



May 31, 2022

Hon. Catherine Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, S.W., 4th Floor  
Washington, D.C. 20202  
[Catherine.Lhamon@ed.gov](mailto:Catherine.Lhamon@ed.gov)

Dear Assistant Secretary Lhamon,

In September 2020, the Department of Education Office for Civil Rights (“OCR”) entered into a Resolution Agreement<sup>1</sup> with New York University (“NYU”) to resolve allegations that it had discriminated against Jewish students by failing to address anti-Semitic conduct that had created a hostile environment for them on campus. Pursuant to the Resolution Agreement, NYU committed to take steps during the academic years 2020-2021 and 2021-2022 that included (1) modifying the university’s anti-discrimination policy to address the type of harassment and discrimination experienced by Jewish students at NYU and (2) educating the NYU community about those modifications. As described further in this letter, NYU has yet to fully comply with these obligations. OCR, therefore, should not discontinue monitoring the implementation of the Resolution Agreement until the university demonstrates full compliance.<sup>2</sup>

Anti-Semitism is on the rise at universities across the country. NYU itself has continued to see anti-Semitic incidents on its campus as recently as last month.<sup>3</sup> It is essential, therefore, that OCR ensure full compliance with its Resolution Agreement. Permitting NYU to bypass its obligations by ending the monitoring period at the end of this academic year would signal to Jewish students that the Department of Education

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<sup>1</sup> Resolution Agreement, New York University, Case No. 02-19-2174 (“Agreement”), available at <https://jewishinsider.nyc3.digitaloceanspaces.com/wp-content/uploads/2020/09/18175409/NYU-OCR-Resolution-Agreement-9-25-20-With-Watermark.pdf>.

<sup>2</sup> *Id.*, p.5 (“Upon the University’s satisfaction of the commitments made under the resolution agreement, OCR will close this case”).

<sup>3</sup> See Section II.

is not serious about protecting Jewish students from harassment and discrimination that targets them on the basis of the Jews' shared ancestry and ethnicity.<sup>4</sup>

The problems which led former NYU student, Adela Cojab, to file a civil rights complaint against NYU have not been solved. The university has taken some steps towards compliance with the Agreement, which are laudable. But the university has not meaningfully addressed its anti-Semitism problem or fully complied with the Agreement. In the current circumstance, it would be derelict to permit NYU to run out the clock on OCR oversight and, thereby, undermine OCR's critical work.

## I. Background

The civil rights complaint which led to OCR's September 2020 Resolution Agreement resulted from the harassment of a Jewish student (one of many) on the basis of her ethnic and ancestral identity – specifically, her connection with the State of Israel. As the complainant, Adela Cojab, described it, “the ‘brunt of the discrimination’ she endured was because of her Zionism and her ‘connection to the State of Israel as a Jewish person.’”<sup>5</sup> Therefore, to satisfy the Resolution Agreement, NYU must address not only traditional anti-Semitic tropes (such as allegations of Jewish power or dual loyalty), but also the discrimination Ms. Cojab described - discrimination against Jews that is masked as anti-Zionism and that targets Jews on the basis of the Jews' shared ethnic and ancestral connection to the Land of Israel.

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.<sup>6</sup> For many NYU students, such as Ms. Cojab, expressing

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<sup>4</sup> E.g. Kenneth Marcus, *Will President Biden Blink at Antisemitism at NYU?*, NEW YORK SUN, May 28, 2022, available at <https://www.nysun.com/article/will-president-biden-blink-at-antisemitism-at-nyu>.

<sup>5</sup> Rachel Wolf, *NYU Adopts IHRA Definition of antisemitism, Settles antisemitism lawsuit*, JERUSALEM POST, October 3, 2020, available at <https://www.jpost.com/diaspora/antisemitism/nyu-dept-of-education-settle-antisemitism-lawsuit-with-student-644315>

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

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.

As a result, for students like Ms. Cojab, Zionism is as integral to their Jewish identity as observing the Jewish Sabbath or maintaining a kosher diet is for others. 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, identifying with and expressing support for the Jewish homeland is also a sincere and deeply felt expression of their Jewish ethnic identity. Harassing, marginalizing, demonizing, and excluding these Jewish students on the basis of the Zionist component of their Jewish identity is just as unlawful and discriminatory as attacking a Jewish student for observing the Sabbath or keeping kosher.

Title VI of the Civil Rights Act protects Jews against harassment and discrimination on the basis of their shared ethnic and ancestral identity.<sup>7</sup> Indeed, guidance issued by OCR and the Department of Justice in 2004, 2010, and 2017 clarified that Title VI covers discrimination against Jews on the basis of their "actual or perceived shared ancestry or ethnic characteristics."<sup>8</sup> According to Executive Order 13899, which has been incorporated into OCR's current policy guidance, Title VI must be enforced

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<sup>7</sup> 42 U.S.C. §2000d *et seq.*; Executive Order 13899, Combating anti-Semitism, December 11, 2019, 3 C.F.R. 68779-68780, available at <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism> ("EO 13899").

<sup>8</sup> See *Know Your Rights: Title VI and Religion*, U.S. DEP'T EDUC.—OFFICE FOR C.R., January 17, 2017, available at <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>. See also Letter from Assistant Secretary for Civil Rights Russlyn Ali, U.S. DEP'T OF EDUC.—OFFICE FOR C. R., October 26, 2010, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; 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*, September 8, 2010, available at [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); 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), available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

“against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”<sup>9</sup>

## II. Continued anti-Semitism at NYU Requires OCR Oversight

NYU’s anti-Semitism problem drew public attention again last month. As widely reported, a dozen student organizations at NYU’s law school signed a letter defending terrorist violence against Israeli civilians and engaging in classical anti-Semitic tropes about the “Zionist grip on the media.” Jewish students who complained were ridiculed and called “babies”.<sup>10</sup> NYU’s President noted in a statement that complaints had been filed under NYU’s Non-Discrimination and Anti-Harassment Policy (“Policy”), which it updated pursuant to the Resolution Agreement.<sup>11</sup>

The Resolution Agreement provides for oversight of complaints like this, requiring NYU to submit documentation on its student discipline process and certify that “the University has treated and resolved every allegation of anti-Semitism as defined in Section 2(a)(i) of Exec. Order No. 13899 in the same way as any allegation of any other discrimination or harassment covered by the Policy and/or the University’s student conduct rules.”<sup>12</sup>

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<sup>9</sup> EO 13899, §1. *See also Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964*, U.S. DEP’T EDUC.–OFFICE FOR C.R., January 19, 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

<sup>10</sup> Aaron Sibarium, *Under Federal Scrutiny, NYU Law School Faces Uproar Over anti-Semitism*, WASHINGTON FREE BEACON, April 13, 2022, available at <https://freebeacon.com/campus/under-federal-scrutiny-nyu-law-school-faces-uproar-over-anti-semitism/>.

<sup>11</sup> Letter from President Hamilton to the Bronfman Center Community, April 20, 2022, available at <https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/communications/letter-from-president-hamilton-to-bronfman-center-community-4-20-22.html>.

<sup>12</sup> Resolution Agreement, p.4, §2(E).

During the reporting period, NYU buildings have also been graffiti'd with swastikas and other anti-Semitic and racist content.<sup>13</sup> One student wrote after a recent swastika incident, "I'm a Jewish student at NYU and I feel unsafe on campus."<sup>14</sup>

Earlier this year NYU Law's Review of Law and Social Change committed itself to supporting the anti-Semitic<sup>15</sup> BDS movement, specifically declaring it would boycott groups that supported the "normalization" of Israel.<sup>16</sup> NYU issued a statement expressing support for academic freedom and opposition to BDS but took no other action.<sup>17</sup>

NYU's President recently issued a statement denouncing the conduct that prompted the most recent complaints.<sup>18</sup> That statement, however, failed to recognize that for

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<sup>13</sup> E.g. Kayla Harderson, *Swastika Found Outside NYU Building Last Week*, WASHINGTON SQUARE NEWS, February 23, 2022, available at <https://nyunews.com/news/2022/02/23/swastika-found-outside-nyu-tisch-building/>; CBS News, *Man Accused Of Spray Painting Swastika, Anti-Black Statements on NYU Building*, February 18, 2021, available at <https://www.cbsnews.com/newyork/news/swastika-on-nyu-building/>.

<sup>14</sup> Alexandra Cohen, *NYU, be more vigilant against antisemitism*, WASHINGTON SQUARE NEWS, February 24, 2022, available at <https://nyunews.com/opinion/2022/02/24/antisemitism-vandalism-nyu-response/>.

<sup>15</sup> E.g. Sheryl Gay Stolberg, *House Overwhelmingly Condemns Movement to Boycott Israel*, NEW YORK TIMES, July 23, 2019, available at <https://www.nytimes.com/2019/07/23/us/politics/house-israel-boycott-bds.html>; JTA, *BDS Movement deemed anti-Semitic by state office in Germany*, TIMES OF ISRAEL, September 4, 2018, available at <https://www.timesofisrael.com/bds-movement-deemed-anti-semitic-by-state-office-in-germany/>; Hana Levi Julian, *France Outlaws BDS Anti-Semitism*, JEWISHPRESS.COM, October 29, 2015, available at <https://www.jewishpress.com/news/breaking-news/france-outlaws-bds-antisemitism/2015/10/29>.

<sup>16</sup> The Board and Staff Editors of the NYU Review of Law and Social Change, 2021-2022, *NYU Review of Law & Social Change Statement of Commitment to the Boycott, Divest, Sanctions Movement*, available at [https://socialchangenyu.com/wp-content/uploads/2021/11/RLSC\\_BDS\\_46.3.pdf](https://socialchangenyu.com/wp-content/uploads/2021/11/RLSC_BDS_46.3.pdf).

<sup>17</sup> Statement by NYU Spokesperson John Beckman, November 23, 2021, available at [https://www.nyu.edu/about/news-publications/news/2021/november/JB\\_Statement\\_Law\\_School.html](https://www.nyu.edu/about/news-publications/news/2021/november/JB_Statement_Law_School.html).

<sup>18</sup> Letter from President Hamilton to the Bronfman Center Community, April 20, 2022, available at <https://www.nyu.edu/about/leadership-university-administration/office-of->

many students at NYU, Zionism is an integral component of their Jewish identity and their ethnic and ancestral heritage and that these students must be able to fully engage in the University's opportunities while openly expressing identification with Israel. NYU must commit to safeguarding the ability of Jewish students to fully engage in campus life without having to hide this key component of their Jewish identity.

These continuing expressions of anti-Semitism reflect that until NYU fully complies with the Resolution Agreement, OCR must not abdicate its oversight responsibilities. It would be absurd for OCR instead to find that, as a recent article put it, NYU is "beyond reproach [on anti-Semitism] even as many of its Jewish students feel under attack."<sup>19</sup>

NYU is not alone. 39 Members of Congress recently urged OCR to address anti-Semitism on college and university campuses, writing that "Jewish students need assistance and protection from the growing threat of antisemitism".<sup>20</sup> The Anti-Defamation League has determined that 2021 saw an "all-time high" in documented anti-Semitic incidents in America.<sup>21</sup>

To discontinue monitoring in this context would send precisely the wrong message: it would tell Jewish students and their harassers that even on campuses under OCR supervision, the government's civil rights watchdogs will not require universities to keep their word and protect Jewish students facing continued harassment. These students are on their own. This is an unacceptable response to discrimination and harassment.

### **III. The Text of the Agreement Supports OCR Oversight**

In the Agreement, NYU undertook to do three things: (i) review and revise its Non-Discrimination and Anti-Harassment Policy; (ii) conduct outreach to the University

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[the-president/communications/letter-from-president-hamilton-to-bronfman-center-community-4-20-22.html](#).

<sup>19</sup> A.R. Hoffman, *A Reckoning on Antisemitism Approaches for NYU*, NEW YORK SUN, May 21, 2022, available at <https://www.nysun.com/article/moment-of-antisemitism-reckoning-for-nyu-approaches>.

<sup>20</sup> Letter to Assistant Secretary Catharine Lhamon, February 4, 2022, available at <https://lieu.house.gov/sites/lieu.house.gov/files/%5BFINAL%5D%20Lieu%20Letter%20to%20DOE%20regarding%20Title%20VI%20Complaint%20Processing%20%5B2.4.2022%5D.pdf>.

<sup>21</sup> Anti-Defamation League, *Audit of Antisemitic Incidents 2021*, available at <https://www.adl.org/media/17765/download>.

community, including a statement by NYU's President, and (iii) train the University community on anti-Semitism.

In the Agreement, NYU agreed to revise its Non-discrimination and Anti-Harassment Policy in several ways:

- (i) including a statement that the University prohibits discrimination based on shared ancestry and ethnic characteristics, including against Jewish students;
- (ii) setting forth the procedures for responding to a discrimination complaint;
- (iii) including a description of the forms of anti-Semitism that can manifest in the University environment;
- (iv) providing representative examples of discrimination on the basis of shared ancestry and ethnic characteristics, including anti-Semitism; and
- (v) including a statement respecting NYU's commitment to academic freedom and free speech.<sup>22</sup>

It appears that NYU has not fully complied with three different aspects of the Agreement. First, it did not fully implement the Agreement's requirement that its new Policy describe the types of anti-Semitism that can manifest in the University environment. Second, it did not fully implement the Agreement's requirement that its new Policy provide "representative examples" of discrimination based on anti-Semitism. Third, it appears that it did not meet deadlines set forth in the Agreement.

#### **(A) NYU's New Policy Does Not Properly Describe Manifestations of Campus Anti-Semitism**

NYU has not fully implemented the Agreement's requirement to describe "the forms of anti-Semitism that can manifest in the University environment" in its new Policy.<sup>23</sup> The Policy refers generally to "certain rhetorical and physical manifestations directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish institutions, and towards religious facilities." This is taken from the leading global definition of anti-Semitism provided by the International Holocaust Remembrance Association.<sup>24</sup> The IHRA Definition was incorporated into U.S. law in Executive Order

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<sup>22</sup> Resolution Agreement, p.1.

<sup>23</sup> Resolution Agreement, p.1.

<sup>24</sup> This language comes from the International Holocaust Remembrance Alliance Definition of anti-Semitism and Executive Order 13899. International Holocaust Remembrance Alliance, Working Definition of anti-Semitism ("IHRA Definition"), available at <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

13899, which directs agencies to use the IHRA definition and its examples in evaluating allegations of anti-Semitism in federally funded programs.<sup>25</sup> However, unlike IHRA, NYU's Policy does not identify any particular manifestations of anti-Semitism. As a result, it cannot have complied with the Agreement's mandate to identify manifestations specific to "the University environment."

Indeed, the Policy does not refer anywhere to the behaviors which prompted the original complaint or the form of anti-Semitism at issue in that case. The complaint was prompted by acts including encouraging passersby to file frivolous noise complaints against students to prevent them from expressing their ethnic identity; vandalizing symbols associated with that identity; and disrupting events.<sup>26</sup> None of these behaviors are mentioned in the Policy. More generally, as set forth above the harassment which prompted the Agreement was targeted at Ms. Cojab and other Jewish students because of their actual or perceived affiliation with Israel – a common contemporary manifestation of anti-Semitism, including in the university environment.<sup>27</sup> This form of anti-Semitism is also not mentioned in the Policy. As such, NYU did not fully comply with the Agreement.

### **(B) NYU's New Policy Does Not Include Representative Examples of Anti-Semitic Discrimination**

NYU did not fully comply with the Agreement's requirement that its new Policy provide "representative examples" of discrimination based on anti-Semitism.<sup>28</sup> In other contexts, U.S. law provides that "representative examples" must be "characteristic" and "illustrative of" the larger whole.<sup>29</sup> The examples NYU included in its Policy are not.

Shortly after signing the Agreement, NYU declared its intention to "devise its own examples" of anti-Semitism, rather than use the well-established examples reflected in Executive Order 13899 and the IHRA Definition,<sup>30</sup> even though these examples are

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<sup>25</sup> EO 13899, paras. 2(a)(i); 2(a)(ii).

<sup>26</sup> *E.g.* Kery Murakami, *NYU Settles Anti-Semitism Case*, insidehighered.com, October 2, 2020, available at <https://www.insidehighered.com/news/2020/10/02/new-york-university-settles-anti-semitism-case-education-department>.

<sup>27</sup> *E.g.* Alums for Campus Fairness, *A Growing Threat: Antisemitism on College Campuses*, August 2021, p.5, available at <https://www.campusfairness.org/survey/>.

<sup>28</sup> Resolution Agreement, p.1.

<sup>29</sup> *E.g.* *U.S. ex rel Bledsoe v. Community Health Systems*, 501 F.3d 493, 510-511 (6<sup>th</sup> Cir. 2007) (citations omitted).

<sup>30</sup> *E.g.* Kery Murakami, *NYU Settles Anti-Semitism Case*, insidehighered.com, October 2, 2020, available at <https://www.insidehighered.com/news/2020/10/02/new-york->



explicitly referenced in the “Training” section of the Agreement.<sup>31</sup> It is not clear from the Policy who devised NYU’s examples or whether they had any expertise in anti-Semitism. It is clear that NYU’s examples fail to be “representative” in four ways.

First, NYU’s examples are not representative of the conduct which prompted the complaint. No example in the Policy directly references discrimination against or harassment of Jews on the basis of their actual or perceived affiliation with Israel – leaving it ambiguous whether NYU intends that the “brunt of” the actions which prompted the complaint would be covered by the Policy.

Second, NYU’s examples are not representative of the similar anti-Semitic conduct which students have engaged in on campus this year.

Third, NYU’s examples are not representative of the international consensus definition of anti-Semitism. That consensus is reflected in the IHRA Definition – which the U.S. government “embraces and champions.”<sup>32</sup>

The IHRA Definition grew out of pre-existing U.S. government policy; has been adopted by dozens of countries and hundreds of other organizations;<sup>33</sup> and is the primary consensus definition accepted by the Jewish community.<sup>34</sup> Unlike IHRA, NYU’s examples do not include examples related to Holocaust denial or distortion; the demonization or delegitimization of Israel; accusations of dual loyalty targeted at Jews; or attempts to hold Jews collectively responsible for perceived offenses. NYU’s

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<https://web.archive.org/web/20201005000657/https://www.insidehighered.com/news/2020/10/02/new-york-university-settles-anti-semitism-case-education-department>. Notably, the original version of this article did not include NYU’s statement that it would devise its own examples, rather than using the examples reflected in federal law and IHRA. *See* <https://web.archive.org/web/20201005000657/https://www.insidehighered.com/news/2020/10/02/new-york-university-settles-anti-semitism-case-education-department>.

<sup>31</sup> Resolution Agreement, p.4.

<sup>32</sup> *E.g.* Omri Nahmias, *US accepts IHRA’s definition of antisemitism, Biden official says*, JERUSALEM POST, February 3, 2021, available at <https://www.jpost.com/diaspora/antisemitism/jewish-org-welcome-us-support-for-ihra-definition-of-antisemitism-657621>.

<sup>33</sup> *E.g.* Zvika Klein, *865 entities have adopted or endorsed IHRA definition of antisemitism*, JERUSALEM POST, March 16, 2022, available at <https://www.jpost.com/diaspora/antisemitism/article-701485>.

<sup>34</sup> *E.g.* Louis D. Brandeis Center for Human Rights Under Law, *FAQs About Defining anti-Semitism*, available at [https://brandeiscenter.com/wp-content/uploads/2017/10/guide\\_faqs\\_antisemitism-2022c.pdf](https://brandeiscenter.com/wp-content/uploads/2017/10/guide_faqs_antisemitism-2022c.pdf).

examples instead focus on the targeting of Jews due to their physical appearance or religious dress.

Fourth, NYU's examples are not representative of contemporary U.S. anti-Semitism. The violent anti-Semitic conspiracy theories which have fueled several recent hate crimes in the United States,<sup>35</sup> for instance, do not clearly fall within any of NYU's examples, though they are mentioned in IHRA.<sup>36</sup>

### **(C) NYU Did Not Timely Amend Its Discrimination and Harassment Policy**

The Agreement reflected a deadline to adopt and disseminate the new Policy of October 15, 2020.<sup>37</sup> NYU finally amended its discrimination and harassment policy on August 16, 2021.<sup>38</sup> As a result, OCR presently has only nine months of data on the implementation of NYU's new Policy – while a timely amendment would have provided 20 months of data. For instance, NYU agreed to report on the discipline process for students alleged to have violated the Policy on May 31, 2021.<sup>39</sup> Since the Policy had not yet been amended, this data would not assist in evaluating the effectiveness of the new Policy.

NYU also agreed to disseminate the new Policy to its community by September 30, 2020.<sup>40</sup> But its President issued a statement about the Agreement only on October 7, 2021,<sup>41</sup> more than a year after the Agreement's deadline. NYU also agreed to provide

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<sup>35</sup> *E.g.* Kenneth L. Marcus, *The Buffalo Massacre Was More Than Meets the Eye*, JEWISH JOURNAL, May 19, 2022, available at <https://jewishjournal.com/commentary/opinion/348675/the-buffalo-massacre-was-more-than-meets-the-eye/>.

<sup>36</sup> IHRA Definition (“Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.””).

<sup>37</sup> Resolution Agreement, pp.1-2 §§I(a), I(b).

<sup>38</sup> New York University, Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students, fn.1 (the “Policy”), available at <https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/non-discrimination-and-anti-harassment-policy-and-complaint-proc.html>.

<sup>39</sup> Resolution Agreement, p.4 §2.E.

<sup>40</sup> Resolution Agreement, p.2 §II.A. *See* <https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/communications/previous-presidential-communications.html>.

<sup>41</sup> Andrew Hamilton and Linda Mills, *Rejecting Intolerance, Discrimination, and Harassment (sic)*, October 7, 2021, available at <https://www.nyu.edu/about/leadership->

Hon. Catherine Lhamon  
May 31, 2022  
Page 11 of 11

two trainings on its amended Policy by October 31, 2020.<sup>42</sup> NYU cannot have provided training on a policy which had not yet been adopted.

Moreover, as set forth above, despite the new Policy, NYU students still feel emboldened to engage in precisely the sort of anti-Semitic conduct which prompted the Agreement in the first place.

#### **IV. Conclusion: OCR Must Not Discontinue Monitoring NYU**

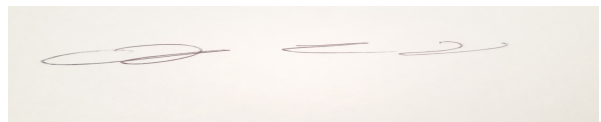
As anti-Semitism on American college campuses grows, the protections provided by the Civil Rights Act and the work of OCR have never been more important. We urge you not to discontinue monitoring the University under the Resolution Agreement, to ensure that the new Policy is improved and brought into full compliance with the Resolution Agreement, and to see that the rights of NYU's Jewish students like Ms. Cojab and those targeted this year are protected as required by federal law.

We are available at the emails listed below to share our expertise on these issues and further discuss these recommendations.

Sincerely,



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[university-administration/office-of-the-president/communications/rejecting-intolerance-discrimination-harassment.html](https://www.brandeiscenter.com/university-administration/office-of-the-president/communications/rejecting-intolerance-discrimination-harassment.html).

<sup>42</sup> Resolution Agreement, p.3 §§III.B, III.C.