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VIA EMAIL

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Re: Civil Rights Violations at the University of Southern California.

I. Introduction

We represent the Complainant, Rose Ritch, a Jewish student at the University of Southern California (USC), who was the victim of a concerted campaign of anti-Semitic harassment that targeted her on the basis of her shared ancestral and ethnic characteristics and sought to exclude her from the Undergraduate Student Government (USG) on account of her Jewish identity.

USC students, who were determined to rid the USG of all Jewish Zionists, pressured Ms. Ritch to step down from her duly elected position as Vice President (VP) of the USG because she demonstrated pride in her shared Jewish ancestry and ethnicity by expressing support for a Jewish homeland.

The formal impeachment proceedings launched by the USG Senate against Ms. Ritch after one student filed a complaint against her were baseless, deeply rooted in Jew-hatred, and unlawfully sought to exclude Ms. Ritch from the USG and deny Ms. Ritch an equal opportunity to participate in campus life and access educational opportunities at USC solely on the basis of her Jewish identity.

The discriminatory harassment against Ms. Ritch was so severe and persistent that it created a hostile environment that hindered her ability to continue serving in the USG. Although USC was aware of the discriminatory harassment against Ms. Ritch and the hostile environment it fostered, the University failed to take prompt and effective steps to end the harassment or eliminate the hostile environment. As a result of the University's refusal to protect Ms. Ritch from the discriminatory harassment, Ms. Ritch was ultimately forced to resign from the USG under the mounting pressure of the hostile environment.

Further, by permitting a hostile environment that excludes Ms. Ritch and other Jewish students from participating in USG based on their Jewish identities, USC thereby denied Ms. Ritch equal access to educational opportunities and services solely on the basis of her Jewish identity, in violation of Title IV of the Civil Rights Act of 1964 (Title IV) and the Equal Protection Clause of the Fourteenth Amendment.

For the foregoing reasons, and those detailed more fully in this Complaint, Ms. Ritch and the Louis D. Brandeis Center For Human Rights Under Law (the Brandeis Center) request: (1) that the Office for Civil Rights (OCR) initiate an investigation of USC, a recipient of federal financial assistance,¹ for violations of Title VI of the Civil Rights Act of 1964 (Title VI) and the statute's implementing regulations;² and/or (2) that the Department of Justice (DOJ) initiate an investigation of USC for violations of Title IV.³ We further request that DOJ and/or OCR require USC to come into compliance with Title IV and Title VI, respectively, by implementing the remedies suggested in Part V, *infra*, of this Complaint.

II. Statement of Facts

Jewish students have been subjected to a hostile environment at USC at least since February 2020, when Jewish student leaders were targeted on the basis of their Jewish identity during the student government election campaign. During that time, Ms. Ritch's campaign posters were repeatedly vandalized and the campaign posters of other Jewish students running for student senate were pulled down. Although Ms. Ritch reported these incidents to USC, the University did nothing to address the hostile climate for Jewish students that was revealed by these acts of vandalism.⁴ After she was

¹ See, e.g., *Financial Aid*, UNIV. S. CAL., available at <https://financialaid.usc.edu> (last visited Nov. 26, 2020).

² See 42 U.S.C. § 2000d *et seq.*; see also 34 CFR §§ 100.3(b)(1)(i), (iv), (vi).

³ See 42 U.S.C. § 2000c-6.

⁴ Although campus security conducted a half-hearted and fruitless investigation, which failed to identify the perpetrators or any suspects, this did nothing to address the hostile climate for Jewish students at USC after the targeted acts of vandalism. See, e.g., Russlynn Ali, "Dear Colleague Letter at 2-3, U.S. DEP'T EDUC.-OFFICE FOR C.R. (Oct. 26, 2010) [hereinafter 2010 Dear Colleague Letter], <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (explaining 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").

harassed on numerous other occasions during her campaign, Ms. Ritch changed the settings on her personal Instagram account from public to private to protect herself from further harassment.

Ms. Ritch was elected to serve as Vice President of the USC USG in February 2020.⁵ At the end of June 2020, a USC student announced plans to file formal impeachment complaints against Ms. Ritch and the USG President (who does not identify as Jewish). The student justified Ms. Ritch's impeachment, in part, based on Ms. Ritch's support for Israel. Other students demanded that Ms. Ritch be impeached due to her Jewish identity and perceived affiliation with the actions of the State of Israel. One student exclaimed, "Rose should be impeached too! Just as complicit and also a Zionist! The IDF trains LAPD so it's all connected."

USC students demanded that Ms. Ritch be impeached and/or resign from the USG because of her perceived ethnic Jewish identity as a "Zionist."⁶ For example, students ordered the USG President to "tell your Zionist a** VP to resign too," and demanded, "him [the USG President] and the Zionist [referring to Ms. Ritch] need to be IMPEACHED!" Students falsely equated Ms. Ritch's support for Israel, the Jewish homeland, with hostility towards Palestinians and thereby justified her removal from USG: "[D]on't forget that USG's Vice President, Rose Ritch, has openly expressed pro-Israeli sentiment and alienated Palestinian students. Get rid of her too." When one student asked, "what has Rose done wrong [that would justify her removal]," another student replied that Ms. Ritch alienated Palestinians—with no support provided for the allegation—and "worked with AIPAC [an organization that promotes a strong relationship between Israel and the United States]." Similarly, another student asked how Ms. Ritch planned to "hold [herself] accountable as a very vocal Zionist," suggesting stereotypically that Ms. Ritch's loud Jewish personality "makes Palestinian students feel unsafe on this campus."

The relentless, anti-Semitic harassment marginalized Ms. Ritch for demonstrating pride in her shared ancestral and ethnic Jewish identity by expressing support for the Jewish homeland in Israel. For example, one student claimed, "The president is trash & so is the VP who is a proud Zionist." Another student targeted Ms. Ritch on the basis of both her Jewish ethnic identity and her sexual orientation, raising additional issues under Title IX: "[N]ot only is Rose a Zionist who indoctrinated the rest of USG to be Zionists, she is also an above-the-waist-only bisexual." Students alluded to the classic anti-Semitic accusation of nefarious Jewish power and government control by demonizing Ms. Ritch for her affiliation with AIPAC, referring to AIPAC as an "evil lobbying group."

Several students condemned all Jewish leaders at USC for supporting Israel. For example, one student excoriated Jewish students at USC for their affiliation with Hillel, the largest and most prominent Jewish student organization on the USC campus, claiming "all the orgs on campus that r

⁵ Alexis Timko, et al., *Truman Fritz and Rose Ritch Win USG Presidential Election*, USC ANNENBERG MEDIA (Feb. 19, 2020), <http://www.uscannenbergmedia.com/2020/02/20/truman-fritz-and-rose-ritch-win-usg-presidential-election/>.

⁶ Some of the messages targeting Ms. Ritch were posted publicly on social media, while others were direct messages (DMs) posted on Ms. Ritch's private Instagram account.

Jewish r also Zionist.” Tying this stereotype to the ancient anti-Semitic blood libel, they charged that Jews must not affiliate with any Jewish organization on campus because doing so is “still blood on ur hands.” In response to the resignation of another Jewish student leader from USG, students declared that “Zionists = nazis (same mentality but against different people).” Others criticized the USG for failing to denounce Zionism, referred to as “the elephant in the room.” Students applauded the targeting and harassment of Ms. Ritch (and other Jewish student leaders in USG) based on her Jewish identity, stating for example, that it, “warms my heart to see al [sic] the zionists from usc and usg getting relentlessly cyberbullied” followed by a smiling emoji with hearts.

On June 30, 2020, Vice President of Student Affairs Winston Crisp and Dean of Religious Life Varun Soni sent a letter to the USC student community that acknowledged recent online bullying and harassment but did not specifically mention Ms. Ritch or the anti-Semitic harassment that targeted her on the basis of her ancestral and ethnic Jewish identity.⁷

On or about July 1, 2020, Hillel at USC, the most prominent Jewish organization at USC, sent a letter asking the USC administration to specifically condemn and take steps to stop the “dangerous escalation” of anti-Semitic harassment against Ms. Ritch on social media. The letter warned the University that “[n]o Jewish student should be singled out for mistreatment or denied equal opportunity to serve our campus solely by virtue of their identification with Zionism or their perceived relationship to Israel.” The University remained unresponsive.

On or about July 1, 2020, the same USC student who had earlier announced plans on social media to file an impeachment complaint, formally filed the complaint against Ms. Ritch by emailing the complaint to the Speaker of the Senate. Upon information and belief, USC administration officials authorized the student to submit the complaint to the Speaker of the Senate via electronic mail rather than hand delivery, in violation of the USG Bylaws.⁸ Further, USC administrators abrogated their responsibility under the USG Bylaws by deliberately failing to review the complaint before it was submitted to the Speaker to determine whether the complaint stated a valid ground for impeachment.⁹

⁷ Winston Crisp & Varun Soni, *A Message from Winston Crisp and Varun Soni*, UNIV. S. CAL. (June 30, 2020), https://studentaffairs.usc.edu/files/2020/06/USC-students_6.30.20.pdf.

⁸ USG BYLAWS sec. IX.1.A.i (2020) (providing that a complaint against the VP “must be typed and hand-delivered to the Speaker of the Senate.”).

⁹ For a complaint to be valid, it must “clearly indicate” one of the following allegations against the officer the complaint seeks to impeach: (a) a violation of a specific section of the USG Constitution, Bylaws or Code of Ethics, (b) a failure to fulfill specific duties enumerated in governing documents, (c) a civil court felony conviction, or (d) violation of a legislative mandate. USG BYLAWS sec. IX.1.A.iii.1–2 (2020). “If the complaint does not meet these requirements or fall within the bounds of Undergraduate Student Government governing documents as determined by the Advisor(s), it shall be considered void.” *Id.* at sec. IX.1.A.iv.

On or about July 1, 2020, the USG Speaker of the Senate sent a letter to the USG informing USG officers that impeachment complaints were filed against the President and Ms. Ritch and that impeachment proceedings would begin immediately and conclude within 10 days pursuant to the USG Bylaws. Ms. Ritch's impeachment trial was scheduled to be held on July 14, 2020.

Upon information and belief, on or about July 2, 2020, Ms. Ritch met with President Folt and Vice President for Student Affairs, Winston Crisp. During this meeting, the parties discussed the ongoing impeachment proceedings against Ms. Ritch; Ms. Ritch implored the University to intervene and stop the proceedings.

On July 7, 2020, the Brandeis Center sent a letter to USC on behalf of Ms. Ritch, which detailed the aforementioned facts about the persistent, severe, and ongoing anti-Semitic harassment that was targeting Ms. Ritch on the basis of her Jewish identity.¹⁰ The letter further notified the University of its legal obligations under Title VI and urged the University to take prompt steps to protect Ms. Ritch from the discriminatory harassment that sought to deny her an equal educational opportunity to serve in USG solely on the basis of her Jewish ethnic identity. The Brandeis Center followed up with a call to the offices of the University President and Vice President to confirm receipt of its letter. To date, the Brandeis Center has not received a response from the University.

On July 10, 2020, USC notified Ms. Ritch that the University was suspending the impeachment proceedings against her. USC President Folt, Vice President Crisp, Provost Charles F. Zukoski, and Dean of Religious Life Soni were also scheduled to meet with representatives of the Jewish community on July 10, 2020. USC Hillel arranged for the university administrators to attend a Zoom meeting that day with the USC Hillel Director, Chabad Rabbi Dov Wagner, Rose Ritch, and Jewish students and faculty from USC. Approximately one hour before the scheduled meeting, VP Crisp emailed a memorandum to the twelve members of the USG Senate who were to preside over the impeachment trial and separately to Ms. Ritch. The memorandum made no mention of the unlawful harassment to which Ms. Ritch had been subjected and failed to note the legal deficiencies of the impeachment complaint that had been filed. Rather than voiding the baseless complaint in its entirety, the university stated in its memorandum that it "must suspend any impeachment proceedings at this time" because "the current process for removal of USG elected officials are insufficient to ensure integrity."¹¹ The memorandum further explained that the University intended to "complete a thorough review to ensure the fairness of the bylaws and other rules relating to the removal of elected officers" by the Fall. Upon information and belief, Vice President Crisp also shared a copy of the memorandum on July 10, 2020 with the student who filed the complaint.

Upon information and belief, the Jewish community representatives present at the July 10 meeting urged the university to issue a public statement condemning the anti-Semitic harassment that

¹⁰ Letter from Alyza D. Lewin, President, Louis D. Brandeis Ctr. for Hum. Rts. Under L., to Carol L. Folt, President, USC, and Winston B. Crisp, VP for Student Affairs, USC (July 7, 2020), <https://brandeiscenter.com/wp-content/uploads/2020/08/Letter-to-President-Folt-and-VP-Crisp.pdf>.

¹¹ For a copy of the memorandum, see the DAILY TROJAN's Facebook post, *infra*, note 12.

targeted Rose Ritch. The university did not issue such statement until *after* Ms. Ritch resigned from the USC USG. In addition, the University refused to publicize or otherwise announce to the USC student body as a whole that it had suspended Ms. Ritch's impeachment proceedings. On the eve of his impeachment trial on July 7, 2020, the President of USG resigned. Ms. Ritch, as acting head of the USG was left in the difficult and awkward position of having to explain to (a) the approximately 100 members of USG (beyond the 12 senators who were scheduled to hear the impeachment trial), and (b) to the USC student body, that her impeachment trial had been suspended. Ms. Ritch requested that VP Crisp or the university administration circulate the memorandum more widely, to inform the student body. The university refused. Upon information and belief, Vice President Crisp told the USG to decide whether it would publicize the University's decision to suspend Ms. Ritch's impeachment proceedings.

On July 14, 2020, the date on which Ms. Ritch's impeachment trial had been scheduled to take place, the Speaker of the Senate informed the entire USG that the University had suspended the impeachment proceedings. Still, USC administrators did not publicly announce to the rest of the USC student body that Ms. Ritch's impeachment proceedings had been suspended.

On July 21, 2020, the local media began reporting that Ms. Ritch's impeachment trial was suspended.¹² These reports, including by USC's student newspaper, published or explicitly referred to USC's memorandum to the Student Senate.¹³

On August 5, 2020, Ms. Ritch officially resigned from her position as Vice President of the USC USG.¹⁴ In her resignation letter addressed to the USC student body, Ms. Ritch wrote:

I have been harassed and pressured for weeks by my fellow students because they opposed one of my identities [B]ecause I . . . openly identify as a Zionist, a supporter of Israel's right to exist as a Jewish state, I have been accused by a group of students of being unsuitable as a student leader. I have been told that my support for Israel has made me complicit in racism, and that, by association, I am racist. Students launched an aggressive social media campaign to "impeach [my] Zionist a**." This is antisemitism.

. . .

At this point, resignation is the only sustainable choice I can make to protect my physical safety on campus and my mental health.

¹² See, e.g., Daily Trojan, FACEBOOK (July 21, 2020, 5:16 PM), <https://www.facebook.com/DailyTrojan/photos/a.10150089023288972/10158403748148972/?type=3>; Alexis Timko, *USG Vice President Impeachment Proceedings Suspended*, USC ANNENBERG MEDIA, (July 21, 2020), <http://www.uscannenbergmmedia.com/2020/07/21/usg-vice-president-impeachment-proceedings-suspended/>.

¹³ See sources, *supra*, note 12.

¹⁴ Rose Ritch, FACEBOOK (Aug. 5, 2020, 7:28 PM), <https://www.facebook.com/rose.ritch.7/posts/3529165573771270>.

...
[T]he people with whom I have shared a campus with for years, the people whom I desperately want to serve, have tried to make me feel ashamed, invalidated, and dehumanized because of who I am.¹⁵

Ms. Ritch's resignation and letter received substantial media coverage.¹⁶

The day after Ms. Ritch resigned, on August 6, 2020, President Folt sent a letter to the USC community that mentioned the anti-Semitic attacks against Ms. Ritch, vaguely condemned anti-Semitism "in all its forms" and announced a University initiative to counter hate.¹⁷ The letter failed to specify that Ms. Ritch was targeted on the basis of her Jewish identity and did not explicitly condemn anti-Semitic harassment and discrimination based on Jewish shared ancestry or ethnicity.

III. USC violated Title VI of the Civil Rights Act of 1964.

USC was aware of the discriminatory harassment that targeted Ms. Ritch on the basis of her Jewish shared ancestry and ethnicity, and USC knew that the harassment created a hostile environment that hindered Ms. Ritch's ability to participate in the USG; and yet USC failed to take prompt and effective steps to end the harassment and eliminate the hostile environment or prevent it from recurring. Therefore, USC violated Title VI.

a. Ms. Ritch was subjected to discriminatory harassment on the basis of her "actual or perceived shared ancestry or ethnic characteristics."

Guidance issued in 2004 by the Office for Civil Rights (OCR) and the Department of Justice (DOJ) extended protections under Title VI to cover discrimination against Jews on the basis of their "actual or perceived shared ancestry or ethnic characteristics."¹⁸ For many Jews, including Ms. Ritch,

¹⁵ *Id.*

¹⁶ See, e.g., Michael Janofsky, *A USC Student Leader Resigns Amid Accusations that Her Zionism 'Made Complicit in Racism'*, FORWARD (Aug. 6, 2020), <https://forward.com/news/national/452189/a-usc-student-leader-resigns-amid-accusations-that-her-zionism-made-her/>; Aaron Bandler, *USC Student VP Resigns, Says She Was Bullied for Being a Zionist*, JEWISH J. (Aug. 6, 2020), <https://jewishjournal.com/featured/319981/usc-student-vp-resigns-says-she-was-bullied-for-being-a-zionist/>; Rose Ritch, *I Was Harassed and Persecuted on Campus Just for Being a Zionist*, NEWSWEEK (Aug. 10, 2020, 6:30 AM), <https://www.newsweek.com/i-was-harassed-persecuted-campus-just-being-zionist-opinion-1523873>.

¹⁷ Carol L. Folt, *A Message to the USC Community from President Folt*, USC–Office of the President (Aug. 6, 2020), <https://www.president.usc.edu/a-message-to-the-community-from-president-folt/>.

¹⁸ See 2010 Dear Colleague Letter, *supra* note 4, at 5; see also Letter from Thomas E. Perez, Assistant Att'y Gen., U.S. Dep't of Just.–C.R. Div., to Russlyn H. Ali, Assistant Sec'y for C.R., U.S. Dep't of Educ.–Office for C.R., Re: Title VI and Coverage of Religiously Identifiable Groups (Sep.

Zionism is an integral component of Jewish ethnic identity. 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.¹⁹ For many Jews, including Ms. Ritch, expressing support for the Jewish homeland is a sincere and deeply felt expression of the Jewish people’s shared ancestral, religious, and ethnic identification with the Land of Israel. Thus, when Ms. Ritch was castigated as a “Zionist” and deemed unfit to serve in USG for demonstrating pride in her Jewish ancestry and heritage, she was being targeted and harassed on the basis of her “actual or perceived shared ancestry or ethnic characteristics.”²⁰

As recently clarified in Executive Order 13899 (the Executive Order), Title VI must be enforced “against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”²¹ The Executive Order further directs the Department of Education (DOE) to refer to the International Holocaust Remembrance Alliance Working Definition of Antisemitism (the IHRA Definition) and its contemporary examples, when investigating allegations of anti-Semitism under Title VI.²²

The Executive Order is particularly relevant here, where the unlawful harassment and discrimination was motivated by anti-Semitic bias and targeted Ms. Ritch on the basis of her actual or perceived shared ancestry and ethnic Jewish identity. The IHRA Definition and, more specifically, the contemporary examples it cites, provide helpful guidance for understanding why the anti-Semitic harassment directed at Ms. Ritch was targeted, intentional, and discriminatory intimidation on the basis of her Jewish identity. The suggestion that Ms. Ritch’s Jewish identity somehow renders her unfit to serve in the USG, revives the age-old anti-Semitic accusation of dual-loyalties; it implies that Ms. Ritch is more loyal “to Israel, or to the alleged priorities of Jews worldwide,” than to the interests of the USC community and student body that Ms. Ritch was elected to serve as VP of the USG.²³ Further, under IHRA, denying the Jewish people’s right to self-determination is an indicium

8, 2010), 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; Kenneth L. Marcus, *Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter*, U.S. DEP’T OF EDUC.–OFFICE FOR C. R. (Sep. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

¹⁹ 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://brandeiscenter.com/wp-content/uploads/2020/08/Zionism-The-integral-component-of-Jewish-identity-that-Jews-are-historically-pressured-to-shed.pdf>.

²⁰ *Id.*; see also sources *supra* note 18.

²¹ Exec. Order No. 13899, 84 Fed. Reg. 68,779, § 1 (Dec. 11, 2019).

²² *Id.* at §§ 2(a)(i), (ii); INT’L HOLOCAUST REMEMBRANCE ALLIANCE, *Working Definition of Antisemitism*, <https://www.holocaustremembrance.com/working-definition-antisemitism> (last visited Nov. 26, 2020) [hereinafter IHRA Definition].

²³ IHRA Definition, *supra* note 22 (articulating the contemporary examples of anti-Semitism).

of anti-Semitism.²⁴ USC was therefore legally obligated to protect Ms. Ritch from the anti-Semitic harassment that marginalized and excluded her on the basis of her Jewish identity and was designed to deny her an equal opportunity to serve in the USG.

b. USC was aware of the hostile environment but shirked its legal obligations under Title VI by failing to take prompt and effective steps to end the harassment, eliminate the hostile environment and its effects, and prevent the harassment from recurring.

The harassment against Ms. Ritch by other USC students created a hostile environment that USC failed to ameliorate. OCR has explained that a university can violate Title VI if peer harassment “is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”²⁵ Harassment creates a “hostile environment” for purposes of Title VI when it “is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.”²⁶

In this case, the anti-Semitic harassment of Ms. Ritch by her peers in the USC student body created a hostile environment for Ms. Ritch due to its severity and persistence. The nature and sheer volume of the anti-Semitic social media onslaught directed at Ms. Ritch and calls for her exclusion from USG on the basis of her Jewish identity was so severe and persistent that it interfered with her ability to continue participating in USG. Indeed, baseless impeachment proceedings were eventually filed against her and she ultimately had no choice but to accede to the overwhelming pressure to resign.

USC was well aware of the ongoing anti-Semitic harassment against Ms. Ritch taking place on social media that maligned her on the basis of her “actual or perceived shared ancestry or ethnic characteristics.” The administration admitted as much in its letter of June 30 by its vague acknowledgment of the online harassment associated with the Black_USC_Instagram account. Furthermore, Hillel brought it to USC’s attention by imploring the University to end the discriminatory harassment against Ms. Ritch on the basis of her Jewish identity. In addition, the Brandeis Center’s letter of July 7, 2020, included screenshots of the anti-Semitic social media posts, and explicitly noted that the University had a legal obligation to address the harassment.

Yet USC failed to take “prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.”²⁷ USC failed to intervene; failed to speak out publicly in support of Ms. Ritch; failed to condemn or

²⁴ *Id.* (explaining that “[d]enying the Jewish people their right to self-determination” is a form of anti-Semitism).

²⁵ 2010 Dear Colleague Letter, *supra* note 4, at 1.

²⁶ 2010 Dear Colleague Letter, *supra* note 4, at 2–3 (“[Under Title VI, a] school is responsible for addressing harassment incidents about which it knows or reasonably should have known”).

²⁷ *Id.*

ever acknowledge the harassment that targeted her; and failed to void the baseless impeachment complaint filed against her. Through its silence and inaction, the University tolerated the discriminatory harassment directed at Ms. Ritch, thus emboldening it and leaving Ms. Ritch vulnerable to the negative effects of the hostile environment that the harassment created at USC.

In fact, the University repeatedly acted to protect itself rather than Ms. Ritch. For example, the July 10 memorandum suspending Ms. Ritch's impeachment trial was provided by the USC administration only to the twelve USG Senators who were to preside over Ms. Ritch's trial, just one hour before the administrators were scheduled to meet with Jewish community representatives and Ms. Ritch. The memo, therefore, was clearly intended to placate the Jewish community, rather than meaningfully and effectively remedy the hostile environment.

Similarly, the University did not address the anti-Semitic harassment against Ms. Ritch until *after* Ms. Ritch resigned from USG. In other words, the university intervened only *after* Ms. Ritch was denied the opportunity to participate in a USC program or activity. President Folt's August 6 letter to the USC community was the first time the University administration publicly and explicitly acknowledged the harassment against Ms. Ritch. The timing of USC's statement demonstrates that the University's response was not designed to protect Ms. Ritch from discrimination, but rather, was intended to protect the University from the public outrage that ensued when it became apparent that Ms. Ritch had been forced to resign due to the hostile environment created by discriminatory harassment at USC. The University did nothing to address or eliminate the harassment or hostile environment until after the damage was irreversibly inflicted on Ms. Ritch. USC thus violated Title VI.

USC repeatedly failed to pursue readily available opportunities that could have stopped the harassment of Ms. Ritch, further proving that the University was not taking steps reasonably calculated to eliminate the hostile environment or prevent it from recurring. For instance, USC was fully aware (due to communications from the USC Hillel, the Brandeis Center and Ms. Ritch) that the baseless impeachment proceedings against Ms. Ritch were pretextual and, in reality, based on her Jewish identity. However, rather than bring an end to the hostility and harassment against Ms. Ritch by cancelling the impeachment proceedings altogether, USC merely suspended them. A suspension is temporary. Thus, USC was clearly not taking steps reasonably calculated to end the harassment or prevent it from recurring. In fact, through the suspension, USC prolonged the harassment and hostile environment. As the University explained in its July 10 memorandum, "[b]y the Fall semester, the Office of the Vice President for Student Affairs will complete a thorough review of the procedures to ensure the fairness of the bylaws and other rules relating to the removal of elected officers," and then, presumably, the impeachment proceedings against Ms. Ritch could resume.

Further, USC passed up another opportunity to ameliorate the hostile environment when it failed to prevent the baseless impeachment complaint against Ms. Ritch from reaching the USG Student Senate. The USG Bylaws require a university Staff Advisor to review each impeachment complaint at the outset to ensure the complaint complies with the USG Bylaws. A reasonable review of the

complaint filed against Ms. Ritch should have concluded that it did not state any valid grounds for impeachment under the University's own Bylaws.²⁸ Had the Staff Advisor reviewed the impeachment complaint as required, the advisor could have prevented the baseless complaint from being submitted to the Speaker of the Senate. Instead, USC completely abdicated its responsibility to monitor the legitimacy of the impeachment process, thereby missing another opportunity to redress the harassment and take steps to end the hostile environment for Ms. Ritch.

In sum, to protect its own interests, not those of Rose Ritch, USC issued a memorandum that suspended rather voided an impeachment trial that was baseless and unlawful, which the University was legally required to stop, and only did so one hour before meeting with members of the Jewish community, who were furious about the University's failure to protect Rose Ritch.

After enduring the weeks' long deluge of anti-Semitic harassment on social media and the looming threat of baseless impeachment proceedings, while the University did nothing to terminate the hostile environment or redress the harassment, Ms. Ritch was forced to accede to her harassers' demands and resign from the USG. Under Title VI, a university is responsible for responding to discriminatory harassment when such harassment "negatively affected the ability and willingness of Jewish students to participate fully in the school's education programs and activities."²⁹ In Ms. Ritch's case, the University did nothing to ameliorate the harassment that prevented Ms. Ritch from participating in USG and, as a result, Ms. Ritch was unlawfully denied the opportunity to partake in that activity.

IV. USC violated Title IV of the Civil Rights Act of 1964

Discrimination on the basis of race, color, religion, sex, and/or national origin, which deprives an individual equal protection of the laws, is prohibited under Title IV of the Civil Rights Act of 1964. USC discriminated against Ms. Ritch in violation of Title IV by permitting a hostile climate on campus that excluded Ms. Ritch from the USG on the basis of her Jewish identity and thereby deprived her of equal access to educational benefits at USC.

Indeed, as detailed more fully in Part II, *supra*, the hostile environment at USC—which has still not been cured and seeks to rid the USG of all "Zionists"—effectively bars all Jewish students at USC from participating in the USG if they openly express pride in their Jewish ethnic identity; these Jewish students are thereby barred from an equal educational opportunity to participate in USG on the basis of their Jewish identity in violation of Title IV.

²⁸ USC BYLAWS, sec. IX.1.A.iv (2020).

²⁹ 2010 Dear Colleague Letter, *supra* note 4, at 5–6.

- V. Suggested Remedies: OCR and/or DOJ should require USC to come into compliance with Title IV and Title VI (respectively) by eliminating the hostile environment and its effects, preventing the harassment from recurring, and ensuring that Jewish students have equal access to all educational opportunities at USC.**

In light of USC's failure to (1) address the anti-Semitic harassment that targeted Ms. Ritch on the basis of her shared ancestry and ethnic Jewish identity, (2) take steps to eliminate the hostile atmosphere and its effects for Jewish students at USC, and (3) ensure equal access to the USG for all Jewish students, OCR and DOJ should require USC to take the following steps to come into compliance with Title IV and Title VI.

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

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

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

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

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

marginalize, exclude, or demonize any part of our university community on the basis of its identity.

A member of our USC student community, Rose Ritch, was subjected to an anti-Semitic social media campaign that unlawfully targeted her for impeachment on the basis of her religious and ethnic Zionist Jewish identity. Targeting a USC student in this manner is unacceptable.

The University is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination and harassment based on shared ancestry or ethnic characteristics, including anti-Semitism that manifests as anti-Zionism. To that end, the University will utilize the IHRA Working Definition of Anti-Semitism when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by anti-Semitic animus or bias. The University encourages the USC community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

- c. USC must revise its “Policy on Discrimination, Harassment, and Retaliation” to include a prohibition on discrimination based on shared ancestry and ethnicity, including anti-Semitism as defined in Executive Order 13899 and, more specifically, in the IHRA Working Definition of Antisemitism and IHRA’s Contemporary Examples.**

The University must revise its “*Policy on Discrimination, Harassment, and Retaliation*” (Policy) to include a prohibition on discrimination based on shared ancestry and ethnic characteristics, including anti-Semitism as defined in Executive Order 13899 and, more specifically, in the IHRA Working Definition and IHRA’s contemporary examples of anti-Semitism.³⁰ The revised Policy should include a description of the forms of anti-Semitism that can manifest in the University environment and provide examples of discrimination on the basis of shared ancestry and ethnic characteristics, which must include the contemporary examples of anti-Semitism in the IHRA Definition.

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

The University must conduct training for the University community, including students, faculty, staff, administrators, and campus security, concerning the revised Policy and its implementation.

³⁰ POLICY ON PROHIBITED DISCRIMINATION, HARASSMENT, AND RETALIATION, UNIV. S. CAL., <https://policy.usc.edu/files/2020/08/Policy-on-Prohibited-Discrimination-Harassment-and-Retaliation-8.14.204.pdf> (last visited Nov. 26, 2020).

Such training must include programming and educational materials about national origin discrimination and harassment, which specifically address the many manifestations of anti-Semitism and incorporate the IHRA Working Definition and its contemporary examples.

e. USC must create a Task Force to review, address, and improve Jewish life on the USC campus.

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

f. Add representatives to the Provost's Diversity, Equity, and Inclusion Council and to the USG's Diversity, Equity, and Inclusion Council, for Jewish students and other groups who may be discriminated against on the basis of their shared ancestry and ethnicity or religious affiliation.

USC will add representatives to the provost's Diversity, Equity, and Inclusion Council and the USG's Diversity, Equity, and Inclusion Council, for Jewish students as well as other groups that may be discriminated against and/or targeted on the basis of their shared ancestry and ethnic characteristics and/or religious affiliation. These representatives will work to promote and protect the interests and rights of Jewish and other students and faculty at USC, who may be targeted and/or discriminated against on the basis of their shared ancestry and ethnicity and/or religious affiliation.

VI. Conclusion

For the foregoing reasons, Ms. Ritch and the Brandeis Center strongly urge investigation into USC's compliance with Title VI, Title IV, and the Equal Protection Clause of the Fourteenth Amendment.

Respectfully submitted,

A handwritten signature in blue ink that reads "Alyza D. Lewin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alyza D. Lewin
President
The Louis D. Brandeis Center
for Human Rights Under Law



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