



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. [REDACTED] 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. [REDACTED] entry even though she was a recognized faculty member at Georgia Tech. Ms. [REDACTED] had registered in advance for the event which was listed as public on Facebook. (Exh. A). The YDSA student president asked if she was 'from Hillel,' and then denied her entrance. Ms. [REDACTED] was denied entry because Ms. [REDACTED]

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. [REDACTED] 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. [REDACTED] 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. [REDACTED] 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. [REDACTED] because she had sent an email asking people to be disruptive. In fact, Ms. [REDACTED] 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. [REDACTED] 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. [REDACTED]

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. [REDACTED] rights had absolutely nothing to do with Israel or Palestine. The violation of Ms. [REDACTED] 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. [REDACTED] 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. [REDACTED] 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. [REDACTED] 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. [REDACTED] 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.

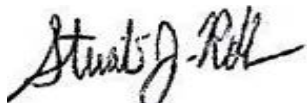
Georgia Tech has failed to redress blatant violations of the rights of the Jewish members of the Georgia Tech community for quite some time, causing Jewish students and faculty to feel – at best – unwelcome. For almost nine months, it has ignored some complaints, delayed hearings in others, surreptitiously 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).





Mark Goldfeder
Special Counsel for International Affairs



Benjamin P. Sisney
Senior Litigation Counsel





Events

Events

Calendar

Birthdays

Discover

Teach-in: Palestine 101

Hosting

+ Create Event



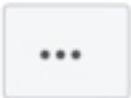
APR
1

Teach-in: Palestine 101

Public · Hosted by YDSA Georgia Tech

★ Interested

✓ Going



Monday, April 1, 2019 at 5 PM – 6 PM
about 9 months ago

East Architecture 207

Show Map

About

Discussion

Details

----- Forwarded message -----

From: **YDSA Georgia Tech** <[REDACTED]>

Exh. B

Date: Tue, Apr 2, 2019 at 12:21 AM

Subject: YDSA Georgia Tech Meeting

To: <[REDACTED]>

Cc: <[REDACTED]>, <[REDACTED]>, <[REDACTED]>

Hello,

We regret that we had to turn some Hillel staff away from our "Palestine 101" club meeting today. In the past, we have experienced a Hillel-affiliated faculty member [REDACTED] repeatedly harassing our members & spying on our meetings. As such, we were uncomfortable with having Hillel staff in attendance today. We in no way intended this as a slight against the organization, and we welcomed student members of Hillel to our meeting.

We have never disrupted or attempted to disrupt any Hillel events, and we do not intend to in the future. We are disappointed that you chose to send a mass message about IAW to your general membership without contacting us about this first. In that message, it was implied that Hillel condemned our organization totally. We think it is unfortunate that you took such an aggressive stance without considering our overlapping membership.

Moving forward, we would love to talk with Hillel about any concerns you may have regarding our programming, but we would much prefer to talk to GT students rather than paid staff. Once we can establish mutual community agreements, we would welcome having Hillel representatives come respectfully observe our events, while refraining from intentional or planned disruptions. If anyone from your organization would like to attend our events on the organization's behalf, we would welcome a meeting with student leaders as soon as possible.

In Solidarity,

Young Democratic Socialists of America at Georgia Tech
Executive Committee

Exh. C

Ben Sisney [REDACTED]

Fwd: A Message from Hillel at Georgia Tech

1 message

M Goldfeder [REDACTED]

Fri, Dec 27, 2019 at 3:59 PM

To: Ben Sisney [REDACTED]

exhibit C

From: Hillel at Georgia Tech [REDACTED]**Date:** March 29, 2019 at 5:13:17 PM EDT**To:** [REDACTED]**Subject:** A Message from Hillel at Georgia Tech**Reply-To:** [REDACTED]

HillelGeorgiaTech

Dear Students, Parents, and Friends,

Supporting and advocating for Israel is part and parcel of what we do at Hillel at Georgia Tech. We have an Israel Fellow on campus, we send scores of students on Birthright and Onward (an 8 week summer internship in Tel Aviv), hold an annual Israel Festival on campus that welcomes over 800 Georgia Tech students, and even offer a 6-week Israel Learning Fellowship. In short, we seek to help our students to learn about Israel in order to identify with it and its plight.

That is why we are sharing this update. One of Georgia Tech's student clubs, Young Democrat Socialists of America, are partnering with outside organizations such as Jewish Voices for Peace and a Presbyterian Church to

host an 'Israeli Apartheid Week' on Georgia Tech's campus. The week's program will include a Palestine 101 class, a movie screening and a keynote speaker and panel. Israeli Apartheid Week is a nationwide initiative to delegitimize the State of Israel, with a focus on painting Israel as a colonialist entity that ethnically cleanses the indigenous population. Click [here](#) to learn more.

While we encourage all students to freely express their First Amendment rights, we do question why the Young Democrat Socialists would latch on to this conflict, above all others in the world, as a week-long program. While we encourage civil discourse discourage confrontation with these anti-Israel activists, several student leaders and staff will attend some of the week's programs to offer a counter-narrative and questions.

There is nothing more Jewish than ensuring that there is a robust debate around any issue, but obviously we condemn organizations that view Israel as a colonialist entity, seek to question Israel's legitimacy, or create a climate on campus where our Jewish students may feel threatened, or unable to celebrate their own Jewish identity.

Separately, Georgia Tech will be celebrating our annual Israel Festival the following week, where Jew and non-Jew alike will be given the opportunity to come together, learn about Israel, its culture, its history, and its innovative.

If you have any further questions, please don't hesitate to [contact me](#).

Shabbat Shalom,

[REDACTED]
Director, Hillel at Georgia Tech

Hillel needs your support to continue reaching Jewish students across campus. We hope you'll include us in your giving plans. Every contribution makes a real difference. Please consider [making a donation today](#).

Hillels of Georgia | [REDACTED] [REDACTED] [REDACTED]

Unsubscribe [REDACTED]

Update Profile | About our service provider

Sent by [REDACTED] in collaboration with



Exh. D

Ben Sisney [REDACTED]

Fwd: update

1 message

M Goldfeder [REDACTED]

Fri, Dec 27, 2019 at 4:01 PM

To: Ben Sisney [REDACTED]

exhibit D

From: [REDACTED]
Date: September 23, 2019 at 11:30:56 AM EDT
To: [REDACTED]
Subject: RE: update

[REDACTED]

Thank you for your email. I have a couple of notes I can share with you.

- The panel informs respondents of their recommendations on the night of the hearing; however, their decision is not final. After each hearing the panel will draft up a hearing summary to send over to the Associate Dean and Director of Student Integrity for review. Within 10-business days of the hearing (or by October 1st) the hearing decision is made and sent to the respondent. In other words, YDSA has not yet received their final decision yet. If the organization is found responsible, then they'll have 5-business days to appeal (or by October 8th), and the Dean of Students would need to render a decision within 10-business days (no later than October 22nd).
- Per policies and procedures, complainants are not informed of the outcome of a conduct process in non-academic cases unless it is a Title IX case, so a notification of the final decision will not be sent to you.
- However, recent changes as of August 2018 allowed OSI to publicly release organizational conduct history on our website. If YDSA's final decision is a

responsible finding after exhausting all appeal options, then that decision would be posted on this page on the OSI website: <https://osi.gatech.edu/student-organization-conduct-history>

[REDACTED]

[REDACTED]

[REDACTED] Office of Student Integrity

Pronouns: she, her, hers

Division of Student Life

Georgia Institute of Technology

Atlanta, GA 30332

Email: [REDACTED]

Phone: [REDACTED]

From: [REDACTED] [REDACTED]

Sent: Monday, September 23, 2019 10:13 AM

To: [REDACTED]

Subject: update

Hi [REDACTED]

I hope this email finds you well. I was hoping to find out what came out of the hearing last week?

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Website](#) | [Facebook](#) | [Instagram](#)



Support Jewish Life at Georgia Tech by making a donation today.

**YDSA Georgia Tech**[Exh. E](#)

@YDSAGT

Follow



GEORGIA TECH CENSORS YDSA

For 6 months, we've been targeted by an unlawful campaign of intimidation and political repression by Georgia Tech's administration in retaliation for our support for Palestine and **#BDS**.

SIGN ON TO REJECT POLITICAL CENSORSHIP

**Young Democrats
Socialists of America
at Georgia Tech**

Reject Georgia Tech's Censorship of Young Dem...

Over the last 6 months, YDSA GT has been targeted by an unlawful campaign of intimidation and political repression by Georgia Tech's administration in retaliation for our support for Palestine and **#BDS**.

actionnetwork.org

8:42 AM - 24 Oct 2019

YDSA Georgia Tech

@YDSAGT

Official Twitter account of the Georgia Tech chapter of Young Democrats Socialists of America. We are not responsible for the content of any links or images posted here. We do not endorse any products or services.

© Atlanta, GA



Young Democratic Socialists of America at Georgia Tech

Reject Georgia Tech's Censorship of Young Democratic Socialists

Target: John Stein, Georgia Tech's Dean of Students

UPDATE: We won! The decision has been overturned thanks to community support

Over the last 6 months, YDSA GT has been targeted by an unlawful campaign of intimidation and political repression by Georgia Tech's administration in retaliation for hosting Jewish and Palestinian speakers who criticized Israel's unlawful military occupation of Palestine. The administration's campaign centers around a politically motivated disciplinary investigation, the very existence of which directly violates school policy and the U.S. Constitution.

"This politically motivated investigation aims to completely shut down any conversation around Israeli occupation being had on

948 Signatures
Collected

Only 652 more
until our goal of
1,600

SIGN THIS
PETITION

Not in the US?

Please use your

campus. To accuse YDSA of being discriminatory for being a place where anti-occupation Jews, like myself, can actually begin to grapple with the occupation of Palestinian lands is completely inappropriate" said Ariella, a Jewish YDSA Member

The Office of Student Integrity has played the role of policing certain political views by sanctioning YDSA for exercising our constitutional rights to freedom of speech and assembly and by demanding unreasonable punishments that will exhaust our limited resources and force us to betray our own deeply held political values. These sanctions would force YDSA to hold multiple OSI-approved events with organizations "with differing viewpoints," and place us on disciplinary probation.

"I have long felt uncomfortable voicing my opinions in institutional Jewish spaces, as my views run counter to the orthodoxy those institutions espouse. YDSA provided one of the first spaces where I ever felt comfortable discussing my anti-occupation views and reckoning with the way I was taught to view Israel." said Eli, a Jewish YDSA Member and Former Treasurer of Hillel's Student Executive Board

It is clear that Georgia Tech is disregarding its students' First Amendment rights to peacefully assemble and hold expressive events. This process has been designed to intimidate YDSA's all-student membership, exhaust our all-volunteer resources, and silence our constitutionally protected political speech. The harassment of students for speaking in defense of Palestinian human rights is a nationwide trend, and it is alarming to see it

@gatech.edu email if you have one!

Comments

If you are not already subscribed, would you like to receive email updates from YDSA Georgia Tech, GA_DSA, and Democratic Socialists of America - DSA USA? *

- ☐ Yes, opt in to email updates
- ☐ No, do not opt in

Note: If you subscribed earlier, this will not unsubscribe you. You can unsubscribe using the link provided in emails you receive. You can always take action without opting in.

ADD YOUR
NAME

proceeding this far in our own community.

"In our work throughout Georgia and across the US South, we notice a trend of academic institutions failing to uphold basic constitutional rights when support for Palestine is uplifted. We urge the administration at Georgia Tech to support students' rights to organize." said Stephanie Guilloud, Co-Director at Project South, a civil and human rights organization based in Atlanta

We, and the allied organizations below, call on Dean of Students John Stein to rescind the Institute's disciplinary actions, which violate YDSA GT's rights to free speech, assembly and due process, and we call on Georgia Tech to issue a public apology. YDSA GT will explore all legal options to protect our rights as students, including litigation. Regardless of your ideology, if you support the rights of students to organize around their beliefs, please sign the attached petition and share this with anyone you know. We also urge you to call Dean Stein's office at 404-894-2565 with the attached message of support, or simply to donate to our cause.

Here is how to help:

1. **Sign on to this petition!**
2. **Sign on here if you are an organization** so that your organization may be added as a signatory at the end of this petition.
3. **Share this message online**, with friends, family, journalists, lawyers, and other organizations who may be willing to help.

4. **Help us fundraise** so that we may have the time and resources to combat these charges and seek legal aid.
5. **Call Dean Stein's office** at 404-894-2565, with the attached message of support at the end of this petition.

Hello, I am calling in support of Young Democratic Socialists of America at Georgia Tech. I find the action taken against YDSA because of their political views to be very troubling. It's clear that Georgia Tech has botched the disciplinary process and is retaliating against YDSA for exercising their constitutional right to freedom of speech and assembly. The sanctions levied against YDSA will compromise their organization's ability to organize around their stated beliefs and goals. This is a deep blow against the values that Georgia Tech claims to uphold.

Dean Stein should rescind the Institute's disciplinary actions, which violate YDSA GT's rights to free speech, assembly and due process, and Georgia Tech should issue a public apology. Thank you for your time.

For more information about the case, [please see our press release with more details](#)

If your organization wants to support this petition, [fill out this form](#).

Supporting Organizations:

A.N.S.W.E.R. Atlanta

American-Arab Anti-Discrimination Committee

Auraria Young Democratic Socialists of America

Council on American-Islamic Relations - Georgia

Defending Rights & Dissent

Democratic Socialists of America, National Political Committee
Democratic Socialists of America, Durham Branch
Democratic Socialists of America, Metro Cincinnati and Northern
Kentucky
Foundation for Individual Rights in Education
Graduate Students for Justice in Palestine - University of
California, Los Angeles
International Action Center
Jewish Student Union at Occidental College
Jewish Voice for Peace
Jewish Voice for Peace - Atlanta
Jewish Voice for Peace - Triangle NC
Jewish Voice for Peace at the University of California, Berkeley
Kennesaw State United
Macalester College Young Democratic Socialists
Metro Atlanta Democratic Socialists of America
Metro DC Democratic Socialists of America
New York University Jewish Voice for Peace
NYU Law Students for Justice in Palestine
Palestine Legal
Party for Socialism & Liberation Atlanta
Portland State Young Democratic Socialists of America
Pride Alliance at Georgia Tech
Project South
Students Demand Action, North Metro Atlanta
Students for Justice in Palestine at Bard College
Students for Justice in Palestine at Emory University
Students for Justice in Palestine at Georgia State University

Students for Justice in Palestine at New York University

Students for Justice in Palestine at Santa Clara Universty

Students for Justice in Palestine at The Ohio State University

Students for Justice in Palestine at the University of California,
Davis

Students for Justice in Palestine at the University of Southern
California

Students for Justice in Palestine at the University of Texas - San
Antonio

Students United for Palestinian Equal Rights, University of
Washington

Trans(forming)

United Campus Workers of Georgia Tech

University of Cincinnati Young Democratic Socialists of America

Western Washington University Young Democratic Socialists of
America

Young Democratic Socialists of America, National Coordinating
Committee

Young Democratic Socialists at Eastern Michigan University

Young Democratic Socialists of America at Arizona State
University

Young Democratic Socialists of America at Emory University

Young Democratic Socialists of America at Florida Gulf Coast
University

Young Democratic Socialists of America at Georgia College &
State University

Young Democratic Socialists of America at Georgia State
University

Young Democratic Socialists of America at Georgia Tech

Young Democratic Socialists of America at Guilford College

Young Democratic Socialists of America at Kennesaw State
University

Young Democratic Socialists of America at Knox College

Young Democratic Socialists of America at Miami University

Young Democratic Socialists of America at North Carolina State
University

Young Democratic Socialists of America at Old Dominion
University

Young Democratic Socialists of America at Purdue University

Young Democratic Socialists of America at Rochester Institute of
Technology

Young Democratic Socialists of America at the University of
Alabama, Huntsville

Young Democratic Socialists of America at the University of
Michigan

Young Democratic Socialists of America at the University of North
Carolina at Chapel Hill

Young Democratic Socialists of America at the University of Texas
at San Antonio

Young Democratic Socialists of America at the University of
Wisconsin-Madison

Young Democratic Socialists of America at Wayne State
University

Young Democratic Socialists of America Muhlenberg College

Young Democratic Socialists of America of Temple University

Young Democratic Socialists of Reno

Young Democratic Socialists of University of Connecticut-
Stamford Campus

SPONSORED BY



YDSA Georgia Tech

To: John Stein, Georgia Tech's Dean of Students

From: [Your Name]

Dean Stein,

Over the past 6 months, YDSA GT has been targeted by an unlawful, politically-motivated investigation and sanctioned for exercising their constitutional rights to freedom of speech and assembly. The bases of these sanctions, and the terms of the sanctions themselves, are unconstitutional and a violation of their rights.

Additionally, the investigation has been corrupted by procedural error and bias. The Institute has repeatedly violated its own policies surrounding the student organization disciplinary process. The Institute has changed the scope of the investigation into YDSA's speech, swapped out the charges against YDSA at the

last second, and repeatedly deceived YDSA, all in an apparent effort to censor YDSA's political speech.

We call on Dean of Students John Stein to rescind the Institute's disciplinary actions, which violate YDSA GT's rights to free speech, assembly and due process, and we call on Georgia Tech to issue a public apology.

**YDSA Georgia Tech**

@YDSAGT

[Exh. F](#)

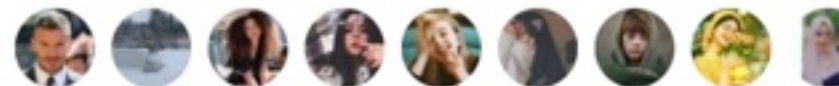
Follow



Great news! Yesterday afternoon, our appeal was heard, and the OSI decision is overturned! Thank y'all so much for all the support y'all have shown us through this whole process. We will still be holding an event at 3 PM today outside the Flag Building, to speak...

6:31 AM - 8 Nov 2019

73 Retweets 361 Likes



14



73



361

**YDSA Georgia Tech** @YDSAGT · Nov 8

To the issues still facing the conversation around Palestine. Please come out if you can!

YDSA Geor

@YDSAGT

Official Twitter ac
Tech chapter of Y
memes of produc
!= endorsements

© Atlanta, GA



November 14, 2019

VIA EMAIL AND FEDERAL EXPRESS

Ling-Ling Nie, Esq.
General Counsel and Vice President for Ethics and Compliance
Georgia Institute of Technology
[REDACTED]

Dear Ms. Nie:

The American Center for Law and Justice (ACLJ) has been retained by Hillels of Georgia regarding activity involving a Georgia Tech student group, Young Democratic Socialists of America (YDSA). The YDSA denied a member of Hillel at Georgia Tech's faculty entrance to a public event because she was Jewish. We are appalled that such blatant antisemitic racism and discrimination is allowed to take place on a college campus, but it is even more egregious that this club has received no punishment or sanctions from the University. In fact, it appears that, despite the fact that they were originally found to be guilty of wrongdoing, University personnel caved to pressure and reversed a prior disciplinary decision. We hereby demand that the original recommendation be followed, and that YDS be suspended for a period of time and only allowed back on a probationary basis after receiving appropriate training on discrimination.

By way of introduction, 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 a number of significant cases involving the freedoms of speech and religion.¹ As a part of the organization's commitment to the freedom of speech, ACLJ attorneys regularly handle

¹ See, e.g., *Pleasant Grove v. Summum*, 555 U.S. 460 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors have First Amendment rights); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause).

cases specifically involving the protection of academic freedom.² Our organization is dedicated to protecting constitutional liberties—especially the rights to free speech and religious expression—by engaging legal, legislative, and cultural issues through advocacy, education, and litigation, the ACLJ has had years of experience negotiating the lines between these types of rights and wrongs.

The ACLJ firmly believes that in our college institutions, the freedom of speech, even offensive speech, should be cherished and respected as part of what makes our democracy great. This case, however, is not about restricting speech, nor is it about the viewpoint of any person or club. As you must surely be aware, Title VI of the Civil Rights Act of 1964 prohibits discrimination in federally assisted programs and activities, on the basis of race, color, or national origin. A violation of Title VI may be found if discrimination is encouraged, tolerated, not adequately addressed, or ignored by administrators. Complaints alleging a violation of Title VI may be filed with the U.S. Department of Education’s Office for Civil Rights or in the federal district courts.³

The matter giving rise to this letter involves blatant and open anti-Semitism, which has no place on any American university campus. The U.S. Department of State has defined anti-Semitism as “a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”⁴ The State Department notes that such manifestations could also target the State of Israel, conceived as a Jewish collectivity. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. Some of the worst cases of anti-Semitism in recent years have been on college campuses.⁵

In this case, [REDACTED], the Director of Hillel at Georgia Tech, was set to attend an event sponsored by YDSA and presented by Jewish Voices for Peace (JVP) entitled Palestine 101. This event was scheduled during “Apartheid Week,” a week every year where anti-Israel activists target college campuses with events designed to demonize Israel, under the guise of meaningful dialogue and debate. At the door to the event, the student president of YDSA denied Ms. [REDACTED] entry even though she was a recognized faculty member at Georgia Tech, the event itself was listed as public on Facebook, other non-students were in attendance, and Ms.

² E.g., *Adams v. Trs. of the Univ. of North Carolina-Wilmington, et al.*, No. 7:07-cv-00064-H (E.D.N.C. Apr. 10, 2007); *Enstrom v. Rice, et al.*, No. 2:12-cv-5168-JGB-SSx (C.D. Cal. June 13, 2012); *Jenkins v. Kurtinitis, et al.*, No. 1:14-cv-1346-ELH (D. Md. Apr. 21, 2014); *Buxton v. Kurtinitis, et al.*, No. 1:14-cv-2836-ELH (D. Md. Sep. 8, 2014).

³ Title VI protects Jewish students from discrimination based on their perceived ethnic, racial or ancestral background.

⁴ U.S. Department of State, *Defining Anti-Semitism*, June 8, 2010, <http://www.state.gov/j/drl/rls/fs/2010/122352.htm>.

⁵ See, e.g., <http://mondoweiss.net/2015/03/apartheid-administration-attempts/> (photos available on the Claremont SJP Facebook page and elsewhere online); <http://archive.jewhatredoncampus.org/news/pitzer-college-holds-panel-jew-hatred-campus>; <http://tsl.news/opinions/5547/>; <http://www.amchainitiative.org/wp-content/uploads/2016/03/MOCK-EVICTION-NOTICES-TARGETING-JEWISH-STUDENTS-AT-CLAREMONT-UNIVERSITY-CONSORTIUM.pdf>; <http://palestinelegal.org/news/2016/3/22/claremontcollegespolicespeechcriticalofisrael>.

██████ promised numerous times at the door that she would not be disruptive in any way. The student president asked if she was '██████ from Hillel,' and then denied her entrance. The only reasonable explanation as to why the student denied Ms. ██████ entry was because she was Jewish and affiliated with a Jewish organization on Georgia Tech's campus.

On September 17, 2019, a student conduct hearing was held by the Office of Integrity for Georgia Tech. At the hearing, YDSA changed their rationale and claimed that they had excluded Ms. ██████ because she had sent an email asking people to be disruptive. In fact, the email in question, which was shown to the panel, literally says the opposite, and warns people *not* to be disrespectful or disruptive. Following that hearing, YDSA was found to have violated the rights of Ms. ██████ and were allowed 5 business days from the date of the decision to appeal. The final decision on appeal was due by October 22, 2019. The time passed, and YDSA acknowledged that they had been found guilty in their Twitter petition on October 24, 2019. Instead of showing the slightest sign of remorse, they instead waged a victim-blaming PR campaign pretending that this had something to do with silencing their views on Palestine. To be clear, this has absolutely nothing to do with Israel or Palestine, this was a simple case of antisemitic discrimination. Somehow though, on November 8, 2019, YDSA put out a public statement saying that they had been vindicated and the decision had been reversed.

Numerous attempts to find out how this reversal had happened, despite assurances from the relevant offices that the matter was over as of October 22, 2019, were met with a virtual stonewall from the University. This is completely unacceptable and sends a message that anti-Semitism is to be tolerated at Georgia Tech. Disagreements on college campuses are not uncommon, and the ACLJ supports the free exchange of ideas protected by the First Amendment. However, the events here clearly show unwillingness on the part of YDSA to let those they disagree with even be present in the same space. Instead, YDSA used racism and bigotry to discriminate. And Georgia Tech appears to have given that bigotry and discrimination its blessing.

In the event that the seriousness of the situation is not apparent enough on its face to move the University to action on behalf of its students, there is also the law. The U.S. Department of Education describes Title VI of the Civil Rights Act of 1964 as follows:

Title VI and Race, Color and National Origin Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

No person in the United States shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, *or be subjected to discrimination under any program or activity* receiving Federal financial assistance.

Programs and activities that receive Federal financial assistance from the United States Department of Education (ED) are covered by Title VI. ED maintains an

Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title VI.

Education Programs and Activities Covered by Title VI

Agencies and institutions that receive ED funds covered by Title VI include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the education and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; 17,000 local education systems; 4,700 colleges and universities; 10,000 proprietary institutions; and other institutions, such as libraries and museums that receive ED funds.

Programs and activities that receive ED funds must operate in a non-discriminatory manner. These may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment, if it affects those who are intended to benefit from the Federal funds. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title VI.⁶

According to Section 5.1.1 of Georgia Tech's General Policy:

Georgia Tech holds the first amendment guarantees of freedom of speech, freedom of expression, and the right to assemble peaceably as an essential cornerstone to the advancement of knowledge and the right of a free people. Georgia Tech remains firmly committed to affording every member of the Institute community the opportunity to engage in peaceful and orderly exercise of these rights. Such opportunities must be provided on an equal basis and support the principle that the Institute should remain neutral to the views of public expression. In order to achieve this objective, while at the same time insuring that the Institute fulfills its educational mission, the Institute has the responsibility to maintain a peaceful, safe environment for its campus community as well as visitors to campus. This policy will help to ensure that individuals' or groups' rights are not abridged, while also supporting a means to maintain safety. Assuming responsibility for the use of Institute facilities includes ensuring that the Institute does not restrict the First Amendment rights of the public, students, staff, and faculty, including protecting the rights of speakers to be heard, the rights of the Institute community to hear speakers, and the reputation of the Institute as a center for free speech and scholarly inquiry.

The law permits reasonable time, place, and manner restrictions to allow for reasonable regulation of use of campus facilities to support Institutional missions

⁶ Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

for teaching, education, research, and other forms of learning. This policy is intended to make it possible to support the Institute's goals by implementing balanced procedures.

Access to the campus of Georgia Tech generally shall be limited to authorized visitors, invited guests, and persons in an official Institutional capacity attending an officially recognized campus-oriented function or activity.

Students, faculty, staff, and Institute affiliates are supported in their right to assemble. They can publicly assemble on campus in any place where, at the time of the assembly, the persons assembling are permitted to be. This right to assemble is subject to the rules on use of Institute facilities.⁷

Where, as here, the student club has been found to be responsible, it is necessary to consider the sanctions process. According to :

E. SANCTIONS

Sanctions are imposed only when the Respondent is found responsible for one (1) or more violations of the Policy. All Sanctions are officially recorded. A Respondent who is found responsible must be given one of the four (4) Sanctions, listed in Section E1 in ascending order of severity. The Respondent may also be subject to one or more Supplementary Requirements. There is no requirement that a Student receive less severe sanctions before more severe sanctions; some conduct may warrant immediate expulsion.

In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense, history of past conduct, an offender's willingness to accept responsibility, previous institutional response to similar conduct, and the institution's interests. The student conduct panel may recommend, or the Student Conduct Administrator will determine, sanctions and issue notice of the same, as outlined above.

1. Sanction Descriptions

a. Disciplinary Warning

A Disciplinary Warning means that the Student has been found responsible for violating the Institute's Policy. Any further disciplinary violation may result in disciplinary action up to and including Expulsion.

b. Disciplinary Probation

Disciplinary Probation means that the Student has been found responsible for violating the Institute's Policy. Disciplinary Probation is for a specified period

⁷ <http://www.policylibrary.gatech.edu/511-general-policy>.

of time. Any further disciplinary violation may result in disciplinary action up to and including Expulsion.

c. Suspension

Suspension means that the Student has been found responsible for violating the Institute's Policy. Suspension is separation of the Student from the Institute for a specified period of time, after which the Student is eligible to return. Conditions for readmission may be specified by OSI or the Vice President for Student Life and Dean of Students. A suspended Student shall immediately leave campus and may not re-enter campus without prior approval from the Vice President for Student Life and Dean of Students. Students on suspension are not permitted to enroll in classes at the Institute during their suspension. OSI will determine when the Respondent has met the requirements for readmission. Any further disciplinary violation may result in disciplinary action up to and including Expulsion.

d. Expulsion

Expulsion means that the Student has been found responsible for violating the Institute's Policy. Expulsion is permanent separation and termination of the Respondent's status as a Georgia Tech Student, and exclusion from Institute Premises, privileges, and activities.

1. Supplementary Requirements

- a. Restitution: Payment to the Institute or to an affected party for damages resulting from a violation of the Student Code of Conduct.
- b. Fine: A monetary penalty paid to the Institute.
- c. Grade Change: Change of grade for the course and/or coursework in which the academic misconduct occurred.
- d. Programmatic Requirements: Required completion of designated educational programs
- e. (e.g., alcohol, community issues, anger management, assessments, etc.).
- f. Restrictions: Exclusion from participation in specified services and activities.
- g. Revocation of Admission and/or Degree: Admission to, or a degree awarded from the Institute may be revoked for fraud, misrepresentation, or other violation of Institute standards obtaining the degree, or for other serious violations committed by a Student prior to graduation.
- h. Withholding Degree: The Institute may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all Sanctions and Supplementary Requirements, if any.
- i. Other Requirements: Other Requirements may be imposed.

F. INTERIM SUSPENSION

In certain circumstances the Vice President for Student Life and Dean of Students

may impose a suspension prior to the investigation and resolution process.

1. The Vice President for Student Life and Dean of Students will determine if interim suspension is warranted. Interim suspensions – that is, suspensions while the investigation and adjudication process are proceeding – should occur only where necessary to maintain safety, and shall be limited to situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the Vice President for Student Life and Dean of Students shall consider the existence of a significant risk to the health or safety of the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk. Before an interim suspension is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether his or her presence on campus poses a danger. If an interim suspension is issued, the terms of the suspension shall take effect immediately. When requested by the Respondent, a hearing to determine whether the intermediate suspension should continue will be held within three (3) business days of the request.
2. During the interim suspension the Student may be denied access to classes, campus facilities, and all other Institute activities or privileges.
3. The Student shall be notified in writing of this action and the reasons for the Interim Suspension, in accordance with Section F.1. The notice should include the time, date, and place of a subsequent meeting with the Vice President for Student Life and Dean of Students in order for the student to show cause why he/she should not be interim suspended.
4. Cases of interim suspension shall be given priority and will be expedited through the conduct process.⁸

Expectations Moving Forward

More than six months after the incident, there is still no solution presented by Georgia Tech to the clear discrimination that Ms. [REDACTED] experienced. YDSA violated Ms. [REDACTED] rights and, instead of defending her rights, the University has let YDSA off the hook, all the while allowing them to spin a completely and demonstrably false narrative about what happened. Therefore, we demand that the University:

- a) Issue a public statement affirmatively acknowledging that YDSA has discriminated against and violated the rights of a member of the Georgia Tech campus community.
- b) Suspend YDSA from the SGA, with their return conditioned on an appropriate probationary period.

⁸ <https://policylibrary.gatech.edu/student-life/student-code-conduct>

- c) Update Georgia Tech's policy and the policies of SGA to better prevent this type of discrimination from happening again.
- d) Provide new mandatory training to the members and student leaders of YDSA, with voluntary attendance by other clubs, specifically on the topic of discrimination in the college setting.

If we do not hear from you within the next **ten (10) days**, we intend to pursue all legal and judicial remedies on behalf of our client.

Conclusion

The ACLJ would welcome the opportunity to engage in dialogue with the University and help share what we have learned through our experience handling these issues. It is our hope to help the University identify and execute the best possible responses and practices to prevent and, when necessary address, these types of situations. This discrimination has been allowed to stand for more than six months and it is imperative that just and definitive measures be taken as soon as possible.

Respectfully,



Mark Goldfeder
American Center for Law and Justice

[Redacted address block]

cc: Ángel Cabrera, President, Georgia Institute of Technology
John Stein, Dean of Students and VP for Student Life, Georgia Institute of Technology
Stuart Roth, Senior Counsel, ACLJ
Miles Terry, Chief of Staff, ACLJ
Ben Sisney, Senior Counsel for Litigation and Public Policy, ACLJ