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## **I. INTRODUCTION**

StandWithUs, an international nonprofit Israel education organization, Jessica Shafran and Raphi Cooper, students at the Silberman School of Social Work at Hunter College (“Silberman”), and Morr Mazal Barton, a Silberman alumna, (collectively, “Complainants”) respectfully submit this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (“Title VI”), based on discrimination and harassment they experienced at Hunter College as a result of their perceived Jewish ancestry or ethnicity.

Complainants allege a violation of Title VI by Hunter College and its Silberman School of Social Work due to a pattern of antisemitic incidents and administrative inaction resulting in a pervasively hostile campus climate for Jewish students. These allegations encompass activity spanning multiple years and continuing to the present, leaving Jewish students with the clear impression that they are not equal members of the Silberman/Hunter campus community, and therefore unable to participate fully in campus life.

Upon beseeching the Silberman/Hunter College administration for assistance in remedying this situation, the student and alumna complainants have been confronted by an administrative refusal to remedy the situation. We urge your office to investigate thoroughly the pervasively hostile environment experienced by Silberman/Hunter College students due to their perceived Jewish ancestry or ethnicity. If your investigation concludes that the administration has indeed violated Title VI, we urge you to enable swift and concrete remedies, some of which are suggested below.

## **II. HUNTER COLLEGE/SILBERMAN’S TITLE VI OBLIGATIONS**

Title VI prohibits discrimination based on race, color and national origin in programs and activities receiving federal financial assistance, which includes Hunter College and its Silberman School of Social Work. The Office for Civil Rights (“OCR”) has explained that schools “may violate [Title VI] and the Department’s implementing regulations when peer harassment based on race, color, [or] national origin . . . is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or

ignored by school employees.”<sup>1</sup> The violation is, of course, all the more egregious if it is committed by school employees themselves—and administrators fail adequately to respond. As the Department of Education’s implementing regulations for Title VI expressly provide, it is prohibited for a Title VI recipient to, *inter alia*:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program; or
- (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.<sup>2</sup>

Importantly for purposes of the instant complaint, OCR has clarified that Jewish students are among those entitled to protection from the type of discrimination prohibited by Title VI, including harassment that creates a hostile environment, and, consequently, to have school administrators take appropriate remedial action if and when such conduct occurs.<sup>3</sup>

Furthermore, according to OCR, “[h]arassing conduct [that violates Title VI] may take many forms, . . . does not have to include intent to harm, be directed at a specific target, or involve repeated incidents[, and] . . . creates a hostile environment when 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 a school.”<sup>4</sup> Crucially, it is the responsibility of a school to proceed with immediate and appropriate action to “address[] harassment incidents about which it knows or reasonably should have known,”<sup>5</sup> and, where discriminatory harassment has occurred, to “take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.”<sup>6</sup>

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<sup>1</sup> U.S. Department of Education, Office for Civil Rights, Office of the Assistant Secretary, “Dear Colleague Letter,” Oct. 26, 2010, page 1, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

<sup>2</sup> 34 C.F.R. § 100.3(b).

<sup>3</sup> Dear Colleague Letter, *supra* note 1, available at

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (clarifying that “groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs). Thus, harassment against students who are members of any religious group triggers a school’s Title VI responsibilities when the harassment is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members’ religious practices.”

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*, pages 2-3 (emphasis added), available at [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010\\_pg2.html](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg2.html) and [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010\\_pg3.html](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg3.html).

### III. APPLICABLE DEFINITION OF ANTISEMITISM

The 2019 [Executive Order on Combating Anti-Semitism](#) mandates that agencies tasked with Title VI enforcement utilize the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism ("IHRA Definition") to investigate potential discrimination involving antisemitism. In February 2021, the Biden administration reaffirmed the United States' commitment to the IHRA Definition. That definition reads as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

The IHRA Definition is followed by a list of examples that could constitute antisemitism, depending on overall context. Most relevant to this complaint are the following examples:

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust;
- 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;
- Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation;
- Drawing comparisons of contemporary Israeli policy to that of the Nazis;
- Holding Jews collectively responsible for actions of the state of Israel.

As demonstrated below, Hunter College/Silberman has failed to respond adequately or effectively to a pattern of known incidents on its campus that appear to satisfy the IHRA Working Definition of Antisemitism. Such deliberate indifference has had a detrimental impact on its Jewish student population, including student and alumna complainants, that will only worsen if OCR does not hold Hunter College/Silberman accountable for complying with its Title VI legal obligations.

### IV. STATEMENT OF SUPPORTING FACTS

#### *A. May 2021 Zoom Classes Hijacked*

The college classroom aptly has been described as the "marketplace of ideas"<sup>7</sup>—an environment in which open dialogue and debate of diverse viewpoints should be nurtured, especially on controversial subjects. Unfortunately, this has not been the experience of Complainants and other Jewish students when it comes to addressing antisemitism within Silberman classes.

On May 20, 2021, Complainant Shafran attended what was to be a celebratory year-end Social Work Practice Learning Lab class session held on the Zoom platform. The class is

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<sup>7</sup> *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967).

mandatory for most Silberman students and was attended by over 200 Silberman students. Rather than a celebration, however, Ms. Shafran instead experienced antisemitic attacks directed at her Jewish identity and the identities of her fellow Jewish students when a group of their classmates effectively hijacked the class (details below). Worse yet, Jewish and Zionist student attempts to proffer a different perspective were met with open hostility and derision by fellow students, and the professor(s) responsible for the class session did nothing to stop or correct this conduct. In fact, at least one professor in attendance joined those who disrupted the class and replaced the planned class discussion with a barrage of antisemitic rhetoric. This happened not just once, but twice that day, at a 9:00 a.m. class session and again during a 2:00 p.m. class session.

The details are as follows:

Shortly after the beginning of each of the two Zoom class sessions (at 9 a.m. and 2 p.m., respectively) on May 20, 2021, a group of students in attendance changed their backgrounds to the Palestinian flag and their visible screen names to “Free Palestine: Decolonize.” At least one of the professors attending the class session followed suit. Thereafter, these students disrupted the class session by taking turns reading a “manifesto” defaming and demonizing Israel through false accusations of colonization, ethnic cleansing, genocide, and more. Rather than turning off these individuals’ Zoom microphones to prevent the disruption from continuing, the professors responsible for the class took no action, and at least one of the professors joined in the disruptive conduct. Additionally, some of the disruptors typed comments in the Zoom chat feature, such as, “The holocaust [sic] has been used as a tool. The fear of anti-semitism . . . is being used preemptively to oppress and kill others.” The disrupting professors and students also characterized Israel as “white supremacist.”

When some Jewish students attempted to present a different perspective in the chat feature, they were overwhelmed by the disruptors’ comments, which one student in attendance has described as a “virtual mob.” As a result, one student stated explicitly in the chat—which was being read and used by both students *and* professors—that some students felt unwelcome in the conversation and unable to share their perspectives “because we are scared.” At least two other students echoed that they felt fear. In response, one person with the screen name “Free Palestine: Decolonize” told these students they should consider that their fears “might be based in supremacy and colonialism.” Another comment from an attendee with the “Free Palestine: Decolonize” screen name claimed that “Jews have become the oppressor in many cases in Israel” and asked, “How can we remedy this situation?”

These comments were echoed and applauded by multiple other students who had changed their screen names to “Free Palestine: Decolonize.” Not content simply to express their own political sentiments about Israel, the disruptors crossed the line into demonizing not only the Jewish State of Israel but also the individual students in attendance who attempted to give expression to their Zionism, as well as Jews collectively. This is problematic because, for most Jews around the world, Zionism and Israel form an integral part of Jewish identity. Israel is the birthplace of

Jewish ethnic identity, language, culture, and religion, and Jews have maintained a constant presence there for over 3,000 years. Zionism represents the Jewish people's unbreakable bond and age-old desire to be free in their ancestral home. On a political level, Zionism is a liberation movement supporting Jewish self-determination in the land of Israel. Jews endured over 1,900 years of oppression and violence across Europe and the Middle East and still live in a world plagued by antisemitism. In this context, Israel's existence and wellbeing is vital to the Jewish people's safety, survival, and human rights. Here in the U.S., numerous polls show that for the overwhelming majority of Jews, their connection to Israel is central to their Jewish identity. The anti-Zionist comments from the disruptors are precisely the type of rhetoric that crosses the line from mere political speech into discriminatory antisemitism.

The activity that occurred in the Zoom classes, taking into account the overall context, appears to be clearly antisemitic under the applicable IHRA Working Definition of Antisemitism (IHRA Definition). As noted above, for centuries, Jews have yearned for a return to Israel/Zion, their ancestral Jewish homeland and today are able to fulfill their inalienable rights to self-determination in the State of Israel. Recognizing these realities, the IHRA Definition includes "denying the Jewish people their right to self-determination, e.g., by claiming that the existence of the State of Israel is a racist endeavor" and "applying double standards" to Israel as examples of contemporary antisemitism. Accusations that Israelis are colonizers who engage in genocide, apartheid and/or ethnic cleansing are not merely false accusations, but may actually constitute antisemitism when, in context, they demonize Israel or delegitimize its existence. The IHRA Definition also makes it clear that statements that the Jews or Israel exaggerate the atrocities of the Holocaust may be antisemitic. The claim that Jews or the Jewish State of Israel use the Holocaust as a tool to gain an advantage or oppress others is similar in nature and may well constitute antisemitism. There is little question that the overall context in which these statements were made during the two Zoom class sessions was one aimed at demonizing and delegitimizing the State of Israel and Jewish students who support its existence.

Yet, when Complainant Shafran later raised her concerns about the antisemitic attacks with her professor, he responded by explaining his view that sometimes extreme protest needs to be done for change to happen. He went on to claim that the Zoom class was the right time and right place for the protest. Aware of the situation, Complainant Raphi Cooper also raised his concerns to no avail. These statements from a member of the Silberman faculty evidence explicit approval of the discriminatory and harassing conduct by the disruptive students and faculty during the two class sessions.

Inexplicably, while fully aware of these incidents, the administration issued no statement condemning the conduct and, upon information and belief, took no steps to remedy the harm occasioned by it. While one administrator noted in an email communication that an investigation was being conducted, Ms. Shafran, who attended one of the hijacked class sessions, has not been approached by the administration concerning the events of that day. Nor, upon information and belief, has the administration contacted any other Jewish student who attended and expressed concerns about the conduct in the hijacked class sessions. In short, in over five months' time, despite numerous student requests for responsive action from the administration, Complainants

have neither seen nor heard of any such investigative action or heard any condemnation from the Hunter/Silberman administration.

### ***B. Other Incidents Contributing to a Hostile Environment for Jewish Students***

As set forth in detail below, Ms. Shafran's experience during the May Zoom class session is part of a pervasively and increasingly hostile climate at Hunter College/Silberman in which Jewish students find themselves continually subjected to antisemitic targeting, harassment, intimidation, marginalization and discrimination. Furthermore, appeals for meaningful help from students and alumni have been systematically minimized and ignored by the Hunter College/Silberman administration. As a result, certain professors and students feel increasingly emboldened to act upon their anti-Jewish views without fear of repercussions. In short, Hunter College/Silberman has studiously refused to take adequate steps to remedy the hostile campus climate that exists for Jewish students, of which the May 20th Zoom class experience is only a recent example.

Other incidents contributing to a pervasively hostile environment for Jewish students include:

1. In 2015, after the administration received numerous reports of antisemitism, these concerns were transferred to a broader social justice committee. The concerns were quickly dismissed and a Jewish member of the committee, Complainant Morr Mazal Barton, ultimately left the committee due to the committee's failure to address antisemitism.
2. In November 2015, a "Million Student March" rally was held at Hunter College. This rally was part of a nationwide campaign demanding, among other things, tuition-free education. At least five individual Students for Justice in Palestine ("SJP") official student clubs at CUNY schools endorsed the march. Unlike the national movement, the Hunter College rally was used by CUNY SJP groups to promote antisemitic slurs, including claims that the school was run by "Zionists" and demanding "Zionists out of CUNY." According to at least one witness, there were also chants of "Death to the Jews." The only action by the Hunter College administration was to issue a one-paragraph statement generally condemning what it referred to as "anti-Semitic comments made at [the] rally." Despite the multiple requests of Jewish students, however, no new policies were adopted, and Complainants are not aware of any further efforts by the administration to meaningfully address the issue.
3. On May 5, 2016, Hunter SJP held an event calling for the elimination of Israel. Again, by definition, such a forum was a direct attack on the Jewish identity of many of the school's students. The Hunter administration was silent.
4. In 2017, a Silberman professor, during discussion of a class party, asked if any students had an issue with having pizza for the party. A Jewish student noted that because she observed the Jewish laws of keeping kosher, she would not be able to eat the non-kosher pizza but did not mind refraining from eating while attending the party. The professor pointedly asked the class if anyone had recommendations on "how to accommodate Rachel." The student's name was a female name of British linguistic origin, not Rachel (a common Jewish biblical name). There

was no reason for the professor to think her name was “Rachel,” having previously used her correct name and even commented on the importance of people’s names. The entire class was confused as to who the professor was referencing. (The incident is eerily reminiscent of the 1938 Nazi Germany *Executive Order on the Law on the Alteration of Family and Personal Names*, requiring German Jews bearing first names of “non-Jewish” origin to adopt an additional name: “Israel” for men and “Sara” for women.) Upon realizing that the professor was referring to the Jewish student, the class corrected the professor.

5. In November 2018, a Silberman student was brought before the Education Review Committee and told that her clinical skills were lacking as a result of her being an Orthodox Jew. There was specific discussion of concern about the student’s ability to work with various populations based solely on the fact that she is an observant Jew. This was not the first such incident, as another student who graduated in 2012 has described experiencing similarly “horrendous antisemitism” at her field placement, including overt recognition of her Jewish faith and being questioned about her family’s feelings concerning her chosen profession and whether they had given her permission to do the job.
6. In 2019, a female Silberman student expressed to her Silberman faculty supervisor that, as a petite female, she felt unsafe conducting solo home visits of male patients as part of her field placement social work. Her Silberman supervisor immediately asked if the real reason for her discomfort was based on her religious beliefs as an Orthodox Jew. While the student once again clarified that the reason for her discomfort was that she is a physically petite, unassuming woman alone with unknown males in confined, unsecured circumstances, her Silberman supervisor replied that she needed to overcome her fear of being alone with strange men in their homes. The supervisor continued to assert, despite the student’s protestations, that her concerns were unfounded as based in her Jewish religious views.
7. In 2020, during the COVID pandemic, a Silberman professor commented in class that no one in the Jewish Chassidic community was wearing masks. A Jewish student asked the professor not to target a single community or make broad generalizations; the Jewish student asked the professor to acknowledge that a segment of the Jewish community was one of the first to donate plasma and that many in the community did wear masks. The professor ignored the student.
8. In 2021, when a student asked a Jewish student in class “why all Jews stick together” and stated that this makes people think Jews are elitists, the professor of the class remained silent.
9. In 2021, a Silberman student gave a presentation on antisemitism in class. While the student was discussing the Pittsburgh synagogue massacre and the vandalism of synagogues with swastikas, one student interrupted to say that it was “imperative to remember how much privilege Jews possess in America today.” Another student stated that the Holocaust is a token experience that Jews use to justify claims of antisemitism. These are classic antisemitic tropes and sentiments. The professor said nothing. Shortly thereafter, the antisemitic Zoom calls described above in Section IV.A occurred.

***C. Attempts by Complainant Morr Mazal Barton and Other Alumni/Students to Address a Hostile Environment for Jewish Students at Silberman and Inadequate Responses by the Administration***

Beginning in May 2015 and continuing to the present, Complainant Morr Mazal Barton, along with other Silberman/Hunter alumni and students, have repeatedly attempted to engage the Hunter/Silberman administration about addressing antisemitism within the school to remedy the resulting hostile environment for Jewish students. Following is a summary of their communications and interactions with administrators, demonstrating administrative failure to take seriously the problem of antisemitism on campus and refusal to give antisemitism treatment equal to that given to other forms of bigotry and hatred.

In May 2015, Complainant Morr Mazal Barton, along with a group of other Jewish alumni and students, signed an email addressed to “Dean Mondros, Dean Cavanaugh, Silberman professors, staff, and administrators” regarding concerns of antisemitic comments from teachers and students that were so egregious that one Jewish 1st year student chose not to return after the first semester that year, and several others considered doing the same. The students and alumni stated that Jewish students felt so unsafe that they were afraid to stand up for their people, were afraid to return to school, and chose to ignore a swastika found on campus out of fear that making a stir would generate even more hate. They expressed their desire for significant and meaningful change at Silberman School of Social Work. This initial email included details of instances of antisemitism by professors, including the requirement that some students defend their competency for the field of social work because of their Jewish faith, as well as concerns about physical safety resulting from the actions of a Silberman student, and the discovery of a swastika in a campus bathroom.

On or about May 26, 2015, an administrator responded to the email denying the discovery of a swastika and claiming that assertions otherwise were “false and nothing more than an unsubstantiated, rumor.” However, a student reported that the swastika was seen on April 29, 2015, and that three other students reported it to two campus security officers. The administration later admitted to finding the swastika, photos of which were reportedly taken by the Acting Executive Assistant to the Dean & Chief Operating Officer.

On May 27, 2015, students and alumni collectively replied to the above email requesting a follow-up in-person meeting. On June 11, 2015, a meeting was scheduled for Thursday, July 2, 2015. The day of the meeting, however, as attendees were arriving on campus, some attendees were notified that the meeting was being canceled due to “an unforeseeable emergency.” Other attendees received an email canceling the meeting based on a “scheduling conflict.” Several of the alums voiced their frustration to the administration and requested that the meeting be rescheduled. Finally, the meeting was rescheduled for July 28, 2015.

On July 28, 2015, Silberman students and alumni met with the administration to discuss the persistent and pervasive antisemitism embedded in the curriculum, the harassment Jewish students experienced in classrooms and on campus from students, faculty and staff, and the extent

to which the bullying and hate speech from Silberman students continued online on the Silberman student-run Facebook group making off-campus life just as stressful as it was on-campus for Jewish students. Among the concerns were insensitive comments by a professor to a class about former Jewish students; a professor singling a student out as an example of what religious Jews wear; a professor teaching an extremely one-sided class about social problems in Israel and not providing opportunity for the expression of differing opinions or even any context to many of the issues addressed; a professor minimizing antisemitic oppression; a professor suggesting that her orthodox Jewish students would be unwilling or unable to accept her sexual orientation; professors not making accommodations for assignments that interfered with Shabbat observance (even when the accommodations were requested); and students during a Human Behavior in the Social Environment class exclaiming that anti-Semitism doesn't exist anymore and that Jews got out of the ghetto, so they are no longer considered minorities. Additional concerns included erroneous and ahistorical comments made by one of the presenters during an event held on the Silberman campus in April or May 2015 called "Conversations that Matter," which claimed that antisemitism is a European construct and doesn't exist anywhere else in the world.

On Thursday, July 30, 2015, Complainant Barton sent a follow-up email to then-Acting Dean Mary Cavanaugh requesting administrative actions to ensure the safety of Jewish students on campus, as Silberman had still made no public statements condemning antisemitism on campus, leaving Jewish students in the position of being unable to fully participate in university life due to the resulting fears and anxieties from their experiences on campus.

In a response email dated September 8, 2015, then-Acting Dean Cavanaugh told Ms. Barton that concerned students and alumni could join an unnamed committee that would be addressing issues pertaining to social justice. Acting Dean Cavanaugh did not respond to the concerns about antisemitism raised in Ms. Barton's July 30, 2015, email. Although Ms. Barton sent a follow-up email requesting further information about this social justice committee, she received no response from Acting Dean Cavanaugh or any other administrator until, on November 24, 2015, Ms. Barton received an email from a Silberman faculty member notifying her that the Social Justice Committee meeting would take place November 30th.

Despite Dean Cavanaugh's assurances during the summer 2015 meeting that the Silberman administration would effectively deal with the concerns raised by the student/alumni group, anti-Israel events that contained overtly antisemitic rhetoric continued to crop up on Hunter College's campus, antisemitic required course readings continued to appear on course syllabi, and students were still subjected to antisemitic rhetoric and discriminatory remarks from students and faculty. Professors were also disregarding Shabbat and Jewish holidays in the scheduling of coursework and assignments. The head of the Organizational Management & Leadership (OML) program at Silberman School of Social Work even stated that mandatory classes were intentionally offered on Saturdays even though that would make the program completely inaccessible for all observant Jewish students. The head of the department also acknowledged that observant Jewish students, including Complainant Cooper, had to turn down the program because it was incompatible with Jewish religious observance of the Sabbath. Many of these incidents were reported to administration to no avail. In fact, the Spring 2017 graduation was scheduled on the Jewish

holiday of Shavuot. Complainants have been unable to determine whether that graduation date was changed.

Meanwhile, Complainant Barton found herself the only one of the concerned students/alumni able to regularly attend the Social Justice Committee meetings. As noted above, however, she soon realized that the committee was unable or unwilling to adequately address the issue of antisemitism at Silberman that students continued to experience. As a result, she stepped away from the committee.

Based on continuing antisemitic incidents at Silberman, the concerned alumni and students continued to attempt to work with the administration to effect meaningful change in the campus environment for Jewish students. They ultimately secured a few meetings during the 2020-2021 school year. During one of these meetings, when it was again mentioned that a swastika had been found on the Silberman campus, one administrator responded that the administration did everything that was legally required of them and that there was no indication that the swastika was an attempt to spread any kind of hatred, fear or bias. When an alumnus meeting attendee noted that unfortunately the administration did not do enough to alleviate the concerns of Jewish students previously expressed to the administration, this same administrator responded dismissively that the swastika was tiny, and virtually unnoticeable. This response—and the absence of any correction by other administration members in attendance—left the Jewish meeting attendees with the clear impression that the hate message associated with the swastika, and its harmful impact on Jewish students and the campus climate, were irrelevant to the administration.

Although two administrators present at the time acknowledged that Silberman had not done enough to address the problem of antisemitism generally and that a more systematic approach was needed, to this day, the Silberman administration has yet even to issue a statement to the community condemning antisemitism. Hunter College's Dean Cavanaugh, however, has issued many other public statements, including a statement in May 2020 titled, "Facing What Needs To Be Changed," in response to the murder of George Floyd; another in March 2021 titled, "Statement From The Silberman School of Social Work Community And Hunter College on Violence Against Asian Americans;" and another in April 2021 titled, "Statement by Dean Mary M. Cavanaugh on the Conviction of Derek Chauvin in Minneapolis."<sup>8</sup>

Through the remainder of 2020 and into the spring of 2021, students and alumni repeatedly requested that the administration take concrete steps to address the ongoing problem of antisemitism, now well-detailed in numerous communications and meetings, and after those requests were either ignored or pushed off to different members of the faculty, a meeting was finally scheduled for May 27, 2021. The group of alumni and current students who attended were informed by Silberman administrators that the school's endeavors to address antisemitism would be handed to a different committee, the Ideologies of Dominance (IOD) Committee. This meant that the school would once again address antisemitism not as a separate form of discrimination, as Dean Cavanaugh had previously promised, but within a broader context of other social justice

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<sup>8</sup> Archived statements are available at <https://sssw.hunter.cuny.edu/news-archive/>.

issues. During the May 27, 2021, meeting, Professor Martha Bragin (co-architect of what had previously been discussed as an action plan for addressing antisemitism) claimed she was unsure what the alumni and students were requesting, though she had been sent numerous emails outlining the group's questions and requests. Dean Gary Mallon (co-architect of the aforementioned action plan) was absent from this meeting and therefore also unable to address whether the action plan would in fact address the concerns about antisemitism that the group had raised multiple times.

During the May 27th meeting, the current students raised concerns and detailed their experiences during the May 20th hijacked Zoom classes. Their accounts included the following:

- One student said it was “a horrifying experience” and explained that he had always worn a yarmulke but as a result of the fear he felt during the class, for the first time he was considering wearing a hat on campus instead of his yarmulke;
- Another student described the antisemitic rhetoric and antisemitic undertones used in the meeting, including in the chat feature, as very hurtful, especially for someone already fearful as an identifiable Orthodox Jew. This student expressed feeling like an outsider and unwelcome at the university as well as feeling scared to walk outside on campus;
- One student expressed serious dismay about the fact that seven professors sat in on the Zoom hijacked class and said *nothing*;
- Another student explained that the hijacked Zoom session was personally “traumatic” and wholly “unacceptable,” describing how those students with enough courage to speak up against what was described as “the mob” were harassed and bullied by the other students; and
- Yet another student expressed concern that the issue experienced during the hijacked Zoom sessions may originate from the fact that the Practice Lab reading on antisemitism characterizes Israel a colonizer and essentially justifies anti-Zionism. The student explained that Jewish students are not being heard or seen by the administration and inquired about administrative plans to ensure the safety of Jewish students on campus.

One of the Silberman professors, who was in attendance for both hijacked Practice Lab class sessions that day, expressed agreement that what happened was awful. When one meeting attendee asked this professor why he took no action to stop the conduct of the students and other professors, another Silberman faculty/administrator present intervened and said that the professor could follow up with everyone by sending an email the following week. When pressed to provide any response at all during the meeting, the professor did not explain his inaction during the two Practice Lab class sessions but claimed that he did report the incident after the fact. The alumni and students were provided no further information about the Zoom hijackings or any administrative investigation following its alleged reporting by the professor.

The concerned students attending the meeting repeatedly asked that the Silberman administration at least take the step of immediately issuing a statement condemning antisemitism, as this presented a crisis situation in which Jewish students no longer felt safe at the school. The same professor questioned about his inaction during the Zoom class sessions responded that statements

are ineffective because people still die. Numerous students said that they felt this was a highly insensitive and dismissive comment. They pointed out the double standard of the Silberman administration rightly issuing statements condemning hate against the AAPI community and supportive of the Black Lives Matter movement while refusing to publicly condemn antisemitism or show public support for the Jewish community in the wake of a specific—and egregious—incident like the Zoom class hijackings. Again, to date, no such statement has been issued by the Silberman administration, and Complainants are unaware of any action the administration has undertaken to address the May 20th hijacked Practice Lab class sessions, including the antisemitic rhetoric espoused during those sessions.

The last communication from the Silberman administration to the group of concerned alumni and students came in a June 1, 2021, email stating that “in the very near future” members of the concerned group would be invited to join a broader Silberman community for the purpose of addressing their concerns about antisemitism. To date, Complainants have received no such invitation.

Each of the foregoing situations involves antisemitism observed and/or experienced by Silberman students. Although aware of these incidents, the administration has failed to take sufficient steps to correct the resulting pervasively hostile climate. To be sure, these are not the only antisemitic incidents that have taken place at Hunter/Silberman. The fact is that many Jewish students are afraid to come forward in an atmosphere of hate where the school has taken no action to protect them.

In light of the foregoing facts and the pervasively hostile environment they have created for Complainants Shafran and Cooper and other Jewish students at Hunter College/Silberman School of Social Work, we respectfully request that OCR compel Hunter College to implement the remedies identified below to protect Jewish and Israeli students on campus and allow them to participate fully in all of the school’s programs.

## **V. SUGGESTED REMEDIES**

(1) Adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism<sup>9</sup> and be guided by this definition when addressing potential incidents of antisemitic discrimination;

(2) Issue an official statement recognizing that for many individuals Zionism is an integral

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<sup>9</sup> The IHRA Working Definition of Antisemitism has been adopted by the U.S. Department of State, *see* <https://www.state.gov/defining-anti-semitism/> and recognized by the U.S. Department of Education, *see* <https://www.worldjewishcongress.org/en/news/wjc-us-supports-department-of-education-decision-to-use-ihra-definition-of-antisemitism-9-5-2018>. The United Nations’ Special Rapporteur on freedom of religion or belief has also issued a recent report in which he calls upon government entities to “adopt [the IHRA Working Definition of Antisemitism] for use in education, awareness-raising and for monitoring and responding to manifestations of antisemitism.” “Elimination of all forms of religious intolerance,” Sep. 23, 2019, available online at [https://www.ohchr.org/Documents/Issues/Religion/A\\_74\\_47921ADV.pdf](https://www.ohchr.org/Documents/Issues/Religion/A_74_47921ADV.pdf).

component of Jewish identity<sup>10</sup> and affirming its commitment to protecting the rights of Jewish and Israeli students on campus to express freely Jewish and Zionist viewpoints and to participate in all aspects of University life free from harassment and discrimination as a result of those viewpoints;<sup>11</sup>

(3) Review existing diversity programming and expand it to include antisemitism and crucial aspects of students' identities that transcend political views and religious beliefs—including Jewish students' connection to Israel and how that informs their own Jewish identity;

(4) Institute mandatory bias and sensitivity training for all faculty and staff (including teaching assistants) that specifically includes tools for defining, identifying, and working to combat antisemitism in campus life. Such mandatory training must include the IHRA Working Definition of Antisemitism, as well as identification of applicable procedures for responding to incidents of antisemitism and reporting such conduct to College administrators;<sup>12</sup>

(5) Develop and enforce standards of conduct and repercussions for any engagement in antisemitic conduct and institute new policies, as appropriate and necessary, to provide sufficient oversight and accountability when students allege antisemitism. Such policies must ensure that incidents of alleged antisemitism are handled as prescribed by applicable policies for reporting and responding to other forms of discrimination on campus;

(6) Offer a new course on the Jewish American experience that includes a review of the history of antisemitism, as well as its contemporary manifestations, by a faculty member who endorses the IHRA Working Definition of Antisemitism;

(7) Create an antisemitism task force,<sup>13</sup> consisting of students, alumni, faculty and

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<sup>10</sup> Pursuant to the March 2019 settlement agreement in *Volk v. Board of Trustees* brought by two Jewish students against San Francisco State University and the Board of Trustees of the California State University public university system, San Francisco State University released a statement confirming that “it understands that, for many Jews, Zionism is an important part of their identity.” See, <https://www.thelawfareproject.org/releases/2019/3/20/sfsu-settlement> and <https://jewishjournal.com/news/nation/california/295506/csu-to-acknowledge-zionism-is-an-important-part-of-jewish-identity-in-sfsu-case/>.

<sup>11</sup> Pursuant to the *Volk* settlement agreement, see *supra* n.8, San Francisco State University made precisely such a statement.

<sup>12</sup> The Constitution of the Associated Students of the University of California Santa Barbara, for example, requires that the President, External VP for Local Affairs, External VP for Statewide Affairs, the Student Advocate General, and all Senate members “[s]hall attend a training on understanding unconscious bias and the roots of anti-Semitism by the sixth (6) week of Fall Quarter . . . .” See <https://www.as.ucsb.edu/files/2016/01/15-16-LEGAL-CODE.pdf>, pp. 48, 50-52, 72. Interestingly, UCSB is the only UC school that mandates such training and the only UC school that has not passed a pro-BDS resolution. See <https://forward.com/fast-forward/422455/university-of-california-santa-barbara-bds-ucsb/>. As individuals holding positions of authority within the campus community, faculty and staff should undergo similar training.

<sup>13</sup> Pursuant to the *Volk* settlement agreement, see *supra* n.8, San Francisco State University “[h]ire[d] a Coordinator of Jewish Student Life within the Division of Equity & Community Inclusion” whose responsibility it will be to address issues concerning Jewish students’ experience, engagement and success on campus, address antisemitic incidents and other campus concerns revolving around Judaism and to create programming that covers antisemitism.

community members selected with the advice and consent of, among others, Jewish Zionist student leaders and alumni, whose responsibilities it will be to:

- (a) meet with Jewish and Israeli students to learn about their experiences on campus, listen to any concerns they may have related to being Jewish or Israeli on campus, develop suggested remedies for antisemitic incidents that occur on campus, and issue a report to the Hunter College President addressing these issues;
- (b) work with appropriate administrators to create programs and activities to improve the campus climate for the benefit of all students, faculty and staff, including, specifically, Jewish members of the campus community; and
- (c) work with appropriate administrators and faculty to create educational programs addressing the nature, history and dangers of antisemitism in all its forms; and
- (d) conduct and publish a study to thoroughly assess and address antisemitism at the school. Such study should include interviews of Silberman students, faculty and staff and alumni; and

(8) Take action, including, as appropriate, disciplinary action, with regard to the professor(s) who participated in the hijacking of the Silberman Practice Lab Zoom classes on May 20, 2021, as described herein.

Respectfully submitted,



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The recommendation here of a task force builds upon this idea by ensuring that those most directly and significantly affected by antisemitism on campus will be able to participate meaningfully in addressing these issues. Other universities have convened such task forces that have made important recommendations to the administrations. *See, e.g.,* Western Washington University, *Final Report and Recommendations from Task Force on Preventing and Responding to Antisemitism*, available at <https://president.wvu.edu/final-report-and-recommendations-task-force-preventing-and-responding-antisemitism>.