



# PALESTINE LEGAL

November 14, 2022

**VIA EMAIL**

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**Re: Letter in Support of Title VI Complaint Against Florida State University, 04-21-2172**

Dear Mr. Wills,

I write to communicate our concern over the extreme delay in opening an investigation into Ahmad Daraldik's Title VI complaint against Florida State University (FSU), which **was filed 19 months ago**, on April 9, 2021.

This delay exceeds the Office for Civil Rights' (OCR) internal benchmark to resolve a complaint within 180 days of receipt **by a factor of three** – and we have received no explanation or justification as to why.<sup>1</sup>

We do know, from discussions with your office, that Daraldik's complaint is the first claim involving Palestinian national origin discrimination to be received by OCR. As you are well aware, Ahmad faced a months-long campaign of racist anti-Palestinian harassment and

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<sup>1</sup> We received no response to our letter sent on April 27, 2022 requesting an explanation with respect to the delay, beyond an acknowledgement of receipt.

cyberbullying – including by FSU actors – after he publicly and proudly came out as a Palestinian in 2020.

At Palestine Legal, we have documented over 2000 incidents of U.S. based Palestine advocacy since 2014.<sup>2</sup> This is just the tip of the iceberg, as it only reflects what people have reported directly to our attorneys. One key complaint, that comes up again and again, is how people who speak up for Palestinian rights are censored, punished or *otherwise treated differently* because the human rights of people they wish to advance – Palestinians – belong to a group disfavored by powerful actors.

This appears to be what is happening here. Palestinians do not have a bevy of lobby groups petitioning the government on their behalf.<sup>3</sup> They do not have appointees in the highest level of government ensuring their complaints are resolved in a timely manner.<sup>4</sup> They do not have elected representatives and other government actors pressuring colleges on their behalf.<sup>5</sup> They do not have the support or advocacy of decision makers. They just have the law, and the promise of government lawyers who have dedicated their lives to civil rights that they will be treated no differently because they are Palestinian.

In contrast, OCR has acted with great speed when opening or otherwise making a determination into Title VI complaints *targeting* speech supporting Palestinian rights. For example, a Title VI complaint filed against Duke University and the University of North Carolina (Case No. 11192215 and 11192214) on May 22, 2019, alleging that a conference on Gaza was one-sided

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<sup>2</sup> 2021 Year-In-Review: Palestinian Uprising Generates Record Solidarity—And Fierce Backlash, PALESTINE LEGAL, <https://palestinelegal.org/2021-report> (last visited Nov. 9, 2022).

<sup>3</sup> See CTR. FOR CONSTITUTIONAL RIGHTS & PALESTINE LEGAL, THE PALESTINE EXCEPTION TO FREE SPEECH: A MOVEMENT UNDER ATTACK IN THE US (2015), available at <https://ccrjustice.org/the-palestine-exception>.

<sup>4</sup> As you are no doubt aware, the former head of OCR, Kenneth Marcus, pioneered an effort to use meritless Title VI complaints to try to suppress speech supporting Palestinian rights on college campuses. See, e.g., Kenneth Marcus, *Standing up for Jewish Students*, JERUSALEM POST (Sept. 9 2013), <https://www.jpost.com/opinion/op-ed-contributors/standing-up-for-jewish-students-325648> (“Seeing all these cases rejected has been frustrating and disappointing, but we are, in fact, comforted by knowing that we are having the effect we had set out to achieve . . . . These cases—even when rejected—expose administrators to bad publicity . . . . No university wants to be accused of creating an abusive environment . . . . Israel-haters now publicly complain that these cases make it harder for them to recruit new adherents . . . . Needless to say, getting caught up in a civil rights complaint is not a good way to build a resume or impress a future employer.”).

<sup>5</sup> For example, Florida Division of Emergency Management Director Jared Moskowitz took time away from his primary responsibility of directing Florida’s COVID-19 response and called on FSU to remove Ahmad from his position as COVID-19 rates in Florida skyrocketed in early 2020. Jared MASKowitz (@JaredEMoskowitz), TWITTER (June 20, 2020) <https://twitter.com/JaredEMoskowitz/status/1274408152923062273>. See, also, *As BDS opponents move from campuses to state capitols, California is up next*, JEWISH NEWS SYNDICATE (Apr. 13, 2016), <https://www.jns.org/as-bds-opponents-move-from-campuses-to-state-capitols-california-is-up-next/> (“While you were doing your campus antics, the grown-ups were in the state legislatures passing laws that make your cause improbable.”). There are numerous other examples, including at the University of California Los Angeles, UC Berkeley and Brooklyn College.

for lacking a “mainstream Israeli perspective” and created an antisemitic hostile environment due to a joke by a performer, was opened after **one month**.<sup>6</sup> An October 28, 2019 Title VI complaint against Bard College over a student protest of an anti-Palestinian speaker<sup>7</sup> was opened after **three months** (Case No. 2202022). On December 27, 2019, a Title VI complaint was filed against Georgia Tech (Case No. 4202122) alleging that a student group discriminated against a non-student employee of Hillel when they did not allow her to enter the club’s general meeting on the belief the employee would disrupt the meeting.<sup>8</sup> An investigation was opened into that complaint after **three months**. A complaint filed against New York University on April 25, 2019 (Case No. 2192174), in part alleging that Students for Justice in Palestine, a club advocating for Palestinian rights, should not have received a prestigious award was opened after **seven months**. And a complaint against the University of Illinois Urbana Champagne on March 24, 2020 (Case No. 5202325) in part alleging that a student campaign calling for divestment from companies complicit in violating Palestinian rights violated Jewish students’ rights was opened after **eight months**.

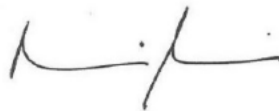
Ahmad expects to graduate in Spring 2023. The length of time your office is taking to open his complaint is contributing further to his harm. He cannot help but think it is because he is Palestinian, rather than a more favored national origin, that is the cause of such delay. Your benchmark is 180 days. It is now Day 584.

We respectfully ask that you cease to contribute to Ahmad’s harm by immediately opening an investigation.

Sincerely,



Amal Thabateh  
Michael Ratner Legal Fellow



Radhika Sainath  
Senior Staff Attorney

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<sup>6</sup> The complaint also complained of swastika graffiti and Jewish conspiracy posters, unrelated to the Gaza event.

<sup>7</sup> See Mairav Zonszein, JEWISH CURRENTS, *What Really Happened at Bard College* (Oct. 14, 2019) <https://jewishcurrents.org/what-really-happened-at-bard-college>; Palestine Legal, “Bard Students Exonerated After Protesting Anti-Palestinian Speaker” (Sept. 22, 2021), <https://palestinelegal.org/case-studies/2021/9/22/bard-students-exonerated-after-protesting-anti-palestinian-speaker>.

<sup>8</sup> See Palestine Legal, “Tell Georgia Tech Don’t Punish Students Over Palestine Talk,” (Oct. 24, 2019), <https://palestinelegal.org/news/2019/10/24/tell-georgia-tech-dont-punish-students-over-palestine-talk-gnnkx>.