



January 21, 2021

Sunil Kumar, Ph.D.  
The Provost and Senior Vice President for Academic Affairs  
The Johns Hopkins University  
3400 North Charles Street, 265 Garland Hall  
Baltimore, MD 21218  
provost@jhu.edu

Shanon Shumpert  
Vice Provost for Institutional Equity  
The Johns Hopkins University  
Wyman Park Building, Suite 515  
3400 North Charles Street  
Baltimore, MD 21218  
oie@jhu.edu

Dear Provost Kumar and Vice Provost Shumpert,

The Louis D. Brandeis Center for Human Rights Under Law is a national public interest legal advocacy organization established to advance the civil and human rights of the Jewish people and promote justice for all. We are writing to express our serious concern regarding recent Twitter posts made by Ms. Rasha Anayah, a graduate student and teaching assistant (TA) in the Department of Chemistry at Johns Hopkins University (Johns Hopkins). Ms. Anayah's tweets (described more fully below) marginalize and stigmatize Jewish students on the basis of their identity by (a) spreading a malicious anti-Semitic blood libel about Jewish pro-Israel students (namely, that they support the ethnic cleansing of Palestinians) and (b) encouraging readers of the tweets to "vote" on whether or not Ms. Anayah should reduce the grades of Jewish pro-Israel Zionist students.

With her tweets, Ms. Anayah has incited hostility toward Jews who demonstrate pride in their shared Jewish ancestry and ethnicity by expressing support for a Jewish homeland. Seventy-seven percent of those who responded to one of Ms. Anayah's tweets said she should fail her "Zionist" students. Suggesting that students should have their grades reduced on the basis of identity or viewpoint is inappropriate conduct for a TA. Ms. Anayah, however, went further than that. She spread lies about a religious and ethnic community and encouraged others to single out that community for discriminatory treatment. Whether or not Ms. Anayah actually carried through on her threat to reduce the grades of her Jewish Zionist students is irrelevant. Her discriminatory and anti-Semitic conduct must not be tolerated by Johns Hopkins. We urge the university to promptly remove Ms. Anayah from her TA responsibilities and include a formal letter of reprimand in her file.

## **Background**

Ms. Anayah has served as a TA for the course “Applied Chemical Equilibrium and Reactivity” since 2018. On November 15, 2020, she tweeted, “[E]thical dilemma: if you have to grade a Zionist students [sic] exam, do you still give them all their points even though they support your ethnic cleansing? like idk.”<sup>1</sup> Her tweet was in the form of a poll, asking respondents to choose between “yes rasha. be a good ta” and “free palestine! fail them.” When 77% of the respondents selected the latter option, Ms. Anayah replied “like I agree but also too many of you want me to get fired.”<sup>2</sup>

Ms. Anayah’s discriminatory conduct targeting Jewish pro-Israel students was not limited to this single instance. On November 20, 2020, Ms. Anayah tweeted, “we had an undergrad in lab who had been on birthright and had one of the street signs to tel aviv on her laptop. it stabbed me every time she opened it. if i had been paired to one of them or one of these conceited white boys i would have lost it.”<sup>3</sup> In another November 20 tweet, Ms. Anayah said, “y’all allah looking out for me. the majority of undergrads in chem here are white and i was blessed enough to be paired w a black woman to mentor who has good race analysis. didn’t get pinned with an israeli or some b\*\*ch white boy to have to share my knowledge with. alhamdulillah.”<sup>4</sup> Later that same day, Ms. Anayah added, “alhamdulillah for the opportunity to give to students who actually deserve it.”<sup>5</sup>

Birthright is an international program that enables young Jewish adults from around the world to visit Israel. The trip provides Jewish students with an opportunity to learn about Jewish history and culture and experience the Jewish homeland. Ms. Anayah’s tweet demonstrates her aversion for Jews who celebrate their historic and ethnic connection to the Jewish people and the Land of Israel. Ms. Anayah apparently believes that these students do not “deserve” TA mentoring. Through her actions as a University employee, Ms. Anayah created a hostile environment at Johns Hopkins for the students for whom Zionism is an integral part of their Jewish identity (see more on this below). Ms. Anayah exploited her role as TA to publicly encourage hostility toward Jews at the University. Furthermore, Ms. Anayah’s suggestion that she may consider students’ Zionist identity in her grading decisions runs afoul of Johns Hopkins’ discrimination and harassment policy, principles of academic freedom, and social media policy. It is incumbent upon the university

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<sup>1</sup> Michelle Limpe & Chris H. Park, *OIE Investigates TA’s Tweet About Failing a Zionist Student*, JOHNS HOPKINS NEWS-LETTER (Jan. 9, 2021), <https://www.jhunewsletter.com/article/2021/01/oie-investigates-tas-tweet-about-failing-a-zionist-student>.

<sup>2</sup> Cnaan Liphshiz, *Johns Hopkins Teaching Assistant Who Mooted Flunking ‘Zionists’ Defends Record*, TIMES OF ISRAEL (Jan. 10, 2021), <https://www.timesofisrael.com/johns-hopkins-teaching-assistant-who-mooted-flunking-zionists-defends-record>.

<sup>3</sup> Limpe & Park, *supra* note 1.

<sup>4</sup> *Teaching Assistant at Johns Hopkins Threatened to Fail Pro-Israel Students*, JNS (Jan. 6, 2021), <https://www.jns.org/teaching-assistant-at-johns-hopkins-university-threatened-to-fail-pro-israel-students>

<sup>5</sup> See <https://www.facebook.com/BaltimoreZionistDistrict/photos/10159132550906291>

to fulfill its legal obligations under Title VI of the Civil Rights Act of 1964 and the University's own policies. The University must take prompt and effective steps to protect Jewish pro-Israel students at Johns Hopkins from this anti-Semitic harassment focused on their religious and ethnic identity.

**Zionism is an integral part of Jewish identity<sup>6</sup> and alleging that Zionists support the ethnic cleansing of Palestinians is a modern day, anti-Semitic blood libel.**

Historically and legally, Judaism is understood to be both a faith and an ethnicity. Jews share not only religious traditions, but also a deep historical sense of Jewish peoplehood. The Jewish people's history, theology, and culture are deeply intertwined with the Land of Israel. In fact, over half of the 613 commandments in the Pentateuch are connected to the Land of Israel and can only be fulfilled in the Land of Israel.<sup>7</sup> For centuries, Jews have not only prayed facing Jerusalem. They have prayed to *return* to Jerusalem.

Zionism as a *political* movement of the Jewish people may have originated in the 19<sup>th</sup> century, but the desire and determination of Jews to return to their ancestral homeland in Israel is thousands of years old, as old as Abraham, Moses, and the enslaved Jewish people's exodus from Egypt to the Promised Land. Zionism is as integral to Judaism as observing the Jewish Sabbath or maintaining a kosher diet. Of course, not all Jews observe the Sabbath or keep kosher, but those who do clearly are expressing important components of their Jewish identity. Similarly, not all Jews are Zionists. But for many Jews, including many Jewish students at Johns Hopkins, identifying with and expressing support for the Jewish homeland is also a sincere and deeply felt expression of their Jewish religious and ethnic identity. Harassing, marginalizing, demonizing, and targeting these Jewish students on the basis of the Zionist components of their Jewish identity is just as unlawful and discriminatory as attacking a Jewish student for observing the Sabbath or keeping kosher. Indeed, UNESCO has cautioned that "Jew" and "Zionist" today are often used interchangeably in an attempt by anti-Semites to cloak their hate.<sup>8</sup>

Furthermore, alleging that Jewish pro-Israel Zionist students at Johns Hopkins "support . . . ethnic cleansing" of Palestinians is a false and malicious blood libel.<sup>9</sup> Israel has never "advocated, devised or entertained any plan, design or campaign, systematic or otherwise, to undermine

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<sup>6</sup> Alyza D. Lewin, *Zionism: The Integral Component of Jewish Identity that Jews are Historically Pressured to Shed*, 26 ISRAEL AFFAIRS 330 (2020), available at: <https://brandeis-center.com/wp-content/uploads/2020/09/By-Alyza-D.-Lewin-Zionism-the-integral-component-of-Jewish-identity.pdf>

<sup>7</sup> Yotav Eliach, *Judaism, Zionism and the Land of Israel*, 5 (2018)

<sup>8</sup> See UNESCO & OSCE, ADDRESSING ANTI-SEMITISM THROUGH EDUCATION: GUIDELINES FOR POLICYMAKERS 21, 24, 82–83 (2018), <https://unesdoc.unesco.org/ark:/48223/pf0000263702.locale=en>.

<sup>9</sup> ADL: Anti-Semitic Myths, "Jews Use Christian Blood for Religious Rituals." <https://antisemitism.adl.org/blood>

or destroy the Palestinian people.”<sup>10</sup> By claiming that students, who support Israel as an expression of their Jewish ethnic and religious identity, support Palestinian genocide, Ms. Anayah spread a lie designed to increase hostility toward Jews at Johns Hopkins.

It cannot be supposed that Ms. Anayah’s targeting of Jewish pro-Israel, Zionist students, her dissemination of an anti-Semitic blood libel, and her rallying cry to deny these students fair grades, is somehow privileged “free speech” divesting Johns Hopkins of any responsibility to remedy. “Free speech” may include generalized attacks upon or critiques of core Jewish practices such as Sabbath observance, kashrut, and circumcision. Sadly, these are age-old and Jews have learned to cope with them, just as attacks upon or critiques of Zionism and Israeli government policies are now legion and Jews may choose to respond or ignore them. What cannot be ignored, and what is at issue here, is the specific incitement to deny equal treatment to Jewish pro-Israel students by reducing their grades based on religious and ethnic identity. These are quite different matters practically, ethically, and legally.

**Johns Hopkins is legally obligated to protect Jewish students from discrimination on the basis of their shared ancestry and ethnicity.**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs that receive federal funds. Guidance issued by the U.S. Department of Education Office for Civil Rights (OCR) and the U.S. Department of Justice Civil Rights Division has extended Title VI protections to cover discrimination on the basis of Jewish ancestry and ethnicity. *See* Deputy Assistant Secretary of Education for Enforcement Kenneth L. Marcus, “Dear Colleague Letter” (Sep. 13, 2004);<sup>11</sup> Assistant Attorney General Thomas E. Perez, “Letter to Russlynn H. Ali” (Sep. 8, 2010) (“discrimination against Jews . . . violates Title VI when that discrimination is based on [the Jewish people’s] actual or perceived shared ancestry or ethnic characteristics, rather than its members’ religious practice.”);<sup>12</sup> *see also Shaare Tefila Congregation v. Cobb*, 481 U.S. 615 (1987). Unlawful harassment need not include intent to harm, be directed at a specific target, or involve repeated incidents. *See* Russlynn Ali, Dear Colleague Letter (Oct. 26, 2010)<sup>13</sup> When discriminatory harassment occurs, a university “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.” *Id.*

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<sup>10</sup> Jerusalem Center for Public Affairs, “*Debunking 11 More False Assumptions About Israel*,” <https://jcpa.org/article/debunking-more-false-assumptions-regarding-israel/>

<sup>11</sup> Kenneth L. Marcus, *Dear Colleague Letter*, Dept. of Educ. OCR (2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

<sup>12</sup> Thomas E. Perez, *Letter to Russlynn H. Ali*, Dept. of Educ. OCR (2011) [https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed\\_OCR\\_Title%20VI\\_and\\_Religiously\\_Identifiable\\_Groups.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf).

<sup>13</sup> Russlynn H. Ali, *Dear Colleague Letter*, Dept. of Educ. OCR (2010) [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010\\_pg2.html](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg2.html)

Furthermore, the Executive Order on Combating Anti-Semitism,<sup>14</sup> issued in December 2019, directs all federal agencies, including the Department of Education, to refer to the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism (the “IHRA Definition”) when investigating allegations of anti-Semitism under Title VI of the Civil Rights Act of 1964. The IHRA Definition<sup>15</sup> has been adopted by over twenty-eight countries, government entities, U.S. states and cities, and is supported or endorsed by the European Union and the U.N. Secretary General.<sup>16</sup> The definition recognizes anti-Semitism as hatred toward Jews and provides guidance for understanding when anti-Israel and anti-Zionist expression becomes targeted, intentional, discriminatory harassment and intimidation of Jewish students.<sup>17</sup> The Executive Order is particularly relevant to situations like Ms. Anayah’s tweets, where protected free expression has crossed the line into harassing, discriminatory, and unlawful conduct specifically targeting Jewish students on the basis of their religious and ethnic identity.

Zionism is an expression of the Jewish people’s shared ancestral, religious, and ethnic identification with Israel. Johns Hopkins University is therefore legally obligated to protect Jewish pro-Israel students from anti-Semitic harassment that targets them specifically based on their Zionist identity and seeks to deny them an equal educational opportunity.

**Ms. Anayah’s anti-Semitic conduct denies Jewish pro-Israel students an equal educational opportunity.**

By promoting an anti-Semitic blood libel and posting a poll designed to foster antipathy and resentment towards Jews, Ms. Anayah exploited her role as TA for the express purpose of demonizing and marginalizing Jewish pro-Israel students at Johns Hopkins. Her conduct makes it difficult if not impossible, for Jewish pro-Israel students to utilize her guidance as a TA. These students, targeted by her tweets, are likely to avoid Ms. Anayah out of fear that the animosity she displays toward Zionist Jews will lead her to lower their grades and treat them unfairly. These Jewish students are thereby denied equal access to an impartial TA.

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<sup>14</sup> EXECUTIVE ORDER ON COMBATING ANTI-SEMITISM, Exec. Order 13899 (Dec. 11, 2019), <https://www.whitehouse.gov/presidential-actions/executive-order-combating-anti-semitism/>.

<sup>15</sup> INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM, <https://www.holocaustremembrance.com/working-definition-antisemitism>.

<sup>16</sup> ADL, *The President’s Executive Order on Anti-Semitism: Frequently Asked Questions*, <https://www.adl.org/resources/backgrounders/the-presidents-executive-order-on-anti-semitism-frequently-asked-questions>. See also AJC, *Adoption of the Working Definition*, <https://www.ajc.org/adoption-of-the-working-definition>

<sup>17</sup> EUROPEAN COMMISSION, “*Handbook for the Practical Use of the IHRA Working Definition of Anti-Semitism.*” [https://report-antisemitism.de/documents/IHRADefinition\\_Handbook.pdf](https://report-antisemitism.de/documents/IHRADefinition_Handbook.pdf)

Ms. Anayah's conduct violates John's Hopkin's *Discrimination and Harassment Policy and Procedures* ("Discrimination Policy").<sup>18</sup> According to Section II of the Discrimination Policy, "[t]he University prohibits discrimination and harassment based on . . . ethnicity, national origin . . . religion. . . or other legally protected characteristic." The Policy further notes that, "Each member of the community is responsible for fostering mutual respect, for being familiar with this Policy, and for refraining from conduct that violates this Policy."

Ms. Anayah's tweets fostered hostility rather than "mutual respect." In addition, the tweets meet the University's definition of "harassment." According to the University's Discrimination Policy, "harassment" is:

[A]ny type of behavior which is based on an individual or group's membership in a "protected class(es)" that is: a) unwelcome and (b) creates a "hostile environment."

Harassment when directed at an individual because of their membership in a "protected class(es)" may include, but is not limited to: Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;

Epithets, slurs, and/or negative stereotyping, jokes, or nicknames;  
Written, printed, or graphic material that contains offensive, denigrating, and/or demeaning comments, and/or pictures; and

The display of offensive, denigrating, and/or demeaning objects, e-mails, text messages, and/or cell phone pictures.

Ms. Anayah's tweets fall within this definition of harassment. They constitute electronic messages that threaten, intimidate, offend, denigrate and show an aversion toward Jewish students on the basis of their ethnic and religious identity. In addition, they defame and demean Jewish students by spreading a malicious anti-Semitic blood libel.

Ms. Anayah's tweets also create a hostile environment by singling out Jewish Zionists for disapproval and discriminatory treatment, thereby denying them equal access to an impartial TA. The University Discrimination Policy defines a "hostile environment" as one that "results from unwelcome and discriminatory conduct that is so severe, pervasive, or persistent that it unreasonably interferes with, limits or deprives a member of the community of the ability to participate in

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<sup>18</sup> JOHNS HOPKINS U., DISCRIMINATION AND HARASSMENT POLICY AND PROCEDURES  
[https://oie.jhu.edu/policies-and-laws/jhu-policies/Johns\\_Hopkins\\_University\\_Discrimination\\_and\\_Harassment\\_Policy\\_and\\_Procedures](https://oie.jhu.edu/policies-and-laws/jhu-policies/Johns_Hopkins_University_Discrimination_and_Harassment_Policy_and_Procedures)

or to receive benefits, services or opportunities from the University's education or employment programs and/or activities." The Policy also notes that "[a] hostile environment can be the result of acts committed by any individual or individuals, including any member of the University community." Ms. Anayah's discriminatory conduct deprived Jewish pro-Israel students of the full benefit of a TA's services.

Ms. Anayah's tweets are not protected by Johns Hopkins' Principles of Academic Freedom.<sup>19</sup> According to University policy, "academic freedom does not guarantee the right to defame or threaten, to deface or harass, or to incite violence or infringe on privacy." Indeed, Ms. Anayah's tweets, which defame and threaten Jewish pro-Israel students, run counter to the University's principles of academic freedom. They not only create an impermissibly hostile environment for Jewish Zionist students but also threaten to impact students' academic careers and the integrity of Johns Hopkins' educational programs. They stand in opposition to hallmarks of academic freedom at Johns Hopkins: the free and open exchange of ideas and impartiality in grading decisions.

Finally, Ms. Anayah's tweets violate the University's Social Media Guidelines<sup>20</sup> which warn University community members that: "it is important to use good judgment and be mindful of the impact of one's use of [a personal] social media account on the University community. What you post on your personal social media account can affect your professional reputation and the University's reputation."

The University Social Media Guidelines state that, "When using social media to represent the University or hold oneself out in an official University capacity, it is important for members of the University community to consider their responsibilities to the University and their fellow peers, and also the University's commitment to the professional and respectful exchange of views." The Social Media Guidelines incorporate by reference, Johns Hopkins' Discrimination Policy.

Ms. Anayah discussed her role as a University TA on her personal Twitter account. In the process, she encouraged hostility toward Jews, promoted an anti-Semitic lie, and threatened to reduce the grades of pro-Israel Jews. Her tweets do not represent a "professional and respectful exchange of views." To the contrary, they represent offensive, threatening communications that demonstrate personal animosity toward pro-Israel Zionist Jews and a determination to discriminate on the basis of Jewish religious and ethnic identity.

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<sup>19</sup> JOHNS HOPKINS U., UNIVERSITY PRINCIPLES OF ACADEMIC FREEDOM, <http://web.jhu.edu/administration/provost/initiatives/academicfreedom/AcademicFreedomatJohnsHopkins.pdf>

<sup>20</sup> JOHNS HOPKINS U., UNIVERSITY SOCIAL MEDIA GUIDELINES (2019), [https://policies.jhu.edu/?event=render&categoryId=803&policyId=32027&fileId=pol-icy\\_32027.pdf&=0.66885592881](https://policies.jhu.edu/?event=render&categoryId=803&policyId=32027&fileId=pol-icy_32027.pdf&=0.66885592881).

Johns Hopkins' grading policy explicitly states that "[g]rades are awarded for an individual student's academic work during each semester based on that individual's mastery of the course content."<sup>21</sup> Ms. Anayah's tweet – which suggested that a student's identity or personal or political beliefs could impact the student's grade – encouraged the violation of this University policy.

### **Recommended Action**

We urge you to consider taking the following corrective and preventive actions and to use this opportunity to educate your administrators, staff, and students on the manifestations of contemporary anti-Semitism. We encourage you to use the University's voice to teach how discrimination against Jews, like discrimination against any ethnic group, runs counter to the University's ideals of mutual respect and inclusion. We suggest you:

- (A) Remove Ms. Anayah from her TA position immediately and prohibit her from serving as a TA for the University in the future;
- (B) Begin a thorough investigation to determine whether any grades have been impacted during the past two years as a result of Ms. Anayah's conduct, and correct the grades of any student or graduate who has been negatively impacted by this conduct;
- (C) Take such other disciplinary action against Ms. Anayah as is authorized by Johns Hopkins policies and applicable legal protections;
- (D) Issue a statement declaring your support for the Johns Hopkins students who have been targeted by Ms. Anayah's tweets. The statement should condemn anti-Semitism in all its forms, including anti-Zionism, and recognize that Zionism is a key component of Jewish identity for many Johns Hopkins students. We suggest the following language:

“We condemn anti-Semitism in all its forms, including anti-Zionism. We recognize that Zionism is a key component of the religious and ethnic identity of many students on our campus. Efforts to stigmatize Zionism and make Johns Hopkins students feel unsafe expressing this 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, stigmatize, or demonize any part of our university community on the basis of identity.”

- (E) Incorporate the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including its guiding examples, into the Johns Hopkins *Discrimination*

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<sup>21</sup> JOHNS HOPKINS U., GRADING POLICY, *accessible at* <https://advanced.jhu.edu/current-students/policies-and-procedures/grading-policy>.



*and Harassment Policy and Procedures*, consistent with E.O. 13899 and the values of free speech and academic freedom.

- (F) Provide appropriate training on anti-Semitism to university administrators, faculty, staff and students based upon John Hopkins' revised *Discrimination and Harassment Policy and Procedures*. The training should familiarize educators, including TAs, with traditional as well as contemporary anti-Semitic stereotypes and conspiracy theories, and their social and political functions, so that the campus community will be able to better identify and respond to anti-Semitic incidents in the future.

We remain available to share our expertise on these issues and to further discuss our recommendations with you. If we can be of assistance, please feel free to contact us via email (at the email addresses beneath our signatures) or by phone at (202) 559-9296.

Sincerely yours,



Kenneth L. Marcus  
Founder & Chairman  
klmarcus@brandeiscenter.com



Alyza D. Lewin  
President  
alewin@brandeiscenter.com



Denise Katz-Prober  
Director of Legal Initiatives  
denisekp@brandeiscenter.com