

the school's education programs and activities."<sup>40</sup> In this case, UVM has not taken steps to ameliorate the harassment targeting Jewish students that has prevented these students from feeling safe on campus and prevented them from fully participating in student organizations and clubs. To this day, there are Jewish students at UVM who are explicitly excluded from campus student organizations due to their Jewish identity.

UVM is legally obligated to protect these students from the anti-Semitic harassment that has marginalized and excluded them on the basis of their Jewish identity. This harassment has denied the students an equal opportunity to enjoy the benefits of UVM's educational and extra-curricular offerings.

**VI. Suggested Remedies: OCR should require UVM to come into compliance with Title VI by eliminating the hostile environment and its effects, preventing the harassment from recurring, and ensuring that Jewish students have equal access to all educational opportunities at UVM.**

In light of UVM's failure to (1) address the anti-Semitic harassment and discrimination that targets UVM Jewish students on the basis of their shared ancestry and ethnic Jewish identity, (2) take steps to eliminate the hostile atmosphere and its effects for Jewish students at UVM, and (3) ensure equal access to all UVM organizations, clubs and activities for all Jewish students, OCR should require UVM to take the following steps to come into compliance with Title VI.

**a. UVM must ensure that student clubs are equally accessible to all students regardless of race or national origin.**

UVM must establish policies and procedures to ensure that no UVM student is denied access to any UVM student organizations, or excluded from full access to the benefits of any such organization, on the basis of race or national origin, including Jewish identity and must provide notice to all students of this change.

**b. UVM must investigate discriminatory practices by student groups and ensure that all barriers to nondiscriminatory access are eliminated.**

UVM must investigate the practices of all UVM student organizations, including the RSU club and UVM Empowering Survivors, to ensure that all students are provided equal access to their services, benefits, and resources, regardless of race or national origin and provide OCR with a report of such investigation within six months. In particular, any group that has limited or denied access or

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<sup>40</sup> 2010 Dear Colleague Letter, *supra* note 8, at 5–6.

services to any UVM student organization must provide public notice that it has eliminated the practices by which students were denied and that all students are equally welcome. Within nine months, UVM must provide OCR with a report on actions taken to address its findings.

**c. UVM must adopt the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism and its contemporary examples**

UVM must issue a public statement announcing that it will officially adopt and utilize the IHRA Working Definition of Anti-Semitism and its contemporary examples when investigating and responding to incidents of harassment and discrimination at UVM to determine whether they are motivated by anti-Semitic animus or bias. The University must further state that it encourages the UVM community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

**d. UVM must issue a statement denouncing anti-Semitism in all its forms and recognizing that Zionism is a key component of Jewish identity for many students at UVM.**

The University must issue a public statement condemning the anti-Semitic harassment on social media that targets members of UVM's Jewish community on the basis of their religious, ancestral, and ethnic identity. In particular, the University must make clear that [REDACTED] tweets encouraging her followers to bully, ostracize or otherwise treat Zionist students in a discriminatory fashion, is unacceptable conduct for a TA.

The University statement must recognize that for many Jewish students at UVM, Zionism is a key component of their religious, shared ancestral, and ethnic identity, and that harassing, demonizing, or excluding anyone on the basis of such identity is unacceptable. Further, the University must publicly announce that it will utilize the IHRA Definition and its contemporary examples when determining whether harassment or discrimination is motivated by anti-Semitic animus. We strongly urge the University to use or model its statement on the following language:

We condemn antisemitism in all its forms. We recognize that Zionism is a key component of the religious and ethnic identity of many students on our campus. Efforts to demonize Zionism and make these UVM students feel unsafe expressing this part of their religious and ethnic identity is contrary to our university's basic values of mutual respect and inclusion. Our university must be a place for the free and open exchange of ideas. It is never acceptable to harass, intimidate, marginalize, exclude, or demonize any part of our university community on the basis of its identity.

The University is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination and harassment based on shared ancestry or ethnic characteristics, including anti-Semitism that manifests as anti-Zionism.

To that end, the University will utilize the IHRA Working Definition of Anti-Semitism when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by anti-Semitic animus or bias. The University encourages the UVM community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

- e. UVM must revise its “Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy” to include a prohibition on discrimination based on shared ancestry and ethnicity, including anti-Semitism as defined in Executive Order 13899 and, more specifically, in the IHRA Working Definition of Antisemitism and IHRA’s Contemporary Examples.**

The University must revise its “*Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy*” (Policy) to include a prohibition on discrimination based on shared ancestry and ethnic characteristics, including anti-Semitism as defined in Executive Order 13899 and, more specifically, in the IHRA Working Definition and IHRA’s contemporary examples of anti-Semitism.<sup>41</sup> The revised Policy should include a description of the forms of anti-Semitism that can manifest in the University environment and provide examples of discrimination on the basis of shared ancestry and ethnic characteristics, which must include the contemporary examples of anti-Semitism in the IHRA Definition.

- f. The University must conduct mandatory training for the University community regarding its revised Policy that includes a specific focus on the different manifestation of anti-Semitism including anti-Zionism and national origin-based discrimination.**

The University must conduct training for the University community, including students, faculty, staff, administrators, and campus security, concerning the revised Policy and its implementation. Such training must include programming and educational materials about national

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<sup>41</sup> UVM Policy # 4.24.11, *supra* note 27.

origin discrimination and harassment, which specifically address the many manifestations of anti-Semitism and incorporate the IHRA Working Definition and its contemporary examples.

**g. UVM must create a Task Force to review, address, and improve Jewish life on the UVM campus.**

UVM must create a Task Force comprised of Jewish student leaders and Jewish faculty members that will provide input to the UVM administration about how best to address and improve Jewish life on the UVM campus, including how to address and ameliorate anti-Semitic harassment and discrimination based on shared ancestry or ethnicity.

**VII. Conclusion**

For the foregoing reasons, the Brandeis Center and Jewish on Campus strongly urge investigation into UVM's compliance with Title VI.

Respectfully Submitted,



Alyza D. Lewin, President



Denise Katz-Prober, Director of Legal Initiatives

Attachments