



December 27, 2019

Kenneth Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100

Dear Assistant Secretary Marcus:

The American Center for Law and Justice (ACLJ)¹ has been retained by Hillels of Georgia regarding anti-Semitic activity which the Georgia Institute of Technology (Georgia Tech) has willfully ignored. We write to respectfully urge you to investigate and determine whether Georgia Tech has engaged in discrimination, in permitting a hostile environment, and other violations of Title VI of the Civil Rights Act of 1964, as amended, 41 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI).

Georgia Tech (1) allowed blatant anti-Semitic exclusion and harassment at a campus group event, attempted to conceal the offense, repeatedly and systemically stonewalled Jewish student and faculty efforts to address the incident; (2) ignored two out of the three complaints arising from said event; and (3) after a student conduct board finally found the campus group guilty on the one complaint they did hear, violated their own policies and issued a decision on appeal reversing that guilty ruling – allowing the anti-Semitism to continue unchecked.

Anti-Semitic Exclusion from a Georgia Tech Event

On April 1, 2019, Ms. Lauren Blazofsky, the Director of Hillel at Georgia Tech, was denied entry to a public event sponsored by the Young Democratic Socialists of America. At the door to the event, YDSA's student president denied Ms. Blazofsky entry even though she was a recognized faculty member at Georgia Tech. Ms. Blazofsky had registered in advance for the event which was listed as public on Facebook. (Exh. A). The YDSA student president asked if she was 'Lauren from Hillel,' and then denied her entrance. Ms. Blazofsky was denied entry because Ms. Blazofsky

¹ The ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in significant cases involving the freedoms of speech and religion. As a part of the organization's commitment to the freedom of speech, ACLJ attorneys regularly handle cases specifically involving the protection of academic freedom and opposition to anti-Semitism in all its forms.

is Jewish and affiliated with a Jewish organization on Georgia Tech's campus. Other non-students attended. Ms. Blazofsky immediately filed a complaint with Georgia Tech's Office of Integrity.

Two Jewish students who did attend the event also submitted complaints to the Office of Integrity alleging that they had been singled out and harassed at the event.

Confirming the fact that her exclusion was based on race or ethnicity, later that same night YDSA sent an email to Ms. Blazofsky claiming that she was turned away because:

In the past, we have experienced a Hillel-affiliated faculty member Dr. Lubinsky repeatedly harassing our members & spying on our meetings. As such, we were uncomfortable with having Hillel staff in attendance today. (Exh. B).

For the record, Dr. Lubinsky, a faculty member at Georgia Tech, has never been affiliated with Hillel at Georgia Tech. Dr. Lubinsky just happens to be Jewish.² Apparently 'Hillel' is YDSA's shorthand for 'Jewish.' Georgia Tech's 'blind eye' not only foments, but also protects, this type of race- and ethnicity-based hatred and intolerance.

Georgia Tech's Response

After an unacceptable five-month delay, on September 17, 2019, a student conduct hearing was held by the Georgia Tech Office of Integrity in response to Ms. Blazofsky's complaint. The two complaints filed by the Jewish students have still not been addressed by Georgia Tech.

At the hearing, YDSA admitted that their leadership had gone online, prior the April 1 event, to familiarize themselves with the faces of Hillel staffers so as to be able to recognize them and deny them entry. YDSA also changed its rationale for exclusion. YDSA claimed, at the hearing, that it had excluded Ms. Blazofsky because she had sent an email asking people to be disruptive. In fact, Ms. Blazofsky's email, which was shown to the panel at the student conduct hearing, literally says the exact opposite, and warns people *not* to be disrespectful or disruptive. (Exh. C).

Following that hearing, Georgia Tech's Office of Integrity found that YDSA had violated Ms. Blazofsky's rights, and gave YDSA five business days from the date of the decision to appeal. Georgia Tech refused to provide a copy of its decision to Hillel or to Ms. Blazofsky.

Hillel was informed in writing that any final decision on appeal was due by October 22, 2019. (Exh. D). That deadline passed, and on October, 24, 2019, YDSA acknowledged that it had been found guilty through its misleading Twitter petition demanding reversal. (Exh. E). Instead of showing the slightest sign of remorse, YDSA waged a victim-blaming PR campaign alleging that the decision was based on silencing YDSA's views on Palestine. Based on this false narrative of the decision, YDSA requested other groups and activists to join them by contacting Georgia Tech and demanding the decision to be reversed.

² YDSA simply used a doubly discriminatory deduction based on race or ethnicity. Moreover, YDSA's assertion that Jewish persons who attend a publicly advertised event are engaged in "spying" is itself deeply offensive and anti-Semitic.



To be clear, the violation of Ms. Blazofsky's rights had absolutely nothing to do with Israel or Palestine. The violation of Ms. Blazofsky's rights was a simple case of anti-Semitic discrimination.

Apparently, YDSA succeeded in its campaign to overturn the decision and allow discrimination to continue unabated. For some reason that has never been communicated to Hillel or Ms. Blazofsky, Georgia Tech reversed its decision – well past the appeal decision deadline. On November 8, 2019, YDSA issued a public statement saying that it had indeed been vindicated and that the Georgia Tech had reversed its decision. (Exh. F). Again, Georgia Tech refused to give Hillel or Ms. Blazofsky any copies of its reversal of its decision, *or even any notice at all*. Hillel made numerous attempts to learn how or why Georgia Tech reversed its decision, despite the assurances from the relevant Georgia Tech offices that the matter was over as of October 22, 2019. Hillel's inquiries were stonewalled by the Georgia Tech administration.

Georgia Tech's reversal of its finding of discrimination is completely unacceptable and communicates the unmistakable message that Georgia Tech will tolerate *and even protect* anti-Semitism on its campus. To be sure, disagreements and differing viewpoints on college campuses are not uncommon, and the ACLJ supports the free exchange of ideas protected by the First Amendment. But YDSA used racism and bigotry to discriminate. Georgia Tech has given that bigotry a home and that discrimination a sanctuary.

On November 14, 2019, the ACLJ sent Georgia Tech a letter demanding it explain what happened and take corrective action. (Exh. G). In response, Georgia Tech acknowledged that its policies were flawed, but would not explain how or why the reversal took place after the matter had been officially closed. The only indication Georgia Tech would give the undersigned ACLJ counsel was that it had something to do with the fact that since other Jewish people were allowed into the event, there could not have been anti-Semitism after all. This classic trope, in the vein of “some of my best friends are _____,” is itself anti-Semitic, so much so that “it has become shorthand for weak denials of bigotry — a punch line about the absence of thoughtfulness and rigor in our conversations about racism.”³

Other Jewish Students' Complaints Have Still Not Been Heard

As mentioned above, in addition to the anti-Semitism directed at Ms. Blazofsky, there were two other Jewish students who attended the April 1 program who filed their own incident reports with the Georgia Tech Office of Integrity alleging discrimination. The complaints note that the students were verbally attacked and told to never come back to a YDSA program. It has been eight months since those complaints were filed and Georgia Tech has yet to even schedule an initial hearing. Georgia Tech's limited explanation regarding the reversal of its decision in Ms. Blazofsky's matter also ignored the harassment of those Jewish students who *were* permitted into the event, and failed to explain why their complaints have still not been heard.

³ John Elogin, *The 'Some of My Best Friends are Black' Defense*, N.Y. TIMES (Feb. 16, 2019), <https://www.nytimes.com/2019/02/16/sunday-review/ralph-northam-blackface-friends.html>.



Conclusion

For the foregoing reasons, we respectfully request that the Department open an investigation into the above-outlined series of incidents, including: (1) the discriminatory exclusion and harassment that took place at the April 1 event; (2) Georgia Tech's failure to respond in a timely fashion – and indeed, in two of the three cases, Georgia Tech's failure to respond at all; and (3) Georgia Tech's failure to follow its own processes and timelines in what appears to be a systemic and intentional refusal to confront anti-Semitism and protect the rights of Jewish students and faculty.

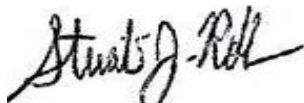
Georgia Tech has failed to redress blatant violations of the rights of the Jewish members of the Georgia Tech community for quite some time, causing Jewish students and faculty to feel – at best – unwelcome. For almost nine months, it has ignored some complaints, delayed hearings in others, surreptitiously overturned a decision that had found a violation, and refused to hold anyone accountable.

The problem of anti-Semitism on campuses around the country is so well-known that the President of the United States recently issued an Executive Order specifically designed to combat it.⁴ Georgia Tech's behavior was done in the face of rising anti-Semitism on Georgia campuses in particular,⁵ and despite earnest and persistent pressure by the affected community to stand up to the bigotry and discrimination and *do something about it*.

The clear message that Georgia Tech is communicating is that they are deliberately indifferent⁶ to the concerns and wellbeing of its Jewish population. Affected community members have been physically excluded from at least one event and Georgia Tech's indifference to their legitimate concerns and complaints has made them feel unwelcome at many more. Without prompt and appropriate action – including requiring Georgia Tech to evenhandedly enforce its own rules and procedures and comply with Title VI – Jewish students will continue to be victimized by Georgia Tech's implied consent for anti-Semitic discrimination and racism; will be unable to participate at additional campus functions; and will continue to be harassed and excluded. We respectfully look forward to your office intervening.

Please advise us if you need further information.

Sincerely,



Stuart J. Roth
Senior Counsel

⁴ *Executive Order on Combating Anti-Semitism*, THE WHITE HOUSE (Dec. 11, 2019), available at <https://www.whitehouse.gov/presidential-actions/executive-order-combating-anti-semitism/>.

⁵ In November alone, as Georgia Tech was secretly reversing its decision and refusing to explain why, swastikas were found on two other University of Georgia system campuses. While we do not yet have the numbers from 2019, in 2018 Georgia had the highest number of anti-Semitic incidents of any state in the Southeast.

⁶ *Davis ex rel. Lashonda D. v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629, 650 (1999).





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