



September 12, 2023

VIA EMAIL

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100
Email: OCR@ed.gov

Re: Title VI Complaint Against University of Illinois Chicago (National Origin–Palestinian)

Dear Assistant Secretary Lhamon:

We write on behalf of six University of Illinois Chicago (UIC) students who were denied admission to a January 2023 Zoom session hosted by the UIC Study Abroad Office on the basis of their Arab—and more specifically, Palestinian—national origin and one Jewish student who was admitted into this session.¹ During an information session on a planned Summer 2023 study abroad trip to Israel, UIC staff denied admission to our clients with Arab-sounding names, while allowing students with names that were not clearly Arab-sounding to enter the session. Three of our Palestinian clients with Arab-sounding names were permitted to enter only after hiding their Palestinian identities by changing their display names to non-Arab pseudonyms, while the other three Palestinian students were barred from entering for the entirety of the session. As described below, this incident, the university's further discriminatory actions in its aftermath and its failure to remedy this discrimination are part of a broader pattern of discrimination against and silencing of Palestinians at UIC. These actions are particularly egregious in light of UIC's own publication of a report on racial discrimination against Arab Americans, including Palestinians, in the Chicagoland area.² UIC should have known better and done better.

Based on the facts described here, we urge you to investigate UIC for violating its obligations under Title VI of the Civil Rights Act of 1964.

We request a waiver of OCR's 180-day filing requirement. Students attempted to remedy this discrimination through internal grievances filed with UIC's Office for Access and Equity (OAE) in March 2023, alleging the same discriminatory conduct that is the subject of this complaint. Despite clear evidence of discrimination, OAE dismissed these complaints without explanation on July 17, 2023. This complaint is being filed within 60 days of that dismissal.

¹ These students are ██████████ Jenin Alharithi, ██████████ ██████████ Soha Khatib, and Salaam Khater. Khater graduated from UIC in May 2023. We also represent non-Palestinian UIC student ██████████ who was allowed to enter the event, but witnesses the discriminatory treatment of her Palestinian friends.

² UIC INSTITUTE FOR RESEARCH ON RACE & PUBLIC POLICY, BEYOND ERASURE AND PROFILING: CULTIVATING STRONG AND VIBRANT ARAB AMERICAN COMMUNITIES IN CHICAGOLAND (2023), <https://irrpp.uic.edu/state-of-racial-justice/reports/#beyond-erasure-and-profiling-cultivating-strong-and-vibrant-arab-american-communities-in-chicagoland>.

I. Background

1. Palestinian Students Were Intentionally Excluded from Israel Study Abroad Zoom Session by UIC Faculty and Staff

In November 2022, the UIC Study Abroad Office announced on its Instagram page (@uicabroad) that the university would be hosting a study abroad trip to Israel in Summer 2023 titled “Elements in Motion.”³ Two of our clients, alongside many other students and community members, responded to the post by pointing out Israel’s well-documented pattern of discriminating against Palestinians, including Palestinian-Americans, and criticized the university’s decision to host a trip in the apartheid state.⁴ UIC subsequently removed its post from view.

In January 2023, the Study Abroad Office announced that it was holding an information session about the Israel study abroad trip on January 23 at 11 a.m.⁵ The session, which was open to all UIC students, was held virtually via Zoom. Attendees were required to pre-register for the event.

Our seven clients, ██████████ Jenin Alharithi, ██████████ ██████████ Salaam Khater, Soha Khatib and ██████████ pre-registered with their full names and UIC email addresses to attend the January 23 Zoom session, per the stated instructions. Our clients and the registered student organization with which they organize, Students for Justice in Palestine at UIC (SJP), oppose Israel study abroad trips because these trips have been used as a propaganda tool to cover up the human rights abuses of the Israeli government, glossing over and contributing to Palestinian dispossession and erasure,⁶ and because these trips do not provide equal access to Palestinian-American students, who are routinely subjected to invasive interrogations at the Israeli border and can face denial of entry, detention, and deportation because of their Palestinian identity.⁷

³ uicabroad (@uicabroad), INSTAGRAM (Nov. 29, 2022) (Exhibit A).

⁴ See, e.g., AMNESTY INTERNATIONAL, ISRAEL’S APARTHEID AGAINST PALESTINIANS: CRUEL SYSTEM OF DOMINATION AND CRIME AGAINST HUMANITY (2022), <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>; HUMAN RIGHTS WATCH, A THRESHOLD CROSSED: ISRAELI AUTHORITIES AND THE CRIMES OF APARTHEID AND PERSECUTION (2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Noor | نور (@nfwazwaz), TWITTER (July 18, 2023), <https://twitter.com/nfwazwaz/status/1681344130897842176>; uicabroad (@uicabroad), INSTAGRAM (Nov. 29, 2022) (Exhibit B).

⁵ See Office of Strategic Marketing and Communications, Elements in Motion: Study Abroad in Israel, UIC TODAY, <https://today.uic.edu/events/elements-in-motion-study-abroad-in-israel/> (last visited Aug. 25, 2023).

⁶ See Boycott Study Abroad in Israel | Research to Assist Your Campaign, US CAMPAIGN FOR THE ACADEMIC AND CULTURAL BOYCOTT OF ISRAEL, <https://usacbi.org/2018/09/boycott-study-abroad-in-israel-research-to-assist-your-campaign/> (last visited Aug. 25, 2023).

⁷ See, e.g., James J. Zogby, Baffling and Insulting, ARAB AMERICAN INSTITUTE (June 26, 2023), <https://www.aaiusa.org/library/baffling-and-insulting>; Molly Minta, Israel Detained This Palestinian-American Student—Now She’s Challenging the State in Court, THE NATION (Oct. 17, 2018), <https://www.thenation.com/article/archive/israel-detained-this-palestinian-american-student-now-shes-challenging-the-state-in-court/>.

Email communications show that UIC staff were closely monitoring the registration for the event and cross-referencing names with commenters from the Instagram post out of concern that the program would face protest.⁸

When the session began, our six Palestinian clients with Arab-sounding names—██████████ Alharithi, ██████████ ██████████ Khater and Khatib (“Palestinian students”)—were left in the Zoom waiting room, unable to access the session. ██████████ who is Jewish and non-Palestinian and whose name is of Latin and Irish origin, was allowed to enter along with two other friends, one of whom had a name of Latin/Greek origin and the other a name with Biblical roots, as well as at least one other attendee with a non-Arab-sounding name.

Within minutes of the Zoom session starting, the hosts—██████████ the executive director of the Study Abroad Office; ██████████ the senior associate director of the Study Abroad Office; and ██████████ the faculty director of the trip—informed attendees that due to technical difficulties, they would need to switch to a different Zoom link. There was no message sent to the Palestinian students in the waiting room notifying them of the switch. They also received no email or other communication from event organizers with the new link, despite having provided their email addresses when registering to attend the session. Instead, the Palestinian students in the waiting room received a notification that the Zoom session had been ended by the host.

██████████ and the other students who had been admitted into the event shared the new link with the Palestinian students who had been denied entry, but when the Palestinian students tried to enter the new Zoom session, they were once again left in the waiting room while students without Arab or Palestinian-sounding names were admitted. Several students who were admitted into the event notified the hosts via chat that there were students in the waiting room. They were either ignored or told to have students who were waiting email the Study Abroad Office. At least two of the Palestinian students in the waiting room emailed the Study Abroad Office during the session, but they were still not admitted and did not receive replies to their emails until after the session ended.

⁸ Email communications show that UIC staff were closely monitoring the registration for the event and cross-referencing names with commenters from the Instagram post. In a January 19 email to an outside consultant, ██████████ the executive director of the Study Abroad Office, said, “Unfortunately, a social media post promoting the program has received negative comments from supporters of the BDS movement (see below) and we are pretty sure that these protestors are likely to join the info. session on Monday. This is similar to the situation that occurred last year when we tried promoting the program.” Email from ██████████ to Daniel Wehrenfennig (Jan. 19, 2023) (Exhibit C). In a follow-up email on January 22, ██████████ reported to the consultant, “We were able to identify that at least a couple of the commenters who have registered for the info. session are UIC students. I believe the plan is for ██████████ to only admit those students she knows have expressed interest in the program tomorrow.” Email from ██████████ to Daniel Wehrenfennig (Jan. 22, 2023) (Exhibit D).

In a January 19 email, ██████████ the senior associate director of the Study Abroad Office, told ██████████ the faculty director of the trip, “I am forwarding your posts on our Instagram account. We haven't event [sic] posted info session yet. Here is the list of students who signed up for the session. There are two students on the list who made comments on the Instagram post. There are only two students from AHS [Applied Health Sciences]. I am meeting with ██████████ today to discuss the situation.” Email from ██████████ to ██████████ (Jan. 19, 2023) (Exhibit E). Earlier that same day, ██████████ had emailed ██████████ to ask if she could “meet to discuss the list of the students who registered.” Email from ██████████ to ██████████ (Jan. 19, 2023) (Exhibit F).

Partway through the Zoom session, three Palestinian students who were barred from entering the session changed their display names to non-Palestinian sounding names: Jenin Alharithi changed her name to “Hayley,” Salaam Khater changed her name to “Rebecca Goldstein,” and ██████ changed her name to “Alissa James.” Each of them was promptly admitted under these made-up pseudonyms, while the Palestinian students who had not changed their names (and thus continued to be identifiable as Arab or Palestinian) were left in the waiting room until the session was ended by the hosts at 11:48 a.m.

At around 11:26 a.m., the presentation portion of the session ended and the hosts invited students attending the event to ask questions. One student asked whether a student with Palestinian citizenship would be able to attend the trip. ██████ informed her that she herself had Israeli and American citizenship and has had no difficulty traveling to Israel, that she thought it would be okay and that the program was “literally about bringing cultures together.” This response, which conflated Palestinian and Israeli citizenship, ignored the long-standing Israeli policy requiring U.S. citizens with Palestinian identity documents to enter via the land border with Jordan, rather than through Ben Gurion International Airport in Tel Aviv, where the students participating in the trip would be picked up at the start of the program.⁹ One of the Palestinian students asking questions during the session later reported in an interview with UIC’s Office of Access and Equity that she had personally faced eight-hour interrogations by Israeli border security, as well as checks and strip searches at internal checkpoints, because of her Palestinian identity.¹⁰ Rather than addressing concerns about the discriminatory impact of Israel’s exclusionary policies, ██████ told students that this question and others students asked about the Israeli government’s treatment of Palestinians and the impact this would have on UIC students of Palestinian national origin interested in the trip were inappropriate. ██████ told students that he would not respond to questions that were “protesting” the trip and threatened to eject people who were “not complying with [their] request for a peaceful info session.” This racially charged language not only disregarded the importance of students’ concerns about whether Palestinian students would be allowed to access university programs equally, but also portrayed their concern over discriminatory treatment within a university program as aggressive or violent. Several students were muted by the hosts in the middle of asking questions about fair treatment for Palestinian students because hosts assumed, based on earlier questions, that the questions they were about to ask would be “political,” which the hosts said was not permitted.

2. UIC Continued to Discriminate Against Students of Palestinian National Origin After the Information Session by Treating Them Differently and Falsely Suggesting the Session had Been Cancelled

After the information session, a non-Arab student who had not asked many questions during the session received emails from both ██████ the professor leading the trip, and the Study

⁹ This policy was recently changed, months after the trip was scheduled to take place, in a bid to join the US Visa Waiver Program. See Ron Kampeas, For the first time in decades, most Palestinian Americans will be able to use Tel Aviv airport, JEWISH TELEGRAPHIC AGENCY (July 20, 2023), <https://www.jta.org/2023/07/20/politics/for-the-first-time-most-palestinian-americans-will-be-able-to-use-tel-aviv-airport> Claims of discrimination against Palestinian Americans continue to emerge despite Israel’s efforts to curry favor with US authorities. See Ray Hanania, Arab-Muslim woman accuses Israel’s El Al Airlines of discrimination, ARAB NEWS (Aug. 1, 2023), <https://www.arabnews.com/node/2347711/world>.

¹⁰ Office of Access and Equity interview of Salaam Khater (March 31, 2023).

Abroad Office inviting her to apply to the program. Palestinian students who had registered for the session did not receive a similar email regardless of whether they had asked questions or remained silent during the event. The two Palestinian students who had emailed the Study Abroad Office during the session asking to be admitted from the waiting room received replies falsely informing them that the information session had not proceeded as planned, implying that the event had been cancelled.¹¹ The emails stated that the Study Abroad Office had “received information that individuals with no genuine intention of participating in the program were joining to interfere with our ability to deliver the presentation we had prepared.”

On February 8, several of our Palestinian clients met with ██████ during the Summer Faculty-Directed Programs Expo to ask him about the treatment they experienced at the Zoom information session. He denied that students had been excluded from the session because they were Palestinian. He told students that he had “seen that lie going around.” They explained that this was not a story they had heard. They were speaking from personal experience: They themselves had been excluded. ██████ then claimed that ██████ was only admitting students whose names she recognized. This response felt deceptive to the Palestinian students, who knew that three of them had been admitted under the fictitious names of Hayley, Rebecca Goldstein and Alissa James—students who do not even exist, and thus could not have been familiar to ██████. Meanwhile, Palestinian student ██████ who had previously taken one of ██████ courses and thus was known to the professor, was not admitted to the Zoom session until she changed her display name.

After ██████ walked away from the students, they patiently continued their conversation with ██████ who was standing nearby. ██████ also dismissed and denied students’ concerns, making the racially charged claim that the students were being “aggressive” and yelling, though they engaged in no such behavior and were simply carrying on a conversation in a loud room.

The lack of answers, ██████ efforts to negate students’ lived experiences and ██████ racial stereotyping reinforced the Palestinian students understanding that their exclusion was based on their identity as Palestinians. They felt unheard, disrespected and marginalized for raising concerns about a topic that directly affected them: non-discrimination in a university program that could have given them the opportunity to visit their homeland.

3. UIC Sought to Silence and Punish Palestinian Students

On February 13, our clients and several other Palestinian students posted flyers in UIC’s Physical Education Building, which houses the Department of Kinesiology and Nutrition, where ██████ teaches. The flyers featured quotes from ██████ and ██████ and described ██████ as racist. Two professors from the department, ██████ and ██████ took down the flyers and threatened to call police if students did not leave the building. As students were leaving, university police officers arrived and demanded that students show their student identification cards. The officers specifically focused on students who wore traditional Palestinian scarves and did not stop members of the group who were not wearing Palestinian accessories. One officer grabbed Jenin Alharithi, a visibly Muslim Palestinian student who was wearing a headscarf, to

¹¹ Email from ██████ to ██████ (Jan. 23, 2023) (Exhibit G); Email from ██████ to Soha Khatib (Jan. 23, 2023) (Exhibit H).

prevent her from leaving the building, telling her that she would be detained until she produced her student identification card. Alharithi reported this incident to the university police department. Despite this unnecessary physical contact, on February 22, the university police department determined that the officer's actions did not constitute a violation of department policies.¹²

Also on February 13, Students for Justice in Palestine at UIC, a registered student organization that advocates for Palestinian equal rights, began putting up a series of posts about UIC's discriminatory actions on its Instagram page (@sjpuic).¹³ The posts included quotes from ██████ and ██████ alongside their UIC staff photographs. On February 17, ██████ emailed then-SJP president Salaam Khater threatening the group with legal action if it did not remove the social media posts about him.¹⁴

On February 28, the Office of the Dean of Students notified representatives of SJP that the organization would face disciplinary charges because of a complaint filed by university police over the flyers.¹⁵ Police claimed that the flyers violated school policies because they had not previously been approved by the school. In a March 17 meeting over the disciplinary charges, SJP faculty advisor Andy Clarno asked ██████ the interim assistant dean of students, the last time a UIC student or student organization had faced disciplinary charges over unapproved flyers and whether university police had previously been called to enforce the flyer policy. ██████ was unable to answer the questions and could not provide a single example of another student group or student who were targeted by UIC in a similar manner as the Palestinian students. ██████ told SJP's faculty advisor that he would look into it, but never provided him an answer. Since then, students have documented dozens of flyers throughout the UIC campus that bear no indication of university approval.¹⁶

On March 21, then-SJP president Salaam Khater was notified that SJP had received a disciplinary warning.¹⁷ On March 28, Salaam appealed this determination.¹⁸ To date, neither she nor SJP have received a response to the appeal.

On March 10, our seven clients, who attended or attempted to attend the January 23 information session, submitted complaints to the Office for Access and Equity (OAE), requesting that the university look into the discriminatory treatment Palestinian students experienced during and after the session.¹⁹

¹² Letter from ██████ Commanding Officer of Support Operations and Internal Affairs, University of Illinois Chicago Police Department, to Jenin Alharithi (Feb. 22, 2023) (Exhibit I).

¹³ See SJP at UIC (@sjpuic), INSTAGRAM (Feb. 13, 2023), <https://www.instagram.com/p/ConPL91ueYi/>; SJP at UIC (@sjpuic), INSTAGRAM (Feb. 14, 2023), <https://www.instagram.com/p/CopxJTsoHVf/>; SJP at UIC (@sjpuic), INSTAGRAM (Feb. 15, 2023), <https://www.instagram.com/p/Costgn0uWcb/>.

¹⁴ Email from ██████ to Salaam Khater (Feb. 17, 2023) (Exhibit J).

¹⁵ Letter from ██████ to Salaam Khater (Feb. 28, 2023) (Exhibit K).

¹⁶ E.g., Exhibit L.

¹⁷ Letter from ██████ to Salaam Khater (March 21, 2023) (Exhibit M).

¹⁸ DOS Student Conduct & Community Standards - Student Conduct Appeal Form (March 28, 2023) (Exhibit N).

¹⁹ E.g., OAE-Harassment/Discrimination Report (March 10, 2023) (Exhibit O).

On March 15, the six Palestinian students and allies who were named in the police report after the flyering incident received notifications from OAE that a complaint had been filed alleging that the students had engaged in religious and national origin discrimination against ██████²⁰ which students viewed as retaliation for their OAE complaints.

On March 16, Palestine Legal wrote to the Office of the Dean of Students, OAE and UIC university counsel describing the incidents that had taken place and alerting UIC to the violation of Palestinian students' civil and constitutional rights.²¹ A Palestine Legal attorney also reached out to OAE to notify the school that she would be present when the students named in the ██████ complaint were to be questioned by the school. The next day, OAE director ██████ informed Palestine Legal that the notices that were sent to the Palestinian students were meant to be intake interviews regarding the students' own complaints. OAE staff claimed that the reference to a complaint of discrimination against ██████ had been an administrative error. However, only three of the six students who received notices on March 15 had filed their own complaints, while others who had filed complaints but were not present for the flyering did not receive a notice. This may suggest that OAE viewed Palestinian students and those affiliated with them as interchangeable. OAE never provided any of these students further information on any complaint filed against them.

Between March 29 and April 5, OAE conducted initial interviews with students who submitted complaints. OAE staff told students who were interviewed early on that they would notify them within two to three weeks whether their complaints would merit investigation. OAE, during later interviews, changed that estimate to 60 to 90 days.

On July 17, OAE sent our clients notifications informing them that it had closed the review of their complaints without opening an investigation, stating, "The Office for Access and Equity (OAE) has completed a review of your complaint/s of discrimination. After a thorough review of your complaint/s, documentation, and interviews, OAE finds no actionable allegations under the University Nondiscrimination Policy Statement."²² The notice provided no explanation for why the exclusion of Palestinian students from the January 23 information session was allowed under the University Nondiscrimination Policy Statement.

Given the failure of OAE to remedy the discrimination they experienced, our clients now urge you to investigate UIC for violating its obligations under Title VI of the Civil Rights Act of 1964.

4. UIC Previously Failed to Address Discrimination Against Palestinian Students

In March 2021, as people around the world expressed outrage over Israel's medical apartheid and its refusal to provide vaccines to the millions of Palestinians under its military rule,²³ UIC's School of Public Health partnered with the Jewish United Fund of Metropolitan Chicago, a

²⁰ See, e.g., Letter from ██████ to Jenin Alharithi (March 15, 2023) (Exhibit P).

²¹ Letter from Zoha Khalili to ██████ (March 16, 2023) (Exhibit Q).

²² See, e.g., Letter from ██████ to ██████ (July 17, 2023) (Exhibit R).

²³ See, e.g., Denying COVID-19 vaccines to Palestinians exposes Israel's institutionalized discrimination, AMNESTY INTERNATIONAL (Jan. 6, 2021), <https://www.amnesty.org/en/latest/press-release/2021/01/denying-covid19-vaccines-to-palestinians-exposes-israels-institutionalized-discrimination/>.

group with a documented history of funding anti-Muslim hate groups,²⁴ to host a Zoom webinar on Israel's COVID-19 response. Several UIC students who attended the webinar—many of whom were Palestinian—were ejected after they asked questions about Israel's discriminatory treatment of Palestinians.²⁵ Some of the Palestinian students ejected from the event had not asked any questions at all. When Palestinian students or students perceived to be Palestinian attempted to rejoin the event, they were again removed, and the event's chat box was disabled. In a private meeting with these students, a UIC administrator acknowledged that it was wrong to remove the students because they had asked about Israel's discriminatory treatment of Palestinians. However, the university issued no public apology and took no remedial action.

In May 2021, a student submitted a complaint to OAE about the incident. In September 2021, Michael P. Persoon, an attorney representing Students for Justice in Palestine at UIC, wrote to the university urging them to take action on the complaint and to condemn the harassment students had faced because of their campus activism.²⁶ In January 2022, when the university had still not taken any apparent action on the complaint, three additional students filed complaints with OAE. After a single interview with each complainant, OAE dismissed their complaints in April 2022, claiming that the removal of students from the webinar had been justified because the questions they asked in the chat constituted "text shouting" and the attendees had not registered properly.²⁷ Many Palestinian students had used the same name and email address to register out of fear that if they used their own names publicly, they would be doxed and blacklisted on the anti-Palestinian website Canary Mission. Canary Mission is a website that intentionally threatens students' right to pursue an education without harassment as well as their employment prospects because of their advocacy for Palestinian rights.²⁸ Because of their campaign against the School of Public Health, 32 UIC students, many of whom were Palestinian, were smeared as antisemites on the Canary Mission website, subjecting them to online harassment and the threat of sexual assault. Though students sought support from the university in the aftermath of the doxing they experienced, UIC has not, to our knowledge, taken any action to provide resources or support to the students targeted by the site.

In June 2022, one of the students ejected from the session filed a complaint with OCR (No. 05-22-2252) asking the Department of Education to investigate both UIC's discriminatory treatment of Palestinian students and its failure to properly address complaints of discriminatory treatment through the university's internal mechanisms. To our knowledge, OCR has not yet opened an investigation into that complaint.

²⁴ See JEWISH VOICE FOR PEACE-CHICAGO, DEFUND ISLAMOPHOBIA: HOW THE JEWISH UNITED FUND OF METROPOLITAN CHICAGO SUPPORTS ANTI-MUSLIM HATE GROUPS (2017), <https://www.jewishvoiceforpeace.org/wp-content/uploads/2017/03/JUF-Defund-Islamophobia-Report-FINAL-3-22.pdf>.

²⁵ See SJP at UIC (@sjpuic), INSTAGRAM (July 24, 2022), <https://www.instagram.com/p/CgaS-RGuray/>; SJP at UIC (@sjpuic), INSTAGRAM (July 25, 2022), <https://www.instagram.com/p/Cgcp--dO3pJ/>; SJP at UIC (@sjpuic), INSTAGRAM (July 26, 2022), <https://www.instagram.com/p/Cge4wlCObnr/>.

²⁶ Letter from Michael P. Persoon to ██████████ (Sept. 27, 2021) (Exhibit S).

²⁷ Letter from ██████████ to Salaam Khater (April 14, 2022) (Exhibit T).

²⁸ For more information on the website, see COMMITTEE ON ACADEMIC FREEDOM, EXPOSING CANARY MISSION: A RESOURCE FOR COLLEGE AND UNIVERSITY LEADERS, MIDDLE EAST STUDIES ASSOCIATION (April 18, 2018), <https://mesana.org/advocacy/committee-on-academic-freedom/2018/04/18/exposing-canary-mission..>

II. UIC's Actions Violate Title VI of the Civil Rights Act of 1964.

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

A university recipient of federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own, or if it permits a hostile environment, i.e., when harassment by a third party or student is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an education opportunity or benefit.”²⁹

A university recipient that has actual or constructive knowledge of a hostile environment must take prompt and effective steps that are reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence and remedy its effects, by ensuring that students are not restricted from participation in or benefiting from their educational opportunities as result of a hostile environment.³⁰ A university that responds with deliberate indifference, or fails to take appropriate responsive action to a known hostile environment, violates Title VI and risks losing federal financial assistance.³¹

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

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

As a result of UIC’s discriminatory actions and a hostile anti-Palestinian environment, the students named in this complaint were denied access to UIC educational services. Several of our

²⁹ See *Davis ex rel. LaShonda v. Monroe Cty. Bd. Of Educ.*, 526 U.S. 629, 633 (1999). Although *Davis* is a Title IX case, the same legal standards are applied to Title VI enforcement. See, e.g., *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) (“Congress modeled Title IX after Title VI of the Civil Rights Act of 1964, and passed Title IX with the explicit understanding that it would be interpreted as Title VI was.”)

³⁰ See, e.g., Letter from Melanie Velez, Reg’l Dir., Dep’t of Educ. Office for Civil Rights Region IV to Kathryn LeRoy, Superintendent of Polk County Pub. Schs. at 3 (March 23, 2016) (RE: Case No. 04-14-1664), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04141664-a.pdf>.

³¹ 42 U.S.C. § 2000d-1 (1964).

clients specifically chose to attend UIC because of its reputation as the most diverse institution of higher education in Chicago. One student noted in her interview with OAE that she attended UIC expecting a sense of inclusion, having particularly lacked a sense of community in high school. Palestinian students' experience of discrimination and the wrongful dismissal of their discrimination complaints left students feeling unsure whether they could trust UIC. They reported feeling lost, unheard and disrespected, and lacking a sense that they were safe and understood on campus. One student found it particularly scary that professors called the police because of her marginalized identities as a Palestinian Muslim woman. One student told OAE that he was taking 18 credits and working 16-20 hours a week and that having to advocate for himself and seek accountability for the discrimination he faced made an already difficult workload harder. Students who were targeted by UIC police and by administrators filing or threatening to file legal complaints based on their Palestinian or perceived Palestinian identities reported feeling frazzled, freaked out, overwhelmed and fearful. One student said that having been penalized and criminalized for trying to ask questions and express her concerns about the Israel study abroad trip had left her stressed and hyperaware of how she was perceived on campus, specifically making her afraid to ask questions in class out of fear that she could face punishment and retaliation if her questions rubbed professors the wrong way.

UIC's own police department filed a complaint, which resulted in an investigation into SJP over an action that, upon information and belief, dozens of UIC student groups and students regularly partake in, without punishment or profiling. To our knowledge, no other group of students has faced an even remotely similar level of scrutiny or repression for posting flyers on campus.

So deep is the anti-Palestinian prejudice that UIC administrators barred all students who they perceived as Arab or Palestinian from entering a university event out of concern that students would protest a program to which Palestinian-American students feared they would be denied equal access because of Israel's persistent discrimination against Palestinians. If UIC had in the 1980s forced all Black students entering a university-run information session about a study abroad trip to Apartheid South Africa into a waiting room, changed the event location and then admitted only those Black students disguised as white students, that too would be unlawful. There is simply no justification for UIC's disparate treatment of Palestinian students. By excluding one group from educational opportunities—Palestinians—UIC's actions plainly violate Title VI of the Civil Rights Act of 1964.

III. Remedies: OCR Should Require UIC to Comply with Title VI by Ensuring That Palestinian Students (and Students Perceived to Be Palestinian) Have Equal Access to Educational Opportunities at UIC.

In light of UIC's top-down, hostile anti-Palestinian environment and discriminatory anti-Palestinian actions, OCR should require the university to take the following steps:

a. UIC Must Ensure That Palestinian Students Are Able to Access Services on an Equal Basis as Other Students.

UIC's actions demonstrate a systemic failure to address the needs and concerns of Palestinian students. UIC should immediately end all programs that systematically exclude or disadvantage Palestinian students, including but not limited to student programs that involve travel to Israel.

OCR should conduct a review and establish ongoing monitoring of OAE's handling of complaints of discrimination against Palestinian, Arab and/or Muslim students, and where necessary, reopen investigations that were not conducted properly.

UIC must ensure that processes for reporting incidents of bias or discrimination are well resourced and have decision-making power to actually respond to students' concerns and to inform them of what the university has done in response to those incidents.

The university must adopt mandatory training across campus—and specifically for OAE staff, faculty, Study Abroad Office staff, university police and other personnel involved in these incidents—on anti-Palestinian and anti-Arab racism.

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

UIC must also implement mechanisms to protect students from discriminatory harassment by external and internal entities.

b. UIC Must End Discriminatory Investigations of Palestinian (or Perceived Palestinian) Groups, Students, Faculty or Staff and Their Allies Who Advocate for Their Equal Treatment.

UIC must cease discriminatory, intrusive investigations of Palestinian students, Students for Justice in Palestine, faculty, staff and student groups who advocate for Palestinian rights or criticize Israel. Because Palestinian students and those who believe in equality for Palestinians are subjected to campaigns of harassment and intimidation by anti-Palestinian groups,³² UIC must ensure that processes are put in place, including the trainings on anti-Palestinian and anti-Arab racism described above, to ensure that Palestinians and their allies are not further victimized by investigations that validate and give fuel to these campaigns of hate. UIC should also enact departmental policies that clearly articulate when it is acceptable and/or necessary to deploy law enforcement in response to the expressive conduct of students on campus.

³² 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>; *2021 Year-In-Review: Palestinian Uprising Generates Record Solidarity—And Fierce Backlash*, PALESTINE LEGAL, <https://palestinelegal.org/2021-report> (last visited Feb. 13, 2022).

c. UIC Must Apologize for Its Actions and Issue a Statement Condemning Anti-Palestinian Racism and Discrimination.

UIC must issue a public statement condemning anti-Palestinian racism on its website, on social media and to the campus community. The university must apologize for its denial of services to Palestinians and its selective targeting of Palestinian students/groups for police investigations and disciplinary procedures. The statement must use the word Palestine or Palestinian—not simply an overbroad category such as Arab or Muslim, which in the wrong context could contribute to Palestinian erasure.

IV. Conclusion

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Zoha Khalili', with a large, stylized flourish at the end.

Zoha Khalili
Senior Staff Attorney
Palestine Legal