



The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all.

The Brandeis Center Sues the U.S. Department of Education for Unlawfully Dismissing its Prior Anti-Semitism Complaint With the Office For Civil Rights Against the University Of Pennsylvania, In Violation of its Own Policies

July 9, 2024 (Washington, D.C.) – Today, the Louis D. Brandeis Center for Human Rights Under Law and the affiliated Jewish Americans for Fairness in Education filed a [lawsuit](#) against the U.S Department of Education’s Office for Civil Rights for failing to follow its own procedures in dismissing the Brandeis Center’s November 2023 complaint against the University of Pennsylvania for fostering an environment of anti-Semitism on its campus - an abdication of its responsibility to thoroughly investigate instances of egregious anti-Semitism and other forms of discrimination that occur in potential violation of OCR’s anti-discrimination standards and the Administrative Procedure Act.

Said Kenneth L. Marcus, Founder and Chairman of the Brandeis Center, “By failing to follow its own administrative procedures, in violation of its own stated mission of ‘vigorous enforcement of civil rights,’ the Office for Civil Rights and the Department of Education overall have not only shown a blatant disregard for the wellbeing of Jewish students at the University of Pennsylvania, but for the due process entitled to every American who seeks relief from discrimination in educational institutions. Jewish students at UPenn and many other college campuses across the country increasingly continue to face an egregious amount of anti-Semitism, particularly after the Oct. 7 massacre. OCR’s decisions have crippled these students’ ability to seek remedy from these hostilities and allows certain colleges and universities to continue ignoring or even fostering anti-Semitism on their campus.”

On November 9, 2023, the Brandeis Center filed a complaint with the Office for Civil Rights against the University of Pennsylvania for failing to take action against anti-Semitic activities on its campus before and especially after October 7—the single worst massacre of Jews since the Holocaust. Some of the instances of anti-Semitism include:

- On September 22–24, 2023, Penn sponsored, hosted, and funded a “Palestine Writes Festival.” Billed as a “literature festival,” the event featured multiple speakers with well-documented histories of anti-Semitism but no significant literary experience. By allowing University departments to publish brochures and fliers advertising the event in Penn’s name, the University effectively took ownership of the Festival.
- In the days leading up to the Festival, a swastika was graffitied on a classroom wall. And on September 21, a man broke into and vandalized the Penn Hillel, screaming “F*ck the Jews. They killed JC.”
- Coinciding with the Jewish High Holy Days, the Festival included at least 25 speakers identified by the Anti-Defamation League as prominent anti-Jewish actors.
- On September 27, Penn Chabad’s sukkah was vandalized with graffiti.



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- On October 16, more than one hundred “Penn community members” gathered in front of Van Pelt library for a seven-hour rally. At that rally, attendees expressed solidarity with Hamas, chanted for the eradication of Israel, and called openly for an “intifada revolution.” One speaker told Jewish students to “go back to Moscow, Brooklyn...f*cking Berlin where you came from.” Another participant shoved a Jewish student to the ground.
- On Saturday, October 28, a prominent off-campus Orthodox house that regularly hosts Jewish students for dinner, games, and other events was vandalized when its Israeli flag was ripped down and stolen by a member of Penn Against the Occupation.

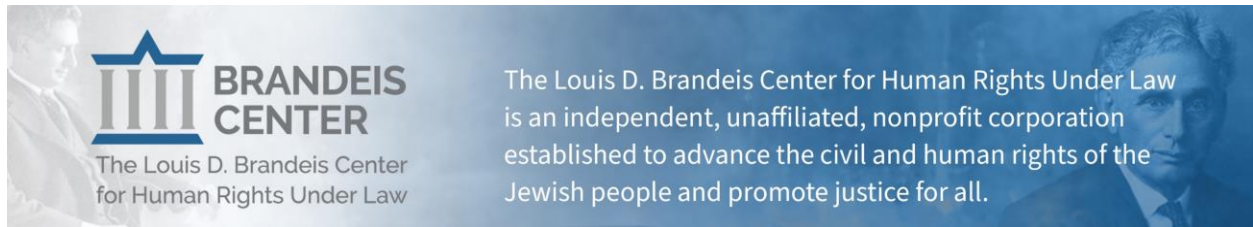
These and many other similarly anti-Semitic events that occurred on UPenn’s campus were included in the complaint filed with OCR.

On November 15, 2023, OCR informed the Brandeis Center that it had opened up an investigation into “whether the University of Pennsylvania failed to respond to alleged harassment of students and staff on the basis of national origin in a manner consistent with the requirements of Title VI.” OCR’s own regulations require an investigation to proceed whenever a complaint indicates a potential violation of OCR’s anti-discrimination standards. The Department’s Letter stated that “OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the Case Processing Manual.”

A separate private lawsuit unaffiliated with the Brandeis Center - *Yakoby v. University of Penn.* - was then filed in December against UPenn by two Jewish students facing anti-Semitism on campus who asserted claims for violations of Title VI of the Civil Rights Act, Breach of Contract, and violations of Pennsylvania’s Unfair Trade Practices and Consumer Protection Laws. Without notifying the Brandeis Center of its considerations, OCR proceeded to dismiss the Brandeis Center’s November complaint, acknowledging that even though OCR admitted that *Yakoby* was “not filed as a class action”, because the complaint “contains the same allegations as those filed with OCR” and “seeks systemic relief,” OCR was dismissing the complaint “pursuant to Case Processing Manual Section 110(h).”

As such, given OCR’s own admission of this clear violation of its own policies, the Brandeis Center is seeking legal relief in having OCR’s actions declared unlawful, and the re-opening of the Brandeis Center’s original complaint against the University of Pennsylvania and any other cases similarly yet incorrectly dismissed under Section 110(h) of its Case Processing Manual.

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About the Brandeis Center

The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all. LDB engages in research, education, and legal advocacy to combat the resurgence of anti-Semitism on college and university campuses, in the workplace, and elsewhere. It empowers students by training them to understand their legal rights and educates administrators and employers on best practices to combat racism and anti-Semitism. More at www.brandeiscenter.com.