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May 6, 2024

Christine Stoneman, Section Chief
U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section
950 Pennsylvania Avenue, NW
4CON, 7th Floor
Washington, DC 20530

Via email to FCS.CRT@usdoj.gov

Re: Title VI Complaint Against Rutgers University

Dear Ms. Stoneman:

We represent Young America's Foundation, a nationwide student membership organization that seeks to educate students, provide educational and social opportunities, and promote traditional conservative values. YAF has an active chapter on the New Brunswick campus of Rutgers University.

On behalf of YAF, its local chapter and members, please consider this letter a formal complaint under Title VI of the Civil Rights Act of 1964.

On April 29, 2024, anti-Israel demonstrators set up an encampment on a portion of the New Brunswick campus called Voorhees Mall. The encampment significantly disrupted the learning environment. Among other things, University officials had to postpone final exams, citing "anticipated escalation of protest activities . . ."¹ Reportedly, "[a]t least 100 faculty members signed up to stand between the protesters and the police to keep the students from being arrested."

On May 2, University officials entered into an agreement with the demonstrators.² At a minimum, officials involved include President Jonathan

¹ <https://www.nj.com/middlesex/2024/05/rutgers-orders-pro-palestinian-protesters-to-end-encampment-or-face-police.html>.

² https://newbrunswick.rutgers.edu/sites/default/files/2024-05/response_05022024_2.pdf.

Holloway and New Brunswick Chancellor Francine Conway. Chancellor Conway issued a press release explaining that the agreement’s purpose was to address the “needs” of “Arab, Muslim, and Palestinian” students.³ The needs of Israeli and Jewish students are not discussed in either the agreement or the press release.

The agreement includes at least two promises by University officials to discriminate against students based on race and national origin. Below is a screenshot capturing these promises:



First, the officials agreed to “work with a committee of students, faculty, and staff to implement support for 10 displaced Palestinian students to finish their education at Rutgers.” The University estimates that the cost of attendance for one year is \$57,138; accordingly, ten four-year scholarships covering all costs is about a \$2.3 million investment.⁴ In the agreement, the University did not agree to provide a single dollar of support for displaced students from other areas of the world. Second, officials agreed to “develop a plan for the creation of an Arab Cultural Center,” which will be a “designated physical space.”

Additional promises by the University raise other significant Title VI concerns. The University reported on May 3 that it is “investigating reports of incidents targeting Jewish students, faculty, or staff because of their religious identity.”⁵ Indeed, two Rutgers students have been charged with harassment for alleged antisemitic acts on campus. “[S]uch reports,” the University says, are “disturbing[ly]” on the rise. Yet, the University gave in to a demand by the demonstrators at least

³ <https://newbrunswick.rutgers.edu/chancellor/communications/conclusion-protest-voorhees-mall>.

⁴ <https://scarlethub.rutgers.edu/financial-services/cost-of-attendance/rutgers-students-cost-of-attendance/>.

⁵ <https://newbrunswick.rutgers.edu/chancellor/communications/update-antisemitism-harassment>.

partially responsible for creating this hostile environment, and that demand presupposes that one side of the recent demonstrations has suffered harassment while the other has not. As shown below, the University promised to hire a “senior administrator” with “cultural competency in and with Arab, Muslim, and Palestinian communities.”

7. Hire senior administrators with cultural competency and knowledge about Arabs, Palestinians, Muslims, anti-Palestinian racism, and Islamophobia.

Rutgers–New Brunswick will work to develop training sessions on anti-Palestinian, anti-Arab, and anti-Muslim racism for all RU administrators & staff. We also commit to the hiring of a senior administrator who has cultural competency in and with Arab, Muslim, and Palestinian communities in the Division of Diversity, Inclusion, and Community.

Necessarily, this promise means that the University will hire someone to serve a particular racial demographic. The purpose of the new administrator is not to serve all students equally but to focus on the specific needs of one category of students. The agreement does not indicate that the University will require training or hire administrators to address the University's acknowledged problem with antisemitism.

As a recipient of federal funds from multiple federal agencies, the University is subject to Title VI of the Civil Rights Act of 1964, which prohibits all discrimination “on the grounds of race, color, or national origin.” By providing up to \$2.3 million in scholarships and “designated physical space” based on an individual’s status as Arab or Palestinian, the University is intentionally discriminating against non-Arab and non-Palestinian individuals on the grounds of race and national origin. As the United States Supreme Court recently held in a decision applying Title VI, race and national origin may never operate as a “negative” or a “stereotype.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 218 (2023). Discrimination in favor of Arab or Palestinian individuals is, in turn, discrimination against individuals not within those categories. As with college admissions, scholarship funds and space are “zero-sum.” *Id.* The University cannot grant a benefit to one group without discriminating “against those racial groups that were not the beneficiaries of the race-based preference.” *Id.* at 212. And discrimination violates Title VI.

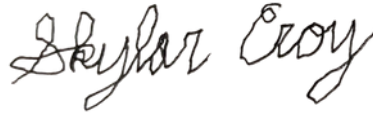
We ask that you open a formal investigation based on this complaint and find that the University's plan to offer scholarships and space to individuals based on race and national origin violates Title VI.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Daniel P. Lennington
Deputy Counsel



Skylar Croy
Associate Counsel