

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

JOHN DOE, individually and on behalf of all)
others similarly situated,)

Plaintiff,)

v.)

NORTHWESTERN UNIVERSITY,)

Defendant.)

Case No. 1:24-cv-04125

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

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Plaintiff John Doe (“Plaintiff” or “Doe”), individually and on behalf of all others similarly situated, brings this proposed class action against Defendant Northwestern University (“Defendant,” “Northwestern” or the “University”), based upon his personal knowledge as to facts specific to him in an individual capacity, respectively, and based upon the investigation of counsel in all other respects, and alleges as follows:

I. INTRODUCTION

1. Universities have a duty to protect their Jewish students from anti-Semitic harassment which interferes with or limits a student’s ability to participate in or benefit from the services, activities, or opportunities offered by the school. Universities have an obligation not to encourage, tolerate, or ignore such hatred, but must work to actively eradicate it.

2. Antisemitism or the bigoted prejudice against Jews has been permitted to flourish on Northwestern’s campus for years and has increased exponentially since the October 7, 2023 attack in Israel by Hamas, a designated terrorist organization.¹

3. On that day, “pure, unadulterated evil [wa]s unleashed on this world,” as President Biden noted in a speech to the nation, when Hamas attacked Israel, killing 1,200 people and kidnapping over 200 hostages, including an American mother and daughter, Judith and Natalie Raanan, who live in Evanston, Illinois, a short drive away from Northwestern’s campus.

4. The response of many was that of horror and condemnation. Amongst Jews, the reaction was communal and personal anguish, pain, and trauma. But many at Northwestern—students, faculty, and staff—had a different disturbed and utterly contemptable response. The

¹ In the same manner that Al Qaeda’s terrorist attack in the United States on September 11, 2001, is referred to as “September 11th,” Hamas’ terrorist attack on October 7, 2023, is referred to as “October 7th.”

October 7th attack poured gasoline on the antisemitic fire that already existed at Northwestern well before the atrocities of that day.

5. Since October 7th, rampant Jew hatred exploded exponentially on campus, resulting in severe and pervasive harassment of Jewish students which interfered with their education. As detailed herein, Northwestern's campus became filled with violent antisemitic rhetoric, which included among other things, chants for "intifada," shouts of "dirty Jew" at students walking through campus, glorification of convicted terrorists, and public rejoice for Hamas' October 7th massacre. Northwestern allowed this vitriol to go on for months.

6. Then, beginning on April 25, 2024, hundreds of Northwestern students, faculty, staff, and unaffiliated individuals took over part of Northwestern's campus and formed an unauthorized encampment, in what they called the "Liberated Zone."

7. Throughout campus and at the encampment, protestors repeatedly made statements that the encampment "reminds them of Gaza," yelled "settlers, settlers go back home" at Jews attempting to enter Deering Meadow in the middle of Northwestern's campus, and one professor in a speech given at the encampment stated "a colonial war of occupation is playing out on this lawn... the university became an imperial battle site."

8. From the start, the University knew and publicly stated that this encampment violated University policies and was causing a hostile environment for Jewish students. Yet, Northwestern took no disciplinary action to remove the encampment from the center of Northwestern's campus. Instead, it rewarded the mob.

9. On April 29, 2024, Northwestern announced that it had entered into an "agreement" with the students and student organizations that organized the unauthorized encampment. Among other concessions, Northwestern agreed not to punish any students that participated in the

encampment and agreed to “publicly condemn” anyone who attempted to disclose which “community member[s]” did. Accordingly, not only were there no consequences for harassing Jewish students on campus, but Northwestern also agreed to retaliate against anyone that sought to inform others of who caused Jews students’ suffering.

10. Since the agreement was reached, little has changed on campus. Antisemitic rhetoric continues to be prolific. For example, posters stating “resistance is justified when people are occupied. #AlAqsaFlood,” in reference to the name Hamas calls its October 7th attacks, are found on campus.

11. Faculty members even cancelled classes in order to encourage students to attend unauthorized demonstrations on campus set up by the encampment organizers.

12. A hostile educational environment for Jewish students was not a forgone conclusion after October 7th, as Northwestern has policies and procedures that are designed to prevent or, once it appears, cease such vile conduct when it occurs. But Northwestern knowingly chose not to take any effective steps to bring the conduct to an end and, instead, allowed such vitriolic hate to spread without recourse.

13. Put simply, Northwestern has one set of facially content-neutral policies applied to most protected classes, and another unwritten set applied to Jews. Northwestern warns that “microaggressions” can include “denial of racial reality” such as comments like “[t]hey probably didn’t mean it like that” and “[h]ow can we say for sure this was racially motivated.” But when Jewish students complain that they are facing pervasive antisemitism on campus, which impedes their ability to access the University campus, or focus on class due to violent slogans blasted through loudspeakers, or to otherwise participate in the benefits and opportunities afforded to students, the University has chosen not to protect them.

14. Plaintiff does not demand a microaggression free educational experience, or even one in which antisemitism never floats above the surface. Nor does Plaintiff take issue with peaceful demonstrations highlighting the plight of innocent Gazans who are suffering tremendously as a result of the war started on October 7th. Rather, Plaintiff demands that Northwestern promptly act in accordance with its legal obligations under Title VI of the Civil Rights Act of 1964 (“Title VI”) (42 U.S.C. § 2000d *et seq.*) and Northwestern’s own policies, which are incorporated into the contract between Plaintiff and the University formed at the time of enrollment.

15. In the aftermath of the barbaric events of October 7th, Northwestern made statements condemning antisemitism. But at the end of the day, that’s all there were: empty words. For example, Northwestern’s President set up an Advisory Committee on Preventing Antisemitism and Hate. But the Committee would prove to be all for show, causing the Co-Chair and other Jewish members to resign, leading to its dissolution.

16. Northwestern’s deliberate indifference to, and indeed enabling of, antisemitism on its campus constitutes an egregious violation of Title VI and Northwestern’s policies, which are enforceable as contractual terms by Plaintiff. Northwestern has allowed for endemic antisemitism to exclude Jewish students from the full and equal participation in, and to deprive them of the full and equal benefits of, their educational experience at Northwestern, and has discriminated against them, by failing to protect them in the way Northwestern protects other groups—all based on race, ethnicity, and/or national origin.

17. Accordingly, Plaintiff seeks on behalf of himself and a Class comprised of Jewish students enrolled at Northwestern in Illinois for the 2023-2024 academic year (as further defined below): (i) a declaration that Northwestern’s actions, as alleged herein, violate Title VI and

constitute a breach of contract; (ii) an award of compensatory and punitive damages in an amount to be determined at trial; and (iii) an order compelling it to implement institutional and concrete remedial measures, including: (a) investigating and taking disciplinary measures, including termination, against deans, administrators, professors, and other employees responsible for the antisemitic abuse permeating Northwestern leading to the intolerable hostile environment, whether because they engaged in it or permitted it; (b) investigating and taking disciplinary measures, including suspension or expulsion, against students and student organizations who engaged in such conduct; (c) implementing required antisemitism training for Northwestern community members; (d) investigating all instances of antisemitism that occurred at the April 25-29, 2024 unauthorized encampment on Northwestern's campus; and (e) appointing a neutral expert monitor to oversee compliance with this Court's order, Northwestern anti-discrimination and -harassment policies, and Title VI.

II. JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims arising under Title VI. This Court has supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1367(a) because those claims arise out of the same case or controversy as Plaintiff's federal claim.

19. This Court has personal jurisdiction over Northwestern because it is based and operates in Evanston, Illinois.

20. Venue is proper in this judicial district under 28 U.S.C. §1391 because it is the judicial district in which a substantial part of the events or omissions giving rise to Plaintiff's claims occurred and where Northwestern is located.

III. PARTIES

A. Plaintiff

21. Plaintiff John Doe is a Jewish graduate student enrolled in Northwestern Weinberg College of Arts & Science and has attended Northwestern since 2020. He lives in Chicago, Illinois, near Northwestern's campus.

22. Doe is an openly Jewish student on Northwestern's campus. Doe's Jewish faith and identity inform his connection to Israel, which is a core tenet of his religious beliefs and a central aspect of his shared ancestry and ethnic identity as a Jew.

23. Doe has experienced severe and pervasive harassment and discrimination at Northwestern since October 7, 2023. Doe has been denied equal access to Northwestern educational opportunities and equal access to Northwestern's campus.

24. When walking Northwestern's campus and attempting to participate as a member of Northwestern's community, by attending classes, engaging in extracurricular activities, and interacting with other Northwestern students and faculty members, Doe is acutely aware that, solely because of his Jewish identity and ancestry, Northwestern views and treats him as a second-class citizen within the Northwestern community, undeserving of the protections that Northwestern affords to non-Jewish students. As a result of Northwestern's persistent and unlawful failure and refusal to comply with its obligations to prohibit discrimination and harassment against Jewish students, Doe, unlike other non-Jewish Northwestern students, has been deprived of the benefits that those other students enjoy at Northwestern, including but not limited to physical protection; emotional support; the sense of belonging and inclusion; the ability to speak freely in on campus or in class concerning his Jewish identity; his rights as an individual to express his identity; his right to freely express his viewpoints, including but not limited to his views of Israel and his Jewish faith; and his right to express his connectedness to Israel, his ancestral homeland,

where he has friends and family members. To the contrary, as a result of Northwestern's actions and inactions alleged herein, Doe has been made to feel that he is different from and less important than other students, some of whom, along with certain Northwestern faculty members and staff, are able, with impunity and without consequence, to mock, taunt, jeer, deride, malign, castigate, ridicule, demonize, vilify, assault, abuse, harass, intimidate, isolate, ostracize, exclude, and marginalize him.

25. The antisemitic events and incidents described herein have devastated the ability of Doe to participate in Northwestern's educational and extracurricular programs. Northwestern's actions and inactions concerning anti-Jewish abuse, intimidation, harassment, and discrimination, as described herein, have created and fostered a hostile environment that has traumatized Doe and made his educational experience at Northwestern unbearable. Doe is concerned about being physically attacked on Northwestern's campus or in Northwestern's other facilities. Doe fears the harassment, abuse, and intimidation he might face, on any given day, from the administration, professor, and staff at the University, who are required to treat him with respect and dignity pursuant to the same policies that Northwestern is required to enforce equally for all students. Doe likewise fears the physical violence, harassment, abuse, and intimidation he might face, on any given day, from the students who are also required to treat him with respect and dignity pursuant to those policies.

26. As a result of Northwestern's actions and inactions as alleged herein, Doe is anxious that a physical or verbal antisemitic incident can occur at any moment on campus and is afraid that other students and faculty members might identify him as Jewish and, as a result, target him because of his Jewish identity. When on campus, Doe purposefully avoids certain areas, facilities, and programs due to heightened antisemitism and hostility towards Jews in those

locations. His ability to participate in his education at Northwestern has suffered, and he is frequently unable to focus, study, and perform his course work to the best of his ability.

27. Doe is not a litigious person and has never sued anyone, but the hostility he has experienced on campus since October 7th as a Jew has been unbearable and the failure of the University to take adequate steps to address the harassment and discrimination he and other Jewish students faced and continue to face drove him to bring this action.

B. Defendant

28. Defendant Northwestern is a private, not-for-profit, nonsectarian, coeducational institution, created by Charter by the State of Illinois in 1851. Northwestern is based in Evanston, Illinois. Northwestern receives substantial direct federal financial assistance, as well as substantial indirect federal financial assistance through, among other things, tuition paid with federal financial aid. As a recipient of federal financial assistance, Northwestern is subject to Title VI.

29. Northwestern is ranked #9 on U.S. News Best Colleges Rankings, and its tuition and fees exceed \$65,000 annually.² On information and belief, Northwestern has 1,200 Jewish undergraduate students, which represent 14% of the undergraduate student body and 1,000 Jewish graduate students, which represent 7% of the graduate student population.³

² <https://www.usnews.com/best-colleges/northwestern-university-1739> (last visited May 13, 2024).

³ <https://www.adl.org/campus-antisemitism-report-card/northwestern-university> (last visited May 13, 2024).

IV. SUBSTANTIVE ALLEGATIONS⁴

A. Northwestern Claims to Enforce a Robust Set of Anti-Discrimination and -Harassment Policies.

1. 2023-2024 Student Handbook

30. Northwestern issued a robust set of policies in its Student Handbook that “defines the community expectations around [a person’s] behaviors as a student and the procedures Northwestern will follow to help [students] to learn, grow, and rectify those harmed when [their] choices diverge from our community standards.”⁵ The policies were drafted in a content-neutral manner, but are applied in an entirely content-dependent manner.

31. Northwestern lists the following in its “Statement of Community Values”:

- a. “Northwestern is a community where we embrace our DIVERSITY, *affirming identity and fostering inclusion*. Individual differences and unique perspectives are respected.... Unique cultural and ceremonial practices are affirmed. Inclusion is the foundation for decisions.”
- b. “Northwestern University is a place where we connect with EMPATHY, building trust and respect for each other. Social responsibility and an ethic of care to others are extended to all members of the community. Accurate self-awareness is the foundation for empathy, compassion, and understanding others... motional, physical, and spiritual well-being is cultivated in academic and extracurricular life.”

32. Northwestern tells students that they enforce the “Rights and Responsibilities of the Northwestern Community,” which they must uphold if they want to remain at the University: “Becoming a member of the Northwestern University community is an honor, a privilege that carries with it prestige and respect. The University affords students a number of rights that are

⁴ Emphasis added throughout unless stated otherwise.

⁵ The Student Handbook is available at: <https://www.northwestern.edu/communitystandards/student-handbook/final-23-24-student-handbook.pdf> (last visited May 13, 2024).

fundamental to membership in our shared community. But along with these privileges and rights, membership also requires students to meet and uphold community standards. Remaining a member of the Northwestern community requires a student to continuously comply with policies governing students' academic progress, social interactions, and personal behavior.”

33. Moreover, Northwestern states that “[t]he exercise of individual rights by students and other members of the Northwestern community may not abridge the following rights, subject, in appropriate circumstances, to the University’s right to take actions to protect the health and safety of the University community and its members, guests, and visitors” including “[t]he right of the University to take actions reasonably determined to secure the rights outlined above and to assure that students, faculty, and staff may pursue their legitimate goals on University premises or at University functions without interference.”

34. Northwestern acknowledges in its “Policy Statement on Student Rights and Responsibilities” that “life outside the classroom is an integral part of the educational process.” Therefore, Northwestern adopted, *inter alia*, anti-discrimination policies:

- a. ***“Northwestern University does not discriminate or permit discrimination by any member of its community against any individual on the basis of race, color, religion, national origin, . . . or any other classification protected by law (referred to as ‘protected class’) in the educational programs or activities Northwestern operates, including but not limited to matters of admissions, employment, housing, or services.”***
- b. “The student has freedom of research, of legitimate classroom discussion, and of the advocacy of alternative opinions to those presented in the classroom.”
- c. “The student will be evaluated on knowledge and academic performance for purposes of granting academic credit and not on the basis of personal or political beliefs.”
- d. “Students have a right to be secure in their possessions provided that the items they possess are not in violation of the law or a University policy. The University will not unreasonably search or take possession of students’ belongings.”

- e. “A student is free, individually or in association with other individuals, to engage in all campus activities, exercising the right of a citizen of the community, state, and nation, provided they do not in any way purport to represent the University.”
- f. “Students are free to use campus facilities for meetings of recognized student organizations, *subject to policies as to time and manner governing the facility.*”
- g. “Students are free to assemble, to demonstrate, to communicate, and to protest, *recognizing that freedom requires order, discipline, and responsibility and further recognizing the right of all faculty and students to pursue their legitimate goals without interference.*”
- h. “It is recognized that every member of the community has the responsibility to conduct themselves in a manner that does not violate the rights and freedoms of others and has the responsibility to recognize the principles within this statement of policy.”

a. Student Code of Conduct

35. Pursuant to the Student Code of Conduct detailed in the Student Handbook: “*all students, groups of students, and recognized student organizations are expected* to exemplify Northwestern’s community principles and values, to *engage in socially responsible behavior*, and to model exceptional conduct, character, and citizenship on campus and beyond.”

36. The Handbook repeats that the Student Code of Conduct applies to “students, a group of students, or a student organization affiliated with any school or department or the University as a whole (undergraduate or graduate)” and events that occur “either on or off campus” at any point in time from “a student’s application for admission through the actual awarding of a degree (even if the conduct is not discovered until after a degree is awarded).” Moreover, anytime a Northwest student invites a guest to the University, the guest is “expected to follow all University policies” and “[s]tudent hosts are accountable for the conduct of their guests and may be subject to disciplinary action as the responsible party for violations of University policy incurred by their guests.” Northwestern then makes clear that the guest policy “applies to individuals, groups, and

recognized student organizations.” Not only are hosts responsible for guests, hosts must “monitor the behavior of visitors or guests to assure they adhere to such standards[.]” Failure to do so “may result in student conduct action for the host(s).”

37. Northwestern states that “[t]he Student Code of Conduct and all other University policies are designed with the safety and well-being of the University community in mind.” Thus, students must “comply with the request or instruction of a University official when they are addressing policy or student code of conduct violations or concerns. This includes, but is not limited to, the following prohibited conduct: Failure to comply promptly with the reasonable request or instruction of a university official or emergency personnel acting in an official capacity; Refusing to provide identification; [and]... Failing to respond[.]”

38. “Actions that violate federal, state, or local laws or ordinances or that violate other University policies may also be violations of the Student Code of Conduct.”

b. Groups and Student Organizations Policies

39. The Code of Conduct states: “Groups of students and recognized student organizations (hereafter referred to as ‘organizations’) are expected to comply with all University policies, including the Student Code of Conduct and all additional policies pertaining to groups and organizations. A group or organization may be held responsible for the actions and behaviors of its members and guests.”

40. The policy states that “[g]roups of students and recognized student organizations, as well as their members and officers, may be held collectively and/or individually responsible for violations of the Student Code of Conduct or other University policies as part of their role during an incident or participation in the [disciplinary] process.”

41. In addition, “[i]t is the policy of Northwestern University that only registered organizations of the Northwestern community are allowed to advertise and promote their events

on University property. Furthermore, all advertisements and other forms of publicity must clearly state the name(s) of the sponsoring student(s) and/or organization(s).”

42. The Handbook then delineates specific behaviors that “are prohibited or restricted by this Student Code of Conduct” and “[v]iolations of these policies, *or assisting or encouraging others in the violation of these policies*, may lead to disciplinary action.” The prohibited behaviors are common sense. They include “[d]estroying, damaging, defacing, or vandalizing property,” “[d]iscrimination, [h]arassment, and [s]exual [m]isconduct,” engaging in “[d]isorderly conduct or disruptive acts,” violating its “Demonstration Policy,” and endangering others. (collectively, Prohibited and Restricted Conduct).

c. Disorderly Conduct

43. “Disorderly Conduct” is described as:

- a. “Engaging in behavior that objectively prevents a student or group of students from benefiting from a class, program or activity.”
- b. *“Significantly interfering with the functioning of the University.”*
- c. *“Causing or allowing excessive or disruptive noise*, including but not limited to violations of residence hall quiet hours or Evanston noise ordinances.”

d. Demonstration Policy

44. Northwestern’s Demonstration Policy recognizes that the University “welcomes the expression of ideas, including viewpoints that may be considered unorthodox or unpopular.” However, “[r]egardless of their own views, community members share a corresponding responsibility to welcome and promote this freedom for all. They also share a responsibility to maintain an atmosphere conducive to scholarly, creative, and educational pursuits and to respect the safety and rights of all individuals.” The policy states that the Demonstration Policy is necessary “to ensure the safe and effective operation of University business” and that “community

members are expected to adhere to [the Policy] when engaging in free expression and peaceful demonstration.”

45. The “General Guidelines” for the Demonstration Policy are:

- a. “Rights of others. No community member may prevent or obstruct (or attempt to prevent or obstruct) the speech or other expression of another community member, except that Northwestern Police or other University officials may act consistent with this Policy to ensure the speech or other expression of community members is consistent with the guidelines in this Policy. Similarly, ***no community member may deprive (or attempt to deprive) others of participation in a University activity, threaten use of force against any community member, or otherwise interfere with the function of others within the University.***”
- b. “University operations. ***No community member may prevent or obstruct (or attempt to prevent or obstruct) (i) the regularly scheduled activities of the University, such as classes, research, learning, meetings, interviews, ceremonies, emergency services, or University business; (ii) co-curricular activities; (iii) University or public events; or (iv) medical center access or business. Similarly, no community member may use or occupy campus facilities so as to impede the carrying forward of such activities or events. Groups may occupy space but not in a manner that blocks movement around the campus (including but not limited to entrance to or egress from any campus building, campus facility, or University-owned and -maintained roadway or pathway) unless authorized by a University official.***”
- c. “Signs. Placards, banners, and signs may not obstruct the view of those assembled or endanger other community members.”
- d. “Police and other officials. The role of Northwestern Police during a demonstration is to maximize the safety and security of community members as well as University property. When enforcing this Policy, other Northwestern policies, or applicable law, Northwestern Police or other University officials may request community members to identify themselves and/or ***instruct community members to remove placards, banners, or signs or to leave a University location.*** When possible participants will first be given a warning to leave or remove placards, banners, or signs, unless a life safety issue prevents that step. ***Community members are expected to follow these requests.***”
- e. “Other laws and policies. ***Participants in demonstrations or protests are subject to other Northwestern policies, city ordinances, and state and federal law in addition to this Policy.***”

46. The Policy also requires “Event Notification and Other Advance Arrangements.”

47. For “[s]tudent events,” “students and/or student groups are encouraged to notify Student Organizations and Activities [at least 48 hours] in advance of any demonstration.” The advance notification is necessary “[t]o facilitate advance planning of an event and to help protect the community[.]” However, “[w]henver possible, students and/or student groups should give additional advance notice, ideally two weeks or more, to best facilitate planning. Student Organizations and Activities are not authorized to deny these events.” Regardless of advanced notification, “when conducting such events, *student organizers are expected to promote a safe environment and, to the best of their ability, ensure participants adhere to the Student Code of Conduct.*”

48. Northwestern further warns that “[i]f students or student organizations are *suspected* of violating this Policy, the matter will be referred to the appropriate office or department for follow up under University policies and procedures.”

e. Endangering Self or Others

49. The Code of Conduct includes a specific subsection that applies to any action (or threat of action) that “endangers or threatens to endanger the health, safety, or wellbeing of any person” and warns that such conduct may be subject to disciplinary action.

50. “Conduct that can amount to endangering self or others includes, but is not limited to: ...acts that endanger human life, or threaten physical injury; [or] unwanted physical contact with any person that reasonably places that person in fear of physical injury or danger (e.g., physical restriction, fighting, pushing, punching, slapping, spitting on, and/or kicking any person).”

f. Unauthorized Use of University Properties

51. The Student Code of Conduct prohibits the “[u]nauthorized access to, entry to, presence in, or use of University properties, including the following: University facilities, property, systems, or services;... Hosting an event in a University-owned or University-operated facility, property, or space that exceeds policies governing that space, including capacity or time restrictions; and Possession, duplication, distribution, or use of keys, access codes, access cards, or other means of entry or access to any University property, premises, or location.”

g. Sanctions for Violations of the Code of Conduct

52. According to the Handbook, “[w]hen a student or student organization is found in violation of the Code of Conduct,” they will be subject to sanctions. There are no specific penalties for any particular violations. Rather, the University states that it will apply the following principles when assigning sanctions in order to determine which are appropriate:

- a. “to reestablish alignment with the community standards while considering the common good, which sometimes necessitates the temporary or permanent removal of the Respondent from the University community;”
- b. “to repair the harm for those impacted by the Respondent;”
- c. “to restore the Respondent to good standing within the University community, provided the safety of the community is not jeopardized by the individual’s presence; and”
- d. “to address the cause of the violation and to allow Respondents to reflect upon their actions and their impact on themselves, others, and the University community.”

53. Further, Northwestern states it will consider certain factors as a guide for the range and variation of sanctions, including:

- a. “nature, context, and severity of an incident;”
- b. “developmental needs of the student/student organization;”
- c. “level of accountability and responsibility taken by the student/ student organization;”

- d. “need to stop the misconduct and prevent its recurrence;”
- e. “impact of the conduct on the reporter when one exists;”
- f. “impact of the conduct on the community or the University;”
- g. “need to remedy and address the impact or effects of the conduct on others;”
- h. “disciplinary history of the student /student organization;”
- i. “best interests of the University community, and;”
- j. “any other aggravating, mitigating, or relevant factors.”

54. However, any violation that “is reasonably believed” to have “been committed against any person or group because of the person’s or group’s race, color, religion, national origin, ... or any other classification protected by law or policy, or because of the perception that a person or group has some such characteristic, sanctions may be enhanced up to and including separation from the University (e.g., University Suspension, Degree Revocation, Expulsion, or Group Dissolution).”

55. There are various forms of disciplinary actions Northwestern can take against an individual for violating its policies.

56. The lowest level of sanction is a “University Warning,” which is a “[f]ormal notice that a student’s actions violated a University policy, that such actions are not acceptable in our community, and that further misconduct, or any other violation of a University policy, may result in more impactful disciplinary action.” Next is a “conduct review,” which “indicates that a student’s behavior is a significant violation of University policy either because the student has had one significant incident or because the student is beginning to show a pattern of concerning behavior.” “Disciplinary probation” is the next step up and is “[a] status imposed for a specific period of time to alert the student to the fact that their behaviors are substantially inconsistent with University policy and expectation.” While on probation, “students are asked to take active steps

toward improving their decisions and behaviors and to demonstrate that they can abide by University policy.” Then, there is a “suspension,” which is a “status, imposed for a minimum of one full academic quarter, in which students are removed from the University.” Even more dramatic sanctions available to Northwestern for policy violations are degree revocation or expulsion.

57. Additionally, Northwestern may also impose fines upon individual students as “punitive monetary costs intended to dissuade students from violating the Code of Conduct.” Should a student “take[], misuse[], damage[], or destroy[]” University or another’s property, they can be subject to financial restitution. “Amounts charged to students may include the cost to repair, replace, recover, clean, or otherwise account for the property or services affected.”

58. Finally, Northwestern may withdraw or restrict privileges or activities. This can include “[r]estriction on entry or access to particular locations, premises, or events” or “[r]estriction on contact with another member or group of members of the University community.” Similarly, the University can impose housing sanctions.

59. As for student groups, the sanctions available to the University for organizations that violate University policy are substantially similar as to those available for individuals. Northwestern can issue a group formal warning, group conduct review, group probation, group dissolution, fines, financial restitution, withdraw or restrict privileges or activities.

h. Other Northwestern Policies and Procedures in the Handbook

60. In addition to the Code of Conduct, the Handbook includes a non-comprehensive list of additional policies that “govern or cover different aspects of student life here at Northwestern.”

61. Northwestern has a policy concerning “Civility, Mutual Respect, and Unacceptability of Violence on Campus.” This policy covers faculty, staff, and students, including postdoctoral fellows and research and academic staff.

Policy. As members of the Northwestern community, its faculty, staff, and students are expected to deal with each other with respect and consideration.

Expected behavior. Each community member is expected to treat other community members with civility and respect, recognizing that disagreement and informed debate are valued in an academic community.

Unacceptable behavior. *Demeaning, intimidating, threatening, or violent behaviors that affect the ability to learn, work, or live in the University environment depart from the standard for civility and respect.* These behaviors have no place in the academic community.

Violence. Violence is behavior that causes harm to a person or damage to property or causes fear for one’s safety or the safety of others. Examples of violent behavior include physical contact that is harmful and expression of intent to cause physical harm. Such behavior is unacceptable in the Northwestern community.

* * *

Visitors. Visitors, vendors, and the families of members of the community are expected to comply with the provisions of this policy. *Noncompliant behavior leads to removal from the campus.*

62. Northwestern states that “A community member who has violated [the Civility, Mutual Respect, and Unacceptability of Violence on Campus] policy is subject to disciplinary action, which may include separation of the offending party from the University, consistent with established disciplinary procedures.”

63. The Handbook further discusses how the University police assure compliance with University polices:

Northwestern Police Department. The Northwestern Police Department provides service to both the Evanston and Chicago campuses 24 hours a day each day of the year. The police

department is a full-service agency, employing state certified police officers, Community Service Officers (CSOs) and dispatchers. Police officers have the same authority as other police officers throughout the state of Illinois while operating within their designated jurisdiction. In addition to exercising police authority, University police officers also serve as University officials. *As an official of the University they assist in assuring compliance with University policies* and are expected to report alleged violations to the appropriate administrative office.

64. The Off-Campus Noise policy recognizes that “Northwestern students live and engage in activities in neighboring municipalities and cities, many in Evanston. Students are expected to be responsible neighbors and abide by local noise ordinances in the municipalities and cities in which they reside or visit.” Accordingly, Northwestern has the right to “respond with student conduct action when a student is cited for violation of a city noise ordinance or a complaint is made regarding loud, unnecessary, or unusual noise from a residence.”

65. The Handbook also includes a section titled: “Respect NU - Bias Incidents.” Therein, the University repeats its anti-discrimination and -harassment policies:

At Northwestern we are committed to maintaining an open and supportive environment, free of acts of bias, hate, discrimination, and harassment, that impede access to educational programs, activities or opportunities or diminish the dignity of any member of the University community. Northwestern University prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, pregnancy, reproductive health decision making, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship, veteran status, genetic information, reproductive health decision making, height, weight, or any other classification protected by law (referred to as ‘protected classes’). *A bias incident is an act of conduct, speech, or expression to which a bias motive related to the incident is evident as a contributing factor.* Bias also attends to the ways in which power and privilege have differential impact on individuals involved based on their identity groups membership.

* * *

Therefore, the University expects all community members who witness or experience an act of bias, hate, discrimination, or harassment to report these incidents to the University.

i. Northwestern Office of Community Standards and Office of Civil Rights and Title IX Compliance Policies

66. Northwestern states that it maintains an Office of Community Standards (“OCS”), which “is responsible for ensuring students honor and respect themselves, their peers, and the Northwestern community.” In particular, Northwestern states that the OCS “maintain[s] and enforce[es] the Student Code of Conduct and the student conduct process known as the University Hearing and Appeals System [(‘UHAS’)].”

67. Among the “values” OCS claims to “believe[] in” are:

- a. **Equity:** Striving to ensure students understand resolution processes, inviting students to share their stories, and valuing the importance of equitable responses to student behaviors.
- b. **Humanity:** Seeking first to understand. Listening and working to empathize with the experiences of those we serve, respecting one’s challenges, imperfections, and resilience.
- c. **Inclusivity:** Creating an inclusive climate that empowers a diverse representation of community members to inform fair, equitable processes and standards for Northwestern.

68. UHAS is used to resolve alleged violations of non-academic University policies by Northwestern students.⁶

69. Cases involving allegations of violations of Northwestern’s Office of Civil Rights and Title IX Compliance (“OCR”) policies by Northwestern students are resolved through the

⁶ See <https://www.northwestern.edu/civil-rights-office/policies-procedures/policies/> (last accessed May 13, 2023).

Anti-Discrimination Policy (defined below) and other policies implemented by Northwestern's OCR.⁷

70. The OCR Compliance statement in the Handbook states that “Northwestern is committed to fostering an environment in which all members of our community are safe, secure, and free from prohibited discrimination, harassment, and sexual misconduct in any form.”

2. Addendum to the Student Handbook: 2023-2024 Student Handbook

71. After consistent, systematic, and glaring violations of the Student Handbook by unauthorized demonstrators harassing Jewish students and creating a hostile environment (discussed in detail *infra* §§ IV.D.3-5), the University issued an addendum to the Handbook. On April 25, 2024, Northwestern issued an “Interim Policy for Student Demonstrations and Other Expressive Activities on the Evanston Campus.”⁸ The Interim Policy provided, in relevant part, as follows:

- The Rock:⁹ On weekdays, demonstrations at The Rock may not occur until after 3 p.m., when most classes in adjacent buildings have concluded. Amplified sound, including the use of bullhorns, is prohibited on weekdays before 5 p.m. at The Rock and is subject to the approval process described below. The tradition of painting The Rock is allowed at any time. Tabling and other events reserved through the University may continue to be held at The Rock at their reserved times.

⁷ In March 2023, the Office of Equity changed its name to the Office of Civil Rights and Title IX Compliance. The duties and responsibilities remain the same.

⁸ <https://www.northwestern.edu/communitystandards/student-handbook/final-addendum-to-student-handbook-42524.pdf> (last accessed May 17, 2024).

⁹ The Rock is a Northwestern “Tradition[.]” It “was originally a fountain donated by the Class of 1902” and “has become a frequently used location for student activism, performance and philanthropy throughout the year.” <https://www.northwestern.edu/studentaffairs/community/students/traditions.html> (last accessed May 8, 2024).

- Other Locations: Peaceful demonstrations may occur at other locations on campus. The University reserves the right to limit demonstrations to specific times and locations if it determines such limitations are necessary to protect the health and safety of students, faculty, and staff or the operations of the University.
- Outdoor Sound Amplification: Any devices used to project or amplify sound on University property, including bullhorns, must be approved in advance through the Outdoor Event Request Form. The University's review of such requests will ensure compliance with local and state ordinances. In some instances, sound permits may be required from the City of Evanston.
- Lighting: The University owns and controls the lighting in and on its buildings and properties. Only authorized University officials are permitted to alter or project light onto University buildings or properties.
- Banners at Weber Arch: Only authorized University officials may hang banners on Weber Arch. Student organizations and University departments may hang banners in certain designated locations near Weber Arch. Reservations are required to do so.
- Outdoor Posting: Affixing flyers and postings to trees, benches, painted exteriors of campus buildings, campus sidewalks, and roadways is prohibited. Flyers and postings may be affixed to lampposts and outdoor bulletin boards.
- Chalking: Chalking is permitted on campus sidewalks that are not covered by overhangs. Chalking is prohibited on all other campus property, including buildings, walls, and stairs. Only non-permanent sidewalk chalk may be used. No paint, spray/adhesive chinks, markers, or inks are allowed.
- Tents and Other Temporary Structures: ***Any installation of tents or other temporary structures on University property is prohibited*** except for University-approved events. One small camping tent at The Rock will continue to be permitted for guarding and painting it.

72. The Interim Addendum further states, "Any messaging or structures prohibited by these interim rules and regulations are subject to removal regardless of content. These interim rules and regulations constitute amendments to the Student Code of Conduct; ***violations will be addressed*** consistent with the conduct processes outlined in the Student Handbook."

3. Policy on Discrimination, Harassment, and Sexual Misconduct

73. Northwestern’s Policy on Discrimination, Harassment, and Sexual Misconduct (the “Anti-Discrimination Policy”) falls under the responsibility of the Provost, Human Resources, Student Affairs, and OCR. But OCR oversees the University’s response to reports of discrimination and harassment.¹⁰

74. The standards of conduct provided in the Anti-Discrimination Policy apply to all Northwestern students, faculty, staff, vendors, contractors, visitors, guests, volunteers, interns, and third parties.

75. The Anti-Discrimination Policy defines “discrimination” and “harassment” as follows:

Discrimination: Prohibited discrimination is treating someone differently because of their race, color, religion, creed, national origin, ethnicity, caste, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, height, weight, or any other classification protected by law (referred to as “protected classes”) in matters of admissions, employment, housing, or services, or in the educational programs or activities Northwestern operates.

Harassment: Prohibited harassment is verbal or physical conduct or conduct using technology based on a protected class that has the purpose or effect of:

- Substantially interfering with, limiting or depriving a member of the community from accessing or participating in the academic or employment environment, and/or substantially interfering with an individual’s academic performance or work performance; or
- Creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

¹⁰ <https://www.northwestern.edu/civil-rights-office/policies-procedures/policies/policy-on-discrimination-harassment-and-sexual-misconduct.pdf> (last accessed May 13, 2024).

76. Northwestern provides the following examples of harassment under its policies: ¹¹
- a. “Offensive jokes related to a protected class;”
 - b. “the use of slurs and stereotypes related to a protected class;”
 - c. “name calling related to a protected class;”
 - d. “intimidation, ridicule, or mockery connected to a protected class;” and
 - e. “displaying or circulating offensive objects and pictures that are based on a protected class.”

77. While Northwestern recognizes the importance of free expression, it acknowledges that it cannot come at the expense of discrimination and harassment:

Northwestern is firmly committed to free expression and academic freedom. The University is equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist. ***Discrimination, harassment, sexual misconduct, and retaliation against members of the Northwestern community are not protected expression or the proper exercise of academic freedom.*** The University will consider academic freedom in the investigation of reports of discrimination, harassment, sexual misconduct or retaliation that involve an individual’s statements or speech.

78. Any person that violates the Anti-Discrimination Policy is subject to sanctions and corrective actions, which can include: campus access restrictions, verbal warning, written warning, advisory letter, conduct review, no trespass order issued by NUPD (with respect to campus locations), no-contact directive (with respect to an individual), loss of privileges, probation, demotion, revocation of offer (employment or admissions), disciplinary suspension, suspension without pay, expulsion, termination of employment, and revocation of tenure.

¹¹ <https://www.northwestern.edu/report/discrimination/discrimination-harassment.html> (last accessed May 13, 2024).

79. The Anti-Discrimination Policy provides that “[s]anctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff Handbook, Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts.”

80. “Violations of directives related to supportive measures or interim restrictions may lead to an investigation and disciplinary action, which may include, but is not limited to, any of the sanctions and corrective actions listed in the previous section, including expulsion or dismissal from the University; or termination of employment, including revocation of tenure.”

B. Northwestern Touts Its Commitments to Inclusion and Addressing Bias and Microaggressions on Campus.

81. For nearly a decade, Northwestern has presented itself as a forward thinking, equitable, and inclusive university.

82. For example, Northwestern’s Feinberg School of Medicine promotes an “Inclusive & Bias-Free Curriculum Checklist” on its website.¹² The checklist is “meant to create pause and encourage critical reflection on how race, gender, and other socioeconomic factors are represented in [] educational content.” Northwestern states the checklist is “important” because “in our efforts to create and maintain an inclusive environment, we strive to avoid burdening or marginalizing our students and educators who may personally face the lasting impact of these indicators.”

83. The checklist was published by Northwestern’s Task Force on Inclusion & Bias, which was launched in 2019.¹³ The Taskforce reviews “every aspect of the curriculum... for

¹² <https://www.feinberg.northwestern.edu/md-education/learning-environment/checklist.html> (last visited May 13, 2024).

¹³ <https://www.feinberg.northwestern.edu/md-education/learning-environment/index.html> (last visited May 13, 2024).

opportunities to teach students to recognize where bias exists, attempt to change it and move all of medical education and practice in a more inclusive direction.”¹⁴

84. Northwestern states that it “is committed to the hard work that is required to achieve and maintain our goal of an inclusive and bias-free curriculum and are determined to maintain the time and effort to achieve it.” To that end, Northwestern’s Task Force on Inclusion & Bias has a page on its website dedicated to “Inclusion & Bias Resources.”¹⁵ One available resource is a document titled “Examples of Microaggression.” A microaggression is a term used to refer to “a comment or action that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group (such as a racial minority).”¹⁶ The document goes on to provide various categories and examples of “microaggressions to recognize.” For example, the document states that “Denial of racial reality/Denial of Individual Racism/Sexism/Heterosexism (e.g. dismissing - whether directly or inadvertently - claims that race was relevant to understanding a student’s experience)” is a form of microaggression. Examples of this type of microaggression listed in the document are:

- a. “I’m not racist. I have several Black friends...My friend is Puerto Rican ... I voted for Obama ... My girlfriend is Asian, etc.”
- b. “I’m not homophobic, I have gay friends!”
- c. “As a woman, I know what you go through as a racial minority.”
- d. To a person of color: “Are you sure you were being followed in the store?”

¹⁴ <https://www.feinberg.northwestern.edu/md-education/learning-environment/task-force-members.html> (last visited May 13, 2024).

¹⁵ <https://www.feinberg.northwestern.edu/md-education/learning-environment/inclusion-bias-resources.html> (last visited May 13, 2024).

¹⁶ <https://www.merriam-webster.com/dictionary/microaggression> (last visited May 13, 2024).

- e. “They probably didn’t mean it like that.”
- f. “It was just a joke, relax”
- g. “Just to play devil’s advocate... (proceeds to invalidate other student’s experience)” or “Just hypothetically...”
- h. “We don’t know both sides” or “How can we say for sure this was racially motivated.”

85. The document goes on to provide tips “[f]or [a]llies.” One piece of advice is to “[r]emember that intent does not supersede impact.” Other tips include: “Believe your colleagues when they choose to share their insights; don’t get defensive or play;” and “Center the experiences and voices of students from marginalized backgrounds without overburdening or tokenizing them.”

86. Similarly, Northwestern’s Principles of Inclusive Teaching, issued by the Office of the Provost in August 2021, warn faculty that they “should avoid implicitly centralizing one or two token perspectives in readings, lectures, and other content in an effort to comply with requirements or to create the appearance of inclusion.”¹⁷ The Principles of Inclusive Teaching recognize that “[f]ostering and maintaining inclusive learning environments... are essential to enabling full participation, engagement, and learning for all students.” It further states that “there is a pressing need for institutions [including Northwestern] and instructors to find ways to foster inclusion and excellence with an increasingly heterogeneous classroom population.” Discussing microaggressions, the document states that they can “negatively affect students,” “reveals the biases and prejudices of the transgressor and severely affects the experience of the student who experiences it.”

¹⁷ <https://searle.northwestern.edu/docs/inclusive-teaching.pdf> (last visited May 13, 2024).

87. In addition to the Task Force on Inclusion & Bias, Northwestern maintains an Office of Institutional Diversity and Inclusion (“OIDI”). The stated “core objective [of the OIDI] is to ensure each member of our community feels not just included, but truly integral to our institutional fabric.”¹⁸ The OIDI states it “is committed to fostering a culture where everyone feels valued, respected, and supported.”

88. Consistent with its desire to “foster[] a culture where everyone feels valued, respected, and supported,” following the murder of George Floyd, on June 14, 2020, Northwestern Leaders issued a statement discussing the University’s “Commitments Toward Social Justice:”¹⁹

Dear members of our Northwestern community,

As a university and as a nation, we are grappling with fundamental truths about our world marked by heinous acts of violence and inequitable policies inflicted upon and directed at black, brown, indigenous, LGBTQIA+, and other marginalized people....

Let us be clear: Northwestern’s commitment to racial and social justice must be equally unrelenting. We vehemently oppose anti-blackness and police brutality. ***It should not be a controversial or a political statement to declare that Black Lives Matter.***

We promise to work, as individuals and as an institution, to seek justice and to better support our black students, staff, and faculty. We need to identify and address all forms of implicit and explicit racism and bias on our campuses. We must, and we will, do more.

Toward that end, we have asked leaders across the University to develop strategies for implementing the following commitments:

We commit to increasing diversity within our community. We will work to ensure that our underrepresented students, faculty, and staff members thrive in a fair, open, accountable, and supportive environment with more opportunities for personal and professional growth. We plan to raise specific funds to support the

¹⁸ <https://www.northwestern.edu/diversity/> (last visited May 13, 2024).

¹⁹ <https://www.northwestern.edu/leadership-notes/2020/commitments-toward-social-justice.html>(last visited May 13, 2024).

diversification of our student body and of our faculty. We will be proactive in recruiting black and other underrepresented students and scholars at all levels by immediately providing resources to schools and departments so they can meet this commitment. We will also utilize the ongoing collaborative work of the Searle Center for Advancing Learning and Teaching, Office of Institutional Diversity and Inclusion, Division of Student Affairs, Office of Equity, and Office of the Provost to develop a comprehensive set of resources and training opportunities to equip our faculty to create more inclusive teaching and learning environments.

We commit to hiring, advancing, and supporting staff from marginalized communities. Before the new fiscal year begins on September 1, 2020, we will establish an institutional policy requirement for diversified candidate slates for every staff position, including searches conducted externally. By that date we will also establish an inclusivity consultation team of administrators and faculty. Before the end of this calendar year, we will publicize the standards and methods by which we determine compensation for staff and faculty. We will also publish annually a workforce diversity and social impact report beginning in August 2021.

We commit to expanding diversity training and anti-racism programs and curricula for all faculty, staff, and students. Senior administrators and academic leaders will undertake anti-racism training this summer and will develop and sponsor mandatory training sessions and programs for all campuses.

* * *

We commit to reviewing the operations of Northwestern's police department (NUPD) to ensure that all of our students, faculty, and staff are safe and protected. We will reexamine all of NUPD's approaches and functions, including its use of force policy, in particular relating to reporting protocol and impartial third-party review; its bias-free policing policy, to improve accountability; and law enforcement professionalism standards. We will supplement and reinforce annual training on de-escalation and responses to individuals in crisis. ...

We commit to reviewing our overall approach to community safety. In addition to our commitment to assessing police oversight and operations, we will review our university policies, procedures, and processes related to creating and supporting a safe and healthy community. This encompasses the student code of conduct, residence hall policies and procedures, and overall university

policies to ensure that these guidelines do not disproportionately impact our marginalized community members.

* * *

We commit to building on our social reform and advocacy work. We are expanding the Northwestern Prison Education Program, as well as bolstering the many legal reform programs within the Bluhm Legal Clinic, including the Center on Wrongful Convictions. We will also continue to grow the Northwestern Academy, a program that supports local public school students.

* * *

Northwestern’s Mission Statement promises “excellent teaching, innovative research, and the personal and intellectual growth of its students in a diverse academic community.”

89. The letter ends with a prescient message: “*Words are nothing without actions*, and we pledge to act decisively to uphold the standards of this university and to ensure that each of its members is treated with the dignity and respect that we all deserve.”

90. On April 19, 2021, Northwestern Leaders, including then-President Schapiro, put out a statement titled: “Northwestern’s Pursuit of Systemic Change,” in response to the murder trial of Derek Chauvin. The letter refers to the University’s efforts in “pursuit of systemic change, to reexamine community safety... and [end] bigotry in all forms”:²⁰

To the Northwestern community,

Jurors have begun their deliberations in the trial of Derek Chauvin, a former Minneapolis police officer charged with killing George Floyd. Northwestern, like the rest of the world, is watching. We recognize the injustices that led us here. These injustices continue to deprive too many Black, Indigenous, People of Color (BIPOC) individuals of their life and full humanity. Tragically, those injustices will not end regardless of the verdict rendered.

²⁰ <https://www.northwestern.edu/leadership-notes/2021/northwesterns-pursuit-of-systemic-change.html> (last visited May 13, 2024).

Universities, including Northwestern, are and must continue to be instruments for discourse, rigorous debate and lasting change. Teaching, learning and reflection are the gateways for individual and societal transformation. We believe that scholarship, dialogue and activism will be mechanisms that help drive action against all systems that exclude and harm BIPOC individuals.

Through decades of dedication by faculty, staff and students, Northwestern is unifying its resources and influence to uproot injustices. Our community members continue to advocate to improve our campus, our nation and our world. They lift their voices and continue to call on all of us to be better.

We, as a University, will not stop until our institutional structures are equitable and just. We invite our community to join us in affirming our commitment to the pursuit of systemic change, to reexamine community safety and the carceral state, and to end anti-Blackness, racism and *bigotry in all forms*.

91. Similarly, in 2019, two stickers and one handwritten note containing the slogan, “It’s Okay to Be White” were found on campus.²¹ Northwestern promptly issued four statements over a couple of weeks condemning the stickers and promised to “investigate thoroughly.” Moreover, Northwestern acknowledged that the context in which slogans arise and are used matter, stating that “[t]o some, the expression may seem harmless and legitimate on the surface. Yet for that very reason, it has been adopted in recent years by white-supremacists and neo-Nazi groups as a means to divide communities and harass many of their members.”

C. Title VI of the Civil Rights Act Protects Jews from Antisemitism When Based on Their Shared Ancestry and Ethnic Characteristics.

92. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funding or other federal financial assistance, and protects all students, including Jewish students, in such programs or activities.

²¹ <https://news.northwestern.edu/stories/2019/04/university-condemns-acts-of-hate/> (last visited May 13, 2024).

93. Since at least September 2004, it has been the policy of the Office of Civil Rights (“OCR”) of the U.S. Department of Education (“DOE”), the agency responsible for enforcing Title VI, to investigate claims related to antisemitism.

94. In an October 26, 2010 letter to federally funded schools, OCR confirmed that such schools are “responsible for addressing harassment incidents about which [they] know[] or reasonably should have known,” and must address “anti-Semitic harassment,” stating that such harassment violates Title VI when it creates a “hostile environment” based on “actual or perceived shared ancestry or ethnic identity as Jews,” in which “the conduct 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,” or when the “harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.

95. In June 2010, the State Department’s Office of the Special Envoy to Monitor and Combat Antisemitism, which is tasked with developing and implementing policies and projects to support efforts to combat antisemitism, adopted a working definition of antisemitism developed by the European Monitoring Center on Racism and Xenophobia and adopted contemporary examples of antisemitism, which include ways that antisemitism “manifests itself with regard to the State of Israel”:²²

a. DEMONIZE ISRAEL:

- Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis
- Drawing comparisons of contemporary Israeli policy to that of the Nazis
- Blaming Israel for all inter-religious or political tensions

²² <https://2009-2017.state.gov/j/drl/rls/fs/2010/122352.htm> (last accessed May 13, 2024).

b. DOUBLE STANDARD FOR ISRAEL:

- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation
- Multilateral organizations focusing on Israel only for peace or human rights investigations

c. DELEGITIMIZE ISRAEL:

- Denying the Jewish people their right to self-determination, and denying Israel the right to exist

96. The fact-sheet reiterated that “criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.”

97. “Contemporary examples of anti-semitism” include:

- a. Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).
- b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews.”

98. On December 11, 2019, President Donald Trump issued Executive Order 13899 on “Combating Anti-Semitism.”²³ The Executive Order was issued in recognition that “anti-Semitic incidents have increased since 2013, and students in particular are facing increased anti-Semitic harassment in schools and on *university and college campuses*.” The Executive Order reaffirmed the long-standing principle that antisemitism and discrimination against Jews based on an

²³ See <https://www.presidency.ucsb.edu/documents/executive-order-13899-combating-anti-semitism> (last accessed May 13, 2024); <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf> (last accessed May 13, 2024).

individual's race, color, or national origin may violate Title VI; directs the federal government to enforce Title VI against prohibited forms of discrimination rooted in antisemitism as vigorously as against all other forms of discrimination prohibited by Title VI; and requires federal agencies to consider the International Holocaust Remembrance Alliance's ("IHRA")²⁴ working definition of antisemitism and the IHRA's contemporary examples of antisemitism in enforcing Title VI (detailed *infra* ¶¶ 109-110).

99. On January 4, 2023, DOE, citing the "rise in reports of anti-Semitic incidents," released a fact sheet, "Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics," which reiterated that Title VI protects "students who experience discrimination, including harassment, based on their . . . (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity."²⁵

100. On May 25, 2023, President Biden released the U.S. National Strategy to Counter Antisemitism, described as the "most ambitious and comprehensive U.S. government-led effort to fight antisemitism in American history," and DOE launched its Antisemitism Awareness Campaign.²⁶

101. The same day, on May 25, 2023, DOE OCR issued a letter concerning "a nationwide rise in reports of antisemitic harassment, including in schools," to "remind you of

²⁴ The IHRA is comprised of 35 Member Countries, including the United States, United Kingdom, Canada, Australia, Austria, Germany, France, Italy, Israel, and Poland.

²⁵ <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf> (last accessed May 13, 2024).

²⁶ <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf> (last accessed May 13, 2024).

schools' legal obligation under Title VI of the Civil Rights Act of 1964 (Title VI) to provide all students, including Jewish students, a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.”²⁷ DOE OCR reiterated that “Title VI protects all students, including students who are or are perceived to be Jewish, from discrimination based on race, color, or national origin.[.]” and noted that discrimination can include “ethnic or ancestral slurs.” DOE OCR admonished schools that they “must take immediate and appropriate action to respond to harassment that creates a hostile environment.” According to DOE OCR, it “generally finds that a hostile environment exists where there is harassing conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school.” DOE OCR added that it “will evaluate whether the school met its obligation under Title VI to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. In other words, a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment.”

102. A Fact Sheet issued by DOE OCR “describe[d] ways [Title VI] protection covers students who are or are perceived to be Jewish,” among other religious groups. The Fact Sheet included the following “Examples of the kinds of incidents that could, depending upon facts and circumstances, raise Title VI concerns”:²⁸

- a. “A Jewish middle school student reports to a teacher that the student feels unsafe at school because classmates routinely place notes with swastikas on

²⁷ <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf> (last accessed May 13, 2024).

²⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf> (last accessed May 13, 2024).

the student’s backpack, perform Nazi salutes, and make jokes about the Holocaust. The teacher advises the student to ‘just ignore it’ and takes no steps to address the harassment.”

- b. “Students report concerns about comments made by classmates during history and cultural lessons related to Sikhism, Islam, and other traditions prevalent in South Asia. Muslim students describe, for example, being told by peers in class that ‘you started 911’ and being called ‘terrorist.’ The school is alleged to have not taken effective action to address these reports.”
- c. “Sikh students who wear a turban (head covering) are repeatedly called ‘turban’ and other names at school, and a student tries to physically remove a turban that a Sikh student is wearing. Students report that the district does not take effective actions to document and address these reports.”

103. On November 7, 2023, DOE OCR released another letter “remind[ing] colleges, universities, and schools that receive federal financial assistance of their legal responsibility under Title VI... to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.”²⁹ The letter stated: “It is your legal obligation under Title VI to address prohibited discrimination against students and others on your campus—including those who are perceived to be Jewish... in the ways described in this letter.” Given the rise in antisemitism on campus, DOE also announced plans to hold technical assistance webinars to ensure students facing discrimination on campus have the information they need to file a formal complaint with OCR.

104. On May 7, 2024, DOE OCR released a “Dear Colleague” letter to address the “recent increases in complaints.”³⁰ The letter reiterated that “[t]he fact that harassment may involve conduct that includes speech in a public setting or speech that is also motivated by political

²⁹ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf> (last accessed May 13, 2024).

³⁰ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf> (last accessed May 13, 2024).

or religious beliefs, however, does not relieve a school of its obligation to respond under Title VI as described below, if the harassment creates a hostile environment in school for a student or students.” Further “[h]arassing conduct need not always be targeted at a particular person in order to create a hostile environment for a student or group of students, or for other protected individuals.” The letter also cited *McGinest v. GTE Service Corp.*, 360 F.3d 1103, 1116 (9th Cir. 2004), which explained that racial incidents that appear “innocent or only mildly offensive...[may] in reality be intolerably abusive or threatening when understood from the perspective of a... member of the targeted group.” Moreover, the severity and pervasiveness of the harassing conduct are weighed in their totality, such that extremely pervasive conduct need not be so severe to violate Title VI and *vice versa*.

D. Northwestern Ignores Title VI and Its Own Policies, Placing Jews on Campus at Risk by Allowing Vitriolic Antisemitism to Flourish on Campus.

1. Antisemitism, Jew-hatred, and anti-Jewish sentiments are different names for what has been called the oldest hatred in the world.

105. Antisemitism is a repugnant form of bigotry that is no better or worse than any other form of bigotry based on race, religion, national origin, ethnic identity, sex, or any other classification protected by law.

106. Antisemitism has been called a shapeshifting form of hatred that morphs depending on the time, place, and cultural beliefs in which its ugliness appears. Whatever the societal ills are for a given moment, you can surely find those traits attributed to Jews, characterized as the epitome of such evils, regardless of whether such attribution raises conflicting beliefs.

107. One need not go back in far time to recall the horrors of the Holocaust when Nazis exterminated six million Jews. Over the course of several years, Hitler spread antisemitic propaganda throughout Germany, including universities and other supposedly intellectual arenas,

which normalized the hatred of Jews. Hitler incorporated eugenics, a growing field of “science” at the time, into his propaganda and ideology. Nazis believed Jews belonged to a separate race and their immutable “Jewish blood” threatened the Aryan race. Much like today, antisemitism found root in pseudo-intellectualism.

108. In the 21st century, Jew-hatred has frequently taken hold under the guise of anti-imperialist or anti-colonialist ideologies and anti-white supremacy. While these concepts are ill-fitted when applied to the Jewish people and Israel—a tiny country in the Middle East, less than 20% the size of Illinois— for a variety of historical reasons, they are now common refrains used against the only Jewish country in the world.³¹

109. The IHRA defines antisemitism as “a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”³²

110. The IHRA definition of antisemitism includes “the targeting of the state of Israel, conceived as a Jewish collectivity” and provides “contemporary examples of antisemitism,” such as:

- a. “Calling for, aiding, or *justifying the killing or harming of Jews* in the name of a radical ideology or an extremist view of religion.”

³¹ For comparison, there are 46 countries in the world with majority Muslim populations, at least 23 declare Islam to be the state religion in their constitutions, and 13 countries designate Christianity as their state religion. <https://www.uscirf.gov/publications/did-you-knowmuslim-constitutions> (last accessed May 13, 2024); <https://www.pewresearch.org/religion/2017/10/03/many-countries-favor-specific-religions-officially-or-unofficially/> (last accessed May 13, 2024).

³² <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last accessed May 13, 2024).

- b. “Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or *the power of Jews as collective* — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.”
- c. “Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.”
- d. “Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.”
- e. “*Denying the Jewish people their right to self-determination*, e.g., by claiming that the existence of a State of Israel is a racist endeavor.”
- f. “*Applying double standards* by requiring of it a behavior not expected or demanded of any other democratic nation.”
- g. “*Using the symbols and images associated with classic antisemitism* (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.”
- h. “Drawing comparisons of contemporary Israeli policy to that of the Nazis.”
- i. “Holding Jews collectively responsible for actions of the state of Israel.”

111. Today, antisemitism that was known throughout Nazi Germany and spread amongst neo-Nazis and the KKK is not its most public form. That is because such antisemitism is recognized for what it is and quickly denounced. Instead, antisemitism today tends to appear in the form of attacks on Israel as a Jewish collectivity and labeled “anti-Zionism.”

112. To be called a Zionist is not a hateful slur; it is the belief that Jews have a right to self-determination (which need not be exclusive) in their homeland. Nor is Zionism exclusive to Jews, as President Biden recently stated, “[y]ou don’t have to be a Jew to be a Zionist, and I’m a Zionist.”³³

³³ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/12/11/remarks-by-president-biden-at-a-hanukkah-holiday-reception/> (last accessed May 20, 2024). Similarly, Canadian Prime Minister Trudeau reiterated, “Zionism is not a dirty word or something anyone should be targeted for agreeing with...It is the belief, at its simplest, that Jewish people, like all

113. Israel is at the core of the Jewish identity, culture, and religion. For two millennium, Jewish religious texts, liturgy, and traditions have referred to a desire to return to “Israel,” “Zion,” “Jerusalem,” and “Judea,” from which the name “Jews” derives. Zionism is a crucial component of Plaintiff’s Jewish identity.

114. Attempts to malign “Zionists” as distinct from “Jews” are frequently utilized as a dog whistle and an excuse for antisemitism espoused today.³⁴

115. Moreover, university campuses fomenting antisemitism is not new either. For example, in 1938, *Die Bewegung*, the main Nazi student paper at the time, published an article called “*The goal is achieved! No more Jews at German Universities.*”³⁵ The article praised students for being the vanguard of Nazism at the institutions of higher learning. The author argued that students, rather than professors and academic administrators, had pioneered antisemitism at German universities before 1933. The author stated that, by putting pressure on the authorities to expedite the expulsion of Jews, students made an important contribution to the creation of the Nazi university in the Third Reich.

116. Today, antisemitism on campus has crept into daily life for Jewish students under the guise of mere anti-Israel sentiment in violation of federal law and university policies.

peoples, have the right to determine their own future.” <https://www.cbc.ca/news/politics/bnai-brith-antisemitic-report-record-high-1.7195197> (last accessed May 13, 2024).

³⁴ Criticism of Zionism as a political movement or Israeli policies need not be inherently antisemitic. Israel has its faults like every other country in the world, and in a multicultural democracy like Israel, legitimate criticism is raised often and loudly. However, as identified in the IHRA and OCR DOE guidance concerning Title VI, such attacks easily and often do reveal themselves to be antisemitic. The events at Northwestern described herein are such examples.

³⁵ See <https://www.yadvashem.org/articles/academic/expulsion-of-non-aryan-students.html> (last accessed May 13, 2024).

2. Hamas is a Designated Terrorist Organization, whose charter calls for Jihad against Jews.

117. Hamas, an acronym for Harakat al-Muqawama al-Islamiya (“Islamic Resistance Movement”), is an Islamist militant group that was formed in 1987 when the group spun out from the Gaza branch of the International Muslim Brotherhood.

118. On August 18, 1998, Hamas published its charter, which details its beliefs, purpose, and ambitions.³⁶ The charter makes perfectly clear that its intentions are to violently destroy the state of Israel through “jihad,” and the state will be replaced by non-secular, Palestinian Islamic rule. Among other calls for violence, the charter states:

- a. “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it.”
- b. “[Peace] initiatives, and so-called *peaceful solutions and international conferences are in contradiction to the principles of the Hamas*... Those conferences are no more than a means to appoint the infidels as arbitrators in the lands of Islam... *There is no solution for the Palestinian problem except by Jihad*. Initiatives, proposals and international conferences are but a waste of time, an exercise in futility.”
- c. “The day the enemies usurp part of Moslem land, Jihad becomes the individual duty of every Moslem. In the face of the Jews' usurpation, it is compulsory that the banner of Jihad be raised.”
- d. “Ranks will close, fighters joining other fighters, and masses everywhere in the Islamic world will come forward in response to the call of duty, loudly proclaiming: 'Hail to Jihad!'. This cry will reach the heavens and will go on being resounded until liberation is achieved, the invaders vanquished and Allah's victory comes about.”
- e. “The [Hamas] is a distinguished Palestinian movement, whose allegiance is to Allah, and whose way of life is Islam. It strives to raise the banner of Allah over every inch of Palestine.”

³⁶ Hamas’ 1988 charter is available at: https://avalon.law.yale.edu/20th_century/hamas.asp (last accessed May 13, 2024).

- f. “The land of Palestine is an Islamic Waqf [Holy Possession] consecrated for future Moslem generations until Judgment Day. No one can renounce it or any part, or abandon it or any part of it.”
- g. “Palestine is an Islamic land... Since this is the case, the Liberation of Palestine is an individual duty for every Moslem wherever he may be.”
- h. “Leaving the circle of struggle against Zionism is high treason, and cursed be he who perpetrates such an act.”

119. Critically, there is no room for good faith debate as to whether Hamas is *just* anti-Zionist or anti-Israel; it is anti-Jewish across the globe. The charter states:

- a. “***Our struggle against the Jews*** is very great and very serious... [Hamas] is but one squadron that should be supported by more and more squadrons from this vast Arab and Islamic world, ***until the enemy is vanquished*** and Allah's victory is realised.”
- b. “***The Day of Judgment will not come about until Moslems fight Jews and kill them. Then, the Jews will hide behind rocks and trees, and the rocks and trees will cry out: ‘O Moslem, there is a Jew hiding behind me, come and kill him.’***”
- c. “The enemies have been scheming for a long time ... and have accumulated huge and influential material wealth. With their money, they took control of the world media... With their money they stirred revolutions in various parts of the globe... They stood behind the French Revolution, the Communist Revolution and most of the revolutions we hear about... With their money they formed secret organizations - such as the Freemasons, Rotary Clubs and the Lions - which are spreading around the world, in order to destroy societies and carry out Zionist interests... They stood behind World War I... and formed the League of Nations through which they could rule the world. They were behind World War II, through which they made huge financial gains... There is no war going on anywhere without them.”
- d. “Zionism scheming has no end, and after Palestine, they will covet expansion from the Nile to the Euphrates River. ***When they have finished digesting the area on which they have laid their hand, they will look forward to more expansion.*** Their scheme has been laid out in the 'Protocols of the Elders of Zion having their finger in it.’”³⁷

³⁷ The Protocols of the Elders of Zion is the most notorious and widely distributed antisemitic publication of modern times, which blames Jews for virtually all of the world's ills. The work of fiction played prominently in Nazi propaganda.

- e. “[Hamas] consider[s] itself to be the spearhead of the circle *of struggle with World Zionism... Islamic groups all over the Arab world should also do the same, since they are best equipped for their future role in the fight against the warmongering Jews.*”

120. As President Biden noted, Hamas is “a group whose stated purpose for being is to kill Jews.”³⁸

121. On October 8, 1997, Hamas was designated a Foreign Terrorist Organization (“FTO”) by the U.S. State Department.³⁹

122. In 2017, Hamas released an updated charter, in which it made facial attempt to remove some of the most blatant antisemitism from the document, such as references to the Protocols of the Elders of Zion, but changed little else.⁴⁰ The document reiterated that “[r]esistance and jihad for the liberation of Palestine will remain a legitimate right,” “[a]t the heart of [resisting occupation] lies armed resistance,” and that “Hamas rejects any alternative to the full and complete liberation of Palestine, from the river to the sea.”

123. The phrase “from the river to the sea,” as used in Hamas’ charter (and shouted throughout Northwestern campus as described below) is widely understood to be antisemitic and a call for violence.

124. Indeed, the meaning of this phrase was acknowledged and explained by Khaled Barakat, a leader of the Popular Front for the Liberation of Palestine (“PFLP”), which, like Hamas,

³⁸ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/10/remarks-by-president-biden-on-the-terrorist-attacks-in-israel-2/> (last accessed May 13, 2024).

³⁹ https://www.dni.gov/nctc/ftos/hamas_fto.html (last accessed May 13, 2024); <https://www.state.gov/foreign-terrorist-organizations/> (last accessed May 13, 2024).

⁴⁰ Hamas’ 2017 Charter is available at <https://www.middleeasteye.net/news/hamas-2017-document-full> (last accessed May 13, 2024).

has been designated a terrorist organization by the United States since 1997,⁴¹ when he gave a recent interview with Al-Manar TV (Hezbollah-Lebanon) in which he stated “the new generation [in the U.S. and Canada] support armed resistance, as well as the removal of the Zionist entity...This is why we see that the main slogan of all these movements, demonstrations, and activities is ‘Palestine will be free, from the River to the Sea.’”⁴²

125. On April 16, 2024, the U.S. House of Representatives passed a bipartisan resolution, H.R. 883, condemning the chant “From the River to the Sea, Palestine Will be Free” as antisemitic. The resolution recognizes, *inter alia*, that: (i) “the slogan ‘from the river to the sea, Palestine will be free’ is an antisemitic call to arms with the goal of the eradication of the State of Israel, which is located between the Jordan River and the Mediterranean Sea;” (ii) “the slogan seeks to deny Jewish people the right to self-determination and calls for the removal of the Jewish people from their ancestral homeland;” (iii) “ Hamas... and other terrorist organizations and their sympathizers have used and continue to use this slogan as a rallying cry for action to destroy Israel and exterminate the Jewish people,” which “can promote violence against the State of Israel and the Jewish community globally;” (iv) “this slogan incites fear within the Jewish community in the United States and around the world;” and (v) “this slogan has been used recently by violent protestors throughout the United States and the world.”

126. Hamas was formed at the start of the “First Intifada.” The literal Arabic translation for the word “Intifada” is “uprising” or “shaking off.” However, the term is most closely associated

⁴¹ https://www.dni.gov/nctc/ftos/pflp_fto.html (last accessed May 13, 2024).

⁴² <https://www.memri.org/reports/canada-based-former-senior-pflp-official-khaled-barakat-hizbullah-tv-american-and-canadian> (last accessed May 13, 2024). Indeed, Mr. Barakat specifically identified “important development at the universities” when discussing the use of the violent phrase. *Id.*

with, and specifically in the context of the Israel-Palestine conflict, to refer to two specific periods during which Hamas and other terrorist groups engaged in a string of terrorist attacks from December 1987 to September 1993 and September 2000 to late 2005.⁴³ The terrorist methods used during the Intifadas included bombings, rocket barrages, shootings, and stabbings of civilians. While not exclusive to the Second Intifada, it is most known for the more than fifty suicide bombings. As one example, on June 1, 2001, a suicide bomber killed 20 civilians, mostly children, waiting to enter a teen club called the Dolphinarium Discotheque in Tel Aviv.⁴⁴

127. On May 1, 2024, the White House issued a statement emphasizing that “President Biden has stood against repugnant, antisemitic smears and violent rhetoric his entire life” and “he condemns the use of the term ‘intifada’... [and] other tragic and dangerous hate speech displayed in recent days.”⁴⁵

128. Today, Hamas is funded in large part and trained and controlled by the Islamic Republic of Iran’s Islamic Revolutionary Guard Corps (“IRGC”), another FTO. Hamas and the IRGC share the common goal of destroying Israel and the United States.⁴⁶

⁴³ <https://www.britannica.com/topic/intifada> (last accessed May 13, 2024); <https://www.brookings.edu/articles/the-oslo-accords-at-25-the-second-intifada-at-18/> (last accessed May 13, 2024).

⁴⁴ <https://www.jpost.com/israel-news/20th-anniversary-of-the-infamous-dolphinarium-disco-terror-attack-669853> (last accessed May 13, 2024).

⁴⁵ https://www.cnn.com/business/live-news/university-protests-palestine-04-30-24/h_ebd5ad0bd15bfdc20c573ba170ed973f (last accessed May 13, 2024).

⁴⁶ See <https://home.treasury.gov/news/press-releases/jy1907#:~:text=Iranian%20support%2C%20primarily%20through%20its,both%20weapons%20and%20operational%20training> (“Iranian support, primarily through its Islamic Revolutionary Guard Corps (IRGC), has enabled Hamas’s... terrorist activities, to include the transfer of hundreds of millions of dollars in financial assistance and the furnishing of both weapons and operational training.”) (last accessed May 13, 2024).

129. In 2006, Hamas won the Palestinian parliamentary election in Gaza.⁴⁷ In 2007, Hamas took total control of Gaza after a civil war with a competing political faction, Fatah.⁴⁸

130. Since Hamas took control of Gaza, it has used the land to wage war against Israel, including by sending indiscriminate rockets at heavily populated Israeli cities. When testifying before the Senate, Secretary of State Antony J. Blinken noted that “Hamas, cynically and monstrosly, puts, intentionally, civilians in harm's way, by hiding behind them, by using them as human shields, by placing its people, by placing its equipment, by placing its ammunition, its weapons, its command posts, underneath hospitals, underneath schools, in residential complexes.”

131. Propaganda and falsehoods used to demonize Israel and cast itself and its members as victims of a “settler-colonial” oppressor image of Israel and the Jewish people is a vital weapon for Hamas. Its founding charter highlights the importance of such propaganda:

- a. “Hamas hopes that all these groupings will side with it in all spheres, would support it, adopt its stand and solidify its activities and moves, work towards rallying support for it so that the Islamic people will be a base and a stay for it, *supplying it with strategic depth an all human material and informative spheres, in time and in place. This should be done through the convening of solidarity conferences, the issuing of explanatory bulletins, favourable articles and booklets, enlightening the masses regarding the Palestinian issue, clarifying what confronts it and the conspiracies woven around it.* They should mobilize the Islamic nations, ideologically, educationally and culturally, so that these peoples would be equipped to perform their role in the decisive battle of liberation, just as they did when they vanquished the Crusaders and the Tatars and saved human civilization.”
- b. *“It is necessary that scientists, educators and teachers, information and media people, as well as the educated masses, especially the youth and sheikhs of the Islamic movements, should take part in the operation of awakening (the masses). It is important that basic changes be made in the school curriculum, to cleanse it of the traces of ideological invasion that affected it* as a result of the orientalists and missionaries who infiltrated the

⁴⁷ <https://www.aljazeera.com/news/2006/1/26/hamas-wins-huge-majority> (last accessed May 13, 2024).

⁴⁸ <https://www.theguardian.com/world/2007/jun/15/israel4> (last accessed May 13, 2024).

region following the defeat of the Crusaders at the hands of Salah el-Din (Saladin). The Crusaders realised that it was impossible to defeat the Moslems without first having ideological invasion pave the way by upsetting their thoughts, disfiguring their heritage and violating their ideals. Only then could they invade with soldiers. This, in its turn, paved the way for the imperialistic invasion that made Allenby declare on entering Jerusalem: ‘Only now have the Crusades ended.’”

132. Hamas’ 2017 revised charter is replete with references to Israel as “a racist, anti-human and colonial Zionist project”—a wicked lie that Northwestern students, among others, are quick to adopt and shout in the face of Jews on campus.

3. Northwestern tolerated antisemitism on campus in the years before the October 2023 attack.

133. Even prior to October 2023, Northwestern allowed antisemites to espouse violent anti-Jewish ideology around campus.

134. One of the main culprits is the Northwestern chapter of Students for Justice in Palestine (“SJP”), a registered student organization, which is eligible to receive funding from Northwestern.⁴⁹

135. SJP was founded by a professor at the University of California at Berkeley, Hatem Bazian, in 2001.⁵⁰ Mr. Bazian also founded American Muslims for Palestine (“AMP”), an organization he now chairs, which provides financial backing, organizational instructions, marketing materials, and overall strategic support for SJP chapters nationwide. In effect, SJP is the college campus arm of AMP.

⁴⁹ <https://www.northwestern.edu/studentorgs/organization-officers/funding.html> (last accessed May 13, 2024); <https://northwestern.campuslabs.com/engage/organization/sjp> (last accessed May 13, 2024).

⁵⁰ See <https://www.city-journal.org/article/the-long-march-of-radicalization> (last accessed May 13, 2024).

136. AMP's direct ties to foreign terrorist organizations, including Hamas, are well known. AMP's leadership overlaps with three organizations that have been shut down by federal authorities, whose assets were frozen by the U.S. Treasury Department, or that have been found civilly liable for providing material support to Hamas.

137. In 2021, the Seventh Circuit Court of Appeals found that the parents of David Boim, an American citizen, who was murdered by Hamas in 1996 plausibly alleged that AMP is the alter ego of three entities that "fundraised for and funneled money to Hamas operatives in the West Bank and Gaza, who in turn used those funds to carry out the attack on David," and therefore, "provided material support or resources to terrorism and to a foreign terrorist organization." *Boim v. Am. Muslims for Palestine*, 9 F.4th 545, 548 (7th Cir. 2021).

138. Among Northwestern SJP's most ardent supporters on campus is Professor Steven Thrasher, who is the Daniel H. Renberg Chair of social justice in reporting and an assistant professor of journalism. Professor Thrasher's bigotry for most Jews and his engagement with antisemitic tropes was publicly available to the University before he was hired.

139. In 2018, Professor Thrasher espoused blatant antisemitic tropes, comparing Israel to Nazis and enslavers in Africa.⁵¹ He also bemoaned that "when a musical from Israel wins a Tony & no one mentions the genocide of Israel occupied Palestine," it is "[p]eak white cultural New York liberalism."⁵²

⁵¹ <https://www.israellycool.com/2019/05/24/exposed-bds-professor-stephen-thrashers-antisemitic-tweets/> (last accessed May 13, 2024).

⁵² Professor Thrasher also defended Iran and ISIS: "What is this obsession with Iran and ISIS (who hurt no[] one) but scant mention of white supremacy & police killing endless Americans?"

140. Professor Thrasher first gained attention at Northwestern when he gave a graduation speech at his alma mater, New York University, in which he advocated for anti-Israel policies and specifically expressed support for SJP. According to media reports, “the speech was a result of deception—Thrasher hid the fact that he was going to talk about BDS⁵³ from the NYU administration.”⁵⁴ NYU’s president condemned the remarks, stating “I found it quite objectionable that the student speaker chose to make use of the Graduate School of Arts and Science doctoral graduation to express his personal viewpoints on BDS and related matters, language he excluded from the version of the speech he had submitted before the ceremony.” The president apologized to the audience for having “to experience these inappropriate remarks. Graduation should be a shared, inclusive event; the speaker's words - one-sided and tendentious - indefensibly made some in the audience feel unwelcome and excluded.”

141. Responding to Professor Thrasher’s NYU speech, Northwestern’s then-President and -Provost issued a statement, which recognized that “[m]any were understandably offended by some of the comments made by Dr. Thrasher during his commencement speech at New York

⁵³ BDS refers to the “Boycott, Sanctions, Divestment” movement targeting Israel. In 2015, Illinois passed a bipartisan law ordering its public pension funds to transact with companies that participate in the BDS movement. 40 ILCS 5/1-110.16. According to the law, “‘Boycott Israel’ means engaging in actions that are politically motivated and are intended to penalize, inflict economic harm on, or otherwise limit commercial relations with the State of Israel or companies based in the State of Israel or in territories controlled by the State of Israel.” Upon the passing of the legislation, Gov. Bruce Rauner stated, “We need to stand up to anti-Semitism whenever and wherever we see it.” <https://www.illinois.gov/news/press-release.13202.html> (last accessed May 13, 2024). Since then, a majority of U.S. states have passed similar anti-BDS laws. <https://brandeiscenter.com/analysis-summary-of-modern-anti-bds-laws/> (last accessed May 13, 2024).

⁵⁴ <https://www.forbes.com/sites/evangerstmann/2019/05/31/why-the-president-of-nyu-was-right-to-condemn-a-pro-bds-graduation-address/?sh=1e9a8ab91ae0> (last accessed May 13, 2024).

University earlier this week.”⁵⁵ Nevertheless, Northwestern brought him onto campus and allowed him to foment anti-Jewish sentiments on campus—eventually, leading to his physical altercations with campus police, among other egregious conduct, in 2024 (detailed below).

142. SJP and Professor Thrasher have fomented anti-Jewish sentiments at Northwestern. For instance, in 2017, Northwestern SJP organized an “Israeli Apartheid Week,” in which they invited a convicted terrorist (Rasmea Odeh) and her antisemitic supporter (Nadine Naber) to speak of the “fight for liberation.”⁵⁶ Ms. Odeh is a convicted terrorist for her participation in two 1969 terrorist bombings in Israel, and for having been a member of the PFLP. After her release from Israeli prison as part of a hostage ransom,⁵⁷ Ms. Odeh applied to immigrate to the United States and omitted her conviction.⁵⁸ At Ms. Odeh’s trial for immigration fraud in the United States, which she ultimately lost and her U.S. citizenship was revoked, Ms. Naber served as her character witness.

143. Ms. Naber has published articles in which she denied Jews’ indigenous and historical connection to Israel, stating: “After they were refused entry to countries such as Britain and the United States, Jews from all over the world were sent to settle a land where they had no

⁵⁵ <https://news.northwestern.edu/stories/2019/05/steven-thrasher/> (last accessed May 13, 2024).

⁵⁶ <https://dailynorthwestern.com/2017/05/16/campus/organizer-rasmea-odeh-speaks-at-northwestern-for-sjps-israeli-apartheid-week/> (last accessed May 13, 2024).

⁵⁷ In 1978, an Israeli soldier was kidnapped and taken hostage by Palestinian terrorists. The following year, Israel announced that it would pay the PFLP’s ransom of 76 PFLP terrorists, including Ms. Odeh, in order for the soldier’s return.

⁵⁸ See <https://www.timesofisrael.com/palestinian-ex-terrorist-pleads-guilty-to-us-immigration-crime-will-be-deported/> (last accessed May 13, 2024).

prior territorial affiliation—Palestine.”⁵⁹ Ms. Naber further engaged in insidious antisemitic conspiracy theories, including that “not all Jews today are the descendants of the original Semitic people” from ancient Israel.⁶⁰

144. In May 2021, Northwestern’s Associated Student Government (“ASG”) passed a resolution condemning Israel. A Jewish student senator noted that throughout the proceeding “Jewish students and ASG senators were silenced, vilified, [intimidated] and personally attacked... The dialogue around amending the resolution was not a good-faith attempt to include Jewish perspectives, but instead a litmus test that presents a false binary for some students between their Jewish identity and progressive activism on campus.”⁶¹ When the resolution was passed, the Jewish student senator warned that “[i]t will lead to increasingly hostile climate for Jews.”

⁵⁹ Nadine Naber, Eman Desouky, and Lina Baroudi, *The Forgotten “-ism,”* available at <https://collectiveliberation.org/wp-content/uploads/2019/02/The-Forgotten-ism-sm.pdf> (last accessed May 13, 2024).

⁶⁰ *Id.* See also <https://www.adl.org/resources/blog/untangling-false-claims-about-ashkenazi-jews-khazars-and-israel> (“Peer-reviewed journals such as Science conclude that evidence firmly establishes that Ashkenazi Jews ‘stem from a common Middle Eastern origin and heritage.’...Ashkenazi Jews have scientifically confirmed genetic links to the land of Israel and claims otherwise constitute a dishonest and antisemitic attempt to delegitimize the state of Israel and the Jewish claim to the land.”) (last accessed May 13, 2024); <https://www.ajc.org/translatehate/not-the-real-Jews> (“Some antisemites on both the right and left claim that Ashkenazi Jews are ‘fake Jews,’ and that Israel is a ‘fake nation.’”) (last accessed May 13, 2024).

⁶¹ See https://www.instagram.com/p/CPXYhH7tdIo/?utm_source=ig_web_copy_link&img_index=2 (last accessed May 13, 2024).

145. In November 2021, protesters stormed the field at a Northwestern’s men’s football game with signs reading, “stop funding the war on Palestine” and “divest from death,” referring to Israel.⁶² Northwestern SJP claimed responsibility for the unauthorized protests.

146. Following the incident, the University issued a statement, titled “Demonstrations and Freedom of Expression,” in which it stated that SJP’s protest at the football game “represents a violation of our demonstration policy and will require the University to move promptly to end any such disruptions and hold individuals accountable. Ramifications can potentially involve suspension, expulsion or legal consequences as appropriate.”⁶³ The statement further noted that Northwestern’s “demonstration policy is designed to prevent the harm or harassment of our community members as they conduct their business. Under the policy, demonstrations may not infringe upon the rights of others, endanger the safety of individuals or disrupt University operations or events.”

147. A year later, in November 2022, a Jewish student wrote an op-ed titled “I am more proud of my Jewish identity than anyone can ever hate me for it.”⁶⁴ The student noted that “[antisemitism] isn’t new” and that she has “faced hostility several times throughout [her] NU experience, most recently last weekend.” She proclaimed, “I love Israel... it’s a crucial part of my Jewish identity. I love America. I criticize the U.S. and Israel, their leaders, systems, and laws,

⁶² <https://www.washingtonexaminer.com/news/1067405/blm-pro-palestine-protesters-storm-field-during-northwestern-university-football-game/> (last accessed May 13, 2024); <https://www.si.com/college/northwestern/football/northwestern-vs-iowa-game-interrupted-by-on-field-protest> (last accessed May 13, 2024).

⁶³ <https://www.northwestern.edu/leadership-notes/2021/demonstrations-and-freedom-of-expression.html> (last accessed May 13, 2024).

⁶⁴ <https://dailynorthwestern.com/2022/11/09/opinion/cohen-i-am-more-proud-of-my-jewish-identity-than-anyone-can-ever-hate-me-for-it/> (last accessed May 13, 2024).

while feeling immense passion for and commitment to the success of both nations. Criticism is not the antithesis of patriotism; it's a reflection of it." She went on to explain the disturbing nature of the phrase "From the River to the Sea," which "is a slogan used by Hamas — a terrorist organization — as a rallying cry to destroy the entire State of Israel and all of its Jewish inhabitants. The phrase originated more than 30 years ago, evolving from language in the 1988 Hamas charter that promoted the destruction of Jews, echoing Adolf Hitler's messaging on the merits of the Protocols of the Elders of Zion."⁶⁵ Seeing the phrase around campus was "offens[ive]," and "hurt" and "anger[ed]" her, she explained. She then offered the "students who promote or subscribe to the harmful messaging that frequently covers this campus: Come talk with me. Ask questions. And, maybe at some point, join me for a Shabbat dinner."

148. Rather than engage in open dialogue about the pain she was experiencing as a result of the campus environment, Northwestern SJP tied dozens of copies of the article together, graffitied it with the slogan "From the river to the sea, Palestine will be free," and zip-tied it to fences enclosing the Deering Library,⁶⁶ telling the Jewish author and all other Jews, that they do not matter.

⁶⁵ SJP and others have attempted to reframe the slogan as having a non-genocidal meaning, calling for simple equality or "a Palestine liberated from U.S.-fund, Israeli-enforced oppression," but doing so is a distortion of its understood, historical, and contextual meaning. Indeed, "Blood and Soil" are just words that in theory can be interpreted in a variety of ways. But we understand based on its historical context and importance that the slogan has one meaning, which was popularized by the Nazis: Germany is only for "racially pure" Aryans. *See* <https://www.ushmm.org/antisemitism/what-is-antisemitism/origins-of-neo-nazi-and-white-supremacist-terms-and-symbols> (last accessed May 13, 2024).

⁶⁶ <https://www.algemeiner.com/2023/11/16/northwestern-university-students-faculty-slam-school-forming-committee-combat-antisemitism/> (last accessed May 13, 2024).

149. Northwestern SJP then proudly posted a picture of its defaced op-ed collage on its Instagram page.⁶⁷



⁶⁷

<https://twitter.com/SJPNU/status/1592335710392320000?s=20&t=rFDMM3TLoyJiCnCEh4zmkw> (last accessed May 13, 2024).

150. When several Jewish students saw SJP's banner, they called Northwestern Hillel's⁶⁸ Executive Director Michael Simon in tears, as they understood the banner to be an act of intimidation and bullying.⁶⁹

151. On information and belief, Northwestern SJP was never suspended or penalized for its unauthorized demonstration or defacing the Jewish student's call for dialogue, which let the SJP and any other group seeking to denigrate Israel, intimidate Jewish students, or disrupt the normal operations of the University know that it is a consequence free endeavor to harass Jews at Northwestern.

4. In the midst of Hamas' October 7th atrocities, Northwestern has continued to allow anti-Jewish sentiment to create a hostile environment for Jewish students, faculty, and staff.

152. On October 7, 2023, which was the Jewish holiday Simchat Torah (Hebrew for the "Rejoicing of Torah"), Hamas and its affiliates launched a surprise terrorist attack against Israel, murdering over 1,200 civilians and taking more than 200 people as hostages.

⁶⁸ A vital foundation for Jewish life on Northwestern's campus is the Northwestern chapter of Hillel International. Hillel is the world's largest Jewish campus organization, serving more than 140,000 students each year at 850 colleges and universities around the world. The Jewish of the defaced op-ed wrote that "[t]here is no place where I feel more at home than Shabbat services at Hillel, surrounded by other Jewish students praying proudly and passionately. During the past three years, that hour on Friday nights has become my refuge; a break from the fast-paced nature of Northwestern and a shelter from anything bothering me. Recently, services have been especially meaningful as there has been more to escape" on campus. <https://dailynorthwestern.com/2022/11/09/opinion/cohen-i-am-more-proud-of-my-jewish-identity-than-anyone-can-ever-hate-me-for-it/> (last accessed May 13, 2024).

⁶⁹ <https://dailynorthwestern.com/2023/03/02/featured-stories/in-focus/community-members-say-northwestern-is-neither-a-safe-nor-free-space-for-conversations-about-palestine-and-israel/> (last accessed May 13, 2024).

153. On October 18, 2023, President Biden gave a speech in which he testified to the atrocities committed on October 7th.⁷⁰

More than 1,300 innocent Israelis killed, including at least 31 American citizens, by the terrorist group Hamas. Hundreds — hundreds of young people at a music festival of — the festival was for peace — for peace — gunned down as they ran for their lives. Scores of innocents — from infants to elderly grandparents, Israelis and Americans — taken hostage. Children slaughtered. Babies slaughtered. Entire families massacred. Rape, beheadings, bodies burned alive. Hamas committed atrocities that recall the worst ravages of ISIS, unleashing pure unadulterated evil upon the world.

There is no rationalizing it, no excusing it. Period. The brutality we saw would have cut deep anywhere in the world, but it cuts deeper here in Israel.

October 7th, which was a sacred to — a sacred Jewish holiday, became the deadliest day for the Jewish people since the Holocaust. It has brought to the surface painful memories and scars left by a millennia of antisemitism and the genocide of the Jewish people. The world watched then, it knew, and the world did nothing. We will not stand by and do nothing again. Not today, not tomorrow, not ever.

* * *

The State of Israel was born to be a safe place for the Jewish people of the world. That's why it was born. I have long said: If Israel didn't exist, we would have to invent it. And while it may not feel that way today, Israel must again be a safe place for the Jewish people.

154. At a Senate hearing held on October 31, 2023, Secretary of State Antony J. Blinken discussed the horrors of October 7th.⁷¹

⁷⁰ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/18/remarks-by-president-biden-on-the-october-7th-terrorist-attacks-and-the-resilience-of-the-state-of-israel-and-its-people-tel-aviv-israel/> (last accessed May 13, 2024).

⁷¹ <https://www.appropriations.senate.gov/news/minority/senator-collins-questions-secretary-of-state-blinken-on-administrations-position-on-an-israel-ceasefire> (last accessed May 13, 2024).

First of all, Senator, I fully agree with you, that no country could tolerate what Israel suffered on October 7... And as we know, it wasn't just the attack itself, and the vulnerability that it revealed, *it was the nature of the attack; with young people chased down and gunned down at a... dance party; with, as you said, children executed in front of their parents; parents executed in front of their children; families, in a final embrace, burned alive; people beheaded.* I could go on. You've seen the pictures. You've seen the video.

I've heard from many eyewitnesses to these atrocities, including... a family of four, a young boy and girl, six and eight years old, and their parents, around the breakfast table. The father, his eye gouged out in front of his kids. The mother's breast cut off. The girl's foot, amputated. The boy's fingers cut off, before they were executed. And then their executioners sat down and had a meal. That's what this society is dealing with, and no nation could tolerate that.

155. Although it is referred to as the October 7th massacre, the horrors did not end on that day. Hamas and affiliated terrorists remained in sovereign Israeli territory fighting for up to 48 hours after the start of the attack.⁷² Israel was also counting dead, injured, and kidnapped civilians for weeks. Hamas kidnapped 252 hostages, including 30 children (some as young as 9 months old), 20 people over the age of 60, including Holocaust survivors, and at least 20 U.S. citizens. Among the U.S. citizens taken hostage were Judith and Natalie Raanan, who live in Evanston, Illinois.⁷³

156. Beginning on October 7th, Jews around the world, including at Northwestern, were in despair, traumatized by the worst attack on Jews since the Nazis sought their eradication. As one Jewish Northwestern student recently stated when she discussed an event held on campus

⁷² <https://www.nbcnews.com/news/october-9-2023-morning-rundown-rcna119434> (last accessed May 13, 2024).

⁷³ <https://www.reuters.com/world/middle-east/what-do-we-now-about-hamas-hostages-2023-10-19/> (last accessed May 13, 2024); <https://patch.com/illinois/evanston/evanston-mom-held-hostage-hamas-shares-harrowing-story-interview> (last accessed May 13, 2024).

concerning the October 7th massacre, “A lot of us have a very deep connection to Israel, and we’re very impacted by the October 7 terror attacks.”⁷⁴

157. Yet, as Jewish students were suffering and grieving while the October 7th massacre was literally unfolding, they were forced to face a daily onslaught of antisemitic rhetoric, which Northwestern permitted to spread throughout campus.

158. On October 8, 2023, within hours of the start of Hamas’ attack, the national SJP issued a “toolkit” to its various university chapters calling the then-ongoing rape, murder, and kidnapping, “a historic win for the Palestinian resistance.”⁷⁵ The document is an open call to arms, proclaiming, “As the Palestinian student movement, we have an unshakable responsibility to join the call for mass mobilization. National liberation is near—glory to our resistance, to our martyrs, and to our steadfast people.”

159. SJP then “call[ed] for a national day of resistance on college campuses across occupied Turtle Island [(i.e. America)] and internationally this Thursday, October 12th, 2023.” SJP was clear that the purpose of the document and goal for the student organizations is to “normalize and support our fearless resistance.” SJP called upon students to “engage in meaningful actions that go beyond symbolism and rhetoric.”

160. To be sure, references to “resistance” and similar phrases used by SJP in this toolkit, which Northwestern SJP adopted, and all of its public statements and posters that were to be plastered and shouted around Northwestern campus are not ambiguous. They refer to Hamas and its acts of terrorism, including its October 7th massacre. Moreover, SJP and its members do not

⁷⁴ <https://dailynorthwestern.com/2024/04/02/campus/wildcats-for-israel-hosts-oct-7-hamas-attack-survivor-deborah-ben-aderet-at-speaker-event/> (last accessed May 13, 2024).

⁷⁵ <https://dw-wp-production.imgix.net/2023/10/DAY-OF-RESISTANCE-TOOLKIT.pdf> (last accessed May 13, 2024).

just consider themselves “in solidarity with [Hamas’] movement,” they “are PART of th[e] movement.” SJP added “[a]ll of our efforts continue the work and resistance of Palestinians [(i.e. Hamas)] on the ground.”

161. Quickly heeding the marching orders from its national headquarters in support of Hamas, on October 8, 2023, while Israel was in the midst of fighting Hamas terrorists hidden in the country and was counting its dead and kidnapped citizens, Northwestern SJP issued a statement on its Instagram page in which it claimed that Hamas’ barbaric (then-ongoing) attack was an act of “defen[se],” which was “not only a moral imperative, but a right enshrined in global accords.” According to Northwestern SJP, Israel “cannot, by any logical construct, claim victimhood” based on Hamas’ attempt at genocide.⁷⁶

162. Next, Northwestern SJP followed the toolkit which called for “a national day of resistance from the student movement for Palestine liberation on college campuses across occupied Turtle Island (so-called US and Canada) and beyond” on October 12, 2023.⁷⁷ The plan for the “day of resistance” was “to resist directly through dismantling Zionism, and wielding the political power that our organizations hold on our campuses and in our communities.” SJP’s planned protests adhered to the instruction of the former chief of Hamas who currently lives in Qatar, Khaled Meshaal, who called for protests and “jihad” on October 13, 2023, across the globe.⁷⁸

⁷⁶ This post remains pinned to the top of Northwestern SJP’s Instagram profile.

⁷⁷ National SJP also hosted on October 9, 2023, “a national call-in meeting to meet with chapters, talk through the political significance of this moment, talk through how-to’s for the protest day of action and troubleshoot any support needed.” <https://dw-wp-production.imgix.net/2023/10/DAY-OF-RESISTANCE-TOOLKIT.pdf> (last accessed May 13, 2024).

⁷⁸ See <https://www.reuters.com/world/middle-east/former-hamas-chief-calls-protests-neighbours-join-war-against-israel-2023-10-11/> (last accessed May 13, 2024);

163. On October 11, 2023, Northwestern SJP announced plans to join the national SJP protest, by calling for a rally at the Rock on Northwestern's campus on the following night.⁷⁹

164. Northwestern SJP promoted the protest by issuing social media posts stating that Hamas' barbaric attack on October 7th was merely "the oppressed ris[ing] in response to [Israeli] aggression." SJP repeated its claim that Israeli citizens (mostly, but not all, Jews) who were victims on October 7th "cannot... justifiably claim victimhood." This statement came out of national SJP's "Messaging & Framing" section of its toolkit, which states "[t]he Palestinian people have the right to resist colonization and oppression" and instructs local SJP chapters "to break through [Zionists] hegemonic narratives of 'war' and 'unprovoked aggression.'"

165. Similarly, another registered student organization, Northwestern University Community for Human Rights ("NUCHR"), promptly issued a statement on October 10, 2023, titled "Let's talk about Palestine." NUCHR claimed to explain "what's happening right now," by stating that the thousands of terrorists who left Gaza to attack Israel were simply "Palestinians [that] have returned home." The post claimed that "[t]he media and global 'leaders' have turned their backs on Palestine and vilified their resistance." NUHCR explained that the video and images Hamas took of themselves while committing these atrocities were simply "what decolonization look liked." NUHCR then espoused classic antisemitic tropes, comparing Jews to "white" people

<https://nypost.com/2023/10/11/ex-hamas-chief-calls-for-global-protests-against-israel-friday/> (last accessed May 13, 2024).

⁷⁹ <https://evanstonnow.com/nu-palestinian-group-says-israel-violates-human-rights/> (last accessed May 13, 2024).

who “favor white lives over those of POC.”⁸⁰ The post concludes, “[NUHCR] stands in solidarity with Palestinian freedom fighters” (i.e. Hamas).

166. While SJP and NUHCR quickly got their message of hate out, on October 12, 2023, Northwestern issued a statement from President Schill, in which he stated that he is “not planning to put out a statement officially stating a University position” concerning “the current conflict in Israel and Gaza.”⁸¹ Naturally, President Schill’s statement did little to comfort Jewish students, faculty, and staff on campus, and was an about face for the University given its numerous statements in support of other social and political issues affecting its campus.

167. Indeed, to this day, the University continues to promote on its website its statements made in the wake of the murder of George Floyd, touting its “Commitments Toward Social Justice” and “Northwestern’s Pursuit of Systemic Change.” And when the University found three stickers around campus containing a slogan that “may seem harmless and legitimate on the surface” but “has been adopted in recent years by white-supremacists and neo-Nazi groups” “for that very reason,” it was quick to “thoroughly” investigate the matter.

168. However, when Jewish students explain that slogans such as *intifada, from the river to the sea*, and *resistance is justified*, are phrases straight out of terrorists’ manuscripts and intended as a means to harass Jews, they are forced to accept supposed alternative meanings. The University’s differing polices applied to anti-Jewish discrimination and other minority groups on

⁸⁰ Throughout many millennia, Jews have never been accepted as “white,” which is why Jews were consistently persecuted, including by the Nazis. As recently as the 2017 neo-Nazi march in Charlottesville in, white neo-Nazi’s shouted “Jews will not replace *us*.”

⁸¹ <https://www.northwestern.edu/leadership-notes/2023/message-from-president-schill-to-senior-leadership.html> (last accessed May 13, 2024).

campus were clear—both to Jewish students and those that sought to espouse antisemitic rhetoric throughout campus.

169. President Schill then attempted to remedy the controversy created by his new policy which aided the harassment of his Jewish students, faculty, and staff. On October 13, 2023, he issued a second letter addressing his prior statement.⁸² Therein, he expressed that a “value that I know we share at Northwestern is care and compassion for one another. Our students, our faculty, our staff and our entire community are in pain. This is a moment for us to pull together, to support each other, and seek common ground.”

170. But these were just empty words with little intent to follow through behind them. Following this letter, President Schill and Northwestern allowed antisemitism to spiral out of control, creating parts of the campus that Jewish students did not feel comfortable entering, and, overall, creating an inhospitable environment for Jews that resembles German universities of the 1930s more than an elite U.S. university in the 21st century.

171. On October 17, 2023, Northwestern Professor Khaled Al-Hroub, when being interviewed on a Boston NPR affiliate, denied the atrocities of October 7th.⁸³ Professor Al-Hroub stated that he had not seen “any credible media reporting” that Hamas had killed women and children on October 7th.⁸⁴

⁸² <https://www.northwestern.edu/leadership-notes/2023/our-northwestern-values.html> (last accessed May 13, 2024).

⁸³ <https://dailynorthwestern.com/2023/10/18/campus/northwestern-condemns-prof-khaled-al-hroub-comments-on-hamas/> (last accessed May 13, 2024).

⁸⁴ Professor Al-Hroub teaches at Northwestern’s campus located in Qatar. Northwestern opened the Qatari campus after Qatar donated hundreds of millions of dollars to the University. Since 2008, Qatar has donated nearly \$602 million to Northwestern. <https://www.thefp.com/p/qatars-war-for-young-american-minds> (last accessed May 13, 2024). Professor Al-Hroub’s statement is consistent with Qatar’s foreign ministry, which stated on

172. Also on October 17, 2023, Northwestern University Asian American Studies Program faculty defended Hamas as a “political group” and objected to the phrase “Hamas is ISIS,” calling it Islamophobic.⁸⁵ The faculty went on to attempt to parse the claims that “Hamas beheaded babies” as a “false” and “baseless claim[.]... meant to incite hate.”

173. Yet, Secretary Blinken stated five days prior to the faculty’s statement that “we did see photographs, videos,... *A baby, an infant, riddled with bullets. Soldiers beheaded. Young people burned alive in their cars or in their hideaway rooms. I could go on*, but it’s simply depravity in the worst imaginable way. It almost defies comprehension, and as I’ve been saying, to me, it, in the most immediate future, *hearkens back to ISIS* and some of the very things we saw when it was on its rampage that, thankfully, was stopped.”⁸⁶

174. Likewise, *USA Today* reported that “[a]n international group of forensic pathologists also have confirmed babies were found decapitated[.]”⁸⁷

October 7th that “Israel [was] solely responsible” for Hamas’ atrocities. [https://mofa.gov.qa/en/statements/qatar-expresses-concern-over-the-developments-in-gaza-strip-and-calls-for-de-escalation_\(last accessed May 13, 2024\)](https://mofa.gov.qa/en/statements/qatar-expresses-concern-over-the-developments-in-gaza-strip-and-calls-for-de-escalation_(last%20accessed%20May%2013,%202024)). Qatar’s condemnation is not surprising given it “has been known to be perhaps the largest financial patron of Hamas” and “harbor[s] Hamas figurehead Khaled Meshaal,” among other Hamas leaders. *See Hamas’ Benefactors: A Network Of Terror: Hearing before Subcommittee on the Middle East and North Africa, Subcommittee on Terrorism, Nonproliferation, and Trade, and Committee on Foreign Affairs* (Serial No. 113-213), 113th Cong (2014), available at <https://www.govinfo.gov/content/pkg/CHRG-113hhr89738/html/CHRG-113hhr89738.htm> (last accessed May 13, 2024).

⁸⁵ As noted above, the U.S. State Department designated Hamas as a Foreign Terrorist Organization in October 1997.

⁸⁶ <https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-39/> (last accessed May 13, 2024).

⁸⁷ <https://www.usatoday.com/story/news/factcheck/2023/10/31/post-falsely-claims-newspaper-reported-no-babies-beheaded-hamas-israel-fact-check/71394076007/> (last accessed May 13, 2024).

175. The fact that Jews would even need to justify or provide multiple forms of proof of this most heinous attack reveals the level of antisemitism that has been accepted on campus for years. For a group of faculty members to make such callous and irresponsible statements at a time when Jewish members of campus are struggling should never be tolerated—but the University did tolerate it.

176. As of May 20, 2024, Northwestern University Asian American Studies Program’s October 18, 2024 statement remains pinned as a top post on the Northwestern University Asian American Studies Program’s Instagram account. The post contains Northwestern’s trademarked logo, indicating that it is a University approved statement.⁸⁸

177. On October 25, 2023, two Northwestern students printed and circulated hundreds of leaflets throughout campus, mimicking the campus newspaper, *The Northwestern Daily*, which contained dangerous and false allegations.⁸⁹ The newspaper contained a gruesome half-page photo, depicting bloody dead children, which the authors asserted were murdered by Israel as part of a genocidal campaign. The photo was described as a “[p]ress conference held at the Al-Ahli Baptist Hospital [in Gaza on October 18] after an Israeli air strike killed 471 Palestinians who were being treated and using the hospital for shelter.”⁹⁰

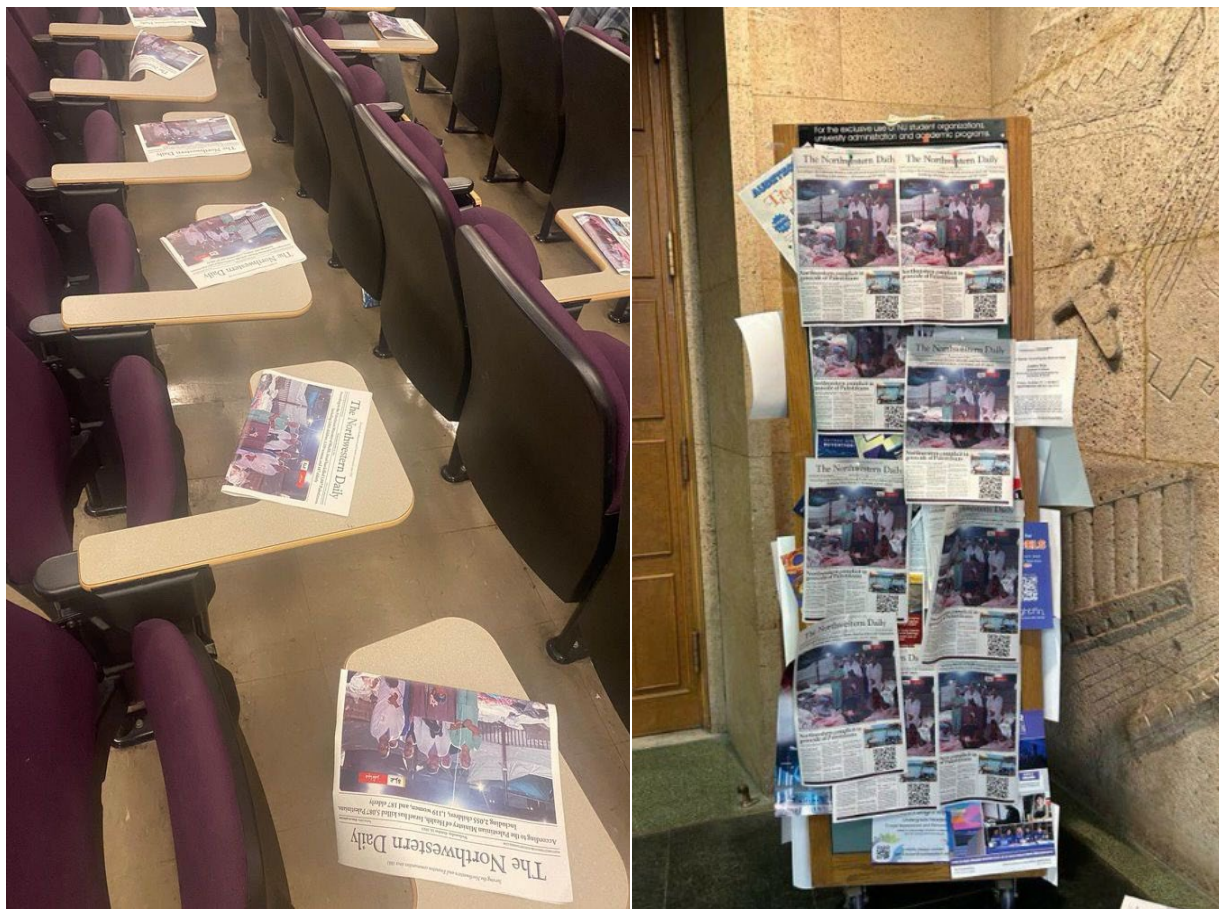
⁸⁸ “Northwestern has a long-standing policy of protecting the symbols that are associated with its name and reputation as one of the finest universities in the country.” <https://www.northwestern.edu/auxiliary-services/trademark-licensing/> (last accessed May 13, 2024). The University maintains a Trademark Licensing Office which is responsible for “monitor[ing] the use of the University’s name and insignias.”

⁸⁹ <https://dailynorthwestern.com/2023/10/26/campus/imitated-front-pages-of-the-daily-northwestern-circulated-across-nus-campus/> (last accessed May 13, 2024); <https://responsiblestatecraft.org/northwestern-students-gaza-parody/> (last accessed May 13, 2024).

⁹⁰ The accusation that 471 civilians were killed at the Al-Ahli Baptist Hospital by an Israeli air strike has been widely discredited. Prior to the publication of the fake *The Northwestern Daily*



edition circulated around campus, the truth that (1) the Al-Ahli Baptist Hospital was not struck by a missile, rather it was a parking lot, (2) a terrorist organization fighting with Hamas called Palestinian Islamic Jihad, not Israel, fired the rocket, and (3) 471 civilians did not die in this terrible incident caused by PIJ, was known by anyone who cared to learn of the truth. See <https://www.nytimes.com/2023/10/22/world/middleeast/israel-gaza-hospital-evidence.html> (last accessed May 13, 2024).



178. The fake newspaper mocked the suffering of the hostages taken on October 7th, which included two Jewish U.S. citizens from Evanston, by comparing them to Ozzis, the reusable food containers offered by campus dining halls.

179. Finally, in order to really make sure that all Jewish students would be intimidated by the document plastered around campus, the article attacked Birthright Israel, an educational trip to Israel that nearly one million Jews, including Doe, have participated in for over two decades.⁹¹

⁹¹ See <https://birthrightisrael.foundation/faqs/> (“Is Birthright Israel an apolitical organization? Unequivocally, yes. Birthright Israel is committed to the State of Israel as a sovereign, Jewish, and democratic state, and upholds its standing as the historic and eternal homeland of the Jewish people. Within that framework, Birthright Israel refrains from any political or ideological partisanship. Birthright Israel promotes a culture of open, safe, pluralistic, and

180. Later that day, on October 25, 2023, more than 150 students participated in a “walk out” organized by the Northwestern SJP. At this event the students shouted “Northwestern, you can’t hide — you’re paying for genocide.” According to the *Daily Northwestern*, “[s]everal faculty members also attended the walkout to show their support.”⁹² A professor within the Asian American Studies Program supported the walk out throughout campus, in violation of University policies, and stated that this disruptive and intimidating event was a “source of comfort” for her.

181. Following the distribution of the fake newspaper and SJP walkout, Northwestern Hillel’s Executive Director Michael Simon issued a statement, warning that “[t]hese actions and others, individually and cumulatively, are contributing to a campus climate that is unsettling for Jewish students and members of the broader Northwestern community.”⁹³

182. Northwestern also released a statement concerning the fake newspaper plastered “across the Evanston campus.”⁹⁴ Therein, Northwestern acknowledged that “[t]he fake newspaper included images and language about Israel that many in our community found offensive.”

183. From the start, the anti-Jewish environment on campus was more than just improper demonstrations. The campus was riddled with antisemitic posters, precisely as the SJP toolkit instructed: “Challenging Zionist hegemony and popularizing our resistance is a critical part of

meaningful dialogue and seeks to unite Jewish young adults and build strong connections to the State of Israel.”) (last accessed May 13, 2024).

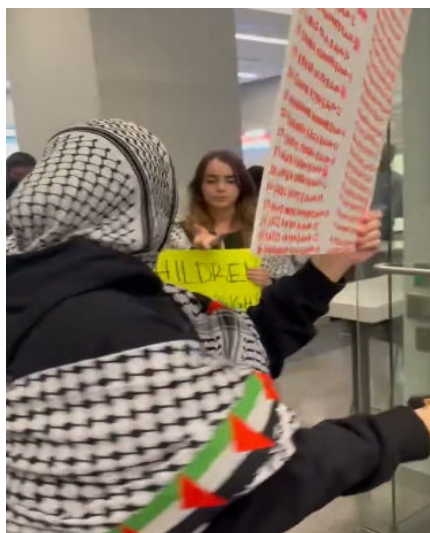
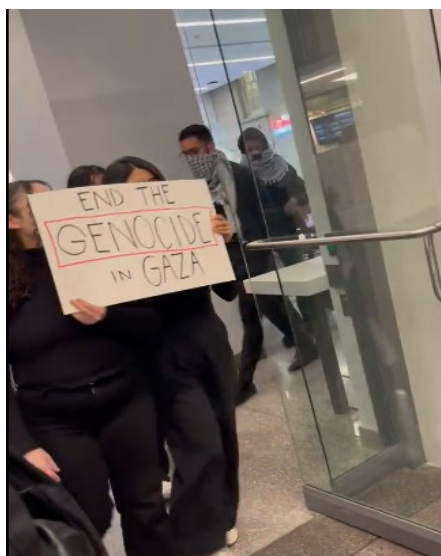
⁹² <https://dailynorthwestern.com/2023/10/26/campus/nu-students-for-justice-in-palestine-leads-walkout-calls-for-university-divestment-and-support-for-palestinians/> (last accessed May 13, 2024).

⁹³ <https://dailynorthwestern.com/2023/10/26/campus/imitated-front-pages-of-the-daily-northwestern-circulated-across-nus-campus/> (last accessed May 13, 2024).

⁹⁴ <https://www.northwestern.edu/leadership-notes/statements/2023/statement-on-fake-copies-of-the-daily-northwestern.html> (last accessed May 13, 2024).

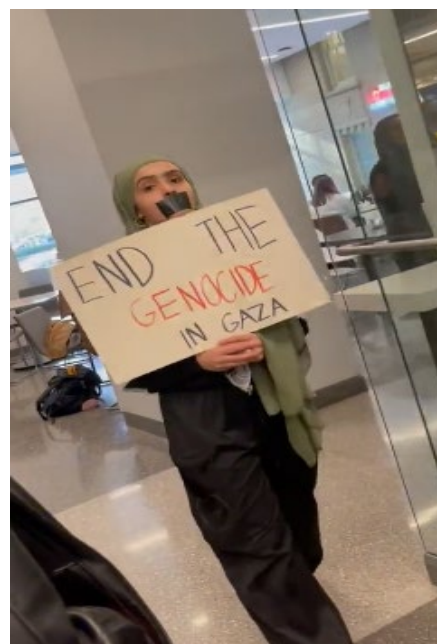
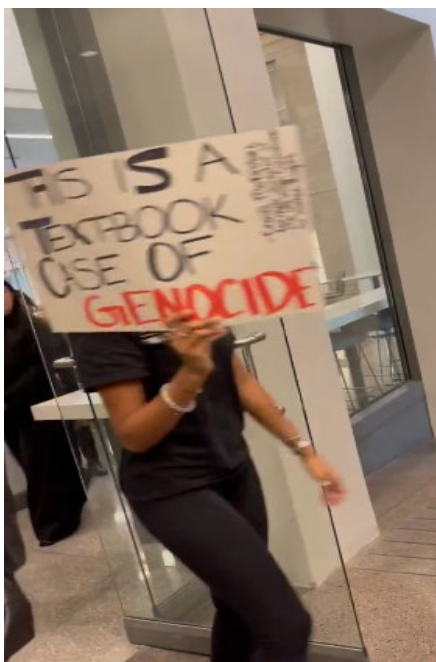
advancing our national movement! Print flyers to put up around your campus.”⁹⁵ Throughout the Northwestern campus there were posters stating: “from the river to the sea,” “resistance is justified,” and “long live the intifada.” In one particularly offensive post, President Schill, who is Jewish, was depicted in the most classical antisemitic tropes, from Jews having horns to being blood thirsty killers.⁹⁶

184. In November, dozens of individuals, many believed to be students, also held unauthorized protests in Northwestern Law School, holding signs accusing Israel of genocide, interrupting the University’s normal operations, and adding to the ever-growing hostile environment for Jews on campus.



⁹⁵ <https://dw-wp-production.imgix.net/2023/10/DAY-OF-RESISTANCE-TOOLKIT.pdf> (last accessed May 13, 2024).

⁹⁶ <https://www.foxnews.com/us/northwestern-university-president-students-condemn-antisemitic-phrases-school-group-claps-back> (last accessed May 13, 2024).



185. On October 26, 2023, President Schill and Provost Hagerty issued a statement in which they admit, “We have heard from *community members who feel unsafe on our campuses* and others who feel overwhelmed by the unfolding war in the Middle East, *making it difficult to focus on schoolwork, research, instruction or common tasks.*”⁹⁷ The statement went on to state that “arguments or slogans in support of a terrorist group that killed innocent civilians” are “harmful and dehumanizing” and warned that “[i]t is not the time for incendiary postings or banners.”

186. But none of Northwestern’s statements had any impact on the antisemitism Jews faced on campus. By mid-November, Northwestern identified the students responsible for the offensive newspaper. These students were initially charged with a misdemeanor following the

⁹⁷ <https://www.northwestern.edu/leadership-notes/2023/civility-during-conflict.html> (last accessed May 13, 2024).

campus newspaper pressing charges in October over the incident. However, following a pressure campaign against the newspaper, the charges were dropped.

187. On November 5, 2023, over 500 Northwestern students attended a pro-Hamas rally. Although there was arguably room for debate prior to the event, this protest was revealed to be what it truly was (pro-Hamas) rather than what they claimed to be (pro-Palestinian).⁹⁸ At this rally organized by Northwestern SJP, signs read “resistance is justified,” referring to Hamas’ murder, rape, and kidnapping on October 7th, and the crowd chanted “From the River to the Sea, Palestine will be free,” and other genocidal slogans referring to the removal of Jews from Israel. And to top it off, these chants were made while an actual Hamas flag flew overhead.



⁹⁸ See <https://dailynorthwestern.com/2023/11/05/lateststories/hundreds-call-for-gaza-ceasefire-divestment-from-israeli-military-at-saturday-rally/> (last accessed May 13, 2024).

188. The protestors learned that they no longer needed to rely on inuendo or argue double meanings for chants calling for violence like “intifada,” “resistance is justified” or “from the river to the sea, Palestine will be free.” Northwestern’s inaction let them know that they can now come out of the closet and announce their true intentions: support for Hamas, a designated terrorist organization that a month prior committed the most barbaric terrorist attack against Jews in a single day since the Holocaust.

189. By November, Jews on campus had dealt with a lot of pain. Discussing a memorial set up on campus in honor of the 240 people kidnapped by Hamas on October 7th, a Jewish Northwestern student remarked, “[Jewish] [s]tudents have been taking the brunt of a lot of the controversy recently, so we want to show that we will not let our voices be silenced, and we will continue to speak up for the issues we care about.”⁹⁹

190. In a half-hearted attempt to address the antisemitism exploding on campus under his watch, on November 13, 2023, President Schill announced the creation of an Advisory Committee on Preventing Antisemitism and Hate. Kellogg Professor Efraim Benmelech and School of Education and Social Policy (“SESP”) Dean Bryan Brayboy were appointed as Co-Chairs of the committee.¹⁰⁰ Members were to be selected to represent a diverse set of Northwestern perspectives and will include faculty, staff, students, alumni and trustees.

191. President Schill’s announcement letter for the creation of the Advisory Committee repeated that “Northwestern will not stand for antisemitism or discriminatory acts... *They are*

⁹⁹ <https://dailynorthwestern.com/2023/11/17/campus/students-honor-israeli-hostages-with-pop-up-installation-on-deering-meadow/> (last accessed May 13, 2024).

¹⁰⁰ <https://www.northwestern.edu/leadership-notes/2023/announcing-new-committee-on-preventing-antisemitism-and-hate.html> (last accessed May 13, 2024).

against University policy and, in many instances, against the law.”¹⁰¹ President Schill claimed that the University “will investigate any and all allegations of behavior targeting members of our community in violation of our policies. If an individual violates these policies, we will begin disciplinary proceedings against the perpetrator and, if the matter warrants, refer it to law enforcement”—a threat that would be proven to be entirely meaningless.

192. President Schill further admitted that he “heard from students and parents who feel unsafe,” but he “want[s] to assure you that the University is committed to providing a safe, welcoming environment for everyone in our community, through measures both visible and, in many cases, unseen.” What’s more, President Schill was (unusually) direct when he “call[ed] on all members of our community to use our collective voices to emphatically reject statements or banners that significant parts of our community interpret as promoting murder and genocide. This includes flying flags associated with Hamas and banners with the slogan ‘From the River to the Sea.’”¹⁰²

193. But Northwestern took no actual or concrete steps to tamp down the rise in antisemitism on campus. While other universities, including Brandeis University, Columbia University, Rutgers University, and George Washington University, had seen enough antisemitic, pro-terrorist, and violent rhetoric out of their local SJP chapters and suspended the student organization from their campuses, Northwestern took no action against the group.¹⁰³ And despite

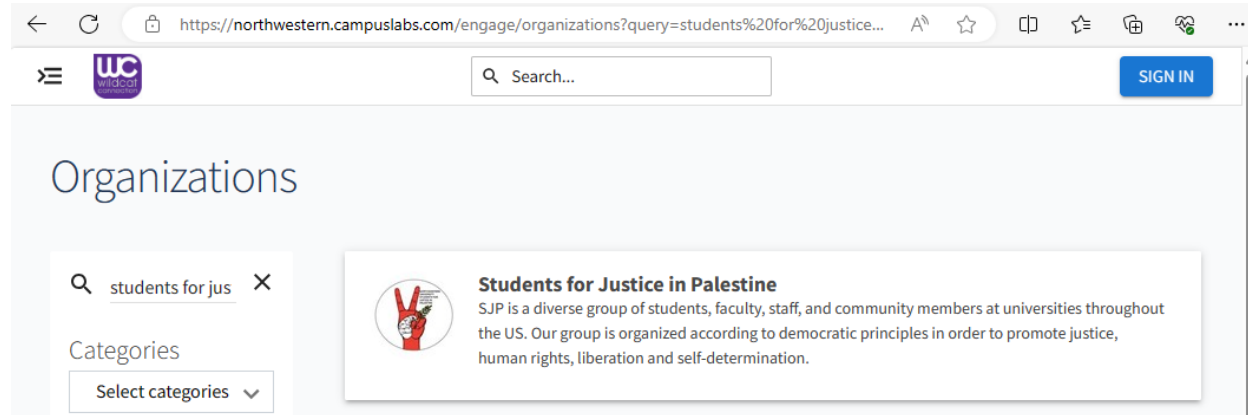
¹⁰¹ *Id.*

¹⁰² <https://www.northwestern.edu/leadership-notes/2023/announcing-new-committee-on-preventing-antisemitism-and-hate.html> (last accessed May 13, 2024).

¹⁰³ <https://www.brandeis.edu/president/letters/2023-11-08-free-speech-not-hate-speech.html> (“This decision was made because SJP openly supports Hamas, which the United States has designated as a Foreign Terrorist Organization, and its call for the violent elimination of Israel and the Jewish people.”) (last accessed May 13, 2024);

their actions becoming more repugnant and contributing to a hostile environment for Jews on Northwestern's campus, to this day, SJP still has not been suspended at Northwestern.

194. In fact, SJP is still promoted on Northwestern's website as an approved student organization, with an Associate Director of Student Organizations & Activities appointed as a University advisor.¹⁰⁴



195. Moreover, in response to President Schill's statement, 65 student organization on campus issued an op-ed called "From the river to the sea, Palestine will be free," in which they

<https://gwhatchet.com/2023/11/14/gw-suspends-sjp-for-three-months-after-anti-israel-library-demonstration/> ("Effective immediately, the university has prohibited SJP from participating in activities on campus") (last accessed May 13, 2024); <https://news.columbia.edu/news/statement-gerald-rosberg-chair-special-committee-campus-safety> ("Columbia University is suspending Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP) as official student groups through the end of the fall term. This decision was made after the two groups repeatedly violated University policies related to holding campus events, culminating in an unauthorized event Thursday afternoon that proceeded despite warnings and included threatening rhetoric and intimidation.") (last accessed May 13, 2024); <https://abc3340.com/news/nation-world/rutgers-suspends-students-for-justice-in-palestine-chapter-over-vandalism-disruption-new-brunswick-new-jersey-university-israel-hamas-middle-east-conflict-sjp> ("While Rutgers–New Brunswick is a public institution that protects and values free speech and an open exchange of ideas, this exchange cannot come at the expense of individual and campus safety.") (last accessed May 13, 2024).

¹⁰⁴ See <https://northwestern.campuslabs.com/engage/organization/sjp> (last accessed May 13, 2024).

announced that they “stand in solidarity with Students for Justice in Palestine.”¹⁰⁵ The op-ed referred to concerns over antisemitism on campus as “mass hysteria and collective psychosis.” Moreover, the article repeated slanderous statements designed to denigrate Israel and Jews by association, stating “we know there is a genocide happening,” accusing Israel of the “systematic killing of journalists in Gaza” and the “deliberate targeting of hospitals, schools, churches and mosques.” Unfortunately, the op-ed was simply further evidence that a significant portion of Northwestern’s campus agreed with SJP that Hamas’ barbarism on October 7th, in addition to all its prior terrorist attacks, was justifiable, and Jews were left to fend for themselves on campus.

196. On or about December 20, 2023, Northwestern issued a statement in response to claims made that “the University and President Michael Schill are not taking a strong enough stand against antisemitism on campus.”¹⁰⁶ Therein, Northwestern claimed that President Schill “has taken several proactive steps to address antisemitism on campus, including the establishment of the President’s Advisory Committee on Preventing Antisemitism and Hate.” (As discussed below, the committee was a sham, leading to its dissolution. *Infra* § IV.D.7.) The letter continued, “Acts that violate our codes of conduct will continue to be immediately addressed and individuals will be held accountable under University policies and procedures. Northwestern does not tolerate antisemitism or discriminatory acts against any members of its community.” Again, an empty threat.

¹⁰⁵ <https://dailynorthwestern.com/2023/11/16/opinion/lte-from-the-river-to-the-sea-palestine-will-be-free/> (last accessed May 13, 2024).

¹⁰⁶ <https://www.northwestern.edu/leadership-notes/statements/2023/statement-on-claims-made-by-outside-advocacy-group.html#:~:text=Acts%20that%20violate%20our%20codes,any%20members%20of%20its%20community> (last accessed May 13, 2024).

197. After months of antisemitism spreading throughout Northwestern’s campus, on January 23, 2024, the DOE OCR opened an investigation into “[w]hether the University failed to respond to alleged harassment of students on the basis of national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.”¹⁰⁷

198. In a letter sent by OCR to President Schill, OCR specifically requested information concerning, *inter alia*: “a. An October 12, 2023 vigil at the Deering Library; b. An October 18, 2023 statement posted by Asian American Studies Program faculty; c. An October 25, 2023 walkout; and d. An October 25, 2023 circulation of a ‘fake’ version of the University's student newspaper.”¹⁰⁸

199. But even an OCR investigation would not push Northwestern to take seriously Jewish students, faculty, and staff’s concerns and cause it to meaningfully address the antisemitic hostile environment on campus. Rather, Northwestern responded with empty words and nothing more.

200. In a statement issued on January 23, 2024, Northwestern downplayed the seriousness of the investigation and incidents of antisemitism contained in the complaint, and stated, “The complaint against Northwestern was not filed by a member of our community but instead by an outside organization. The Department of Education is investigating dozens of

¹⁰⁷ <https://www2.ed.gov/policy/gen/leg/foia/il-northwestern-1-companandnotlets.pdf> (last accessed May 13, 2024); <https://dailynorthwestern.com/2024/01/24/lateststories/u-s-department-of-education-opens-title-vi-investigation-into-northwesterns-handling-of-alleged-antisemitism/> (last accessed May 13, 2024);

¹⁰⁸ <https://www2.ed.gov/policy/gen/leg/foia/il-northwestern-1-companandnotlets.pdf> (last accessed May 13, 2024).

universities.”¹⁰⁹ Northwestern repeated that it “does not tolerate antisemitism or discriminatory acts directed at any individual based upon their race, religion, national origin or other protected categories.” The extent to which this claim was utterly hollow would become undeniable by April.

201. The same day the OCR investigation was announced (and minimized by Northwestern), President Schill issued a statement admitting that “antisemitism and other hateful behavior... has impacted our campus.”¹¹⁰

202. Just four days later on January 28, 2024, during Northwestern’s Martin Luther King Jr. memorial ceremony a speaker went on an anti-Israel tirade.¹¹¹ The speaker accused Israel of committing genocide in its war against Hamas and promoted false and inaccurate information concerning South Africa’s case against Israel before the International Court of Justice (“ICJ”). *See infra* ¶ 204 n.114. The speaker’s vitriol “disturbed” one Jewish student and caused her and several other classmates to leave the event. The student commented that the entire ordeal was very “upsetting” and that she was “taken aback, because MLK was a big supporter of Israel,” and she felt that MLK’s memory “was overshadowed in a way” by the speaker’s anti-Israel outburst. Notably, President Schill was in attendance for this diatribe but took no action—not while it was ongoing or after the fact.

203. Another major incident occurred during Northwestern’s Admitted Students Day, April 8, 2024. Admitted Students Day is supposed to be the day when incoming Northwestern

¹⁰⁹ <https://www.northwestern.edu/leadership-notes/statements/2024/statement-on-department-of-education-investigation.html> (last accessed May 13, 2024).

¹¹⁰ <https://www.northwestern.edu/leadership-notes/2024/update-on-presidents-advisory-committee-on-preventing-antisemitism-and-hate.html> (last accessed May 13, 2024).

¹¹¹ <https://freebeacon.com/campus/speaker-accuses-israel-of-genocide-at-northwestern-mlk-jr-memorial/> (last accessed May 13, 2024).

students get their first experience with campus culture. In a sense that is what happened as Northwestern SJP and other student organizations organized an anti-Israel protest targeting Hillel, the school’s Jewish student community center, for that day.¹¹²

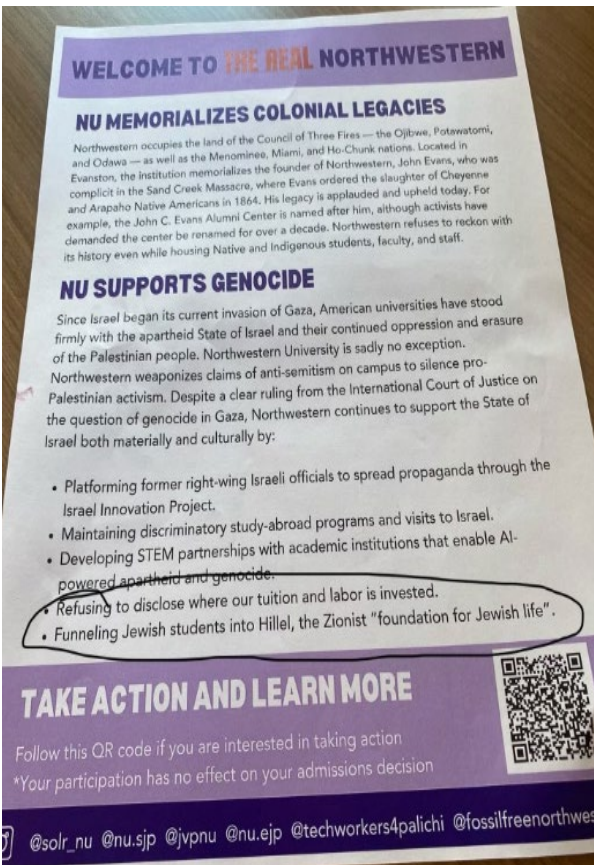
204. During this “protest,” the organizers went around campus shouting, interrupting classes, and demanding that Northwestern terminate its relationship with Hillel.¹¹³ An organizer of the protest claimed that the potentially unauthorized demonstration that “[Hillel] is one of the many ways in which this university is complicit in infusing Jewishness with Zionism.” The organizers circulated a flyer that reiterated antisemitic conspiracy theories, claiming that “NU supports genocide” by, among other complaints, “funneling Jewish students into Hillel,” and that “Northwestern weaponizes claims of anti-semitism on campus to silence pro-Palestinian activism.” The flyer also repeated a dangerous claim that there was “a clear ruling from the International Court of Justice on the question of genocide in Gaza.”¹¹⁴

¹¹² <https://freebeacon.com/campus/northwestern-university-dean-of-students-attends-protest-targeting-campus-jewish-community-center/> (last accessed May 13, 2024).

¹¹³ <https://reason.com/volokh/2024/04/24/disagreeing-with-eugene-about-the-anti-hillel-incidents-at-northwestern-university-last-week/> (last accessed May 13, 2024).

¹¹⁴ Joan Donoghue, who was the president of the International Court of Justice when the ruling referenced was issued recently made clear that the court “did not decide, and this is something where I’m correcting what is often said in the media. It did not decide that the claim of genocide was plausible.... [T]he shorthand that often appears, which is that there is a plausible case of genocide, isn’t what the court decided.” <https://www.bbc.com/news/av/world-middle-east-68906919> (last accessed May 13, 2024). Not only does Northwestern SJP maliciously distort the ICJ’s ruling as explained by Judge Donoghue, the underlying allegations are also refuted by the U.S. State Department. *See, e.g.*, <https://thehill.com/policy/international/4398781-israel-gaza-blinken-genocide-case-meritless/#:~:text=U.S.%20Secretary%20of%20State%20Antony,calling%20the%20claim%20%E2%80%9Cmeritless.%E2%80%9D> (“U.S. Secretary of State Antony Blinken on Tuesday denounced Israel being referred to the International Court of Justice (ICJ) for alleged genocide during its war in Gaza, calling the claim ‘meritless.’”), (“‘We find this submission meritless, counterproductive and completely without any basis in fact, whatsoever,’ [White House national security spokesperson John] Kirby said[.]”) (last accessed May 13, 2024).

205. This flyer was then handed out throughout campus, including to incoming students.



206. This demonstration against Hillel was attended by Dean of Students Mona Dugo. Northwestern later clarified that Dean Dugo was at the demonstration “to ensure the safety of our community.”¹¹⁵ Dean Dugo stated that the flyer attacking the largest institution of Jewish life on campus “may violate our Code of Conduct or Northwestern's discrimination and harassment policies” and the University is “investigating” the matter.

207. However, nothing would come from this sham investigation, which would further lay the grounds for even more antisemitic vitriol spread by SJP and others around campus.

¹¹⁵ <https://reason.com/volokh/2024/04/23/northwestern-dean-of-students-presence-at-anti-israel-protest/> (last accessed May 13, 2024); <https://www.northwestern.edu/leadership-notes/statements/2024/statement-on-april-15-demonstration.html> (last accessed May 13, 2024).

5. Northwestern’s inaction results in an unauthorized encampment at the center of campus.

208. On April 25, 2024, Northwestern students, staff, and unaffiliated “community members” brought tents, supplies, public announcement (PA) systems, loudspeakers, and more to Northwestern’s Deering Meadow¹¹⁶ in order to set up an unauthorized encampment, cosplaying Gazan refugees. They called this unauthorized encampment the “Liberated Zone.”

209. Referring to the unauthorized encampment as cosplay is not hyperbole. The protestors repeatedly made statements that the encampment “reminds them of Gaza,” yelled “settlers, settlers go back home” at Jews attempting to enter Deering Meadow in the middle of Northwestern’s campus, and in a speech given at the encampment by Professor Thrasher, he stated “a colonial war of occupation is playing out on this lawn... the university became an imperial battle site.”¹¹⁷



¹¹⁶ “Deering Meadow provides more than two acres of green space between Deering Library and Sheridan Road. The meadow was known as Campus Meadow from 1870 until the construction of Deering Library in 1933. It was the site of the first Northwestern football field and



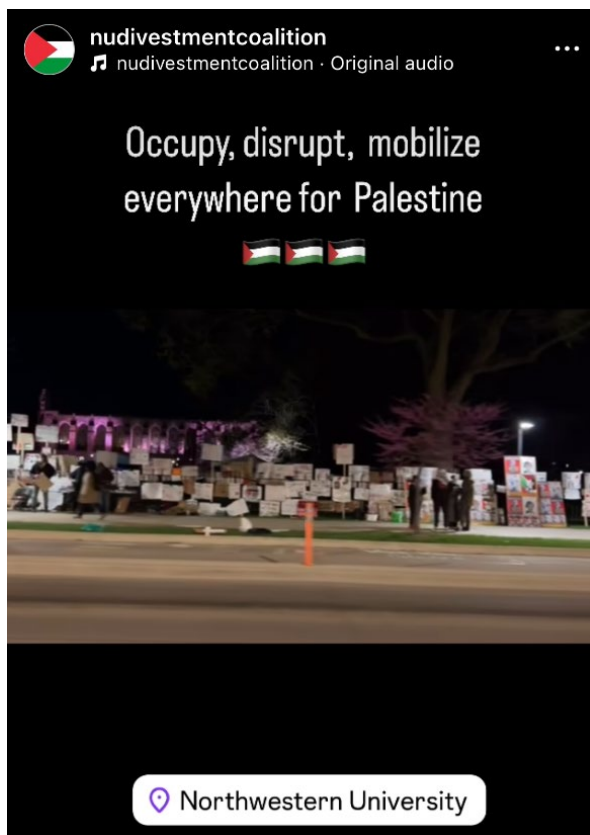
JACEK BO CZARSKI/ANADOLU VIA GETTY IMAGES

210. The purpose of the encampment was made clear in the organizers' Instagram posts:

“Occupy [and] disrupt.”

early Commencement ceremonies and has long been a gathering place for informal recreation, concerts, and rallies.” <https://maps.northwestern.edu/txt/facility/350> (last accessed May 13, 2024).

¹¹⁷ On May 11, 2024, Professor Thrasher stated that living in the “Liberated Zone” gave him a “tase of what people in Palestine go through.”



211. At a speech delivered by Alderwoman Rossana Rodriguez-Sanchez (33rd Ward) in the middle of the encampment on April 25, 2024, she repeated the call for “disruption” and encouraged protestors to “shut down [the] University.”¹¹⁸ After making repeated claims about genocide, she stated that *now was the time “for us to disobey and disrupt.”* She proudly stated that when she was in college she spent “60% of [her] time... devoted to protesting and strikes” and that “*we shut down our university constantly.*” She then encouraged others to do the same and commended the students for “mak[ing] sure that [they] cause a level of disruption at a moment when action is needed.” And indeed they did.

¹¹⁸ The organizers of the protest posted video of “wonderful comrade and Alderwoman” Rodriguez-Sanchez’s speech from the encampment. *See, e.g.,* <https://www.instagram.com/reel/C6NFq40LtRz/> (last accessed May 13, 2024).

212 To no one's surprise, Northwestern SJP had a central role in the creation and promotion of this unauthorized demonstration. On April 26, 2024, SJP Chicago, of which Northwestern SJP is a part, issued a post on Instagram seeking "donations" and stated that the "Northwestern Liberated Zone" is "inspired by actions at Columbia [University]," in which SJP was also central.

213 Northwestern SJP sought to emulate the targeting of Jewish students with severe harassment, hate speech and physical violence occurring at Columbia University. For instance, when a female student wearing a Star of David necklace was walking near the Columbia encampment, a leader of the encampment shouted to his comrades at the encampment, "Attention, everyone! We have Zionists who have entered the camp!" Next, over one hundred protesters locked arms and the leader instructed the students to "push them out of the camp, one step forward! Another step forward!" The encampment was on the verge of physical violence and the Jewish student was forced to leave.

214 This same leader of the Columbia encampment went on an antisemitic rant posted to X (formerly twitter) and Instagram in January 2024, in which he stated "Be grateful that I'm not just going out and murdering Zionists"; "There should not be Zionists anywhere. Zionists are Nazis"; "Zionists, along with all white supremacists, need to not exist"; and "***Zionists, they don't deserve to live comfortably, let alone, Zionists don't deserve to live.***"¹¹⁹

¹¹⁹ This person was suspended by Columbia University on April 26, 2024, when their statements came to light. <https://www.nbcnews.com/news/us-news/columbia-university-says-banned-khymani-james-protester-said-zionists-rcna149642> (last accessed May 13, 2024).

215. Columbia’s encampment ended after the protestors broke into a university building, destroyed property, and refused to leave until police officers arrested them.¹²⁰

216. Northwestern SJP sought to build upon the precedent of Columbia’s encampment and attempted to ensure that Jewish students, faculty, and staff do not “live comfortably” at Northwestern. And the University allowed them to succeed at this goal.

217. Glorification of known terrorists with Jewish blood on their hands was found throughout the encampment and Northwestern Campus in documents circulated by its organizers.

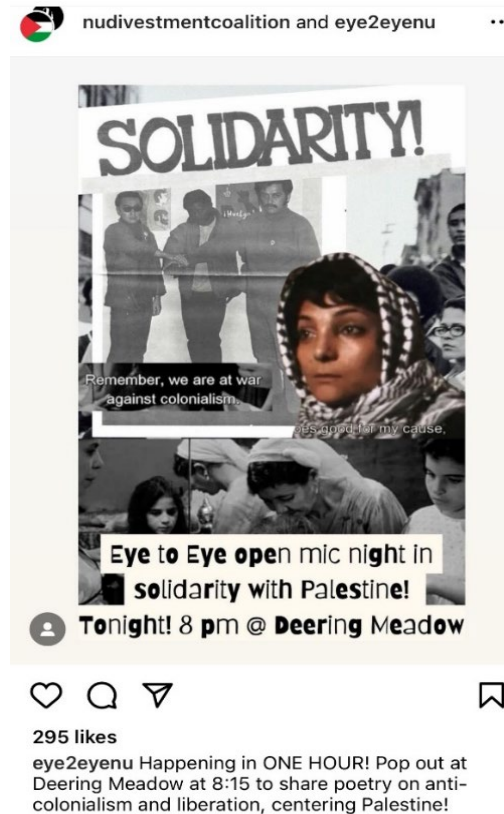
218. One protestor on campus held a sign that said, “Free Ahmad Manasra and all other Palestinian Prisoners.”



¹²⁰ <https://abc7ny.com/columbia-university-protests-protesters-occupy-hamilton-hall-hours-after-encampment-deadline/14744812/> (last accessed May 13, 2024).

219. Ahmad Manasra is in Israeli prison for attempted murder, sentenced to 9.5 years in prison, after he and his cousin stabbed two Jewish civilians in Jerusalem, including critically injuring a 13-year-old boy.¹²¹

220. Similarly, the organizers posted a flier on Instagram promoting the unauthorized encampment on Deering Meadow in which they touted a picture of Leila Khaled.



221. The inclusion of Leila Khaled is a dog whistle that intimidates Jewish students, faculty, and staff, and excite pro-terrorist supporters on campus. Ms. Khaled is a leader of the PFLP and is most famous for taking part in the hijacking of two civilian airliners, TWA Flight 840 in 1969 (bound for Tel Aviv from Rome) and El Al flight 219 in 1970 (traveling from Amsterdam

¹²¹ <https://www.timesofisrael.com/palestinian-teen-convicted-in-jerusalem-stabbing-attack/> (last accessed May 13, 2024).

to New York City).¹²² As recently as 2016, Ms. Khaled stated “I chose arms and I believe that taking up arms is one of the main tools to solve this (Palestinian-Israeli) conflict in the interest of the oppressed and not the oppressors.”¹²³ In 2020, Ms. Khaled gave a speech in which she compared Zionist Jews to Nazis and espoused age old antisemitic tropes that Jews are undermining societies around the world: “It’s not only Israel, it’s the Zionist movement. In your country there are Zionists working with the governors guiding them, how to oppress their people, because they in different countries are using the Israeli police to teach the police in this country, that country how to suppress the people. I’m very sure that all the documents that we have shows that this is one of the main tools that is done by the Israelis and the Zionists in the world.”¹²⁴

222 Surely, Northwestern administration—the same one that issued multiple statements over four stickers containing a neo-Nazi slogan—would not allow protests on campus which glorified David Duke or Osama Bin Laden. Yet it tolerates Leila Khaled.

¹²² <https://www.adl.org/resources/blog/leila-khaled-her-own-words> (last accessed May 13, 2024); Like Hamas, the PFLP is designated as a Foreign Terrorist Organizations by the U.S. State Department. <https://www.state.gov/foreign-terrorist-organizations/> (last accessed May 13, 2024).

¹²³ <https://www.euronews.com/2016/06/30/interview-meet-the-first-woman-to-hijack-a-plane> (last accessed May 13, 2024).

¹²⁴ <https://www.adl.org/resources/blog/leila-khaled-promotes-violent-resistance-october-ilps-webinar> (last accessed May 13, 2024).

223. The encampment's disturbing favor for terrorists focused on the death and murder of Jews included a young man walking around Deering Meadow, covering his face in a Palestinian Keffiyeh print ski-mask and wearing a sweatshirt lionizing Abu Obaida.



224. Abu Obaida is the spokesman for the Izz ad-Din al-Qassam Brigades, Hamas' military wing which was responsible for the October 7th massacre. Abu Obaida is a known terrorist that is personally on sanctions lists issued by the U.S. Treasury Department and the European Union.¹²⁵

¹²⁵ <https://www.reuters.com/world/middle-east/us-sanctions-target-hamas-spokesperson-drone-program-leaders-2024-04-12/> (last accessed May 13, 2024).

225. When an individual asked this person whether the image on his sweatshirt is in fact of Abu Obaida, he proudly stated that it is. The protester then asks whether the man asking about the sweatshirt “speaks Hebrew.”

226. Others at the encampment referred to Zionist Jews (which is the vast majority of Jews) as racist and fascist.



227. Additional highly offensive posters that call for violence against Jews found at the encampment and around campus included phrases like “No peace without justice” and “From the river to the sea, Palestine will be free.”



228. Another poster depicted Palestinians masked in Keffiyehs firing slingshots, which is a common method used in Palestinian riots to attack soldiers and civilians, popularized during the First Intifada.¹²⁶

¹²⁶ While slingshots may sound like a children's toy, in this context, slingshots are filled with stones and other dangerous objects that cause serious physical injuries.



229. There was also a poster that crossed-out a Star of David, making clear to Jews that they are not welcome on Northwestern campus or perhaps trying to send a more insidious message that they were to be exterminated.



230. The antisemitic caricature of a blood-lusting President Schill with horns reappeared and displayed at the unauthorized encampment. The picture could have been taken out of a copy of *Der Stürmer* in Nazi Germany.

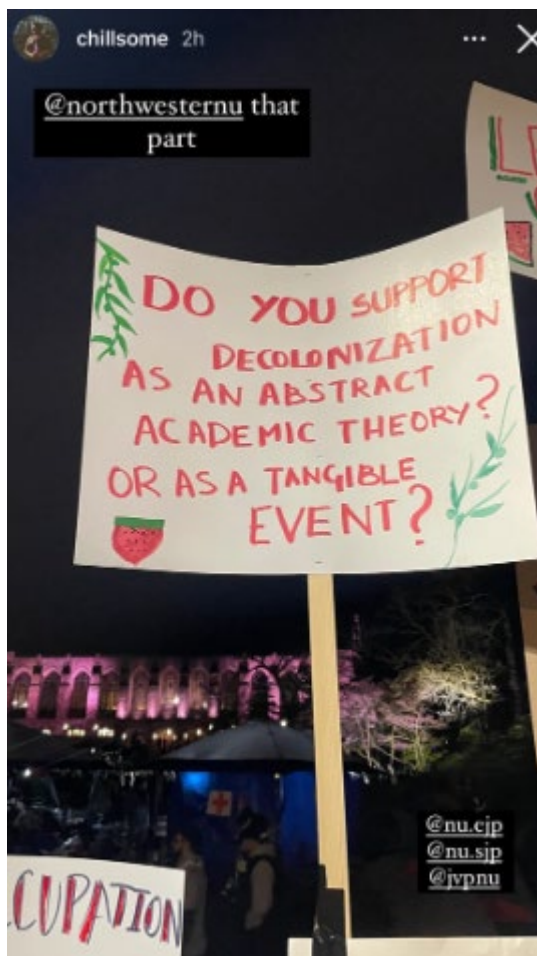


231. The next sign, while not specifically antisemitic in rhetoric, stated “FUCK12 From Gaza to Chicago,”¹²⁷ creating a lawless environment where Jews could not feel safe on campus.



¹²⁷ “12” in this context refers to “the Law” or police.

232 The unauthorized encampment also proudly displayed a poster which read: “Do you support decolonization as an abstract academic theory? Or as a tangible event?”



This seemingly heady question has a disturbing meaning in this context. Hamas’ October 7th massacre is commonly referred to, accepted, and justified as “decolonization in action.”¹²⁸

233. For instance, on October 7th, when Hamas was in the midst of its butchery, a writer for *Soho House* magazine and *Teen Vogue*, posted on X (formerly twitter): “What did y’all think decolonization meant? vibes? papers? essays? losers.” Within 28 hours, the post was shared nearly

¹²⁸ On a more fundamental level, this question is part of a highly ahistorical effort to ignore Jews being indigenous to the land of Israel and is in of itself antisemitic.

23,000 times (including by *The Washington Post*'s global opinions editor), and viewed by at least 14 million people.¹²⁹

234. The phrase “This is what decolonization looks like!” became a rallying cry used at pro-Hamas demonstrations around the world when referring to October 7th. Moreover, this sentiment came straight out of national SJP’s pro-Hamas toolkit, which states, “Liberation is not an abstract concept.... Rather, liberating colonized land is a real process that requires confrontation by any means necessary. In essence, decolonization is a call to action... Resistance comes in all forms [including] armed struggle[.]”

235. Protesters also spraypainted on Northwestern’s Jacobs Center, just north of Deering Meadow, “Death 2 Israel” in the middle of the night.

236. But antisemitic rhetoric and calls for anti-Jewish violence were not limited to posters, signs, and graffiti. The unauthorized encampment demonstrators made their opinions loud and clear through group chants and loudspeakers for all Jews on campus to hear.

237. For days on end, sometimes dozens and sometimes hundreds of demonstrators gathered at the unauthorized encampment, bashed their drums, got on megaphones, and chanted vitriolic antisemitic slogans that seek to create an inhospitable environment for Jews. These chants included: “Intifada, Intifada, Long live the Intifada,” “Globalize the Intifada,” “Resistance is justified when people are occupied,” “From the river to the sea, Palestine will be free,” “IDF, KKK, NUPD — all the same,” “Hey Hey. Ho Ho. Israel has got to go,” and “Settlers, settlers go back home. Palestine is ours alone.”

¹²⁹ <https://archive.org/details/attiah-616x576> (last accessed May 13, 2024).; https://www.thefp.com/p/this-is-what-decolonization-looks_(last accessed May 13, 2024).

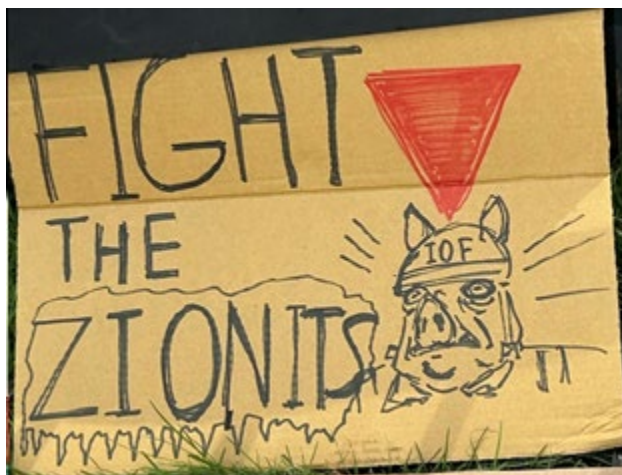
238. When Jewish students sought to document the antisemitic activities of the unauthorized encampment, they were physically assaulted, blocked from entering Deering Meadow, pushed away, and had their phones and cameras knocked out of their possession.

239. In one incident, a Jewish student asked two individuals at the unauthorized encampment why they were wearing masks and hiding their identities. One of the protestors responded by making an inverted triangle symbol with his hands, which is intended and understood to be a threat of physical violence. A red inverted triangle is a symbol of violent “resistance,” popularized by the military wing of Hamas, the al-Qassam Brigades, when targeting victims.¹³⁰



¹³⁰ <https://extremismterms.adl.org/glossary/inverted-red-triangle> (last accessed May 13, 2024). The red inverted triangle was originated by the Nazis which used the symbol to identify political prisoners. <https://www.reuters.com/article/idUSKBN25U2EU/> (last accessed May 13, 2024).

240. In fact, there was a poster at the encampment containing a violent call to “Fight the Zionists” (i.e. most Jews on campus) and placed a red inverted triangle over the head of a caricature of an Israeli soldier¹³¹ depicted as a pig.



241. Notably, this red inverted triangle also appears in the X (formerly twitter) profile of Professor Thrasher who participated in the encampment each day, including physically assaulting police officers who attempted to enter the unauthorized demonstration. *See infra* ¶¶ 269-70.

242. When Jewish students entered the unauthorized encampment in the middle of Northwestern’s campus, the protesters attempted to push them out and shouted: “shame on you,” “settlers, settlers go back home” and “we don’t want no Zionists here.” Others at the encampment shouted, “racist, Zionist pigs are not welcomed in this space” and “Zionists aren’t welcome. Zionists go home.”

243. Other times, when Jewish students stood peacefully outside the encampment, they were met by more personal attacks, cursed at, and called slurs, like “dirty jew.”

¹³¹ “IOF” or “Israel Offense Forces” is a common refrain by pro-Hamas supporters and is a distortion of “IDF” or “Israel Defense Forces.”



244. When counter-protesters attempted to walk on Deering Meadow, they were denied that right by University Police.

245. When an unauthorized protester stole American and Israeli flags from a counter-protester standing outside the Deering Meadow fence, University Police refused to retrieve the flags from within the encampment. The person whose flag was stolen stated, "I am honestly very upset the police aren't going in there now to retrieve my personal property."

246. Moreover, not only did the University aid the unauthorized encampment demonstrators by agreeing to remove Jewish students from Deering Meadow, it also turned off the sprinkler system that otherwise would have gone off in the middle of the night at the request of the organizers. Northwestern also allowed the unauthorized encampment demonstrators not affiliated with the University to access the Multicultural Center ("MCC") facilities, which is normally only available to students after scanning their school ID cards. When these unauthorized encampment demonstrators entered the MCC, Northwestern employees directed people to non-public areas of the building.

247. Shortly after the encampment was formed on April 25, 2024, President Schill issued a campuswide statement, highlighting the fact that the encampment was an unauthorized demonstration in violation of Northwestern's policies. President Schill was clear that "set[ting] up a tent encampment on Deering Meadow... ***is prohibited under University policies.***" He noted that, while "[f]reedom of expression and enlightened debate are among our institution's guiding principles and priorities[,]... ***the University prioritizes the safety and well-being of all community members as well as the importance of not disrupting classes and our educational mission.***" President Schill further announced the enactment of "an interim addendum to our existing Student Code of Conduct effective immediately," and claimed "***[a]ny violation of the rules contained in this document or in our policies could lead to disciplinary actions such as suspension or expulsion, and possibly criminal sanctions.***" But he had no intention of holding the violators responsible.

248. Similarly, in the early morning of April 25, 2024, before the unauthorized encampment would spiral completely out of control, Chief of Police for Northwestern Bruce Lewis notified students they were violating University policy requiring reservations for events on Deering Meadow and demanded that "[t]ents shall come down... This is your final warning." But everyone knew the threat was a mere suggestion, and the tents remained.

249. CBS Chicago ran a story on the first day of the encampment, April 25, 2024, in which they interviewed Jewish Northwestern students who warned that they "worry about safety and security on campus."¹³² CBS reported that "students said they have seen a rise in anti-Semitism

¹³² <https://www.cbsnews.com/chicago/news/pro-palestine-encampment-northwestern-jewish-students/> (last accessed May 13, 2024); https://www.youtube.com/watch?v=qgD2Vfv7VPM_ (last accessed May 13, 2024).

on campus since the Oct. 7, 2023, Hamas attacks on Israel. They now wonder if the protest now will have an exacerbating effect.”

250. One Northwestern student cried out: “I’m really overwhelmed. Honestly, I-I’m at a loss for words[.]... I feel unsafe on my own campus, I feel uncomfortable. I feel unwelcome, and I don’t think any university should allow students to feel that way.” This student reported that at least one of her professors canceled class for the day, citing the protest, and warned students, “Take care of yourselves, and each other.”

251. Another student highlighted the safety concerns, stating: “You know there are people who don't go to Northwestern here. You don't have to scan to get on the lawn or anything... It's a safety risk. So when you have a safety risk, and you don't know what interests these people have at heart, it's slightly unsettling.”

252. As the unauthorized encampment escalated, Northwestern Hillel issued a statement warning Jewish students on campus that “[e]arlier this morning, a group of demonstrators set up an encampment on Deering Meadow, reflecting a disturbing and quickly escalating trend of antisemitic rhetoric and actions both nationally and on our own campus.”¹³³ Michael Simon, Northwestern Hillel Executive Director, noted that protesters were shouting “all resistance in justified,” which “I would interpret that to consider the horrific Hamas attack on October 7th as resistance.”

¹³³ <https://www.fox32chicago.com/news/northwestern-palestine-israel-campus-protest> (last accessed May 13, 2024).

253. On April 26, 2024, the second day of the unauthorized encampment, Mr. Simon reported that members of the Jewish community on campus expressed unease about traveling near parts of campus.¹³⁴

254. On April 29, 2024, as the unauthorized encampment entered its fifth day, Jewish students warned that protesters have crossed a line into being “threatening” to Jewish students. A Jewish student reported that she has heard of at least two instances in which Jewish students were physically or emotionally harmed by demonstrators. She noted that “You’re asking Jewish students to cut their ties to (Israel)” and “[t]hat feels really targeted and makes for an unsafe environment.”¹³⁵

255. Another Jewish student warned that “[a]s much as I’m very much in support of protesting, there are ways to do it that don’t harm other populations... And this encampment was very harmful to Jewish students.”¹³⁶

256. Critically, this hate filled unauthorized encampment was not a grassroots and spontaneous event. Rather it was highly organized by SJP and other Northwestern groups, with the assistance of Northwestern faculty and staff.

¹³⁴ <https://dailynorthwestern.com/2024/04/26/campus/members-of-hillel-chabad-gather-on-foster-walker-complex-lawn/> (last accessed May 13, 2024).

¹³⁵ <https://dailynorthwestern.com/2024/04/29/campus/while-some-jewish-students-support-pro-palestine-encampment-others-express-discomfort-and-safety-concerns-with-ongoing-demonstration/> (last accessed May 13, 2024).

¹³⁶ <https://dailynorthwestern.com/2024/05/02/campus/house-passes-antisemitism-awareness-act-as-jewish-nu-students-lobby-for-bill-in-washington/> (last accessed May 13, 2024).

257. The Northwestern encampment organizers presented a manifesto, which they called the “Northwestern People’s Resolution.”¹³⁷ The manifesto contained a list of demands it sought from Northwestern’s administration and, in a remarkable stew of buzz words demonstrating a lack of understanding, threatened that “[g]iven the International Court of Justice’s preliminary ruling on the matter of genocide in Gaza, Northwestern University could be found guilty by association as a public relations partner of the settler colony of Israel.”¹³⁸

258. The encampment’s manifesto was signed by two Northwestern registered student organizations, “NU Students for Justice in Palestine” and “NU Jewish Voice for Peace,” as well as “NU Educators for Justice in Palestine,” of which Professor Thrasher is a member.

259. The encampment organizers created a GoFundMe page, which raised over twelve thousand dollars.¹³⁹ They also issued flyers seeking Venmo “donations and funds,” OTC pharmaceuticals, extension cords, projectors, rope, hand sanitizer, first aid kit, fire extinguisher, hardware tool kit, zip ties, sandbags, blankets, buckets, pads and tampons, and drums, among other things.

260. The “Liberated Zone” organizers created a telegram channel and Instagram account through which they sent messages out to their comrades. On the first day of the encampment, they

¹³⁷ <https://docs.google.com/document/d/159TyQaHKmBoa79tNCC-TUetplk8tr2ZI4wLITdrKFx4/edit> (last accessed May 13, 2024).

¹³⁸ As noted *supra* ¶¶ 204 n.114, the manifesto’s statement concerning the ICJ’s ruling is a distortion that demonstrates a complete lack of knowledge, is dangerous to Jewish constituents on campus, and an affront to actual instances of genocide, none of which resulted in hostile “protests” or encampments on Northwestern’s campus.

¹³⁹ <https://www.gofundme.com/f/northwesternliberationzone> (last accessed May 13, 2024).

circulated a flyer created by SJP which sought to impede the University from its regular scheduled activities:



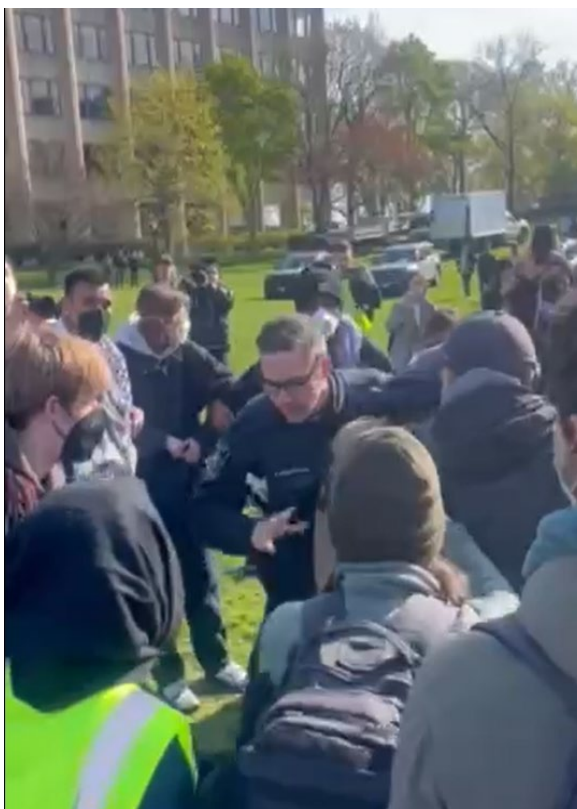
261. The unauthorized encampment quickly grew, exacerbating the hostile environment on campus for Jewish students, faculty, and staff.

262. Later that day at 3:09 p.m., the organizers sent a telegram message containing an “UPDATE ON PIGS: their cars left the encampment and have been mostly leaving us alone—the strategy is that they give us this one day to save face on the free speech end and then end the encampment by tonight to move forward with their event plans for tmrw—so again: show up at 8 PM!!” By 10:26 p.m. a message was sent stating: “after a failed negotiation meeting with admin tonight, we are committing to maintaining our encampment until all our demands are met. this means that NU will likely be sending NUPD to start arrests to clear the encampment. already, chicago has rallied around us and nearly ALL of deering lawn is completely full. OUR COMMUNITY KEEPS STUDENTS SAFE—we are prepared to protect students by forming a barrier for students on encampment.”

263. The protesters tried to “build[] a barricade out of wood planks on the north side of Deering Lawn,” which “[t]hey said they hope the barricade, which is about 8 feet wide, can potentially hold off police.”

264. Indeed, the encampment grew so large, so fast that by April 27, 2024, the organizers were warning demonstrators on its telegram channel that “The encampment has reached its capacity (for now) please do not bring more tents.”

265. In a video posted to the telegram channel, you can see a group of unauthorized demonstrators at the encampment surrounding and physically pushing a police officer.



266. In a different video of protestors shoving multiple police officers attempting to enter the encampment, the crowd was shouting “FUCK YOU, PIGS,” repeatedly.

267. In a video posted on Instagram, the organizers of the unauthorized encampment proudly promote how they kicked Jews off of Deering Meadow:



268. The Instagram video mocks the slogan “Bring Them Home” that was adopted by Israeli and Jewish advocates for the hostages kidnapped by Hamas.

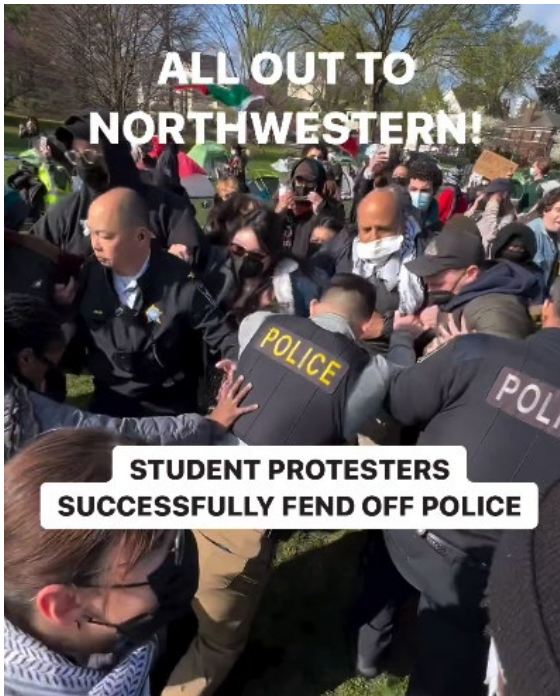
269. Not only did the administration allow students and unaffiliated “community members” to take over parts of campus, but Northwestern professors, led by Professor Thrasher, actively assisted in the lawlessness and created a “faculty line of defense” around the encampment¹⁴⁰

¹⁴⁰ <https://dailynorthwestern.com/2024/04/26/campus/deering-meadow-encampment-heads-into-first-night-amid-threats-of-police-escalation/> ; <https://twitter.com/thrasherxy/status/1783490055559880715?s=46> (last accessed May 13, 2024).



270. A video posted on Instagram by the organizers of the encampment shows the so-called “faculty defense line” physically blocking and pushing police officers attempting to enter Deering Meadow.¹⁴¹

¹⁴¹ Although the video is labeled “*student protestors* successfully fend off police,” the picture clearly shows Professor Thrasher and his “*faculty defense line*” physically engaging with police officers.



271. In an interview with NPR, Professor Thrasher stated that his “role” was “faculty support for the student encampment.”¹⁴² According to the article, “When the encampment started last week, he and other members of the group Educators for Justice in Palestine mobilized to make sure there would be faculty members available for bail support, university negotiations and physically defending student protesters, including by signing up for four-hour shifts on site.” “We’re making sure that there’s always four of us who are there, that the students know that we’re there,” Professor Thrasher told NPR. He added, “I’m supporting them in something that I think is very righteous, and I’m very proud of them.” Given his unconditional support for the encampment,

¹⁴² <https://www.npr.org/2024/05/01/1248099600/campus-protests-faculty-arrests-letters-no-confidence-votes> (last accessed May 13, 2024).

it is no surprise that he stated on April 28, “to the Medill students and journalists within ear shot, I say to you: our work is not about objectivity.”

272. At a speech Professor Thrasher gave in the middle of the encampment on Day 4, he praised the unauthorized demonstrators, stating “This is a Marathon. This is going to be going on until all your demands—not your requests, your demands, are met by this University.”

273. Professor Thrasher also shared his support for the unauthorized encampment on social media, writing above a video of the encampment, “I am so FUCKING PROUD of our students and community team.”

274. On April 27, 2024, Professor Thrasher gave a speech that he called “Our work is Love” from the middle of the unauthorized encampment, in which he personally glorified a known terrorist. The speech begins with Professor Thrasher “sharing some words from two comrades.” One of the “comrades” is “Ahmad, a Twitter mutual, who writes to you from Sa’Na, Yemen.” Professor Thrasher goes on to quote “Ahmad,” who states he is “a young Yemeni man who lost his father due to his opposition to the Zionist regime. I am Ahmed, the son of Hassan Zaid, who was assassinated in 2020.”



275. Hassan Zaid was a high ranking official of the Houthis, which is a terrorist militia group that controls Yemen's capital city and a sizeable portion of the country. Houthis are an Islamic extremist group that, among other things, are known to execute members of the LGBTQ and, according to a 2022 report issued by the U.S. State Department, 3.1% of its population are victims of modern slavery.¹⁴³

276. The official slogan for the Houthis is "God is great, death to the U.S., death to Israel, curse the Jews, and victory for Islam."¹⁴⁴ Since 2015, Saudi Arabia and the Houthis have been engaged in a brutal civil war in Yemen. Hassan Zaid was wanted by Saudi Arabia for plotting attacks and in 2017 it offered a \$10 million bounty to anyone who provided information leading to his arrest.¹⁴⁵ Further, Israel or Jews generally have no relations with Yemen or Saudi Arabia and any attempt to claim that the Houthi terrorist was killed in Yemen by the "Zionist regime" is one of the most classic forms of antisemitism.

277. Professor Thrasher's speech then encouraged students to "radicalize." He encouraged students to follow the lead of the students at the NYU encampment who had "taken over Gould Plaza for a second time, turning it into NYU's Liberation Zone. They tore down a wall to do it—after the administration called in the NYPD and arrested about a dozen faculty and over 100 students."

¹⁴³ <https://www.advocate.com/news/houthis-death-sentence-sodomy-lgbtq> (last accessed May 13, 2024); <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/yemen/> (last accessed May 13, 2024).

¹⁴⁴ <https://www.brookings.edu/articles/who-are-the-houthis-and-why-are-we-at-war-with-them/> (last accessed May 13, 2024).

¹⁴⁵ <https://apnews.com/article/middle-east-yemen-sanaa-05be5de782ba4fdd420afdcf6aaf844f> (last accessed May 13, 2024).

278. On April 28, 2024, Professor Thrasher gave a speech at the encampment in which he praised their “chants” and encouraged students to “put your bodies on the line” and stated “You will not stop and not rest until the University meets your demands.”



279. If physical assaults and encouragement of the unauthorized protests were not enough, Professor Thrasher “accompanied his students to the encampment for a field trip during Monday's class.”¹⁴⁶ In other words, Professor Thrasher held an academic class at a location in which most Jewish students were not allowed to enter! On information and belief, other professors also moved their classes to the Jew-restricted Deering Meadow.

¹⁴⁶ <https://www.npr.org/2024/05/01/1248099600/campus-protests-faculty-arrests-letters-no-confidence-votes> (last accessed May 13, 2024).

280. Professor Thrasher was not an outlier among faculty. Other Northwestern professors likewise encouraged and supported the unauthorized encampment by giving lectures in the middle of the unauthorized encampments.

281. Professor Alithia Zamantakis openly admitted that she “participated in her university’s encampment” and threatened the University that “there is no ‘business as usual’ until the genocide ends.”¹⁴⁷ Professor Zamantakis also shared Instagram posts stating, “URGENT! BODIES NEEDED AT NORTHWESTERN SOLIDARITY ENCAMPMENT ASAP!” and “BREAKING: Zionists attempt to take over Northwestern Liberated Zone. ALL OUT TO NU!”

282. Professor Rebecca Zorach posted on X: “As @NorthwesternU faculty I stand in solidarity with the brave students exercising their first amendment rights in Deering Meadow & I call on the administration to negotiate in good faith toward a peaceful solution in alignment with NU Guiding Principles.”

283. To the delight of SJP and other Northwestern members of the “resistance” sowing fear on campus for Jews, the student encampments did not go unnoticed or unappreciated by Hamas. Izzat Al-Risheq, a member of Hamas’ Political Bureau, issued a statement in support of the harassment created by Northwestern students, as well as their comrades at Columbia and other universities: “Today’s students are the leaders of the future.”¹⁴⁸ The Hamas spokesman went on to voice his opinion on free speech in America (something that absolutely does not exist in Hamas controlled Gaza), claiming that President Biden is violating the rights of students and faculty

¹⁴⁷ <https://www.inc.com/sydney-sladovnik/students-are-customers-why-your-business-should-pay-attention-to-divestment-movement.html> (last accessed May 13, 2024).

¹⁴⁸ <https://www.usatoday.com/story/news/politics/2024/04/24/hamas-iran-support-college-protests/73447123007/> (last accessed May 13, 2024).

members “because of their rejection of the genocide that our Palestinian people are the [sic] subjected in the Gaza Strip at the hands of the neo-Nazi Zionists.”

284. Similarly, the PFLP issued a statement, the day before Northwestern’s “Liberated Zone” was created on Deering Meadow praising the university protests. The designated terrorist group stated that it “condemns the repressive practices of the administrations of universities in the United States, and affirms its support for the struggle of the student movement in support of Palestine.” In fact, the PFLP specifically “confirm[ed] [its] steadfast support for the struggle of the student[] youth movements, [including] Students for Justice in Palestine (SJP).”¹⁴⁹ The PFLP went on to state that it “highly appreciate[s] the positions, movements, and struggles of our students in American universities, and call for the escalation of their struggle,” which Northwestern SJP did the following day. The PFLP’s statement concluded, “We highly value the supportive and solidary positions for the struggle of our people in various American universities and around the world[.]”

6. Rather than discipline student and faculty agitators creating a hostile environment for Jews, Northwestern’s administration gives in and allows the harassment to continue.

285. In a statement issued on April 25, 2024, President Schill acknowledged that protests on campus since October 7th “have interfered with classes in nearby buildings, as well as chalkings, flyers, banners and chants that many have found hateful, *intimidating*, offensive and *difficult to avoid*.”¹⁵⁰ He added that “[a]ny violation of the [Interim Addendum to Student Code of Conduct] or in our policies could lead to disciplinary actions such as suspension or expulsion, and possibly criminal sanctions.”

¹⁴⁹ <https://www.bronxantiwar.org/statements/pflp-statement-in-support-of-us-student-gaza-solidarity-encampments> (last accessed May 13, 2024).

¹⁵⁰ <https://www.northwestern.edu/leadership-notes/2024/northwestern-enacts-interim-addendum-to-student-code-of-conduct.html> (last accessed May 13, 2024).

286. But, despite conceding the hostile environment Jews experienced on campus, President Schill’s threat to enforce the University’s policies—which are consistent with Civil Rights Act protections and Northwestern’s policies, which are contractual terms—would prove to be entirely hollow, in a matter of five days.

287. On April 29, 2024, Northwestern announced that it had capitulated to the unauthorized mob that was terrorizing Jewish students, faculty, and staff for months.¹⁵¹ So much of this purported Agreement revealed the double standards that Jewish students have come to expect from Northwestern.¹⁵²

288. For example, “[t]he University will permit peaceful demonstrations on Deering Meadow through the end of spring quarter classes (June 1) provided all such activity immediately and continuously complies with University policies. The university will allow one aid tent to remain on Deering Meadow.” In other words, little would change in the encampment except that tents will need to be removed, leaving all that filled the tents intact, and replaced with sleeping bags (*see infra* ¶¶ 294-98).

289. Next, “[t]he University will publicly condemn the doxing of any community member and will advise employers not to rescind job offers for students engaging in speech protected by the First Amendment.” In other words, there will be no repercussions or consequences for students, faculty, and staff that have been harassing Jewish members of campus for months, and the Code of Conduct is merely discretionary so long as Jews are the target of the discrimination. Not only will there be no consequences for harassing Jews, Northwestern agreed

¹⁵¹ <https://www.northwestern.edu/leadership-notes/2024/april-29-agreement-on-deering-meadow.html> (last accessed May 13, 2024).

¹⁵² The Agreement is available at: <https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf> (last accessed May 13, 2024).

to “publicly condemn,” *i.e.* retaliate against, anyone that seeks to inform others of who participated in the unauthorized, discriminatory encampment.¹⁵³

290. Moreover, Northwestern gave in to other demands made by the unauthorized demonstrators. It agreed “[t]o provide [students] a conduit to engagement with the Investment Committee of the Board of Trustees” and to fund two Palestinian faculty members per year for two years and provide full cost of attendance for five Palestinian undergraduates to attend Northwestern for the duration of their undergraduate careers.

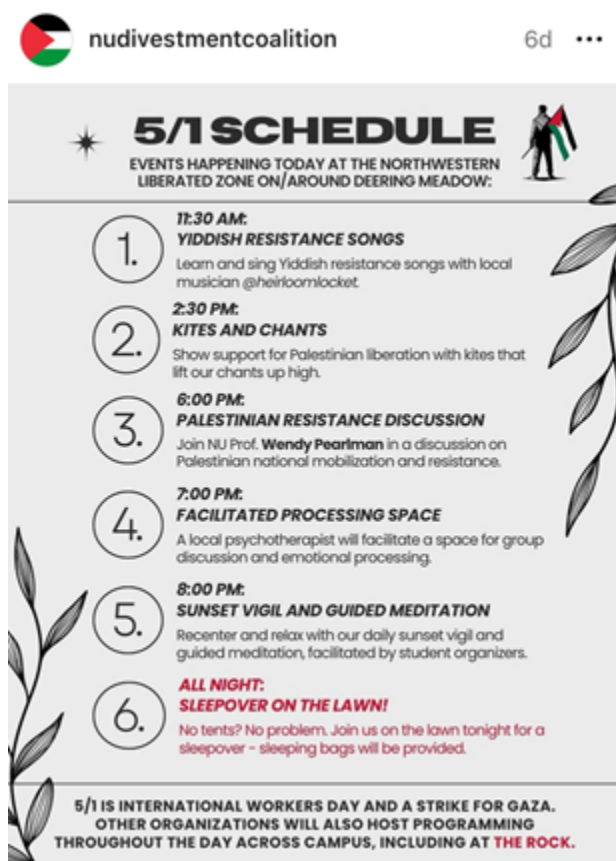
291. Northwestern’s “Agreement” with SJP and the unauthorized demonstrators made painfully clear to Jewish members of campus that the University will negotiate with individuals that torment, harass, and discriminate against them, without imposing *any* consequences. There is little doubt that Northwestern would have taken a different approach had a group comprised of the members of the Westboro Baptist Church took over Deering Meadow, seeking the removal of anyone that supports LGBTQ members on campus or calling for an *intifada* against Buddhist students.

292. The students and faculty that participated in the “Liberated zone” violated University policies and anti-discrimination legal protections but have remained discipline free. It is obvious that acceptance of this amount of lawlessness would exacerbate a hostile environment and discrimination Jews face on campus. While many other universities have suspended SJP for its violation of codes of conduct, Northwestern rewarded SJP and allows its chapter to remain as an approved student organization, eligible for Northwestern funding. *See supra* ¶ 193-94.

¹⁵³ At the unauthorized demonstrations, most participants wore masks, obscuring their identities.

293. Following Northwestern’s capitulation to the “Liberated Zone” demonstrators, Northwestern SJP proudly stated that “this agreement does not mark the cessation of our resistance but an essential and tactical pivot that enhances our leverage moving forward.”

294. But there was not even a noticeable “pivot” in SJP’s tactics. The very next day after the unauthorized encampment was purportedly removed, organizers put out a full day “schedule” for the “Liberated Zone” on May 1st, which included a kite program, presentations given by Northwestern professors, and an “all night sleepover on the lawn” where “sleeping bags will be provided.”



295. The “sleepover” made painfully clear to all--the encampment demonstrators and Jewish members of campus--that Northwestern’s Agreement with SJP and other unauthorized demonstrators was a complete sham and that the University had *zero* intention of addressing anti-Jewish harassment on campus.

296. The next day, the schedule began with a presentation by another Northwestern Professor and stated that the sleepover party would be an “every day – recurring event[,]” with “sleeping bags provided for *overnight occupation*” of course.

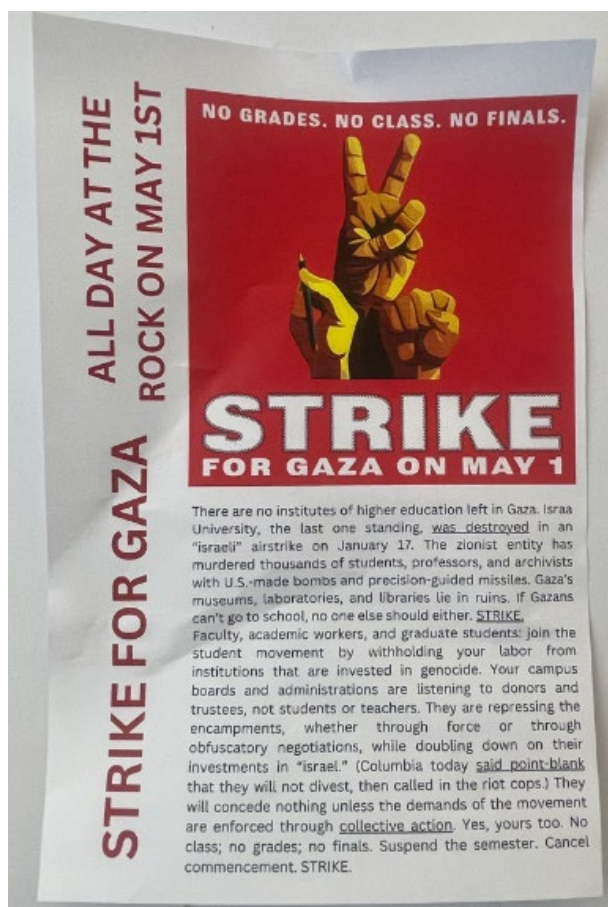


297. For May 3, 2024, the schedule was much the same: presentation by a professor, “repopulate the meadow with art for liberation,” culminating in an overnight sleepover and “occupation” of Deering Meadow.



298. While the University’s capitulation to the unauthorized demonstrators included an agreement that it “will provide immediate temporary space for MENA/Muslim students,” that was not where the protestors sought to have their sleepover occupation. Rather, they continued—as Northwestern permitted—to create a hostile environment for Jewish students in the middle of campus on Deering Meadow, all day and night.

299. On May 1, 2024, a demonstration called “Strike for Gaza” was held at The Rock on Northwestern’s campus. The rally was promoted throughout campus and sought, among other things, “No class; no grades; no finals. Suspend the Semester. Cancel commencement. STRIKE.”



300. The unauthorized rally and flyer that was posted around campus promoting it violated several University policies, including requirements that “only registered organizations of the Northwestern community are allowed to advertise and promote their events on University property” and “all advertisements and other forms of publicity must clearly state the name(s) of the sponsoring student(s) and/or organization(s).”

301. Yet remarkably, faculty and staff listened, and many cancelled their classes in order to participate in this unauthorized event. For example, Jeny Amaya cancelled her Film Lab in order for the “class to join a peaceful demonstration for Palestine at The Rock.” She further states that there will be a “Palestinian Resistance Discussion with NU Professor Wendy Pearlman.” She claimed that “[t]his is not meant to cause a disruption to your learning, but rather to enrich it.” In

her email to the entire class, she further helped create a hostile environment for Jewish students, stating that “[t]his past week, on campus conversations, teach-ins, and protests have highlighted the critical importance of taking a firm stand against Northwestern’s continued investment in organizations that have a role in the ongoing war on Palestine.” Notably, she referred to the war as a war “on” Palestine, as opposed to a war “on Hamas” or even a war “in Palestine,” thereby depicting Jews and Israelis as genocidal warmongers. Similarly, Nick Winters, Assistant Professor of Classics, emailed his class, informing students that he cancelled class due to the “strike [that] has been called today for Northwestern students and faculty.”

302. On information and belief, other Northwestern faculty and staff issued similar emails to students and cancelled classes on May 1 so that students could and would attend this event.

303. A Jewish student walking near the demonstration noticed a woman giving a lecture to a group of students. The Jewish student recognized that there were posters at the demonstration that stated “resistance is justified when people are occupied. #AlAqsaFlood.”



304. The statement “resistance is justified when people are occupied,” is an abhorrent glorification of Hamas’ actions on October 7th and all other terrorist attacks it has engaged in since its formation. Again, this demonstration on campus was not pro-Palestinian, it was pro-terrorist focused on the death of Jews. This sad fact is irrefutable given the poster added “#AlAqsaFlood.” “Operation Al Aqsa Flood” is the name that Hamas (including SJP in its toolkit) uses to refer to the murder, rape, and kidnapping in Israel on October 7th. There is no other context or meaning for the phrase other than Hamas’ butchery on October 7th. Thus, days after the University capitulated to the Liberated Zone’s demands, they were allowed to freely roam campus and hold demonstrations glorifying one of the most barbaric terrorist attacks in living memory.

305. After a student at the pro-Hamas demonstration noticed that the Jewish student took a picture of the poster, he was approached and asked what he was doing. The Jewish student asked

the pro-Hamas demonstrator to explain the meaning of the poster. The pro-Hamas demonstrator, who was masked in order to not reveal her identity, confirmed she was a Northwestern student and only responded to the question by stating, “resistance is justified when people are occupied.”

306. To this day, Deering Meadow remains largely commandeered by the same demonstrators that created the unauthorized “Liberated Zone,” as the University permitted in the Agreement, and is unsafe for most Jewish students.

307. On information and belief, each Northwestern student, faculty, and staff member that participated in the unauthorized encampment, preached and spread antisemitic rhetoric, violated countless University policies, and contributed to the discrimination and hostile educational environment Jewish students faced on campus since October 7th remains free to be on campus and has faced no meaningful or effective disciplinary charges.

7. The President’s Advisory Committee on Preventing Antisemitism and Hate is revealed to be a sham and dissolves.

308. On May 1, 2024, seven Jewish members of the President’s Advisory Committee on Preventing Antisemitism and Hate—Co-Chair of the Committee Professor Efraim Benmelech, Professor Martin Eichenbaum, student Lily Cohen, Michael Simon (Northwestern Hillel Executive Director), University Trustee Paula Pretlow, Professor Daniel Greene and Professor Philip Greenland—resigned from the Advisory Committee effective immediately.¹⁵⁴ The Advisory Committee members lamented that they were “unable to continue to serve as members of the [Committee] at this crucial moment with antisemitism so present at Northwestern in public view for the past week.” The letter went on to state that the Advisory Committee members “were not

¹⁵⁴ <https://dailynorthwestern.com/2024/05/01/campus/breaking-seven-members-of-advisory-committee-on-preventing-antisemitism-and-hate-step-down/> (last accessed May 13, 2024).

consulted by the University's leadership and had no role in the agreement reached between the University and the protesters on Dearing Meadow."¹⁵⁵ Further, the seven Committee members noted that they were "unable to reach a consensus on a statement condemning the antisemitism we have witnessed" with the remaining Committee members.

309. The Advisory Committee members concluded that "[i]t is essential that the University develop appropriate and timely recommendations to address and prevent antisemitism and hate. However, in light of the University leadership's decision not to utilize the committee for its stated purpose, we can no longer continue to serve in this role."

310. Commenting on why he resigned, Co-Chair Benmelech highlighted the absurdity and shamefulness of the University's agreement with SJP and the unauthorized demonstrators: *"The encampment is still there, the tents are not there, but the chants are still there. Jewish students tell me they are afraid to walk by the encampment. Jewish students do not go to the library because they have to cross the encampment, even now."*¹⁵⁶

311. Echoing Professor Benmelech's statement, Michael Simon reiterated that *"[s]tudents at Northwestern must be able to walk through campus without hearing hate-filled speech or experiencing harassment for their religious or political identities and commitments."*

¹⁵⁵ The University's decision not to consult the Advisory Committee before entering into the Agreement with individuals perpetuating a hostile environment for Jews is all the more appealing given the administration stated that it received "letters and official guidance, from faculty during the negotiation process."
<https://dailynorthwestern.com/2024/04/29/campus/faculty-express-concerns-over-lack-of-transparency-in-universitys-negotiation-process-with-encampment-organizers-at-assembly/> (last accessed May 13, 2024).

¹⁵⁶ <https://wgntv.com/israel-hamas-conflict/northwestern-facing-lawsuits-calls-for-president-to-resign-after-reaching-agreement-with-pro-palestinian-demonstrators/> (last accessed May 13, 2024).

This is as true for Jewish, Zionist, and Israeli students, faculty, and staff as it is for anyone else.”¹⁵⁷ Mr. Simon explained that he agreed to join the President’s committee “with the expectation that we would make a good-faith effort toward achieving these goals[,]” but “[o]ver time, it has become apparent that the Committee is not able to do so.”

312 Lily Cohen highlighted that the obvious take away from the unauthorized encampment: “It appears as though breaking the rules gets you somewhere, and trying to do things respectfully and by the books does not.”¹⁵⁸ She “hop[es] that this is really the last straw that President Schill needs to see in order to really do something. But [she] can’t say that [she] ha[s] a whole lot of confidence that he will, because *it feels like... if he wanted to do something, he’s been given plenty of opportunities to do it.*” Ms. Cohen also expressed despair concerning the Committee’s ability to effectively alleviate the hostility Jews face on campus: “If the committee that was created to prevent antisemitism cannot even decide on whether or not to speak up about antisemitism, I have no faith in its ability to protect Jewish students or to take any substantive action to change the environment for Jewish students on campus.”

313. In an op-ed published in The Chicago Tribune, Ms. Cohen elaborated on why she resigned from the Advisory Committee. Her experience on the Committee made her realize that it was not “paving an effective path forward — and instead [she] c[a]me to understand how completely performative these task forces are.... By design, these committees are doomed to fail. While valuable in a campus environment to include a variety of identities and perspectives, Jewish voices are too often minimized as non-Jewish ideas about the experience of antisemitism are given

¹⁵⁷ <https://jewishinsider.com/2024/05/northwestern-antisemitism-committee-jewish-members-michael-schill/> (last accessed May 13, 2024).

¹⁵⁸ *Id.*

equal weight.”¹⁵⁹ She noted that, despite being one of two students on the Committee, she “felt emotionally ignored and psychologically disregarded” as her “personal experiences were dismissed and [her] voice [was] ignored in favor of scholarship, research and academic credentials.” Ms. Cohen stated that despite blatant antisemitism around campus, including the Star of David crossed out, Jews depicted with horns, “Death 2 Israel” graffitied on a campus buildings and chants of “globalize the intifada,” “the committee could not agree to forcefully condemn these blatant and vile acts of antisemitism.”

314. Professor Dr. Greenland explained that his rationale for resigning was simple: “You asked us to be on this committee. We’ve been investing our time in this committee. It seems to have a purpose that you say exists. And then at the critical moment, you decide you don’t need us. You don’t need to talk to us. You go off on your own, and you make your own decision.” Dr. Greenland noted that President Schill “might have minimized physical confrontation with the protesters [by entering into the agreement], *but he didn’t make the campus safer, in my opinion, for Jewish students.*”

8. Northwestern’s tolerance for antisemitism results in Congressional inquiry.

315. On May 2, 2024, more than a dozen Jewish Northwestern students went to Washington, D.C. to meet with congressmen and staff from the House Committee on Education and the Workforce to share their experiences with and concerns about antisemitism on campus, most obvious of all, the encampment that the University allowed in violation of its own policies.¹⁶⁰

¹⁵⁹ <https://www.chicagotribune.com/2024/05/08/opinion-why-i-resigned-northwestern-antisemitism-committee/> (last accessed May 13, 2024).

¹⁶⁰ <https://dailynorthwestern.com/2024/04/30/campus/nu-students-to-visit-d-c-to-share-antisemitism-concerns-ahead-of-congressional-vote/> (last accessed May 13, 2024).

One student noted that he “hope[s] that most college students respect the fact that Jews are the ones that get to define antisemitism,” a sentiment that has long been ignored when applied to Jews.

316. Congress heard what the students had to say, as well as the deluge of disturbing reports of antisemitism on Northwestern’s campus and, on May 6, 2024, the Education and the Workforce Committee announced that they are calling a hearing at which President Schill will provide testimony on Northwestern’s actions (or lack thereof).¹⁶¹

317. When announcing that President Schill will come to testify before Congress, Committee Chairwoman Virginia Foxx stated: “Over the last several days, the presidents of Northwestern and Rutgers have made shocking concessions to the unlawful antisemitic encampments on their campuses. They have surrendered to antisemitic radicals in despicable displays of cowardice. As a result of these gravely concerning actions, the Committee believes it’s necessary to reevaluate the scope of the May 23 hearing and bring in the presidents of Northwestern and Rutgers—along with UCLA—to testify before the Committee.”

318. On May 16, 2024, the House Committee on Education and the Workforce issued a report concerning Harvard University’s response to antisemitism on its campus.¹⁶² The Committee noted that the agreement Harvard entered into with protesters on its campus “follows other cases in which universities have conceded to encampment demands including Northwestern University.” The Congressional Committee concluded that “[t]hese agreements reward students for flagrantly violating university rules and disrupting university life, and demonstrate a tolerance for antisemitic

¹⁶¹ <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=410528> (last accessed May 13, 2024).

¹⁶² https://edworkforce.house.gov/uploadedfiles/5.15.24_harvard_committee_report_final.pdf (last accessed May 16, 2024).

harassment, violence, intimidation, and hostile environments that is inconsistent with the Title VI obligations upon which universities' federal funding is contingent.”

V. CLASS ALLEGATIONS

319. Plaintiff brings this action pursuant to Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of themselves and all others similarly situated.

320. Plaintiff seeks to represent a class defined as: All Jewish students enrolled at Northwestern University in Illinois for the 2023-2024 academic year.

321. Excluded from the Class are Jewish students enrolled at Northwestern University who participated in the Liberated Zone encampment between April 25-29, 2024, Defendant, its affiliates, employees, officers, and directors, and the Judge(s) assigned to this action and members of their families. Plaintiff reserves the right to modify, change, or expand the Class definition based on discovery and further investigation.

322. Numerosity: The Class is so numerous that joinder of all members is impracticable. While the exact number and identities of individual members of the Class are unknown at this time, such information being in the sole possession of Defendant, Plaintiff believes, and on that basis allege, that the Class is comprised of more than two thousand persons.

323. Existence and Predominance of Common Questions of Law and Fact: Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting individual Class members. These common legal and factual questions include, but are not limited to:

- a. Whether Northwestern had a hostile environment towards Plaintiff and other Jewish students;
- b. Whether Northwestern intentionally discriminated against Plaintiff and other Jewish students;

- c. Whether Northwestern violated Title VI;
- d. Whether Northwestern promised to provide students with a safe learning environment;
- e. Whether Northwestern breached that promise;
- f. Whether Plaintiff and Class members are entitled to injunctive relief; and
- g. Whether Plaintiff and Class members are entitled to monetary damages and/or other remedies and, if so, the nature of any such relief.

324. Typicality: Plaintiff's claims are typical of the claims of the Class because Plaintiff is advancing the same claims and legal theories on behalf of himself and all absent Class members and sustained damages arising out of Northwestern's uniform conduct.

325. Adequacy: Plaintiff is an adequate representative because his interests do not conflict with the interests of the Class that he seeks to represent, he has retained counsel competent and highly experienced in complex class action litigation, and they intend to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

326. Superiority: A class action is superior to all other available means of fair and efficient adjudication of the claims of Plaintiff and members of the Class. The injury suffered by each individual Class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Northwestern's conduct. It would be virtually impossible for members of the Class individually to redress effectively the wrongs done to them. Even if the members of the Class could afford such individual litigation, the court system could not. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation increases the delay and expense to all parties,

and to the Court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, an economy of scale, and comprehensive supervision by a single court.

327. Declaratory and Injunctive Relief: Northwestern has acted or refused to act on grounds generally applicable to Plaintiff and the other members of the Class, thereby making appropriate final injunctive relief and declaratory relief, as described below, with respect to the members of the Class as a whole.

328. Defendant has acted, and refused to act, on grounds generally applicable to the Class, thereby making appropriate final equitable relief with respect to the Class as a whole.

VI. CAUSES OF ACTION

COUNT I: VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (Intentional Discrimination and Hostile Environment Towards Jewish Students) (42 U.S.C. § 2000d *et seq.*) (On Behalf of Plaintiff and the Class)

329. Plaintiff incorporates by reference every allegation set forth in the preceding paragraphs as if fully stated herein.

330. Plaintiff brings this claim individually and on behalf of the Class.

331. Northwestern receives financial assistance from the United States DOE and is therefore subject to suit under Title VI of the Civil Rights Act of 1964.

332. Discrimination against Jews—including based on actual or perceived ancestry, race, ethnic characteristics, or national origin—is prohibited under Title VI, as reflected not only in decades of Title VI jurisprudence, but also in the written policies of the DOE OCR.

333. Plaintiff and the Class are and identify as Jewish, and their statuses and identification as Jews brings them within the scope of Title VI's protections.

334. Title VI prohibits a recipient of federal funds from intentionally treating any individual worse, even in part, because of his or her ancestry, race, ethnic characteristics, or national origin.

335. The acts and omissions of Northwestern and its administrators subjected, and continue to subject, Plaintiff and the Class to discrimination and harassment on the basis of their actual and/or perceived Jewish ancestry, race, ethnic characteristics, or national origin.

336. Northwestern and its administrators had actual notice that such discrimination and harassment, over which Northwestern has substantial control and the authority to remediate, was and continues to be so severe, pervasive, and objectively offensive that it created and continues to create a hostile environment based on Jewish ancestry, race, ethnic characteristics, or national origin that deprives Plaintiff and the Class of full access to Northwestern's educational programs, activities, and opportunities.

337. Northwestern and its administrators intentionally discriminate against Plaintiff and the Class on the basis of their actual and/or perceived Jewish ancestry, race, ethnic characteristics, or national origin, as exhibited by Northwestern and its administrators' deliberate indifference to the antisemitic abuse, harassment, and intimidation of Plaintiff and the Class, in violation of Title VI. Specifically, Northwestern and its administrators clearly and unreasonably failed, and continue to fail, to cure or otherwise adequately, appropriately, and meaningfully address, ameliorate, or remedy the discrimination against Plaintiff and the Class and the hostile environment that they and other Jewish students are forced to endure at Northwestern because of their race, ethnic characteristics, or national origin. Additionally, Northwestern continues to grossly fail to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile

environment, and prevent the harassment from recurring. Such unlawful deliberate indifference causes Plaintiff and the Class to be subjected to a hostile educational environment.

338. The environment at Northwestern, which has been rendered hostile for Plaintiff and the Class as a result of their Jewish ancestry, race, ethnic characteristics, or national origin, is sufficiently severe, pervasive, persistent, and offensive such that it deprives Plaintiff and the Class of equal access to the educational opportunities and benefits that Northwestern provides to non-Jewish students.

339. Northwestern and its administrators actively and intentionally engage in this pattern of severe and/or pervasive discrimination.

340. Northwestern and its administrators also directly and intentionally discriminate against Plaintiff and the Class, with their actual or perceived Jewish ancestry, race, ethnic characteristics, or national origin a substantial or motivating factor in Northwestern's actions.

341. Northwestern continues to unreasonably fail to act, or to act grossly inadequately and discriminatorily, and with leniency, tolerance, deliberate indifference, and/or unjustifiable delay, in applying its policies to known or reported incidents involving antisemitism or where the victim or complainant is a Jewish student, including Plaintiff. As detailed above, Northwestern's actions, inactions, and conduct were, and continue to be, intended to treat Plaintiff and the Class differently as Jewish students as compared to other similarly situated non-Jewish students.

342. Northwestern's acts and omissions were the actual, direct, and proximate causes of Plaintiff and the Class's injuries.

343. As a result of the foregoing, Plaintiff and the Class have suffered, and continue to suffer, substantial damages, in amounts to be determined at trial.

344. Plaintiff and the Class have been and will continue to be injured because Northwestern has and will continue to deny them equal access to the educational opportunities and benefits provided to other students and has and will continue to intentionally discriminate against them on the basis of Jewish ancestry, race, ethnic characteristics, or national origin.

345. Plaintiff and the Class are entitled to appropriate injunctive relief under Title VI, because Northwestern has knowledge of, and has been and continues to be deliberately indifferent to, a hostile environment that is severe, persistent, and pervasive; there is no adequate or speedy remedy at law to prevent Northwestern from continuing to discriminate against its students on the basis of Jewish ancestry, race, ethnic characteristics, or national origin in violation of Title VI; and the harm Plaintiff and the Class will otherwise continue to suffer is irreparable.

346. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**COUNT II: BREACH OF CONTRACT
(On Behalf of Plaintiff and the Class)**

347. Plaintiff incorporates by reference every allegation set forth in the preceding paragraphs as if fully stated herein.

348. Plaintiff brings this claim individually and on behalf of the Class.

349. At all relevant times, an implied or express contractual relationship existed between Northwestern and each Plaintiff and Class member by virtue of their enrollment at Northwestern and as defined by and through Northwestern policies and procedures governing student conduct, including but not limited to the 2023-2024 Student Handbook, Demonstration Policy, Groups and Student Organizations Policies, and Anti-Discrimination Policy. Through the documents and materials it publishes and provides to students, Northwestern makes express and implied contractual commitments to its students concerning bias-related abuse, harassment, intimidation, and discrimination.

350. Illinois law recognizes that the relationship between a student and a college is contractual in nature, and that the terms of student handbooks, university bulletins, regulations, codes, policies, and procedures become part of that contract.

351. Plaintiff and the Class complied with their obligations under these contracts.

352. Northwestern breached their agreements with Plaintiff and the Class, and failed to comply with their obligations under these contracts, throughout the course of Plaintiff's enrollment at Northwestern, including by, among other things, failing to comply with the following provisions, among others:

- a. "Prohibited discrimination is treating someone differently because of their race, color, religion, creed, national origin, ethnicity... or any other classification protected by law (referred to as 'protected classes') in matters of admissions, employment, housing, or services, or in the educational programs or activities Northwestern operates." (Anti-Discrimination Policy);
- b. "Prohibited harassment is verbal or physical conduct or conduct using technology based on a protected class that has the purpose or effect of: • Substantially interfering with, limiting or depriving a member of the community from accessing or participating in the academic or employment environment, and/or substantially interfering with an individual's academic performance or work performance; or • Creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive." (Anti-Discrimination Policy);
- c. "Northwestern a community where we embrace our DIVERSITY, affirming identity and fostering inclusion. Individual differences and unique perspectives are respected.... Unique cultural and ceremonial practices are affirmed. Inclusion is the foundation for decisions." (Statement of Community Values)
- d. "The University affords students a number of rights that are fundamental to membership in our shared community. But along with these privileges and rights, membership also requires students to meet and uphold community standards. Remaining a member of the Northwestern community requires a student to continuously comply with policies governing students' academic progress, social interactions, and personal behavior." (Rights and Responsibilities of the Northwestern Community);

- e. “Northwestern University does not discriminate or permit discrimination by any member of its community against any individual on the basis of race, color, religion, national origin, ...or any other classification protected by law (referred to as ‘protected class’) in the educational programs or activities Northwestern operates, including but limited to matters of admissions, employment, housing, or services.” (Policy Statement on Student Rights and Responsibilities);
- f. “Students are free to use campus facilities for meetings of recognized student organizations, subject to policies as to time and manner governing the facility.” (Policy Statement on Student Rights and Responsibilities);
- g. “Students are free to assemble, to demonstrate, to communicate, and to protest, recognizing that freedom requires order, discipline, and responsibility and further recognizing the right of all faculty and students to pursue their legitimate goals without interference.” (Policy Statement on Student Rights and Responsibilities);
- h. “It is recognized that every member of the community has the responsibility to conduct themselves in a manner that does not violate the rights and freedoms of others and has the responsibility to recognize the principles within this statement of policy.” (Policy Statement on Student Rights and Responsibilities);
- i. “[A]ll students, groups of students, and recognized student organizations are expected to exemplify Northwestern’s community principles and values, to engage in socially responsible behavior, and to model exceptional conduct, character, and citizenship on campus and beyond.” (Student Code of Conduct);
- j. “Groups of students and recognized student organizations (here after referred to as ‘organizations’) are expected to comply with all University policies, including the Student Code of Conduct and all additional policies pertaining to groups and organizations. A group or organization may be held responsible for the actions and behaviors of its members and guests.” (Groups and Student Organizations Policies);
- k. “It is the policy of Northwestern University that only registered organizations of the Northwestern community are allowed to advertise and promote their events on University property. Furthermore, all advertisements and other forms of publicity must clearly state the name(s) of the sponsoring student(s) and/or organization(s).” (Groups and Student Organizations Policies);
- l. “Violations of these policies, or assisting or encouraging others in the violation of these policies, may lead to disciplinary action, ”including: “[d]estroying, damaging, defacing, or vandalizing property,”

“[d]iscrimination, [h]arassment, and [s]exual [m]isconduct,” engaging in “[d]isorderly conduct or disruptive acts,” violating its “Demonstration Policy,” and any threat of endangering others. (Prohibited and Restricted Conduct);

- m. “Disorderly Conduct: Engaging in behavior that objectively prevents a student or group of students from benefiting from a class, program or activity;” “Significantly interfering with the functioning of the University;” and “Causing or allowing excessive or disruptive noise, including but not limited to violations of residence hall quiet hours or Evanston noise ordinances.” (Prohibited and Restricted Conduct);
- n. “Rights of others.... no community member may deprive (or attempt to deprive) others of participation in a University activity, threaten use of force against any community member, or otherwise interfere with the function of others within the University.” (Demonstration Policy);
- o. “University operations. No community member may prevent or obstruct (or attempt to prevent or obstruct) (i) the regularly scheduled activities of the University, such as classes, research, learning, meetings, interviews, ceremonies, emergency services, or University business; (ii) co-curricular activities; (iii) University or public events; or (iv) medical center access or business. Similarly, no community member may use or occupy campus facilities so as to impede the carrying forward of such activities or events. Groups may occupy space but not in a manner that blocks movement around the campus (including but not limited to entrance to or egress from any campus building, campus facility, or University-owned and -maintained roadway or pathway) unless authorized by a University official.” (Demonstration Policy);
- p. “Signs. Placards, banners, and signs may not obstruct the view of those assembled or endanger other community members.” (Demonstration Policy);
- q. “When enforcing this Policy, other Northwestern policies, or applicable law, Northwestern Police or other University officials may request community members to identify themselves and/or instruct community members to remove placards, banners, or signs or to leave a University location. When possible participants will first be given a warning to leave or remove placards, banners, or signs, unless a life safety issue prevents that step. Community members are expected to follow these requests.” (Demonstration Policy);
- r. “Participants in demonstrations or protests are subject to other Northwestern policies, city ordinances, and state and federal law in addition to this Policy.” (Demonstration Policy);

- s. “[W]hen conducting such events, student organizers are expected to promote a safe environment and, to the best of their ability, ensure participants adhere to the Student Code of Conduct.” (Demonstration Policy);
- t. “On weekdays, demonstrations at The Rock may not occur until after 3 p.m., when most classes in adjacent buildings have concluded. Amplified sound, including the use of bullhorns, is prohibited on weekdays before 5 p.m. at The Rock and is subject to the approval process....” (Interim Policy for Student Demonstrations);
- u. “Peaceful demonstrations may occur at other locations on campus. The University reserves the right to limit demonstrations to specific times and locations if it determines such limitations are necessary to protect the health and safety of students, faculty, and staff or the operations of the University.” (Interim Policy for Student Demonstrations);
- v. “Any devices used to project or amplify sound on University property, including bullhorns, must be approved in advance through the Outdoor Event Request Form. The University’s review of such requests will ensure compliance with local and state ordinances.” (Interim Policy for Student Demonstrations);
- w. “Affixing flyers and postings to trees, benches, painted exteriors of campus buildings, campus sidewalks, and roadways is prohibited.” (Interim Policy for Student Demonstrations);
- x. “Any installation of tents or other temporary structures on University property is prohibited except for University-approved events.” (Interim Policy for Student Demonstrations);
- y. “Any messaging or structures prohibited by these interim rules and regulations are subject to removal regardless of content. These interim rules and regulations constitute amendments to the Student Code of Conduct; violations will be addressed consistent with the conduct processes outlined in the Student Handbook.” (Interim Policy for Student Demonstrations);
- z. “If students or student organizations are suspected of violating this Policy, the matter will be referred to the appropriate office or department for follow up under University policies and procedures.” (Consequences of Violating this Policy, Student Handbook);
- aa. “Unauthorized access to, entry to, presence in, or use of University properties, including the following: University facilities, property, systems, or services;... Hosting an event in a University-owned or University-operated facility, property, or space that exceeds policies governing that space, including capacity or time restrictions; and Possession, duplication, distribution, or use of keys, access codes, access cards, or other means of

entry or access to any University property, premises, or location.” (Prohibited and Restricted Conduct);

- bb. “When a student or student organization is found in violation of the Code of Conduct, any of the following principles may be considered when assigning sanctions.” (Sanctions);
- cc. “Visitors, vendors, and the families of members of the community are expected to comply with the provisions of this policy. Noncompliant behavior leads to removal from the campus.” (Civility, Mutual Respect, and Unacceptability of Violence on Campus);
- dd. “A community member who has violated [the Civility, Mutual Respect, and Unacceptability of Violence on Campus] policy is subject to disciplinary action, which may include separation of the offending party from the University, consistent with established disciplinary procedures.” (Civility, Mutual Respect, and Unacceptability of Violence on Campus); and
- ee. “At Northwestern we are committed to maintaining an open and supportive environment, free of acts of bias, hate, discrimination, and harassment, that impede access to educational programs, activities or opportunities or diminish the dignity of any member of the University community.” (Respect NU - Bias Incidents).

353. Northwestern also has breached the implied covenant of good faith and fair dealing in every contract, by unfairly applying Northwestern’s policies and procedures in a discriminatory way, improperly motivated by racial, national origin, shared ancestry, and ethnic characteristics bias.

354. Among other things, Northwestern breached the implied covenant by applying and selectively enforcing Northwestern’s student handbooks, bulletins, regulations, codes, policies, and procedures in a discriminatory way that was improperly motivated by racial, national origin, shared ancestry and ethnic characteristics bias and responding to and treating incidents of abuse, harassment, intimidation or discrimination against Jewish students, including Plaintiff, in a more lenient, tolerant, indifferent, forgiving, and nonchalant manner than it treated similar incidents against other minority groups and by failing to apply and enforce its student handbooks, university bulletins, regulations, codes, policies, and procedures when responding to and treating incidents

of abuse, harassment, and intimidation of, or discrimination against, Jewish students, including Plaintiff.

355. As a proximate and foreseeable consequence of the foregoing breaches, Plaintiff and the Class have been damaged in amounts to be determined at trial.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of members of the Class, respectfully requests that this Court:

- A. Issue an Order certifying this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure; declaring that Plaintiff is a proper Class representative; and appointing Plaintiff's counsel as Class Counsel;
- B. Declaring that Northwestern's actions, as alleged herein, violate Title VI and constitute a breach of contract;
- C. Award Plaintiff and Class members compensatory and punitive damages in an amount to be determined at trial;
- D. Order appropriate injunctive and other equitable relief as necessary to protect the interests of the Class, including enjoining Northwestern from establishing, implementing, instituting, maintaining, or executing policies, practices, procedures, or protocols that penalize or discriminate against Jewish students including Plaintiff, in any way, and ordering Northwestern to take all necessary and appropriate remedial and preventive measures, such as the following: (i) investigate and take disciplinary measures, including termination, against deans, administrators, professors, and other employees responsible for the antisemitic abuse permeating Northwestern leading to the intolerable hostile environment, whether because they engaged in or permitted it; (ii) investigate and take disciplinary measures, including suspension or expulsion, against students and student organizations who engaged in such conduct; (iii)

implement required antisemitism training for Northwestern community members; (iv) investigate all instances of antisemitism that occurred at the April 25-29, 2024 unauthorized encampment on Northwestern's campus; and (v) appoint a neutral expert monitor to oversee compliance with this Court's order, Northwestern anti-discrimination and -harassment policies, and Title VI.

- E. Award Plaintiff the costs and disbursements of the action, along with reasonable attorneys' fees, costs, and expenses;
- F. Award pre- and post-judgment interest at the maximum legal rate; and
- G. Grant such other and further relief as this Court deems appropriate.

VIII. DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all claims so triable.

Dated: May 20, 2024

Respectfully submitted,

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