification for the following reason(s):

If more than two-thirds of the student body chooses option "A" or "B", the Honor Code is ratified. If less than two-thirds of the student body chooses option "A" or "B" but more than two-thirds of the student body votes, the Honor Code fails, and a Special Plenary will be scheduled to modify the Code in such a way as to enable a two-thirds majority to vote for ratification.

If less than two-thirds of the student body votes, the Honor Code fails. Students should strongly consider the wisdom of convening a Special Plenary. Such a Plenary would be convened only if forty percent of the student body signs a petition not only asking for the Plenary, but pledging to attend. At a Special Plenary, three-quarters of the student body would constitute quorum, and votes in favor of ratification by two-thirds of the student body would be required for ratification to occur.

Should the Honor Code fail ratification, the Haverford Community will continue to observe the Honor Code's rules and guidelines for a transition period of 6 academic weeks after the vote. A Special Plenary can be organized at any time within that period to ratify an Honor Code. If no Honor Code is ratified within that transition period, the Code will cease to be in effect. Further Plenaries may still be convened to ratify an Honor Code.

Upon its ratification, we renew our commitment to the Honor Code and we pledge to uphold these ideals through the conduct of our daily lives.

# Exhibit Cover Page

The Deborah Project

**EXHIBIT \_\_\_\_\_**



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

8<sup>TH</sup> FLOOR, 5 POST OFFICE SQUARE  
BOSTON, MA 02109-3921

REGION I

CONNECTICUT  
MAINE  
MASSACHUSETTS  
NEW HAMPSHIRE  
RHODE ISLAND  
VERMONT

April 3, 2023

President Suresh V. Garimella  
University of Vermont  
Office of the President  
85 South Prospect Street  
344-353 Waterman Building  
Burlington, VT 05405

By email: [President@uvm.edu](mailto:President@uvm.edu)

Re: Complaint No. 01-22-2002  
The University of Vermont and State Agricultural College

Dear President Garimella:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against The University of Vermont and State Agricultural College (the University) on October 2, 2021. The Complainant alleged that the University failed to respond appropriately to complaints that students were subjected to discrimination at the University based on their Jewish ancestry.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, under any program or activity that receives Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the University is subject to these laws and regulations.

OCR reviewed records and information provided by the Complainant, the University, and publicly available information. In particular, OCR reviewed the University's student code of conduct as well as its policies and procedures for resolving complaints of discrimination on the basis of national origin. OCR also reviewed records relating to alleged 2021 antisemitic incidents and the University's responses. Additionally, OCR reviewed documents that the University provided relating to antidiscrimination initiatives as well as publicly available news reports and press releases. OCR also interviewed seven current University employees, one former employee, and the [redacted content]. Through the University and Complainant, OCR requested interviews with students who complained and/or were witnesses to incidents described in this letter; none of the students responded to OCR's requests.

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

As explained further below, before OCR completed its investigation, the University entered into the enclosed resolution agreement (Agreement) that OCR will monitor to ensure the University's compliance with the Agreement's terms and with Title VI and its implementing regulation.

### **Legal Standard**

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies. Harassment that creates a hostile environment for individuals with a shared ancestry, such as students of Jewish descent, is national origin discrimination under Title VI.

A recipient violates Title VI if one of its agents, acting within the scope of their official duties,<sup>1</sup> has treated an individual differently on the basis of national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the individual to participate in or benefit from the services, activities, or privileges provided by the recipient.

Harassment creates a hostile environment when the conduct is sufficiently severe, persistent or pervasive that it interferes with an individual's ability to participate in or benefit from a recipient's program. The harassment in most cases consists of more than casual or isolated incidents based on national origin. If OCR determines that the harassment was sufficiently severe that it would have adversely affected the enjoyment of some aspect of the recipient's educational program by a reasonable person, of the same age and national origin as the victim, under the same circumstances, OCR will find that a hostile environment existed. A recipient may be found to have violated Title VI if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment based on national origin harassment of which it has actual or constructive notice.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on national origin existed; (2) the recipient had actual or constructive notice of a hostile environment based on national origin; and (3) the recipient failed to respond adequately to redress the hostile environment based on national origin. Whether conduct constitutes a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the national-origin-based harassment, as well as the identity, number, and relationships of the persons involved.

A recipient is charged with constructive notice of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

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<sup>1</sup> When determining whether an agent or employee was acting within the scope of their official duties such that the individual has actual or apparent authority over the individuals involved, OCR takes into account such factors as the relationship between the parties and the time, location, and context of the alleged conduct.

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

### **Summary of Evidence Obtained**

The University is located in Burlington, Vermont and enrolls 11,326 undergraduate and 1,395 graduate students. The University houses more than 5,800 students on campus. UVM Hillel (Hillel) is an affiliate organization of the University with a mission “to enrich the lives of Jewish undergraduate and graduate students so that they may enrich the Jewish people and the world.” Hillel leases its on-campus building from the University; the building’s second floor houses University students (affiliation with Hillel and/or identification as a student of Jewish ancestry is not a requirement for Hillel housing).<sup>2</sup> According to the [redacted content], the University enrolls between two and three thousand students who identify as Jewish. Over 80% of the University’s students are involved in at least one club or organization; there are over 200 such organizations recognized by the University’s Student Government Association (SGA).

The Complainant alleged that the University failed to respond appropriately to the following incidents:

- In April and May 2021, a University [redacted content]<sup>3</sup> who identified herself as a teaching assistant (Teaching Assistant) made a series of antisemitic public tweets.
- On September 24, 2021, students threw “small rocks” and “items with a sticky substance” at the Hillel building. When one student living in the dormitory portion of the building called out and “asked them to stop throwing things,” one of the students outside responded, “Are you Jewish?”
- In May 2021, two student groups excluded Jewish students from group membership and one of the groups made antisemitic comments on social media.

### **Relevant Policies and Procedures**

The University’s Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy (Equal Opportunity Policy) prohibits discrimination, including but not limited to harassment, on the basis of national or ethnic origin, among other protected classes, in the University’s programs or activities.<sup>4</sup> The University’s Discrimination, Harassment, and Sexual

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<sup>2</sup> <https://www.uvm.edu/news/story/hillels-new-home>.

<sup>3</sup> [redacted content].

<sup>4</sup> <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/equaledu.pdf> (citing Title VI). The University’s Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure (Operating Procedure) clarifies that this prohibition extends to discrimination, including but not limited to

Misconduct Policy (Discrimination Policy) applies to all students and employees, amongst other groups. The University's Code of Student Conduct (Code) provides that alleged violations of the Discrimination Policy are governed by that policy, rather than by the Code.<sup>5</sup>

The Discrimination Policy states that, upon receipt of information indicating that an incident of discrimination occurred involving members of the University community, a "UVM Reporter"<sup>6</sup> must, among other actions, immediately complete a Bias, Discrimination, & Harassment Incident Reporting Form (Reporting Form)<sup>7</sup> or send an email to the University's Affirmative Action & Equal Opportunity Office (AAEO) with all information the individual knows; anyone who is not a UVM Reporter is strongly urged to notify AAEO when they receive information that an incident of discrimination has occurred. The Discrimination Policy specifically references, and provides a hyperlink to, the University's Designation and Responsibilities of UVM Reporters Operating Procedure. It also notes that individuals may contact AAEO directly to make a disclosure and learn about University-based options for support and resolution, with information regarding how to do so in person, by phone, by email and online via the Reporting Form. The Discrimination Policy further provides the AAEO Director's name, title, office and email address, and telephone number; and hyperlinks to the University's Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure (Operating Procedure).

Off-campus conduct that does not occur in connection with a University sponsored or affiliated program or activity is subject to the Discrimination Policy where the conduct may reflect adversely on the respondent's fitness to remain enrolled in an academic program or employed in their position, pose an imminent or continuing threat of harm to the safety of University community members, or create or contribute to a hostile environment on campus. Resolution options and procedures for incidents covered by the Discrimination Policy are detailed in the Operating Procedure.

The Operating Procedure provides that, upon notice to AAEO that an individual has been the subject of alleged discrimination, AAEO will provide outreach to that individual. The University's policies and procedures do not state whether AAEO will contact the individual reporting discrimination, to solicit additional information or for any other reason, if the reporting

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harassment, on the basis of ancestry. See <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/discrimcomplaints.pdf>. The University's Discrimination, Harassment, and Sexual Misconduct Policy (Discrimination Policy) clarifies that this prohibition extends to all academic, extracurricular, and other programs and activities sponsored by the University, and further clarifies that harassment may encompass verbal, written, visual, or physical communications and/or conduct. See <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/sexharass.pdf>. Both the Discrimination Policy and the Operating Procedure prohibit retaliation against persons who report discrimination, including but not limited to harassment, or participate in related proceedings.

<sup>5</sup> <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/studentcode.pdf>.

<sup>6</sup> UVM Reporters include, but are not limited to, members of the University's Police Services and contract security personnel; a supervisor, manager, or higher level employee; a chair, director, or dean of an academic unit; full and part time faculty members; personnel with oversight responsibilities for students or student employees; advisors to recognized student organizations; coaches and coaching staff; and any other individuals considered to be a Campus Security Authority pursuant to the Clery Act. See <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/campussecurity.pdf>.

<sup>7</sup> [https://cm.maxient.com/reportingform.php?UnivofVermontAAEO&layout\\_id=5Done](https://cm.maxient.com/reportingform.php?UnivofVermontAAEO&layout_id=5Done).

individual is not the subject of the alleged discrimination. The Operating Procedure further provides that if the individual who has been the subject of alleged discrimination expresses interest in a University resolution process, or if the nature of the disclosure prompts the AAEO Director to take independent action, AAEO will determine (1) whether the respondent was subject to the Discrimination Policy at the time of the alleged conduct and (2) whether the conduct as alleged could be a violation of the Discrimination Policy. If the AAEO Director determines that AAEO lacks jurisdiction or the matter is not otherwise appropriate for resolution, AAEO will provide appropriate referrals to other resources.

The University's policies and procedures do not state a timeframe for completion of this intake and jurisdictional review process, nor do they specify the circumstances in which the AAEO Director would take independent action, as described above. If an individual subjected to alleged discrimination does not want to participate in the resolution process or expresses a desire for their identity to be kept confidential, the Operating Procedure states that the AAEO Director will weigh such requests against the University's responsibility to provide a safe and nondiscriminatory environment for all members of the campus community.

If the AAEO Director determines that AAEO has jurisdiction and the matter is otherwise appropriate for resolution, the Operating Procedure specifies the procedures that will be used to receive, investigate, and resolve alleged discrimination. This includes how to file complaints, the availability of supportive measures, the steps that will be taken as part of an investigation (including, but not limited to, review of any documents related to the complaint and a requirement for documented interviews with individuals who have information about the complaint, including the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information), and how the parties will be notified of the outcome of the complaint. Upon a finding of discrimination, the Operating Procedure specifies that the University will take all necessary steps to prevent recurrence and remedy discriminatory effects.

#### Allegations Concerning the Teaching Assistant

On May 17, 2021, the [redacted content] filed a Reporting Form with AAEO alleging that University students had subjected Jewish students at the University to antisemitic harassment. The Reporting Form included an attached document containing a collection of tweets, including many from the Teaching Assistant with an accompanying photograph of her. Amongst the tweets from the Teaching Assistant were the following that she posted in April and May 2021:

- “its [sic] good and funny” “for me, a TA, to not give zionists credit for participation” and to give the students for whom she was a teaching assistant “-5 points for going on birthright,” “-10 points for posting a pic with a tank in the Golan heights,” and “-2 points just cuz I hate ur vibe in general”;
- “why do so many zionists work for the writing center[?]”;
- the word “Kristallnacht” above a picture of a damaged storefront with accompanying Hebrew text from another user;

- “i get the indelible [sic] surge [sic] to cyber bully” when receiving “posts from UVM Zionist Instagram accounts”;
- “serotonin rush of bullying zionists on the public domain”;
- an Instagram account that the Complainant asserted had been organized by a group of Jewish students at the University had “turned off comments :(,” tweeted in response to another post stating “let the cyber bullying [of that account] begin”;
- “free trips, both sides discourse,” and the statement “my family lives in tel aviv” should be “politically unthinkable, worthy of private and public condemnation, [and] likened to historical and contemporary segregationist movements”; and
- “who stole the israeli flag on [redacted content]? i just wanna. . . tell you how cool and special and loved you are” and “defend [your] honour” for “anonymously doing good.”

The [redacted content] informed OCR that he received these tweets from Jewish students at the University who felt threatened by them. In the Reporting Form, the [redacted content] also cited a tweet by another student stating that “it’d be a shame if something happened to the israeli flag” off campus, noting that a student’s Israeli flag at that location had been “vandalized” shortly afterward. While the [redacted content] used the word “vandalized,” all of the other evidence OCR reviewed indicated that the flag had been stolen. As noted above, the Teaching Assistant subsequently tweeted in praise of this theft.

The [redacted content] filed another Reporting Form with AAEO the same day alleging that University students had subjected Jewish students to additional antisemitic harassment. OCR reviewed the Reporting Form, which included the Facebook posts with a handle containing the Teaching Assistant’s first and middle name and another photograph with a likeness to the one accompanying her Twitter account handle. The Reporting Form included an attached document containing numerous Facebook posts, including many from an individual whom the [redacted content] informed OCR was the Teaching Assistant based on the name and photograph associated with the account. The [redacted content] informed OCR that he received these Facebook posts from a Jewish student at the University who had participated in, and felt threatened by, this conversation.

That same day, the [redacted content] filed another Reporting Form with AAEO alleging that he had been subjected to antisemitic harassment when the Teaching Assistant had tweeted earlier that day that the [redacted content] . . . issu[ed] defamatory statements against students of color,” noting that “[h]e blocked me and . . . unlisted his account from search even when I use a different account.” Other University students agreed that he was “bully[ing]” and “disenfranchis[ing]” students. The [redacted content] wrote in the Reporting Form that these tweets made him “feel like I may be unable to participate in university activities for fear of my personal safety” and wanted “to ensure that nobody at UVM is harassed for being Jewish.”

On May 28, 2021, a member of the University’s Bias Response Team<sup>8</sup> emailed the [redacted content] that AAEO had forwarded to the Bias Response Team all his Reporting Forms and attachments and thanked him “for noting the significant impact all of this has had on so many students (and you!).”

On August 2, 2021, the [redacted content] emailed the [redacted content] that he “had not received any follow up” regarding the Reporting Forms since the above-referenced communications. The next day, the [redacted content] responded that he would “check in with the Bias Response Program and we will be in touch soon.”

On September 6, 2021, the [redacted content] sent a letter to the University President thanking him for speaking with the [redacted content] three days earlier “about the pressing issues facing Jewish students” at the University. The letter states that the [redacted content] “continue to hear from parents, students, and alumni about the egregious bias Jewish students have experienced.” The [redacted content] appended some, but not all, of the social media posts included with the May 2021 Reporting Forms he had previously filed, which he stated “were referenced in your call” with the [redacted content] as well as “student quotes about the bias and harassment regarding their shared ancestry and ethnicity.”

On September 14, 2021, the University’s Provost met with twelve Jewish students at Hillel. According to notes taken by the Provost as she listened to the students’ concerns, which the University provided to OCR, the students “wanted to discuss their experiences . . . with antisemitism,” including, amongst other incidents, a teaching assistant who had “threatened to decrease grades of all Jewish students.” The Provost wrote that she would “follow-up” on this report “with [a] possible misconduct complaint” and subsequently wrote that the University could not “find if [the Teaching Assistant] did any TA’ing in the spring.” The Provost subsequently informed OCR that she concluded that the Teaching Assistant had not served as a teaching assistant during the spring 2021 semester because she could find no record indicating that she had. However, the Provost also informed OCR that she was unsure if anyone had asked the Teaching Assistant if she had served as a teaching assistant prior to the fall 2021 semester.

On September 21, 2021, the [redacted content] emailed the chair of the Teaching Assistant’s department (“Department Chair”) to inform him that the Teaching Assistant had “made statements on Twitter that implied that students’ ethnicity, religion, or national origin may impact her grading decisions.” The [redacted content] attached a memo to the Department Chair entitled “Report about [Teaching Assistant].” The memo states that the University’s Vice Provost for Student Affairs (Vice Provost) had emailed the [redacted content] the social media posts that the [redacted content] had sent to the University President on September 6, 2021. The memo further states that on September 16, 2021, the [redacted content] met with the Teaching Assistant’s course coordinator, who confirmed that the Teaching Assistant’s “duties . . . include grading assignments on a bi-weekly basis and answering student questions” and “there have been

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<sup>8</sup> The University’s website states that “[a]ll incident reports [submitted on the Reporting Form] are directly routed to [AAEO] to review for policy violations. If the report does not violate University policy, it will be sent to the Chair of the Bias Response Team for review.” [https://www.uvm.edu/deanofstudents/frequently\\_asked\\_questions](https://www.uvm.edu/deanofstudents/frequently_asked_questions). While University employees confirmed that this is how incident reports are routed, the University’s policies and procedures do not otherwise specify the role of the Bias Response Team.

no complaints or concerns about [her] work so far.” The memo quotes the Teaching Assistant’s tweets about deducting points from certain students and “zionists work[ing] for the writing center”; it does not reference any of the other social media posts that the [redacted content] had provided to AAEO in May 2021 or to the President earlier in September. In the [redacted content]’s memo, she concludes that “there is insufficient information for AAEO to conduct a formal investigation<sup>9]</sup> for discrimination or harassment” because “AAEO has not received any complaints from students that [the Teaching Assistant] discriminated against or harassed them in connection with her role as” a teaching assistant.

The [redacted content] subsequently said to OCR that the fact that AAEO had not received any complaints from students regarding the Teaching Assistant was dispositive of her decision that AAEO would not investigate the Teaching Assistant’s actions. When told of this assertion by the [redacted content] informed OCR that he agreed with her conclusion. While the [redacted content] could not specifically recall discussing the Teaching Assistant, he informed OCR that the [redacted content] would have brought it to his attention and he would have had to approve her determination. Both the [redacted content] confirmed that they had only considered the tweets that she quoted in the memo, and not any of the Teaching Assistant’s other social media posts, when deciding whether to investigate the Teaching Assistant’s actions. They also confirmed that AAEO did not interview anyone prior to reaching its decision. The [redacted content] informed OCR that she expected the Teaching Assistant’s professor to decide whether any action, outside the jurisdiction of the Discrimination Policy, should be taken in response to the Teaching Assistant’s actions.

On September 24, 2021, the University’s counsel informed the [redacted content] that the Teaching Assistant’s professor met with the Teaching Assistant, who “admitted they were her tweets” and “was apologetic.” Counsel noted that the Teaching Assistant “no longer ha[d] any grading responsibilities in the course.” On September 30, 2021, the professor emailed the University’s counsel that he had informed the Teaching Assistant “that she could no longer be a TA for” his course and had “regraded all items she originally graded.”

While not acknowledging a misstep in his Title VI jurisdictional analysis, the [redacted content] told OCR that he believed the University’s policies are “flexible enough to conduct an investigation with an unknown complainant” and AAEO would exercise discretion to conduct an investigation depending on the particular facts presented. However, the [redacted content] informed OCR that he could not recall AAEO investigating any potentially discriminatory incident that had come to the University’s attention without a complaint having been filed with an identified victim or victims.

### Allegations Concerning the UVM Hillel Building

On the evening of September 24, 2021, a University police officer (Responding Officer) received a call from a [redacted content] about items being thrown at the Hillel building. The Responding Officer observed “pieces of foam all over the ground and stuck to the [rear] door.” He met with the [redacted content] (“the complainants”) and summarized his conversation with them in his written report as follows: “They advised they’d seen a group of college-aged men outside the

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<sup>9</sup> The University’s policies and procedures do not distinguish between formal and informal investigations.

building tampering with bikes . . . [and] yelled down to the men to leave the bikes alone. The complainants advised the males then began throwing . . . rocks . . . at windows but I . . . did not observe any damage to any windows.” The Responding Officer determined that there was no video of the incident available. The [redacted content] filed a Reporting Form regarding this incident and called the Responding Officer to report that the complainants “told him that the males had asked [them] if they were Jewish” and threw foam and rocks at the building after learning that they were Jewish. The Responding Officer wrote that, “[a]s this would constitute a bias or hate-motivated incident,” the [redacted content] “was advised so the bias-response team could be made aware.”

The next morning, another police officer (Follow-up Officer) went to the Hillel building and identified the foam as debris from large puffball mushrooms. One of the complainants told the Follow-up Officer that she did not know if “the group was targeting her or [Hillel] because of their Jewish affiliation,” but “described the question about if she was Jewish as ‘random.’” The other complainant told the Follow-up Officer that she “advis[ed] them not to break anything, as then they would have to call [the] police,” then closed the window to her room after “[t]he group mocked that statement” and “started to throw small rocks at the window they just closed.”

Another [redacted content] student informed the Follow-up Officer that the group might have been there to talk to [redacted content] subsequently called the Follow-up Officer and informed her that “his friends . . . ‘threw rocks at his window until he came out.’” He emphasized “that his friends ‘were not racist’ and had no ill-intent.” When the Follow-up Officer asked “if he would feel comfortable sharing the[ir] names,” he “seemed extremely unsure about that and wanted to check in with his friends.” The Follow-up Officer asked him to call her if he felt as though he could provide any further information, but the [redacted content] never did.

Prior to the Follow-up Officer’s inquiry, the [redacted content] emailed the [redacted content] that he would “put out a campus message on this” and emailed the [redacted content] a draft campus advisory regarding a “Bias Related Incident (Antisemitism)” at the Hillel Building. The [redacted content] subsequently emailed the [redacted content] to inform her that he told the [redacted content] he was “not sure this fits with a . . . campus advisory.” He noted that the [redacted content] had “disagree[d] in terms of knowing it is an antisemitic event.”

On September 27, 2021, the [redacted content] spoke with the [redacted content] to discuss AAEO’s role in matters like this and emailed the students who had spoken with the police officers to notify them of their ability to file a complaint with AAEO and offer supportive resources such as counseling.

Later that day, the [redacted content] emailed the [redacted content] and Vice Provost to inform them that the Bias Response Team had convened and did “not see this case as an act of targeted identity based bias.” She noted that the “Team was also in support of a larger community-wide communication going out from the Provost to support and affirm the Jewish community given the totality of the adverse experiences they have had for several years”; she did not recall receiving a response to this recommendation.

Allegations Concerning @ShareYourStoryUVM

On May 14, 2021, a Jewish University student filed a Reporting Form regarding an Instagram account allegedly run by University students with the handle @ShareYourStoryUVM. The student alleged that the account made “antisemitic [sic] and hateful” comments, including “zionists make me sick.” She also alleged that the account “said they will not engage in discussion with zionists.” Another Jewish student filed a Reporting Form on May 16, 2021, similarly complaining about antisemitic comments made by the @ShareYourStoryUVM account.

As described above, on May 17, 2021, the [redacted content] filed three Reporting Forms with AAEO alleging that University students had subjected Jewish students at the University to antisemitic harassment. The document attached to one of those forms contains several posts from @ShareYourStoryUVM, including posts stating that the account was created “by a small team of college students” who believed that “Israelis have put so many Palestinians through” “disgusting sexual abuse”; stated that they “cannot stand with . . . Israel and Zionists” and must “hold our peers accountable for their pro-Israel or Zionist stances”; and noted that “we follow the same policy with zionists that we follow with those trolling or harassing others: blocked.”

AAEO received these Reporting Forms but did not investigate them or document the reason for its decision not to do so. Instead, AAEO referred the matter to the Bias Response Team. The [redacted content] informed OCR that AAEO did not have jurisdiction over the account because it was run anonymously and was not associated with a registered student organization at the University. The other University employees that OCR interviewed shared this understanding regarding the account’s operation and lack of affiliation with the University.

In late May 2021, a member of the Bias Response Team emailed both students who had submitted the Reporting Forms referenced above and offered to meet with them to discuss the matter and offer supportive resources. The Bias Response Team member also emailed an address associated with the account on July 8 and September 17, 2021, to share the students’ concerns, but the owner of the account did not respond.

Allegations Concerning the Revolutionary Socialist Union Book Club

As referenced above, on September 14, 2021, the Provost met with Jewish students at Hillel to listen to their concerns about antisemitism at the University. The Provost’s notes from that meeting state that the “UVM Book Club was identified as one group that had specifically excluded Jewish students or Zionists from participating” and “it is unclear if there are subgroups under this group but it looks like the Revolutionary Socialist Union [RSU] is one.”<sup>10</sup>

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<sup>10</sup> On May 1, 2021, the “UVM Revolutionary Socialist Union” posted on Instagram that “[n]o . . . Zionism . . . of any kind will be tolerated.” <https://www.instagram.com/p/COVe0nSnDM9/>. An archived version of the UVM Book Club’s website as it appeared on August 25, 2021, shows a link to RSU which, when clicked, states that RSU is “[u]naffiliated with” the University. <https://web.archive.org/web/20211011171849/https://bookclub.w3.uvm.edu/groups/rsu/>.

On September 15, 2021, the Vice Provost emailed Student Affairs staff to ask if RSU was an “individually recognized SGA club[.]” On September 20, 2021, the University’s [redacted content] responded that the [redacted content] had informed him that the UVM Book Club “promote[s] various other book clubs off campus” on its website, one of which was the RSU book club. The [redacted content] reminded the [redacted content] of that club’s obligations, as a registered student organization, to comply with the University’s nondiscrimination policies.

On September 30, 2021, a student emailed the Provost a link to RSU’s draft constitution, which states that every RSU member must pledge “no” to Zionism. On October 4, 2021, the [redacted content] emailed the Vice Provost that he had confirmed that RSU was an “unrecognized SGA organization,” “receive[d] no funding from SGA,” and was not “afforded any University privileges,” so the University did “not have any jurisdiction over” it.

On September 22, 2022, the [redacted content] emailed the [redacted content] to remind them “that you cannot sponsor” “non-UVM affiliated[.] book clubs” and requested that they add language to the UVM Book Club’s website “that makes it clear that these groups are unaffiliated with the UVM Book Club” and are not “sponsored by you or the University.” The [redacted content] confirmed the following day that the website had been updated.

The [redacted content] informed OCR that they could not recall if AAEO was notified of this incident, and they confirmed that they did not investigate this incident.

#### Jewish Students Shared Other Experiences with the University

As referenced above, on May 17, 2021, the [redacted content] filed Reporting Forms with AAEO. In addition to the Teaching Assistant allegations and the @ShareYourStoryUVM allegations, he alleged that University students subjected Jewish students to other antisemitic harassment. The [redacted content] attached statements Jewish students shared with him such as: a Jewish student “was “upset [and] feared for her safety” as a result of vulgar social media posts; another Jewish student felt scared and unsafe due to residence hall neighbors who were “all posting very anti-Semitic posts on their social media accounts” and had been “physically aggressive in the past”; another Jewish student was “strongly considering transferring to a campus that is safe for Jewish students because of the[se] incidents”; another Jewish student was “frustrated, scared, and upset with the things their friends were posting on social media” and “felt alone and targeted for her . . . identity”; and another Jewish student who “is Israeli” had begun to “fear to share where her family is from.” In total, the [redacted content] presented statements from 23 Jewish students. No names were provided; rather, the statements were attributed to the students’ initials and class year. The [redacted content] recalled reaching out to the [redacted content] to encourage him to share the names of the affected students. Neither the [redacted content] nor the [redacted content] could recall whether any names were ultimately shared.

On September 17, 2021, the [redacted content] wrote to the [redacted content] that, “during the April/May 2021 timeframe,” the University had “received information about . . . deeply frustrated and frightened students connected to Hillel.” She noted that she had “met with a few students and your staff to learn what they were experiencing,” “informed Senior Leaders,” and

the Vice Provost and Provost subsequently met “with the concerned students on May 19, 2021.” The [redacted content] wrote “that the discussion resulted in both leaders feeling informed and expressed their commitment and care for the students and the Jewish community.”

As referenced above, on September 14, 2021, the Provost met with twelve Jewish students at Hillel who wanted to discuss their experiences with antisemitism at the University. According to the Provost’s contemporaneous notes, student reports included: “feel[ing] they cannot wear a star of David or any other signs of Jewish heritage as they will be belittled and berated”; Jewish students received “no support or communication from the administration to call out the antisemitism that exists” at the University; “formal AAEO . . . complaints were [not] made because they don’t want to reveal their names for fear of retribution [and] increased harassment”; and a request that the University “[e]stablish a clear and timely disciplinary process for students . . . perpetuating antisemitic incidents on campus.”

The University did not conduct investigations or otherwise try to ascertain additional information regarding any of the incidents or comments that the Provost captured in her meeting notes. The Provost offered her support to the students during the September 14, 2021 meeting and a follow-up meeting on September 30, 2021.

#### Actions Taken by the University Since the Opening of the OCR Complaint

Soon after OCR commenced its investigation of this complaint and in response to media coverage that immediately followed, the University’s President issued a letter to “Members of the UVM Community” asserting that media coverage of OCR’s opening of this investigation “has painted our community in a patently false light” and detailing the University’s actions and perspective responsive to the allegations in the complaint that prompted this investigation. The letter went on to note “[t]here is no doubt that antisemitism exists in the world and, despite our best efforts, in our community. Exploitation of fear and divisiveness by advancing false claims that UVM failed to respond to complaints of antisemitic behavior creates confusion and a sense of insecurity for the entire community.” Later in his statement, he wrote “[once] opened, the OCR investigation gives the [U]niversity the opportunity to respond to the allegations. UVM vigorously denies the false allegation of an insufficient response to complaints of threats and discrimination, as will be demonstrated in our response to OCR.”<sup>11</sup>

Since the President’s initial statement, the University has taken numerous steps to demonstrate support for Jewish students, faculty, and staff. For example, the President issued another public statement condemning antisemitism at the University.<sup>12</sup> In fall 2022, the University launched a website “for those who want to learn more about opportunities to explore, connect with, and celebrate Jewish life at” the University, “to provide information about resources the [U]niversity has employed to combat antisemitism,” and “to support our Jewish students.”

The website notes that various University offices have met with and reviewed climate data with Jewish students; sent University leaders to national and international meetings focused on combating on-campus antisemitism and otherwise engaged with outside organizations in these

<sup>11</sup> <https://www.uvm.edu/news/president/ocr-investigation>.

<sup>12</sup> <https://www.uvm.edu/news/story/president-suresh-garimella-condemns-antisemitism-uvms-campus>.

efforts; and began a review of the Discrimination Policy. The [redacted content] informed OCR that, since the commencement of OCR’s investigation, the University was “actively listening” to the concerns of the University’s Jewish community “in a way that I wasn’t sure they were before.”

### Analysis

As noted above, a recipient violates Title VI if one of its agents, acting within the scope of their official duties, has treated an individual differently on the basis of national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the individual to participate in or benefit from the services, activities, or privileges provided by the recipient. Whether the harassment was by an employee or other agent or a peer, once a recipient has notice of a national origin hostile environment, OCR evaluates the appropriateness of the recipient’s responsive action by assessing whether it was reasonable, timely, and effective. While a recipient need not adopt a grievance procedure to resolve alleged Title VI violations, OCR will evaluate whether it followed any such procedure it chooses to adopt.

OCR has concerns that the University’s failure to investigate, consistent with Title VI, allegations of antisemitic harassment that it received from the [redacted content] may reflect University officials, acting within the scope of their official duties, treating individuals differently on the basis of national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason, resulting in interference with or limitation of the ability of the individuals to participate in or benefit from the University’s educational program. Likewise, OCR is concerned that the failure to investigate allegations of harassment of which the University had notice may have allowed a hostile environment for some Jewish students to persist at the University.

While the University’s policies and procedures do not require an identified victim in order for AAEO to investigate, the University declined to investigate the Teaching Assistant’s conduct. That decision was made without interviewing the Teaching Assistant, whom they could have identified based on the social media handle names associated with her actual name and two accompanying photographs, students in her course, or staff in the writing center. Additionally, the University only considered a small subset of the allegedly discriminatory social media posts (including those sent from a different account but which the University may have connected to the Teaching Assistant upon a reasonably diligent inquiry) when reaching this determination. While the University ultimately responded to the Teaching Assistant’s conduct, it was done outside of the Discrimination Policy and not until four months after the [redacted content]’s complaints were filed.<sup>13</sup> Further, while the Teaching Assistant wrote that she was a teaching assistant during the spring 2021 semester, it is not clear that the University fully investigated whether she had served as a teaching assistant prior to the fall of 2021. There is also no

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<sup>13</sup> As relevant here, the University’s policies and procedures do not state a timeframe for completion of AAEO’s intake and jurisdictional review process, specify the circumstances in which the AAEO Director would take independent action without a complaint being filed, or state whether AAEO will contact the individual reporting discrimination, to solicit additional information or for any other reason, if the reporting individual is not the subject of the alleged discrimination.

indication that the University informed any of the students who were affected by the Teaching Assistant's harassing statements that the University had taken steps to ameliorate any hostile environment and to ensure that the students' equal access to education would not be affected, including because the course professor independently evaluated the students' grades.

With respect to the Hillel incident, it is not clear that the University's police or other staff responding to the incident were applying the Discrimination Policy or Operating Procedure to the allegations. For example, it appears that the Bias Response Team, rather than AAEO, concluded that the group's allegedly antisemitic actions were not discriminatory. Further, while the Code prohibits students from impeding or obstructing a University investigation, it does not appear that the University considered whether there was a need to compel the [redacted content] to disclose the identities of his friends so that the University could interview them, as may have been required to determine whether their conduct violated the Discrimination Policy. In this instance again, there is no indication that the University took steps to ameliorate any hostile environment for affected students who had experienced or learned about rocks thrown at windows with the associated question whether the residents were Jewish and to ensure that the students' equal access to education would not be affected.

With respect to the allegations concerning @ShareYourStoryUVM and RSU, it is similarly not clear that the University applied the Discrimination Policy or Operating Procedure to the allegations. First, it does not appear that AAEO was involved in the University's response to allegedly discriminatory conduct by University students. While the University appears to have determined that it lacked jurisdiction over the conduct because it occurred in the context of organizations that were not affiliated with the University, it does not appear that the University considered that the members of these organizations were allegedly University students engaging in off-campus conduct, to which the Discrimination Policy applies, or that it consulted with its IT department or University police to attempt to identify these students.

It does not appear that the University determined whether the cumulative effects of these incidents created a hostile environment based on students' shared ancestry (Jewish)<sup>14</sup> or took action regarding the cumulative effects of the incidents until after the commencement of OCR's investigation of this matter.

OCR is also concerned that the President's initial letter to the UVM community in response to OCR's investigation may have perpetuated a hostile environment. As previously noted, the President "vigorously denied" what he characterized as "false allegation[s] of an insufficient response" to antisemitic incidents at the University shortly before OCR requested to interview the students who had complained about or were witnesses to the harassing incidents. OCR is concerned that the President's statements may have discouraged these students from speaking with OCR about their experiences. Likewise, OCR is concerned that the President's letter, including its explanatory statement that "No student reported to the university" any discrimination claims, may have discouraged both the students who in fact had reported to the

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<sup>14</sup> The University's policies and procedures do not specify whether, or how, AAEO will assess whether the cumulative effects of a series of incidents not reported in a single complaint may have resulted in a hostile environment at the University.

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Provost their concerns as well as University employees from further raising concerns either to OCR or to the University.

### **Conclusion**

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the University expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the University resulted in the University signing the enclosed Agreement which, when fully implemented, will address the evidence obtained and all of the allegations investigated. The Agreement provides that the University will:

- Review and revise its policies and procedures to ensure that the University's response to notice of discrimination including national origin harassment on the basis of shared ancestry is consistent with Title VI;
- Develop protocols clarifying the roles and responsibilities of AAEO and the Bias Response Team<sup>15</sup> and monitor implementation of the protocols by the Provost;
- Provide training to University staff responsible for investigation of Title VI complaints;
- Provide training to University senior leadership, all other staff, and students on the Title VI prohibition against harassment based on national origin, including shared ancestry, in the University's programs and activities;
- Issue a statement of commitment to address discrimination based on shared ancestry, including antisemitism, within 30 days of the signing of the Agreement and again with its annual antidiscrimination statement;
- Review the University's 2022 Climate Survey results to determine if other actions, beyond those memorialized in the Agreement, are needed to improve the campus climate; and
- Annually submit to OCR during the monitoring of the Agreement copies of case files of complaints of antisemitism filed during the preceding academic year.

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

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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<sup>15</sup> The University informed OCR that the Bias Response Team will henceforth be called the Bias Education and Resource Team.

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

Sincerely,

/s/

Mia Karvonides  
Senior Legal Advisor to the  
Assistant Secretary and Deputy Assistant Secretary

Enclosure

cc: General Counsel Trenten Klingerman (*by email*: Trenten.Klingerman@uvm.edu)  
Associate General Counsel Meghan Siket (*by email*: Meghan.Siket@uvm.edu)

The Deborah Project