



November 8, 2021

**VIA EMAIL**

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**Re: Palestinian Students and Employees Denied Equal Access to Trauma Support Services at George Washington University**

Dear President LeBlanc,

We write on behalf of Nada Elbasha, who works in the Office of Advocacy and Support (“OAS”) at George Washington University (“GW” or “the University”). In June 2021, the university directed OAS to cancel support services for Palestinian students and employees experiencing trauma after at least one anti-Palestinian group complained. This decision contrasts with the University’s provision of similar support services to other ethnic and religious groups dealing with trauma from political events. GW’s actions violate the District of Columbia Human Rights Act (“DCHRA”), which prohibits discrimination on the basis of national origin and ethnicity at educational institutions, and must immediately be reversed.

## **I. Summary of Facts**

### **a. OAS's mission is to provide support for those experiencing trauma or impacted by violence**

OAS's official mission is to "be a resource for GW community members experiencing trauma or any other form of violence."<sup>1</sup> This includes partnering with the GW community to cultivate a safer, healthier and more informed campus and society. According to its website, the office provides emotional support, "psychoeducation on the impact of trauma and cycle of violence" and "space to discuss and process feelings and reactions" in a manner that is "trauma-informed" and "survivor-centered." OAS describes its work as "empowerment-based," which it defines as "provid[ing] information to help survivors make fully-informed decisions." As part of this mission, OAS staff communicate to professors and GW departments on behalf of students needing accommodations, hold events for GW community members experiencing trauma and advertise its services and communicate support for students on social media.

### **b. OAS has provided healing spaces for Black, brown, and Asian community members experiencing trauma resulting from racism and/or state violence**

OAS has acknowledged that experiences of trauma are often intertwined with political and social phenomena like racism and violence, whether from the state or from civilians. In light of this recognition, OAS has previously appealed directly to Black, brown, Asian and Jewish students in its posts.

For example, in September 2020, after it was announced that none of the police officers who fatally shot 22-year old Black woman Breonna Taylor would be charged, OAS posted on Instagram that the decision was "wrongful and harmful" and "aligned with the racist system of policing."<sup>2</sup> In a second post, it advertised a "Community Processing and Healing Space for our Black and Brown Students, Faculty and Staff" to process the decision and support Black and brown students, faculty and staff.<sup>3</sup>

On January 6, 2021, the day after the attack on the U.S. Capitol, OAS posted a statement on its website condemning "racism and white supremacy that fueled the terrorist attack" and

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<sup>1</sup> GEORGE WASHINGTON UNIV., Office of Advocacy & Support (last visited Nov. 4, 2021), <https://safety.gwu.edu/oas>.

<sup>2</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Sept. 24, 2020), <https://www.instagram.com/p/CFhy24ZjVA5/>.

<sup>3</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Sept. 24, 2020), <https://www.instagram.com/p/CFiEn81B7It/>.

offered special office hours for students to process to the event.<sup>4</sup> OAS’s statement noted that the recent events “reflect . . . the safety and privilege that whiteness affords people in our nation . . . how white nationalism and racism dominate narratives.”

In March 2021, after a mass shooter targeted Asian women working at spas across Atlanta, OAS posted a statement that the Office “grieves with the members of our GW community” and that “anti-Asian rhetoric in the United States has clear and direct implications on our community members.”<sup>5</sup> The statement noted over 3,700 anti-Asian hate incidents and stated that OAS is “in solidarity with Asian women, Asian sex workers, undocumented Asian people, and all Asian Americans – particularly in our GW community.”

After police in Columbus, Ohio shot and killed Ma’Khia Bryant, a 16-year-old Black girl in April 2020, OAS posted a statement noting its despair and offering support and assistance to students experiencing trauma.<sup>6</sup>

OAS has also advertised its services more generally to those impacted by “the current state of the world” as well as other events, such as the 2020 presidential debates.<sup>7</sup> The office has appealed directly to BIPOC (Black, Indigenous and People of Color) and Jewish students in its programming,<sup>8</sup> and has repeatedly affirmed that Black Lives Matter.

None of the above-mentioned – or any other OAS – statements were subjected to review by administrators outside of OAS. Rather, when OAS personnel saw that students appeared to be impacted by events, on social media or elsewhere, the office publicly reached out to provide services.

All of these actions are consistent with OAS’s mandate to provide support services to students, the experiences and emotions of whom are not independent of the political environment that contextualizes them.

**c. Consistent with the above principles and practices, OAS attempted to provide similar trauma services to Palestinians in May of 2021**

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<sup>4</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Jan. 6, 2021), <https://www.instagram.com/p/CJwzWTAB6W5/>.

<sup>5</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Mar. 17, 2021), <https://www.instagram.com/p/CMiO7qzhfY0/>.

<sup>6</sup> GEORGE WASHINGTON UNIV., OAS Statements (last visited Nov. 4, 2021), <https://safety.gwu.edu/oas-statements>.

<sup>7</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Sept. 29, 2020), <https://www.instagram.com/p/CFvCaWADIX8/>.

<sup>8</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Sept. 4, 2020), <https://www.instagram.com/p/CEupu8Mj7Gh/>; see also Office of Advocacy & Support (@gw\_oas), INSTAGRAM (Mar. 25, 2021), <https://www.instagram.com/p/CM2CCABBIsf/>.

In early May 2021, Israel's forced evictions and killing of Palestinian civilians made headlines.<sup>9</sup> Across the United States, many people, in particular young people and college students, attended protests and spoke out in other ways.<sup>10</sup> Over the course of 11 days, Israel attacked the Gaza Strip by land and air, killing 260 Palestinians, including 66 children.<sup>11</sup>

During this period, Nada Elbasha, an Advocacy Specialist at OAS noticed GW students were expressing pain on social media over the taking of Palestinian lives.<sup>12</sup> In a staff meeting, Elbasha and a coworker brought up how distraught many members of the GW community appeared to be over the killing of Palestinians and how members of the GW community might benefit from the office's support.

Anticipating that publicly providing support services for Palestinians could lead to backlash – as had happened in the past at GW – OAS staff decided it would be best for Elbasha to first to reach out privately to student groups whose members might be affected by the violence.

OAS crafted a message, and on May 13, Elbasha emailed Students for Justice in Palestine, the Arab Student Union, the Muslims Student Association, and Students Against Imperialism and explained OAS's mission to support students impacted by trauma and violence and offered OAS's services. As a Palestinian-American herself experiencing grief, Elbasha wrote, "I am naming this as a Palestinian-American who would have wanted someone at my university to reach out to me." A student responded to Elbasha thanking her for reaching out and acknowledged that the violence against Palestinians made it difficult for them to focus on school.

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<sup>9</sup> See, e.g., Noura Erakat and Mariam Barghouti, *Sheikh Jarrah highlights the violent brazenness of Israel's colonialist project*, THE WASHINGTON POST (May 10, 2021), <https://www.washingtonpost.com/opinions/2021/05/10/israel-sheikh-jarrah-palestinians-jerusalem-violence-evictions-settlers/>; Joseph Krauss, *Palestinians fear loss of family homes as evictions loom*, AP NEWS (May 10, 2021), <https://apnews.com/article/middle-east-religion-2ba6f064df3964ceafb6e2ff02303d41>; Morgan Winsor, *Over 100 civilians killed, 1,000 wounded as Israel intensifies attacks against Hamas*, ABC NEWS (May 14, 2021), <https://abcnews.go.com/International/100-civilians-killed-1000-wounded-israel-intensifies-attacks/story?id=77685310>; Haley Ott and Ben Mitchell, *Sheikh Jarrah: Why Palestinians are facing possible eviction in East Jerusalem*, CBS NEWS (May 18, 2021), <https://www.cbsnews.com/news/israel-palestinians-sheikh-jarrah-eviction-east-jerusalem-explained/>.

<sup>10</sup> Alaa Elassar, Alisha Ebrahimji and David Williams, *Supporters of Palestinian rights hold protests across the United States*, CNN (May 23, 2021), <https://edition.cnn.com/2021/05/22/us/pro-palestinian-protests-us/index.html>.

<sup>11</sup> *Gaza: Apparent War Crimes During May Fighting*, HUMAN RIGHTS WATCH (July 27, 2021) <https://www.hrw.org/news/2021/07/27/gaza-apparent-war-crimes-during-may-fighting>.

<sup>12</sup> OAS staff typically keep an eye on GW student organization Instagram accounts in order to be aware of their needs and concerns.

That day, OAS also posted the following statement on its Instastory<sup>13</sup>:

OAS is watching and witnessing the violence occurring in Israel and Palestine. We care about you and want to make space for all you may be feeling. If you want to get connected to an advocate, please contact us at [email] and [number].<sup>14</sup>

Over the next couple of weeks, Elbasha and OAS staff continued to notice that students were expressing feeling trauma on social media over the escalating violence against Palestinians. OAS staff met and concluded that their initial outreach approach was not sufficient. The office decided on an approach that was more consistent with its outreach efforts when non-Palestinians were impacted by violence and trauma.

On the morning of June 2, OAS advertised a “virtual processing space” on Instagram for GW community members in the Palestinian diaspora who needed healing.<sup>15</sup> The post stated that the office remained available to talk to community members of all identities, and that the office was “proud to join others in the higher education community who have vocalized their support for Palestinian human rights and liberation . . . .” The goal of the post was to extend OAS services to Palestinians and show support for Palestinian rights as it had for other groups.

**d. At least one anti-Palestinian group complained about OAS’s extending the same support services to Palestinian students that OAS had previously offered to Black, Asian, Jewish, and other student groups**

A few hours after OAS offered its trauma services to Palestinians, OAS Assistant Director Tamara Washington received a phone call from GW Hillel Executive Director Adena Kirstein.<sup>16</sup> Kirstein complained about OAS’s post supporting Palestinian human rights, stating that in her view, it was harmful to Jewish students. Assistant Vice President of Health and Safety Kathleen Fox also contacted OAS later that day, relating that numerous individuals had complained to the President about OAS’s social media posts offering support services to Palestinian students.

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<sup>13</sup> Instastory is a feature on Instagram like Snapchat, where users may temporarily upload media to a profile for a maximum of 24 hours.

<sup>14</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (May 13, 2021) (on file with Palestine Legal).

<sup>15</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (June 2, 2021) (on file with Palestine Legal).

<sup>16</sup> Hillel has a history of attempting to suppress speech supporting Palestinian rights on colleges across the United States. See Brief of Amicus Curiae Open Hillel, *Mandel v. Bd. of Trs. of the Cal. State Univ.*, 2018 U.S. Dist. LEXIS 185871 (N.D. Cal. Oct. 29, 2018)

(No. 3:17-cv-03511-WHO),

<https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5b45136c70a6adccf5cb0e2a/1531253613780/141-1+Open+Hillel+AC+Brief.pdf> and PALESTINE LEGAL, Hillel’s Actions to Exclude, Target, Censor and Criminalize Students who Disagree (last visited Nov. 4, 2021), <https://palestinelegal.org/hillels-actions>.

**e. GW Administrators threatened OAS employees' positions if they extended the same support services to Palestinian students that OAS had previously offered to Black, Asian, Jewish, and other Student Groups**

In Assistant VP Kathleen Fox's conversation with OAS Director Washington, she implied an ultimatum to OAS: take down the Instagram posts offering services to Palestinian students and those experiencing trauma over the killing of Palestinians or be fired. OAS officials considered this threat credible.

On the evening of June 2, OAS deleted its May 13 and June 2 posts stating that it would provide services to people experiencing trauma over the killing of Palestinians.

On June 3, OAS posted an Instastory announcing the virtual processing space scheduled for that evening "has been postponed."<sup>17</sup> The post did not mention a new time or date.

**f. GW initiated an audit of OAS for providing services to Palestinians and OAS was threatened with closure**

Upon information and belief, on June 3, an emergency meeting attended by Assistant VP Kathleen Fox, Vice Provost for Diversity, Equity and Community Engagement Caroline Laguerre-Brown, a representative of the Board of Trustees, a representative of President's Office, a representative of the communications department and OAS was called. At the meeting, it was revealed that President LeBlanc had received a number of calls complaining about OAS's virtual processing circle for Palestinian students and those impacted by anti-Palestinian violence as well as the post supporting Palestinian human rights. OAS was ordered to post an apology for offering a virtual processing circle and supporting Palestinian rights. It was communicated that LeBlanc would be initiating an "audit" of OAS, and, depending on the results of the audit, could permanently close OAS.

Later on June 3, OAS posted a statement on Instagram apologizing for its post supporting Palestinian human rights. The June 3 post, which was drafted by Fox and Assistant Director of Media Relations Crystal Newcombe, stated that OAS's previous post was made "without consultation with others" and that "we are enhancing our external communication process to ensure that this does not happen again." The June 3 post also claimed that by supporting Palestinian human rights, the previous post "did not create a safe space for all members of our community."

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<sup>17</sup> Office of Advocacy & Support (@gw\_oas), INSTAGRAM (June 3, 2021) (on file with Palestine Legal).

Since June, OAS has tried to reschedule the postponed virtual processing circle, but staff requests have been ignored by Fox and Division of Safety and Facilities Vice President Scott Burnotes.<sup>18</sup> OAS has since come under intense scrutiny from Provost Christopher Alan Bracey and Laguerre-Brown (in addition to other high-level administrators), who have ordered the office to write several reports justifying its mission and practices and prohibited it from conducting its regular functions, including communicating with professors and other university officials on behalf of students and accompanying students to meetings with faculty or staff. The office is no longer allowed to post to social media and all of its external communications must now be reviewed by Fox and Newcombe. This environment of intense scrutiny and micromanagement – coupled with restrictions preventing OAS from conducting its regular functions – has contributed to one specialist leaving the office permanently. OAS now only has two employees: Director Washington and Elbasha.

To date, thankfully, posts in support of Black Lives Matter and against the January 6 attack on the U.S. Capitol remain on the Office’s Instagram page, along with posts supporting Jewish, Asian, Black and other groups impacted by trauma and violence.

OAS has not replaced its posts recognizing Palestinian trauma. Associate Vice Provost for Diversity, Equity and Community Engagement Jordan West stated, in a virtual June meeting with OAS, that this was because "Palestine and Israel have a less literal component to the broader audience that we [the university] don't have to feel" whereas "anti-Asian bias and George Floyd are seen as quite literal by the university." West also stated that GW was "not ready to publicly" address or recognize violence against Palestinians. Elbasha understood this statement to mean that the position of the Office of Diversity, Equity and Community Engagement (ODECE), which Associate Vice Provost West oversees, is that Palestinians are not full human beings deserving of life, as the literal and recurring taking of Palestinian life without accountability, and its effects on Palestinian students were not “literal” enough for the university.

In July, Elbasha learned that the GW student group Students Against Sexual Assault (SASA) had posted a similar statement offering its own healing space and support for Palestinian rights and was told by GW administrators to remove the statement because such a statement was “harmful and exclusionary.”

## **II. GW’s Censoring of Trauma Support Services for Palestinians Violates The D.C. Human Rights Act and GW Policies**

The DCHRA makes it unlawful for an educational institution to deny or restrict access of its facilities, services, or programs to any person, wholly or partially, for a discriminatory

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<sup>18</sup> OAS sits within the Division of Safety and Facilities.

reason.<sup>19</sup> The Act prohibits discrimination on the basis of 21 protected characteristics, including race, color, religion, national origin, political affiliation, and more.<sup>20</sup> It has long been settled that the DCHRA mandates that students be given equal access to university facilities and services. *See, e.g., Gay Rights Coal. of Georgetown Univ. Law Ctr. v. Georgetown Univ.*, (App. D.C. 1987) (“Equality of treatment in educational institutions is concretely measured by nondiscriminatory provision of access to ‘facilities and services.’”).

GW’s nondiscrimination policies also promise not to unlawfully discriminate against any person on the basis of protected characteristics recognized by the DCHRA.<sup>21</sup> This policy “covers all programs, services, policies, activities, and procedures of the university.” “Failing or refusing to allow an individual to participate in an activity, program or organization based on their protected characteristic” constitutes unlawful discrimination.

GW’s canceling of a virtual processing circle for Palestinians, deleting of a statement supportive of Palestinian human rights, and apologies for these posts violate provisions of the DCHRA prohibiting disparate treatment of students based on national origin in places of education. It also violates the non-discrimination policies to which GW claims to adhere.

OAS has held itself out as a resource for students experiencing trauma during moments of state, racial and other forms of violence. It has condemned without equivocation violence and racism against Black people and Asian people. It has reached out to provide services for these groups as well as Jewish and BIPOC communities and other members of the GW community impacted by the state of the world. It has done all of these things without additional layers of review from administrators outside of OAS. The office has never been forced to delete and apologize for statements condemning racial or state-sponsored violence or supporting the human rights of a specific group.

However, when staff at OAS attempted to extend resources to Palestinian members of the GW community, the office was forced to backtrack, cancel its trauma support services and apologize, on credible threat of loss of their positions. To date, there is no mention of Palestinians or Palestine anywhere on OAS’s platforms.

While providing services to Palestinian students and supporting Palestinian human rights may spark complaints from anti-Palestinian groups, the law does not allow for differential treatment on the basis of national origin or ethnicity. For example, if GW were to deny services

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<sup>19</sup> D.C. Code § 2-1402.41(1).

<sup>20</sup> *Id.* Any person or organization, whether or not an aggrieved party, may file a DCHRA complaint with the Office for Human Rights.

<sup>21</sup> GEORGE WASHINGTON UNIV., Equal Opportunity, Nondiscrimination, Anti-Harassment, and Nonretaliation, Office of Ethics, Compliance, and Privacy (last visited Nov. 4, 2021), <https://compliance.gwu.edu/equal-opportunity-nondiscrimination-anti-harassment-and-non-retaliation>.



to Black or Asian community members because a white supremacist group or white parents complained about posts supporting Black lives and / or condemning anti-Asian violence because it made white students feel unsafe, that too, would be unlawful. There is simply no justification for GW's disparate treatment of Palestinians. By excluding one group from services and support—Palestinians—GW's actions plainly violate the DCHRA and its own anti-discrimination policies.

Lastly, GW's threat to close OAS because of its attempt to provide services to Palestinians on equal basis is grimly reminiscent of many U.S. cities' decisions to close segregated public pools rather than allow them to be integrated.<sup>22</sup> Such a closure would deprive all GW students, in particular BIPOC students, of a valuable resource.

As a reminder, the DCHRA prohibits retaliation against those who report or encourage others to report an act of discrimination at an educational institution.<sup>23</sup>

### **III. Conclusion**

As a university obligated to provide educational services and programs welcoming to all regardless of race, color, or national origin, GW cannot justify its singling out of Palestinians for discriminatory treatment. The documented actions of GW administration towards OAS violate GW's internal policies and the DCHRA.

To rectify the harm done we request that you:

- (1) Issue a public statement clearly and unequivocally apologizing to GW community members of Palestinian origin for GW's denial of services to Palestinians and state that GW does not and will not tolerate anti-Palestinian discrimination; the statement should also apologize for Assistant Vice Provost West's remark that violence against Palestinians is not literal enough, affirmatively recognize the right to advocate for Palestinian rights on campus and agree that GW will not adopt or enforce policies that limit speech criticizing Israel's human rights abuses;
- (2) Mandate a training for Fox, Laguerre-Brown, West and other ODECE personnel on anti-Palestinian harassment with a group advocating for Palestinian rights;
- (3) Require ODECE to list resources to support Palestinian and other Arab/Muslim minorities, including on Islamophobia and anti-Palestinian racism, and ensure that other resources do not conflate criticism of the political ideology of Zionism with antisemitism;

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<sup>22</sup> Gershon, Livia, *When Cities Closed Pools to Avoid Integration*, JSTOR DAILY (June 21, 2019), available at <https://daily.jstor.org/when-cities-closed-pools-to-avoid-integration/> (accessed on Nov. 4 2021).

<sup>23</sup> D.C. Code § 2-1402.61. GWU policies likewise prohibit retaliation. See GEORGE WASHINGTON UNIV., Non-Retaliation Policy (last visited Nov. 4, 2021), <https://compliance.gwu.edu/non-retaliation-policy>.

this includes removing the article titled “Six Proactive Strategies to Prevent Anti-Israel Activity” authored by the ADL from the ODECE website<sup>24</sup>;

- (4) Allow OAS to reschedule its virtual processing space for GW community members in the Palestinian diaspora who need healing;
- (5) Allow OAS to continue its operations as it had done before it attempted to provide services for Palestinians, including by posting to its website and social media platforms and providing healing spaces for students without punitive administrative scrutiny;
- (6) Add an Arab or MENA category to the Multicultural Student Services Center webpage (which currently only appears to recognize Latinx, LGBTQIA+, Native American, Black, South Asian and Asian and Pacific Islander communities, along with “Religious and Faith” groups);<sup>25</sup>
- (7) Recognize Arab American Heritage Month, consistent with the University’s recognition of six other heritage and/or identity-based months<sup>26</sup>;
- (8) Hold a “#GWinSolidarity” event on anti-Palestinian bias and violence in the 2021-22 academic year, similar to past for events for other identity groups.<sup>27</sup>

We respectfully request a response by November 15, 2021.

Sincerely,



Radhika Sainath  
Palestine Legal  
Senior Staff Attorney

Benjamin Douglas  
Attorney

Cc Charles K. Barber, Interim Vice President and General Counsel

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<sup>24</sup> Over 200 social justice organizations have called for an end to partnerships with the ADL due to its history of attacking social justice organizations led by Arabs, Muslims and other people of color. See, Drop the ADL, <https://droptheadl.org/> (last visited Nov. 4, 2021).

<sup>25</sup> See GW MULTICULTURAL STUDENTS CENTER, Communities and Cultural Events (last visited Nov. 4, 2021), <https://mssc.gwu.edu/communities-and-cultural-events>.

<sup>26</sup> See GW MULTICULTURAL STUDENTS CENTER, Cultural Heritage Celebrations (last visited Nov. 4, 2021), <https://mssc.gwu.edu/cultural-heritage-celebrations>.

<sup>27</sup> See GW OFFICE OF DIVERSITY, EQUITY AND COMMUNITY ENGAGEMENT, #GWinSolidarity (last visited Nov. 4, 2021) <https://diversity.gwu.edu/gwinsolidarity>.