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I. INTRODUCTION

StandWithUs, an international nonprofit organization providing education about Israel and combating antisemitism, respectfully submits this letter of complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (“Title VI”), based on antisemitic discrimination and retaliation experienced by first-year Jewish and Israeli students in the Professional Psychology Program (the “Program”) at George Washington University (“George Washington”). As described below, George Washington failed both to protect Jewish students from a hostile environment and retaliated against the students by instituting disciplinary proceedings against them after they complained to university administrators about the discrimination they faced.

During the Fall 2022 semester, Jewish and Israeli students in the Program’s mandatory diversity course were singled out for repeated and persistent harassment when their Jewish and Israeli identities were disparaged by faculty and peers.¹

Jewish students at George Washington ([REDACTED], or 20 percent of the cohort) first tried to address the antisemitism they were experiencing with Dr. Lara Sheehi, who teaches the mandatory diversity course. Dr. Sheehi responded by denying that the students had experienced antisemitism, and by distorting their comments to accuse the Jewish students of attacking other identity groups. Dr. Sheehi did not treat members of any other identity group in this fashion. Only Jewish students were deprived of the opportunity to define their own identity and describe how discrimination based on that identity manifests. In a class designed to educate future therapists about different identities and sensitize the students to bias experienced by those identities, Dr. Sheehi singled out the Jewish students and deprived only them of an opportunity she afforded all other students — defining their own identity and what it means to experience discrimination based on that identity. In this way, Dr. Sheehi engaged in “erasive antisemitism,” a form of antisemitism that denies the uniqueness of Jewish identity and erases Jewish history

¹ Upon request, we will supply the names of the students who have requested confidentiality. StandWithUs is in direct contact with students whose experiences of antisemitism are detailed herein and can facilitate interviews between the students and the Office for Civil Rights.

and the Jews' lived experience.² Not surprisingly, other students in the class quickly followed the professor's lead and began disparaging and denying Jewish identity in a similar discriminatory fashion.

The Jewish students next reported the antisemitic harassment they were experiencing in the diversity class to university administrators. When Dr. Sheehi learned of this, she retaliated against the most vocal students by denigrating them to other faculty members and instigating baseless disciplinary proceedings against them. The university took no steps to protect the students (or their reputations) from retaliation by the professor. Instead, the university allowed the baseless, retaliatory proceedings to proceed without conducting any investigation.

According to OCR guidance, when a student brings in good faith a potential civil rights violation to the attention of a school, retaliation against the student for having done so is prohibited: "[i]ndividuals should be commended when they raise concerns about compliance with the Federal civil rights laws, not punished for doing so."³ However, Jewish students who raised concerns about antisemitism in the Psychology Program have been punished, not praised.

Rather than protect the students from a vindictive professor, the university facilitated the professor's retaliation. As a result, Jewish students in the Program at George Washington have been scared into silence. These students are now afraid and, understandably, unwilling to raise concerns about antisemitism on campus—the exact situation that the Title VI prohibition on retaliation was designed to prevent.

We therefore urge OCR to promptly open an investigation into George Washington University's violations of Title VI, including its permitting a hostile environment to fester and its failure to prevent retaliation against students exercising their right to report discriminatory treatment.

II. ZIONISM IS AN INTEGRAL COMPONENT OF JEWISH ETHNIC IDENTITY

Zionism and Jewish Identity

Jewish identity is defined by more than common religious practice. Jews share an ancestral and ethnic heritage that is rooted in the Land of Israel. Most Jews around the world today take pride in this ancestral and ethnic heritage. For them, as for many Jewish students at George Washington, Zionism and the historic connection of Jews to the Land of Israel form an integral part of their Jewish identity. Israel is the birthplace of Jewish ethnic identity, language, culture, traditions, and religion, and Jews have maintained a constant presence there for over 3,000 years. Zionism represents the Jewish people's unbreakable bond with their ancestral home, and the Jews' continuous yearning for self-determination in their ancestral homeland. For most Jews, therefore, "Zionism" is not a political viewpoint; rather, it is a key component of their Jewish ethnic and ancestral identity.

² See "Erasive Antisemitism – Naming a Subcategory of Antisemitism," by Ben Freeman at <https://benmfreeman.medium.com/erasive-antisemitism-cc71bf7259bb> and The Reut Group Policy Paper on "Erasive Antisemitism" at <https://www.reutgroup.org/Publications/ERASIVE-ANTI-SEMITISM>.

³ Seth M. Galanter, Acting Assistant Secretary of Education for Civil Rights, Dear Colleague Letter (April 24, 2013), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html>.

There are only 15 million Jews on earth today. Nearly half of them live in the State of Israel. Jews have endured over 1,900 years of oppression and violence across Europe and the Middle East, including genocide. Anti-Jewish bigotry still threatens Jews worldwide. Israel's existence and well-being are, therefore, vital to the Jewish people's safety, survival, and human rights.

In this context, demanding that Jews who take pride in the Jews' ancestral connection to Israel and care about the survival of the Jewish people deny Israel's right to exist is tantamount to demanding that Jews shed the ethnic component of their Jewish identity. Denying that Jews are "a people" with this shared ancestral and ethnic heritage is "erasive antisemitism."⁴ Similarly, harassing, marginalizing, ostracizing, or discriminating against a Jew because they identify as Zionist is equivalent to targeting a Jew on the basis of the Jews' shared ethnic and ancestral heritage.

The IHRA Definition of Antisemitism

Executive Order 13899, the 2019 [Executive Order on Combating Anti-Semitism](#),⁵ requires agencies tasked with Title VI enforcement to utilize the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism ("IHRA Definition") to investigate potential discrimination involving antisemitism. On January 4, 2023, Department of Education Assistant Secretary for Civil Rights Catherine Lhamon publicly reaffirmed OCR's "commitment to complying with Executive Order 13899"⁶ in an email announcing the release of OCR's new fact sheet on *Title VI Protection from Discrimination Based on Shared Ancestry or Ethnic Characteristics*. (Lhamon email attached to this Complaint as Appendix A)

Included in the IHRA Definition, and referenced in the Executive Order, is a list of examples of contemporary antisemitism that include treatment of Israel in a way that demonizes or delegitimizes it or applies a double standard to the Jewish state.

As demonstrated below, George Washington administrators failed adequately or effectively to respond to incidents that constitute antisemitism under the IHRA Working Definition, and that led to the creation of a hostile environment for Jewish students in the Program. The university's failure to promptly and effectively end the harassment has had a detrimental impact on the Jewish students in the Program's first-year cohort. Due to the antisemitic harassment they experienced, at least [REDACTED] students had to begin taking antidepressants and other prescription medications. In addition, [REDACTED] of the Jewish students have struggled with insomnia, lack of appetite, and feelings of hopelessness. [REDACTED] student had to take a hiatus from a part-time job due to depressive symptoms. The hostile environment and its impact on the students will only worsen if OCR does not hold George Washington accountable for failing to comply with its Title VI legal obligations.

⁴ See footnote 2, supra.

⁵ "Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964" available here: <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

⁶ See email from Assistant Secretary Catherine E. Lhamon, January 4, 2023, titled "OCR Releases New Fact Sheet on Title VI Protection from Discrimination Based on Shared Ancestry or Ethnic Characteristics" (attached as Appendix A)

III. STATEMENT OF SUPPORTING FACTS

A. Initial Instances of Antisemitism Within the Program

1. *Diversity Sequence I*

Graduate students in the Program are required to take a sequence of diversity classes taught by Professor Sheehi. The first-year course is designed to allow students to:⁷

1. identify, read, and synthesize information from psychological and psychoanalytic literatures, and the literatures of sister disciplines, related to diversity and diversity awareness;
2. begin to draw on their own experiences as members of majority and/or minority cultural groups, or mixtures of groups, and how their identities and experiences (e.g., gender, sexual orientation, religion/spirituality, age, socioeconomic status, ability/disability status) intersect;
3. begin to develop comfort in self-disclosure and self-exploration, in service of professional and clinical development.

The course is intended to increase “diversity awareness” and sensitize future therapists to biases experienced by individuals of various identities. Unfortunately, in Fall 2022, the class repeatedly—via class materials and discussions—demeaned, disparaged, and fostered hostility toward students with only one specific identity: the Jewish identity.

The disparagement of Jews began on the first day of class (August 29, 2022), when Professor Sheehi asked each of the [REDACTED] students in the class to introduce themselves, including where they were from and how they identify. As each student spoke, Professor Sheehi responded by validating the student’s identity. When a Jewish Israeli student introduced herself and said that she was from Israel, however, Professor Sheehi’s response was, “It’s not your fault you were born in Israel,” thereby implying the student’s Israeli national identity is something of which she should be ashamed.⁸

2. *September 30, 2022, Brown Bag Lecture*

On Friday, September 30, 2022, between the Jewish New Year (Rosh Hashana, which fell on September 26 and 27) and the Jewish Day of Atonement (Yom Kippur, which fell on October 5)—the holiest time of the year for Jews—Professor Sheehi invited a guest lecturer to deliver a “brown bag” presentation as part of the “Psychoanalysis and the Arab World” lab that Professor Sheehi had newly founded. Psychology students were encouraged to attend the event, which was coordinated and introduced by Professor Sheehi. The speaker, Dr. Nadera Shalhoub-Kevorkian, is

⁷ Excerpted from the syllabus for Professor Sheehi’s Diversity Sequence I course

⁸ Dr. Sheehi’s disdain for Israeli and Zionist identities is well documented; she has made remarks such as “Israelis are so f****ing racist,” “Israelis can and will be cruel,” “Zionists are unhinged,” “you can’t be a Zionist and also a feminist” “F*** Zionism, Zionists...” “F*** every person who is not yet an anti-Zionist,” and “Zionists are so far up their own a*****” (Twitter account @blackflaghag).

known for making patently false accusations reminiscent of historic antisemitic blood libels, including claiming (without any factual support) that Israel tests its weapons systems on Palestinian children.⁹ Throughout her lecture, Dr. Shalhoub-Kevorkian demonized Israel, and Israelis in general, while also referring to “Jews.” She suggested that good deeds done by Jews and Israelis are done to mask sinister activity. Invoking age-old antisemitic tropes about Jews using money for nefarious purposes, Dr. Shalhoub-Kevorkian claimed that humanitarian and philanthropic efforts by Jews and Israelis must be seen as suspect. She denigrated Israel’s disaster relief work around the world, and stated that Israel “use[s] *tikkun olam* [the Jewish value of bettering the world] to camouflage [Israel’s] oppressive power.”

The speaker also denigrated Jewish citizens of Israel by referring during her presentation to “white Israeli racism,” ignoring that the majority of Israel’s population are Jews of North African or Middle Eastern descent and are not “white.” At one point, Dr. Shalhoub-Kevorkian suggested that one of the correct responses to this activity of Jews and Israelis is violent resistance. Specifically, she noted that appropriate resistance includes throwing stones. Along these lines, Dr. Shalhoub-Kevorkian lionized Ahmed Manasra, a Palestinian teenager who is currently in prison in Israel for having participated in 2015, as a 13-year-old, together with his 15-year-old cousin, in the unprovoked stabbing of a Jewish 13-year-old child who was leaving a candy store in Pisgat Ze’ev.¹⁰

[REDACTED] Jewish students in the first-year diversity course reported that during the weekend following this lecture they were unable to eat or sleep due to anxiety. They spoke among themselves about the pain and alienation they were experiencing and grappled with how to convey to the teacher and the class the way in which they felt targeted by the program based on their Jewish ancestral and ethnic and Israeli identities. The Jewish students decided they would raise the issue at the beginning of class on the following Monday.

3. *October 3, 2022, Class Session*

Professor Sheehi traditionally began each class session by asking to take the “pulse” of the class and by giving students the opportunity to discuss current events, the readings, or any other item related to diversity that impacted them that week. On Monday, October 3, 2022, the Jewish students took that opportunity to explain to the professor and the class how they had been harmed by the information conveyed during the brown bag presentation the previous week. One Jewish student explained that she was feeling “vulnerable and unsafe” because the talk had been a two-hour diatribe against one group—namely, Jews. She explained that to target only the Jewish state, when there are regimes around the world, including China, Russia, and Iran, that engage in human rights abuses, constituted the application of an antisemitic double standard.¹¹ The student

⁹ <https://www.algemeiner.com/2019/02/18/hebrew-university-distances-itself-from-lecturer-who-said-palestinian-kids-face-death-machine-in-jerusalem/>.

¹⁰ <https://www.jpost.com/arab-israeli-conflict/indictment-13-year-old-from-pisgat-zeev-attack-influenced-by-hamas-wanted-to-be-a-martyr-430553>

¹¹ The IHRA Definition of Antisemitism includes as a contemporary example of antisemitism, “Applying double standards by requiring of it [Israel] a behavior not expected or demanded of any other democratic nation.” See <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

expressed doubt that the department would have subjected any other identity group to that type of hostile presentation.

Another Jewish student echoed these comments, saying that she too felt “incredibly unsafe in this program right now.” She said the brown bag lecture “felt like [it] was an excuse to bash Jews.” The student said, “I’m shaking.” She added that she really had not wanted to come to class, but she thought it important for the class to know that just because the lecture was given by a professor who is educated “doesn’t mean it’s fact.” Both students stressed that just as there is no room in the Program for racism or homophobia, there should be no room for antisemitism.

In response, Professor Sheehi denied that what these students had experienced was antisemitism and dismissed their concerns. She expressed her (erroneous) view that “in no uncertain terms, anti-Zionism is not antisemitism,” asserting that her position was not merely her opinion but a “non-negotiable truth” like a “historical fact.” Then she added, “Zionism in and of itself indicates that Jewish folks are different. There are many people who say that Zionism in and of itself is an antisemitic movement. Why? Because it locates that Jewish folks are that much more different that they need to have a space unto themselves.”

By claiming that what the Jewish students had experienced was not antisemitism, Professor Sheehi herself engaged in erasive antisemitism, denying the Jewish students the right to define their own identity, as well as what constitutes an oppressive attack against that identity. In addition, her comments demonstrated hostility toward Jewish Zionists. As explained above, Zionism—celebration of the Jews’ ancestral, historic and ethnic connection to the Land of Israel and support for Jewish self-determination in the Jews’ ancestral homeland—is for most Jews, an integral component of their Jewish identity.¹² When Professor Sheehi said that Zionists believe that “Jewish folks are different” and that Jews “need a space unto themselves,” she denigrated Zionists and falsely implied that Jews who view Zionism as integral to their Jewish identity are supremacists who are not prepared to live with others. In addition, rather than accepting the students’ own description of their experiences of antisemitism, Professor Sheehi turned their experience against them, accusing *the students* of being antisemitic because of their Zionism.

In response to the students’ claim that they had felt targeted on the basis of their Jewish identity by the information conveyed during the brown bag presentation, Professor Sheehi suggested their experience was a good thing. She claimed that it was in keeping with the class approach of “disrupting.” She urged the Jewish students to “lean into” the spaces that feel disruptive and destabilizing and “sit with” the discomfort. The Jewish students never observed Professor Sheehi tell any other students to “lean into” or “sit with” discomfort about their identity. To the contrary, if students of another identity described oppression, harassment, or discrimination toward their identity groups, Professor Sheehi validated both the identity and the experience as described.

A third Jewish student posted in the chat that she was “sitting here crying,” feeling “deeply unsettled and unsafe.” She continued that “the fact of the matter is that a speaker was brought in that advocated violence against Israelis—and by extension Jews—and that is antisemitic, yet is

¹² 81% of all Jews and 76.6% of millennials find a connection to Israel to be part of their Jewish identity according to these recent studies by AJC: <https://www.ajc.org/news/survey2021>, <https://www.ajc.org/Jewish-Millennial-Survey-2022/American-Jewish-Millennials>.

being explained away.” Pertinent to the goals of the course, and the Program overall, she said that the talk seemed to “have little to do with being a stronger clinician.”

A fourth Jewish student spoke up and explained that Israel is her country, her home, and her identity and that as an Israeli, she was feeling unsafe. She asked the students to imagine what it is like to go out to a bar on a Friday night in Tel Aviv when there is suddenly a terrorist attack with people shooting. The student sought to explain to her classmates the reality is that she has to live through in her country. She explained that it hurt her that the two-hour talk demonized only her home country without providing any other perspective.

In response, Professor Sheehi said that it was not possible to separate the student’s identity from the political, and she took offense at the student’s use of the term “terrorist attack.” Professor Sheehi asserted that when the student said “terrorist attack,” she was referring to Palestinians and Arabs. The professor then claimed that the student’s comment invoked Islamophobia – even though the student never mentioned Palestinians, Arabs, or Muslims in her comment. Professor Sheehi distorted the Israeli student’s remark, putting words into the student’s mouth and making the student’s good-faith attempt to describe her lived reality sound racist. In doing so, Professor Sheehi created an environment where the non-Jewish students were led to view the Israeli and Jewish students as racist.

After several other students had spoken, the first Jewish student spoke up again. She noted that one of the books that the cohort had read said that it is important to understand that when people of color explain that an issue is about race, it is about race. The student requested that the same courtesy be extended to all groups when they say they have experienced harassment and discrimination. She asked the class to accept with equal validity claims by Jews who describe their experiences of Jew-hatred. The student also noted that it is important not to tokenize Jews who hold opinions that are outside the majority consensus. Most Jews, she explained, disagree with the position that anti-Zionism never constitutes antisemitism. Finally, the student said she felt unsafe in a program that would invite a speaker who endorsed violence against Israeli civilians and who, therefore, may celebrate the murder of her Israeli relatives. In response, Professor Sheehi called the student’s comment a “damaging Islamophobic anti-Palestinian” comment and added that “a stone is nothing compared to an army.”¹³

In all, during the October 3 class session, [REDACTED] Jewish students raised concerns about antisemitism in the Program. At no point did Professor Sheehi validate any of the students’ experiences, even though each student prefaced her remark by describing how vulnerable, upset, and anxious she felt. Instead, Professor Sheehi denied that what the students had experienced was antisemitism, aggressively rebutted every point the students raised, accused two of the students of engaging in Islamophobic rhetoric, and implied that the students who were complaining about antisemitism were themselves racist and antisemitic. Professor Sheehi never denied or dismissed the concerns of any other identity group in the class, much less in such an aggressive fashion. Professor Sheehi did not subject members of any other identity group to such public vilification.

¹³ Professor Sheehi’s response appeared to the Jewish students to condone stone throwing, which has been a lethal form of “resistance” used against Israelis. See <https://www.timesofisrael.com/man-killed-in-jerusalem-rock-throwing-attack-named-as-alexander-levlovitz/>, or <https://www.jta.org/2015/02/17/obituaries/adele-biton-4-dies-two-years-after-palestinian-rock-attack>.

During the course of the semester, she never invited any other speaker or encouraged student attendance at any other program focusing solely on one national or ethnic group, as she had invited attendance at the September 30 program which disparaged Israelis and Jews.

B. Notice to Administration and Failure to Remedy Hostile Antisemitic Environment

1. Meetings with Department [REDACTED]

After class on October 3, 2022, [REDACTED] Jewish students from Professor Sheehi's diversity course (out of a cohort [REDACTED] students) met with Dr. [REDACTED], [REDACTED] of the Department of Professional Psychology, and reported to him their concerns about the antisemitism they experienced in the diversity course. The students explained they felt targeted on the basis of their Jewish identity by (a) the professor's endorsement of the guest lecturer's antisemitic presentation, (b) the professor's emphatic denial that what they were experiencing was antisemitism, and (c) comments made by the professor both in class and outside of class that singled out Jewish and Israeli identity for disparagement and demonstrated the professor's disdain for Israeli citizens and for Jews who feel connected to Israel as part of their Jewish identity.¹⁴

The students noted that although the course was intended to teach "diversity awareness," there were no readings in the syllabus and no class time designated in the curriculum for the topic of antisemitism. The class advanced negative perceptions of Jews and Israelis, which were reinforced by negative portrayals of Jews in the instructional materials. No other identity group was treated in such a negative fashion in the class.

In addition, the students explained to Dr. [REDACTED] that it was not possible for them to fully participate in the class in light of the professor's hostility toward their Jewish and Israeli identities. According to the syllabus, one of the goals of the course is to "allow students to begin to develop comfort in self-disclosure and self-exploration, in service of professional and clinical development." The course facilitates that development by requiring students to submit weekly private journal entries to Professor Sheehi, in which students share their personal thoughts, feelings, and reactions to diversity-related material and experiences. The Jewish students explained to Dr. [REDACTED] that they did not feel safe expressing such deeply personal thoughts to Professor Sheehi based on the hostility she had expressed toward Jews who felt connected to Israel as part of their Jewish ancestral and ethnic identity.¹⁵ The students explained that Professor Sheehi had expressed clear hostility toward Israelis, vehemently rejected the Jewish students' described experiences of antisemitism, and labeled them antisemitic based on their

¹⁴ Professor Sheehi co-authored a book with her husband, *Psychoanalysis Under Occupation*, that makes the case that Zionism is a form of psychosis because the Jewish connection to Israel is imagined. In interviews about the book and other topics, she has consistently attacked Jews who identify with Israel. In one interview (<https://prisonskill.wordpress.com/2022/05/24/against-alienation-lara-sheehi-and-stephen-sheehi-on-their-book-psychoanalysis-under-occupation-practicing-resistance-in-palestine%ef%bf%bc/>), she promoted throwing rocks and violence against civilians while also indicating that her clinical work is "part of the [same] struggle."

¹⁵ Professor Sheehi appears with her husband, Stephen Sheehi, in a video titled "RU185: Drs Lara & Stephen Sheehi on Palestine: Psychoanalysis Under Occupation Rendering Unconscious." In that video, Professor Sheehi nods in agreement as Stephen Sheehi calls the Jewish/Israeli relationship to Israel "a psychotic relationship to the land. The connection to Palestine is one built on psychosis." (<https://www.youtube.com/watch?v=3A7k6UXw1i8> from about 39:00 to 42:00).

Zionist identities. The students also informed Dr. [REDACTED] that they were concerned they could suffer retaliation for having complained about Professor Sheehi's antisemitism.

The students requested that Dr. [REDACTED] identify an alternate method for them to satisfy the diversity requirement. They asked, for example, for a different professor to review their journal entries. This would have enabled the students to openly share their feelings with a supportive professor and, thereby, derive the full benefit of the “self-exploration” process of this component of the Program.

Dr. [REDACTED] shared that he too had been troubled by the brown bag presentation's focus on just one country, and he acknowledged that saying “anti-Zionism is not antisemitism” is a contentious statement. Dr. [REDACTED] also said he felt it was insensitive to schedule a lecture on this topic right in the middle of the Jewish High Holidays. He told the students that he would arrange to sit in on Professor Sheehi's class in the future to observe the class and that he would arrange for the students to submit their journal entries to him. The students also requested that the department bring in a brown bag speaker who could educate the community on antisemitism, and Dr. [REDACTED] agreed that the department would bring in such a speaker. The university, however, failed to follow through on any of these agreed-upon remedies.

On October 13, 2022, the students met again with Dr. [REDACTED]. This time he told the students that Professor Sheehi had denied that she had engaged in or condoned antisemitism. He informed the students that the Program was limited in what it could do. He suggested the students speak with the [REDACTED] in the College of Arts and Sciences. At the same time, Dr. [REDACTED] refused to excuse the students from Professor Sheehi's class. He also reneged on his commitment to allow them to submit their personal reflection journal entries to him, requiring instead that they continue submitting entries to Professor Sheehi. Lastly, he said he would not be sitting in on Professor Sheehi's classes to observe.

2. Community-Wide Email from Vice Dean [REDACTED]

On Saturday, October 22, 2022 (on the Jewish Sabbath), the Columbian College of Arts and Sciences (CCAS) Dean's Office sent out an email to all students and faculty in the Professional Psychology Program, which is part of the CCAS. The email noted that the CCAS Dean's Office was aware of concerns that were raised following the brown bag program. The email explained, “As an institution of higher learning, we encourage robust debate on issues that impact our global society, but it is our expectation that all community members engage respectfully with one another, even when discussing issues that implicate deeply held beliefs.”

Rather than expressing support for the Jewish students or addressing the antisemitic, identity-based attacks that the Jewish students had experienced, the email erroneously treated the situation as though the Jewish students had been engaged in a political debate. The CCAS Dean's Office ignored that Professor Sheehi (a) brought to campus a speaker whose presentation targeted Jews and Israelis on the basis of their identity, (b) endorsed in class the speaker's antisemitic narrative, (c) denied the Jewish students the right to define their own identity and to describe for the class how the information conveyed during the brown bag lecture constituted an attack against that identity, and (d) denigrated the Jewish and Israeli students in front of their classmates by distorting the Jewish students' comments and calling the students Islamophobic and/or racist.

The CCAS email noted that the university was considering bringing in an “external expert” to facilitate a discussion among the Program’s students and faculty but provided no indication as to whether the expert would have any expertise in antisemitism. In addition, the email invited students and faculty to reach out to the CCAS Dean to express their opinions.

3. Meeting and Communication with George Washington University Dean

On October 26, 2022, in response to the CCAS email, one of the Jewish students met with [REDACTED], a Dean in the College of Arts and Sciences, to share the grievances of the Jewish students. [REDACTED] other Jewish students signed a joint letter to Dean [REDACTED] informing him that they shared the opinions and perspectives reported to him by the student with whom he met.

During the discussion with Dean [REDACTED], the student reported all of the information previously reported to Dr. [REDACTED]. The student also advised Dean [REDACTED] that the problems with Professor Sheehi’s course were nothing new, and that students in prior cohorts had informed first-year students that they too had experienced antisemitism in the course. The senior students advised the first-year students to refrain from addressing Jewish identity in the diversity class. The Jewish student who met with Dean [REDACTED] emphasized that the university appeared to be applying a double standard—taking the concerns of other minority groups seriously while dismissing the concerns of the Jewish students.

The Dean refused to acknowledge that there had been any antisemitism experienced by students in the class or Program. He referred to the problem as a conflict between “deeply held beliefs,” and he said the students could file a bias complaint.

Four days later, on October 30, 2022, Dean [REDACTED] emailed the Jewish student who had met with him informing them that the CCAS Dean’s Office, in consultation with the Program, had determined not to make available any alternative arrangements for the students who had reported antisemitism. Dean [REDACTED] stated that the Jewish students complaining of antisemitism in Professor Sheehi’s course could opt either to remain enrolled in the course or withdraw from the course. If the students chose to withdraw, they would have a “W” on their permanent record and would be required to take the course when it is next offered by the Program in the Fall of 2023, with no guarantee that the course would be taught by a different faculty member at that time.

The university took no steps to investigate the students’ complaints or protect the students from the antisemitic harassment they were experiencing in the diversity course.

C. Further Attacks on Jewish Identity Within the Program

1. October 31, 2022, Class Discussion

Several days prior to the October 31, 2022, diversity class session, one of the Jewish students sent an email to Professor Sheehi requesting permission to take a mental health day on October 31 due to the stress the student was experiencing from attacks on her Jewish identity. Professor Sheehi

never responded to the student's email. In addition, Professor Sheehi ignored that student's weekly journal entry and the journal entry submitted by another Jewish student that week. Upon information and belief, Professor Sheehi replied to and commented on the journal entries of the remaining students in the class.

The Jewish students whose journal entries had been ignored believed they were being singled out and retaliated against because they had complained to the department [REDACTED] and the Dean about the antisemitism in Professor Sheehi's course. The Dean had instructed the students to continue submitting their journal entries to the professor, but they were being denied feedback that was being provided to other students.

In addition, the Jewish students felt that one of the essays included alongside that week's reading materials was antisemitic. This was the third week that the students had encountered negative portrayals of Jews in class materials.¹⁶ When they tried to raise their concerns about this reading within the greater context of antisemitism in the class, Professor Sheehi silenced the Jewish students and refused to discuss their concerns. By denying the Jewish students the opportunity to explain to the class how elements of the course were targeting Jews who expressed pride in their Jewish ancestral heritage, Professor Sheehi created in the classroom an atmosphere that was

¹⁶ In the first two instances, the readings with negative portrayals were mandatory reading. In the third, the portion disparaging a Jew was included in the same packet in which mandatory reading was shared.

In one assigned reading, an aspiring psychoanalyst described her own experience as a patient. Because the therapist had a hard time understanding the patient's perspective about the natural disaster happening in the patient's home of Puerto Rico, the therapist was pegged as a violent aggressor. The LatinX patient said, "You treat me like I'm fucking stupid. Like I'm stupid and crazy. The situation in between Puerto Rico and the U.S. is like that of Israel and Palestine." The therapist replied, "You think I am White, but I've got news for you. I'm Jewish," to which the patient responded, "[y]ou are Jewish, but in the context of this relationship you are White. You are Riverdale, I am Kingsbridge. You are the United States, I am Puerto Rico. You are Texas, I am Mexico. You are Israel and I am Palestine." The reading thus portrayed the Jewish therapist as a global aggressor, the symbol of all ills, both local and international. (Haddock-Lazala, C. M. (2020). X'ing Psychoanalysis: Being LatinX in Psychoanalysis. *Studies in Gender and Sexuality*, 21(2), 88-93.)

A second reading, authored by Professor Sheehi, discussed a "Jewish, non-zionist" psychoanalyst working with a Lebanese woman. The patient described a violent dream of hers, stating "it's about terrorism," after which the analyst wonders how to deal "with the terrorist in her." Sheehi takes issue with the word "terrorist," linking the analyst's thoughts with "anti-Muslim and anti-Arab ideology." (Sheehi L. (2019) The Islamophobic Normative Unconscious: Psychoanalytic Considerations. In H. Steven Moffic, John Peteet, Ahmed Hankir, Rania Awaad (Eds.), *Islamophobia and Psychiatry: Recognition, Prevention and Treatment*. New York: Springer.)

The third reading described a white Jewish male psychoanalyst who delivered a presentation at a conference that included a reference to the Wayfarer's Prayer for safe travel (a prayer which predates the Israel-Palestine conflict by millennia) and to a verse from the Old Testament book of Nehemiah regarding the prophet's return to Jerusalem. The reading included written commentary by a number of respondents, including Professor Sheehi. Professor Sheehi criticized the Jewish analyst's remarks, claiming it was not possible to hear about Jerusalem in the context of the Jewish analyst's presentation "without invoking Palestine" and the "deafening crush of Zionism and its settler colonial project." Professor Sheehi also suggested that the references in the Wayfarer's Prayer to "robbers and enemies" could be heard, in light of the reference to Jerusalem, as a veiled reference to Palestinians. (https://www.academia.edu/40670627/What_Can_I_Say_Contested_Words_and_Contested_Thoughts_in_the_Temporary_Moment).

hostile to the Jewish students. This led one student to claim, in a raised voice, that the Jewish students' "white fragility" was "really kicking in" and another to claim that the Jewish students were ruining Halloween and should "please just go [leave the classroom]." When the Jewish students tried to discuss the antisemitism they had experienced in the class, Professor Sheehi refused to discuss the matter, told them that the matter was now out of her hands, and that it was being handled by the Dean and Dean's office. It was clear from Professor Sheehi's remarks that she was aware that students had complained to university administrators about antisemitism in her class and was not pleased. When members of the class accused the Jewish students of "white fragility" and told them to "just go," Professor Sheehi said nothing to support or defend the Jewish students, instead offering them the option simply to leave the class. At that point, the Jewish students who had spoken up felt compelled to leave the classroom.¹⁷

Professor Sheehi's treatment of the Jewish students stands in marked contrast to her treatment of other students. Professor Sheehi traditionally started each class by asking how the students were feeling and entertaining comments on any topic related to diversity. Students have discussed current events, natural disasters, and their own hesitations or discomfort with identity issues. Professor Sheehi regularly validated the emotions of students who raised concerns. In contrast, whenever the Jewish students attempted to discuss attacks that targeted their Jewish or Israeli identities, Professor Sheehi silenced the students or distorted their comments so as to make the students appear racist, aggressive, self-centered, and intolerant, and denied that the Jewish students had even experienced antisemitism. The rest of the students in the class were influenced by the professor's behavior.

2. First-Year Cohort "restorative circle" Exacerbates the Hostile Environment

In response to the class-related events described above, the students in the first-year cohort were invited to participate in a "restorative circle" listening session organized by two outside facilitators, Dr. [REDACTED] and Dr. [REDACTED]. Upon information and belief, these facilitators have no knowledge or expertise in addressing antisemitism. As described more fully below, by selecting facilitators who lacked experience addressing antisemitism, George Washington exacerbated, rather than ameliorated, the hostile environment Jewish students were experiencing.

Prior to the group "restorative circle," the facilitators reached out to speak individually with several students in the cohort. They spoke privately with at least two of the Jewish students, a Palestinian student, and a minority student who had raised concerns to the Dean. After the Jewish students met privately with the facilitators, they were informed that because the facilitators were not going to have time to speak individually with every student in the cohort, the facilitators were planning to invite the students with whom they had not yet met to a group listening session.

The two Jewish students with whom the facilitators had already met were *expressly told not to attend* the group listening session. By contrast, the Palestinian student and minority student with whom the facilitators had met were apparently given the option of attending the session. Both

¹⁷ After they left the class, the students reported this latest attack on their Jewish identity to the CCAS Dean, including Professor Sheehi's refusal to reply to their emails or grade their journal entries. Only after reporting this information to the Dean did Professor Sheehi resume grading the students' journal entries.

students attended. Had the Jewish students been provided the same option, they would also have attended.

The group session was held on Friday, November 18, 2022. During the session, numerous students expressed anger and frustration that the two Jewish students (who had been among the students who had raised the issue of antisemitism in the earlier classes) were not in attendance for the “restorative circle.” The absent students were criticized for failing to do the “work” necessary to restore the cohort. *The facilitators did not explain to the group that the students who were not in attendance had been told by the facilitators not to attend.* One of the Jewish students who was in attendance explained in the chat that the absent students had been told not to attend and asked the facilitators to confirm this. After the facilitators did so, the Palestinian student asked whether the facilitators had offered the two students the option to attend, noting that this was the option the facilitators had presented to him. Upon information and belief, the facilitators said their goal was to hear from students from whom they had not previously heard but never answered the Palestinian student’s question directly.

The stated goal of the session was to provide “restoration” to the cohort. However, upon information and belief, most of the students present never addressed the antisemitism experienced by the Jewish students and instead, criticized the Jewish students for not attending, accused them of “white fragility,” of being “racist,” and of deflecting the class’ attention away from more pressing topics. The facilitators thus exacerbated the hostile environment the Jewish students were experiencing by excluding the two Jewish students and creating an opportunity for the rest of the class to gather together and condemn the Jewish students. The attitudes displayed by the non-Jewish students in the “restorative circle” reflected the views they had heard Professor Sheehi express in class when she denied the Jewish students’ experiences of antisemitism and accused them of Islamophobia and racism.

The facilitators took no steps to support the Jewish students who were at the session, or the two who had been excluded from the session, from the hostile remarks of their fellow cohort members. Instead of reducing the hostile environment that the Jewish students had been experiencing in the Program, the “restorative circle” exacerbated the problem.

3. November 30, 2022, “harm circle” Preparation Causes Further Harm

On November 30, 2022, one of the Jewish students met with facilitators Drs. [REDACTED] and [REDACTED] in preparation for a “harm circle” for the two Jewish students who had been excluded from the “restorative circle” listening session and the Palestinian student in the class. (The Palestinian student ultimately declined to participate in the “harm circle” as scheduled; it is not clear whether it will be rescheduled.) During the preparation session, Dr. [REDACTED] perpetuated antisemitic tropes regarding Jews and perceived power imbalances, further exacerbating the harm experienced by the Jewish students. Specifically, she suggested to the student that the Palestinian student could legitimately claim during the “harm circle” that there was an inherent power imbalance between him and the Jewish student because the Jewish student possessed a power and privilege that the Palestinian people lack. With this comment, Dr. [REDACTED] suggested that a Jewish student in Washington, D.C., represents Israel, and, consequently, has power over Palestinians. Dr. [REDACTED] remark was antisemitic because it

treated Jews everywhere as responsible for the conduct of the government of Israel and perpetuated the antisemitic myth of Jews as excessively powerful and privileged.¹⁸

D. Professor Sheehi Retaliates Against Students Who Complained About Antisemitism

1. Professor Sheehi Openly Retaliates Against Jewish Students

On or around November 14, 2022, the Jewish students who had been most vocal in complaining about the antisemitism they were experiencing in the diversity course first learned that Professor Sheehi had begun to make false allegations about them during faculty meetings. For example, on information and belief, Professor Sheehi alleged that the students had called the brown bag speaker a “terrorist,” that the students’ journal entries were “combative,” and that the students were racist. Each allegation is false.

Professor Sheehi then further retaliated against the students by using the manufactured claims as pretext to justify initiating disciplinary proceedings against the students.

Upon information and belief, the fabricated justifications for subjecting the students to disciplinary action have continuously and repeatedly changed. The students have been informed that the faculty voted to initiate disciplinary proceedings against them, but to date, neither the students nor their faculty advisors have been told what the students did to warrant the disciplinary action. Rather than provide the students with a statement of their offense, faculty have instead asked the students to describe to the faculty what they did wrong and what harm they caused.

Failure by the Jewish students to acknowledge their alleged wrongdoing and successfully complete the current disciplinary process will result in further disciplinary action and a permanent disciplinary notation on the students’ academic records. Similarly, if the students repeat the “offense” and again raise concerns about antisemitism, they risk receiving a permanent negative mark on their record. As a result, the students facing retaliation have effectively been silenced.

2. The Students Report the Retaliation to the [REDACTED] of the Department

On December 6, 2022, one of the Jewish students met with Dr. [REDACTED], [REDACTED] of the Department of Professional Psychology, to discuss the disciplinary proceeding to which the student was being subjected. The student informed Dr. [REDACTED] that they believed the disciplinary proceedings were baseless, defamatory, and were being imposed in retaliation for the students having complained about antisemitism in the Program. The student described for the

¹⁸ According to the IHRA Definition of Anti-Semitism, “Holding Jews collectively responsible for actions of the state of Israel” and “Making . . . stereotypical allegations about Jews as such or the power of Jews as collective . . .” “are both examples of contemporary anti-Semitism. See <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

[REDACTED] (again) how Jewish and Israeli students were being denied an equal educational opportunity and were facing a hostile environment in the Program. In addition, they informed Dr. [REDACTED] about the physical and emotional trauma they were experiencing due to Dr. Sheehi's persistent antisemitism and retaliation. The student also expressed concern that faculty and administrators were accepting wholesale the professor's slander of the Jewish students. The student asked to promptly appeal the disciplinary procedures. The [REDACTED], however, told the student that it was not possible to appeal at such an early stage in the disciplinary process.

3. Dr. Sheehi Continues to Retaliate Against the Students by Deliberately Distorting the Students' Expressions of Jewish Identity and Issuing Defamatory, Baseless Conclusions about the Students' Fitness to Serve as Clinicians.

Dr. Sheehi continued to retaliate against the Jewish students who accused her of antisemitic discrimination in her classroom by distorting their expressions of their Jewish identity so as to malign the students and challenge their fitness to serve as clinicians. As a result, most of the Jewish students in Dr. Sheehi's class stopped writing about their Jewish identities in their journals and avoided mentioning their Jewish identities in class. One of the Jewish students, however, chose to write a final paper about a podcast by the Association for Jewish Studies entitled *Are Jews White?* The student received Dr. Sheehi's approval in advance for both the topic and the podcast. Before submitting the final paper, the student showed the work to the student's faculty advisor and to the Director of the Department to get their assurance that the tone was appropriate. Dr. Sheehi often includes Arabic quotes (written in Arabic, without translation) in her work as a way to normalize the Arabic language. Inspired by this model, the Jewish student included Hebrew quotes in the student's paper. The student's faculty advisor, however, raised concerns that the use of Hebrew quotes could be seen as inflammatory by Dr. Sheehi. In order to avoid antagonizing Dr. Sheehi, the student chose to remove all Hebrew quotes from the paper. That a Jewish student is unable to include Hebrew quotes in their final paper without fear of being penalized or demeaned indicates the hostile environment Jewish students are experiencing in the Program.

When Dr. Sheehi graded the student's paper, she included a lengthy comment about the student's "lack of empathy and misattunement." She distorted the student's analysis of the structural oppression of Jews and turned it into an opportunity to disparage the student's character and raise unfounded concerns about the student's readiness for clinical work.

In clinical psychology, an individual's character, empathy, and interpersonal conduct are directly linked to their professional acumen. Dr. Sheehi has weaponized this reality and distorted expressions and analysis of Jewish identity to harm the Jewish students by defaming their character. This distortion makes it impossible for students to assert their identities—or conduct academic analysis of Jewish history and identity. If the students arrive at conclusions with which Dr. Sheehi disagrees, she questions their clinical fitness, judgment, and professionalism.¹⁹ When

¹⁹ Professor Sheehi has publicly expressed the view that it is not possible to be both a Zionist and a good clinician. In one appearance from June 22, 2022, Professor Sheehi states, "This is my own urgent call to the clinicians among us... from the river to the sea... we must center Palestine in every effort. And we must support boycott, divestment, and sanction efforts despite threats and efforts to derail solidarity. This needs to be done not as an offshoot of our clinical work, but as a central working tenet of any clinical praxis that purports to be interested in alleviating the suffering of others." These remarks demonstrate Dr. Sheehi's position that anti-Zionism must be part and parcel of

the students experience such identity-based hostility, they become silenced and unable to speak up about the hostility, lest their empathy and self-awareness be called further into question.²⁰

IV. GEORGE WASHINGTON UNIVERSITY'S TITLE VI OBLIGATIONS

Title VI prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance, which includes George Washington and the Program.²¹ The Office for Civil Rights (“OCR”) has explained that universities “violate [Title VI] and the Department’s implementing regulations when peer harassment based on race, color, [or] national origin . . . is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”²² The violation is, of course, all the more egregious if it is committed by school employees themselves—and administrators fail to adequately respond. As the Department of Education’s implementing regulations for Title VI expressly provide, it is prohibited for a Title VI recipient to, inter alia:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program; or
- (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.²³

Importantly for purposes of the instant complaint, OCR has clarified that Jewish students are among those entitled to protection from the type of discrimination prohibited by Title VI,

any good clinician’s practice and that, definitionally, a Zionist cannot be a strong and compassionate clinician (<https://www.youtube.com/watch?v=4JFqgJr9iJ4>).

²⁰ Despite Dr. Sheehi’s critical comments on the student’s paper, Dr. Sheehi awarded the student’s paper a grade of “A.” This indicates that Dr. Sheehi understood that her comments were unwarranted, and that a lower grade would have entitled the student to complain to the university about capricious grading. Dr. Sheehi, however, has used her extended comments to continue her retaliation against the student. She stated her intention to discuss her comments with the faculty members who will be overseeing the student’s disciplinary proceeding. In this way, it appears that Dr. Sheehi intends to bias the outcome of the disciplinary proceeding and harm the student’s future success in the Program.

²¹ For example, George Washington University received Federal Government Coronavirus emergency financial aid relief, see <https://studentsuccess.gwu.edu/coronavirus-aid-relief-and-economic-security-cares-act-higher-education-emergency-relief-funds>. In addition, George Washington University’s Columbian College of Arts and Sciences receives research funding from the National Institutes of Health, the National Institute of Mental Health and the National Institute of Drug Abuse, and the National Science Foundation. See <https://psychology.columbian.gwu.edu/research-funding>.

²² U.S. Department of Education, Office for Civil Rights, Office of the Assistant Secretary, “Dear Colleague Letter,” Oct. 26, 2010, page 1, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

²³ 34 C.F.R. § 100.3(b).

including harassment that creates a hostile environment, and, consequently, to have school administrators take appropriate remedial action if and when such conduct occurs.²⁴

According to OCR, “[h]arassing conduct [that violates Title VI] may take many forms, . . . does not have to include intent to harm, be directed at a specific target, or involve repeated incidents [and] . . . creates a hostile environment when 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.”²⁵ Crucially, it is the responsibility of a university to proceed with immediate and appropriate action to “address[] harassment incidents about which it knows or reasonably should have known,”²⁶ and, where discriminatory harassment has occurred, to “take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment *and its effects*, and prevent the harassment from recurring.”²⁷

In addition, as OCR has recognized, pursuant to Title VI, universities that receive federal funds are prohibited from retaliating against individuals who assert their rights.²⁸ Title VI states (34 CFR 100.7(e)):

“Intimidatory or retaliatory acts prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.”

George Washington’s own Equal Opportunity, Nondiscrimination, Anti-Harassment and Non-Retaliation Policy,²⁹ applicable to faculty, staff, and students and covering all George Washington programs, including participation in education programs, prohibits discrimination “against any person on the basis of protected characteristics or any other basis prohibited by federal law, the District of Columbia Human Rights Act, or other applicable law.” Religion and national origin are both identified as protected characteristics to which the policy covers. The policy defines unlawful discrimination as:

²⁴ Dear Colleague Letter, *supra* note 1, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (clarifying that “groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs). Thus, harassment against students who are members of any religious group triggers a school’s Title VI responsibilities when the harassment is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members’ religious practices.”

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*, pages 2-3 (emphasis added), available at https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg2.html and https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010_pg3.html.

²⁸ <https://www2.ed.gov/policy/rights/guid/ocr/retaliationoverview.html>

²⁹ See <https://compliance.gwu.edu/equal-opportunity-nondiscrimination-anti-harassment-and-non-retaliation>.

[A]dverse treatment of an individual based on a protected characteristic, rather than individual merit. Examples of conduct that can constitute unlawful discrimination if based on an individual's protected characteristic include but are not limited to:

- Singling out or targeting an individual for different or less favorable treatment (e.g., more severe discipline, denial of promotion) because of their protected characteristic.
- Failing or refusing to hire an individual because of their protected characteristic.
- Failing or refusing to allow an individual to participate in an activity, program, or organization based on their protected characteristic.
- Terminating an individual from employment or an educational program based on their protected characteristic.

As demonstrated above, despite being on notice of the antisemitism and having ample opportunities to rectify the situation, the George Washington administration failed to respond adequately or effectively to a pattern of antisemitic incidents stemming from Professor Sheehi's mandatory diversity class. The university also failed to protect from retaliation the students who complained about the antisemitic harassment. The failure of the George Washington administration to take any steps at all to address the antisemitism, prevent the retaliation, or respond with adequate and effective corrective measures, violates Title VI.

V. GEORGE WASHINGTON UNIVERSITY'S VIOLATION OF TITLE VI

1. George Washington has failed to address or rectify the hostile environment created against Jewish and Israeli students, who were denied an equal educational opportunity in violation of Title VI.

Jewish and Israeli students in the Professional Psychology Program at George Washington University have been subjected to harassment so severe, persistent, and pervasive that it has denied them an equal educational opportunity. The instructor in their mandatory diversity course, Professor Sheehi, has displayed animosity toward Jews and Israelis, treated the Jewish and Israeli students in her class in a discriminatory fashion, and made it impossible for these students to fully engage in the class and derive the full benefit of the educational program.

When Jewish students in the class raised concerns about antisemitism they had experienced, Dr. Sheehi not only denied that what they had experienced was antisemitism, she distorted the Jewish students' statements and falsely accused them of attacking other identity groups. In this manner, Professor Sheehi turned the other students in the class against the Jewish and Israeli students and made no effort to defend or protect the Jewish students when they were asked by their classmates to leave class. Only Jewish students were made to feel so unwelcome in the classroom that they had to leave.

Whereas Dr. Sheehi regularly invited students at the beginning of her class to discuss concerns relating to diversity and discrimination, she silenced and demeaned only the Jewish students when they raised concerns about attacks on their Jewish identity. As a result of Dr. Sheehi's harassment, it became impossible for the Jewish students to engage in the "self-exploration" of identity that is a key component of the mandatory diversity class. After Dr. Sheehi demonstrated in class her hostility toward their identity, the Jewish students could no longer, without fear of retribution, express their personal thoughts and feelings about identity issues in the private journal entries they were required to submit to the professor.

Professor Sheehi also disparaged the Jewish students and spread false allegations about them to other faculty members in order to bias the faculty against the Jewish students. The faculty then furthered the discrimination by voting to initiate baseless disciplinary proceedings against the Jewish students.

Facilitators hired by the university further exacerbated the hostile environment by excluding only Jewish students from a "restorative circle" listening session.

Jewish students informed the university about the harassment and discrimination they were experiencing. George Washington, however, failed to take prompt and effective steps to end the harassment and eliminate the hostile environment, thereby violating Title VI.

2. George Washington University Violated Title VI's Prohibition Against Retaliation.

As outlined in OCR's April 24, 2013 "Dear Colleague Letter," "once a student . . . complains formally or informally to a school about a potential civil rights violation," the "recipient is prohibited from retaliating . . . because of the individual's complaint," "including intimidating, threatening, coercing, or in any way discriminating against the individual." OCR has made clear that it intends to "vigorously enforce this prohibition against retaliation."³⁰ After complaining about antisemitism in the diversity class, Jewish students in the first-year cohort have been discriminated against, disciplined, and intimidated into silence by a vindictive professor and the university.

In addition, as the Department of Justice noted in a recent district court filed "Statement of Interest"³¹ (attached as Appendix B), federally funded private universities may be held liable for their failure to respond appropriately to third-party retaliatory actions in cases where a plaintiff demonstrates that (a) the plaintiff has engaged in a protected activity; (b) the retaliatory conduct had a "materially adverse" impact on them; (c) there is a causal connection between the adverse action and the protected activity; (d) the university received notice of the retaliation and (e) the university responded with deliberate indifference, citing *Feminist Majority Found. v. Hurley*, 911

³⁰ Seth M. Galanter, Acting Assistant Secretary of Education for Civil Rights, Dear Colleague Letter (April 24, 2013), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html>

³¹ *Czerwinski et al v. Harvard University* (Civil Action No 1:22-cv-10202, US District Court for the District of Massachusetts) at <https://storage.courtlistener.com/recap/gov.uscourts.mad.242149/gov.uscourts.mad.242149.78.0.pdf>.

F.3d 674, 694-96 (4th Cir. 2018)³²

The Jewish students at George Washington have established each of these elements: (a) The students engaged in a protected activity when they complained to the professor, Department [REDACTED], and CCAS Dean about the antisemitism they were experiencing in the Program; (b) the students have been harmed by the disparagement of their character and the imposition of disciplinary proceedings that could leave a permanent negative disciplinary mark on their record; (c) Professor Sheehi instigated the disciplinary proceedings in retaliation for the students reporting on antisemitism in her classroom;³³ (d) The [REDACTED] of the Department was notified of the retaliation; (e) neither the [REDACTED] nor the CCAS Dean took any steps to address the retaliation—to the contrary, they participated in it.

Universities are liable not only for their own acts of retaliation, but for failing to reign in the retaliatory acts of third parties, including their employees. As noted in the DOJ “Statement of Interest,”³⁴ a university may be found liable for the retaliation if it (a) amounts to an official act of the university or (b) if an official with sufficient authority to address the harassment has notice of the retaliatory conduct but demonstrates deliberate indifference.³⁵

George Washington University is liable for the retaliation suffered by Jewish students in its Professional Psychology Program under both prongs. First, the disciplinary actions to which the students have been subjected are “official acts” of the university. Second, George Washington administrators with authority to effectively halt the retaliatory disciplinary proceedings have demonstrated deliberate indifference and taken no steps to address the retaliatory conduct of Dr. Sheehi or other faculty members.

VI. SUGGESTED REMEDIES

The campus environment is recognized and appreciated as a place for diverging viewpoints and discourse, and the fundamental pillars of academic freedom and free expression are essential to institutions of higher learning. However, rhetoric and actions that harass and marginalize students based on protected components of their identity, such as the Jewish religion, Jewish ethnicity or ancestry, and Israeli national origin are not within the boundaries of academic freedom. Demanding a cessation of such discriminatory harassment in no way interferes with the academic freedom rights afforded to faculty members. If anything, the antisemitic harassment experienced

³² See also OCR Guidance on Retaliation at <https://www2.ed.gov/policy/rights/guid/ocr/retaliationoverview.html>; Title VI -- [34 CFR 100.7\(e\)](#) (retaliation provision); and Seth M. Galanter, Acting Assistant Secretary of Education for Civil Rights, Dear Colleague Letter (April 24, 2013), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html>.

³³ Specifically, Dr. Sheehi told a student, “It is not a secret that this is in the dean’s hands. It is not in my hands. That is not how I’d like it to be handled.”

³⁴ *Czerwinski et al v. Harvard University* (Civil Action No 1:22-cv-10202, US District Court for the District of Massachusetts) at <https://storage.courtlistener.com/recap/gov.uscourts.mad.242149/gov.uscourts.mad.242149.78.0.pdf>.

³⁵ The Statement of Interest involved Title IX. However, as noted in footnote 3 of the Statement of Interest, Title IX incorporates the anti-retaliation provision from the Title VI regulations. Hence the retaliation analysis included in the Statement of Interest applies equally to Title VI.

by the Jewish and Israeli students, as described herein, infringed upon the *students'* rights to academic freedom by denying them an equal educational opportunity within the Program.

In light of the foregoing facts, we respectfully request that OCR compel the George Washington administration to take the following steps (at a minimum) to ensure the protection of its Jewish and Israeli students, both within the Program specifically and on campus generally:

(1) Reverse and cease all further punitive and retaliatory measures, including any remedial or disciplinary actions, taken against the Jewish students who expressed concern about a hostile educational environment created and fostered by Professor Sheehi;

(2) Offer students an alternative professor to Professor Sheehi in any mandatory courses required for a degree in the Program, including but not limited to the three mandatory diversity courses Professor Sheehi currently teaches. If no such alternative professor is practicable, offer Jewish students who feel targeted by Professor Sheehi's identity-based attacks alternative accommodations to fulfill all program requirements;

(3) Fully investigate all complaints and take action as appropriate, including disciplinary action, with regard to Professor Sheehi.

(4) Review, with Jewish students, the Program's existing Diversity Equity and Inclusion ("DEI") curriculum and ways in which this curriculum erases antisemitism and demonizes Jews. Allow Jewish students to define their own oppression and insert affirmative measures, including protection for antisemitic activities, in subsequent DEI curriculum;

(5) Institute mandatory bias and sensitivity training for all students, faculty, and staff (including teaching assistants) in the Program that specifically includes tools for defining, identifying, and working to combat antisemitism in campus life. Such mandatory training must include the IHRA Working Definition of Antisemitism, as well as identification of applicable procedures for responding to incidents of antisemitism and reporting such conduct to George Washington;³⁶

(6) Review and improve university policies and internal procedures for faculty regarding disciplinary processes in the Program to incorporate student testimony and prevent similar acts of retaliation masquerading as student discipline in the future;

(7) Adopt the IHRA Working Definition of Antisemitism³⁷ and be guided by this definition

³⁶ The Constitution of the Associated Students of the University of California Santa Barbara, for example, requires that the President, External VP for Local Affairs, External VP for Statewide Affairs, the Student Advocate General, and all Senate members "[s]hall attend a training on understanding unconscious bias and the roots of anti-Semitism by the sixth (6) week of Fall Quarter" See <https://www.as.ucsb.edu/files/2016/01/15-16-LEGAL-CODE.pdf>, pp. 48, 50-52, 72. Interestingly, UCSB is the only UC school that mandates such training and the only UC school that has not passed a pro-BDS resolution. See <https://forward.com/fast-forward/422455/university-of-california-santa-barbara-bds-ucsb/>. As individuals holding positions of authority within the campus community, faculty and staff should undergo similar training.

³⁷ The IHRA Working Definition of Antisemitism has been adopted by the U.S. Department of State, see <https://www.state.gov/defining-anti-semitism/> and recognized by the U.S. Department of Education, see

when addressing potential incidents of antisemitic discrimination.

Respectfully submitted,



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<https://www.worldjewishcongress.org/en/news/wjc-us-supports-department-of-education-decision-to-use-ihra-definition-of-antisemitism-9-5-2018>. The United Nations' Special Rapporteur on freedom of religion or belief has also issued a recent report in which he calls upon government entities to "adopt [the IHRA Working Definition of Antisemitism] for use in education, awareness-raising and for monitoring and responding to manifestations of antisemitism." "Elimination of all forms of religious intolerance," Sep. 23, 2019, available online at https://www.ohchr.org/Documents/Issues/Religion/A_74_47921ADV.pdf.