

April 15, 2024

Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
[OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)



FOUNDATION  
AGAINST  
INTOLERANCE  
& RACISM

**Re: Please investigate the University of Virginia for discrimination in violation of Title VI of the Civil Rights Act**

Dear Metro DC Office for Civil Rights-

This is a federal civil rights complaint against the University of Virginia (“UVA” or the “University”) for discrimination in violation of Title VI of the Civil Rights Act (“Title VI”). Specifically, it has been reported to our organization that the University has been notified of hostility directed at Jewish and Israeli students, it has failed to adequately address such hostility, and it has retaliated against at least one student after he truthfully answered a journalist’s questions about his on-campus experience.

### **The Reported Facts**

Matan Goldstein is a freshman student at UVA who recently reported to the Foundation Against Intolerance & Racism, both in [writing](#) and verbally, the facts outlined in this complaint. His college experience thus far has been mired in discriminatory harassment on the basis of his religion and national origin. Matan has notified UVA on numerous occasions about the hostility he has endured, which include the following incidents:

- Upon introducing himself to another student as being Jewish and from Israel, the other student told Matan he hated him and called Matan a “bloodthirsty human being”;
- While peacefully attending a student protest on October 25, 2023 and wearing a yarmulke and an Israeli flag, Matan was shoved, pushed, and slapped by another student who then fled the scene;
- Matan has been shouted at and called a “filthy Jew”;
- While walking on campus, and while wearing a yarmulke, Matan was approached by a professor who told him, “You should be ashamed of yourself”;

- Matan reports: “Every day, when going to class, I am reminded by various antisemitic hate groups that Jewish people and Israelis have no right to exist, that we are not welcome here or anywhere, and that our murders and extermination would be justified as legitimate “resistance.”;
- Matan is now afraid to wear his yarmulke, Jewish star necklace, or any symbol of his Jewish religion and Israeli heritage;
- Matan has moved out of his dormitory and now lives in an undisclosed location out of fear for his own safety.

We are told that Matan’s repeated reports to UVA citing these incidents have not yielded any relief from this discriminatory treatment and hostility. Instead, Matan is now the target of a UVA investigation stemming from a complaint made by another student who claims that Matan violated UVA’s Honor Code. The student alleges that Matan lied to a news reporter in an interview when asked about being assaulted at the October 25 protest. UVA’s actions are problematic for two reasons: First, Matan’s statements to a news reporter are protected by the First Amendment. Second, they do not fall within the purview of UVA’s Honor Code as outlined in the Honor Committee’s [bylaws](#).

The fact that UVA’s Honor Committee is undertaking an investigation of an Honor Code violation is not necessarily indicative of retaliation. However, what is happening to Matan is different. The allegation against Matan does not fall within the Committee’s jurisdiction, so its decision to nonetheless subject Matan to its authority following his repeated reports of harassment on campus constitutes retaliation. The Committee’s actions have exacerbated the hostility Matan experiences at UVA and have had a chilling effect on his protected speech and other expression.

Due to the harassment he has endured, UVA’s failure to adequately address the harassment, and UVA’s retaliation against Matan for speaking publicly about his harassment, Matan has been forced to self-censor and dramatically alter his daily activities and behavior in an effort to avoid further harassment. Specifically, Matan has ceased wearing his Jewish star necklace, he no longer wears a yarmulke in public, and he has moved out of his dormitory and now resides in an undisclosed location out of fear for his safety. UVA is tolerating and enabling an environment that promotes unlawful discrimination and hostility based on students’ national origin and religion. It is incumbent upon the OCR to promptly investigate.

### **The Law & Regulatory Guidance**

As a recipient of Federal financial assistance, UVA is required to adhere to Title VI, which provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to

discrimination under any program or activity receiving federal financial assistance.” 42 U.S.C. § 2000d. Since Title VI was implemented, case law and regulations have provided helpful interpretation of the law.

Recent [Guidance](#) from the United States Department of Education’s (“DOE”) Office of Civil Rights (“OCR”) makes it clear that educational institutions violate Title VI when they are aware that a hostile learning environment is limiting students’ participation in their education and they fail to correct it.

The Guidance sets forth a four-part test the DOE uses to determine whether a Title VI violation has occurred based on a hostile learning environment:

OCR could find a Title VI violation in its enforcement work if: (1) a hostile environment based on race existed; (2) the school had actual or constructive notice of the hostile environment; and (3) the school failed to take prompt and effective steps reasonably calculated to (i) end the harassment<sup>1</sup>, (ii) eliminate any hostile environment and its effects, and (iii) prevent the harassment from recurring.

Culpability for a hostile environment rests with educational institutions, regardless of whether they created the hostility or merely tolerated it.<sup>2</sup> According to the DOE, there is a wide range of incidents and behaviors that can constitute harassment leading to a hostile environment: “unwelcome race-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment).” The discriminatory treatment of concern to the DOE is expressly defined as follows:

Discrimination based on race, color, or national origin includes discrimination based on a person’s actual or perceived race, color, or national origin. Such discrimination may be based on the country or world region from which a person or their ancestors come; a person’s limited English proficiency or status as an English learner; or a person’s actual or perceived shared ancestry or ethnic characteristics, including those associated with membership in a specific religion (such as Hinduism, Judaism, Islam, or Sikhism).

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<sup>1</sup> Harassment is defined by the OCR as: [U]nwelcome race-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.

<sup>2</sup> The DOE’s guidance states that “schools also may violate Title VI when they create, encourage, accept, tolerate, or fail to correct a racially hostile educational environment.”

In some cases, harassment may create a level of hostility that causes students to censor themselves or otherwise alter their behavior in various ways that curtail their ability to participate fully in school activities. When a student feels that he is not safe to exist as his true self, he is, by definition, limited in his ability to participate in his educational activities. This is the current reality for Matan Goldstein at UVA.

Over the course of several months, the discriminatory hostility directed at Matan individually, as well as directed at Jewish and Israeli students more generally, have limited Matan's ability to participate in his educational experience.

### **Conclusion**

When a student feels he cannot wear a symbol of his religion—any religion—out of fear of being harassed in the classroom, and he has been forced to move out of his student housing based on the fear he experiences, the law has clearly been violated. When a student asks their educational institution to investigate several instances of hatred and harassment directed at him on the basis of his national origin and religion, and the institution responds by calling him into a tribunal under allegations that he has fabricated his concerns, he will naturally cease asking for help. This is the definition of a hostile environment in violation of Title VI.

Without question, pervasive and recurring hostility directed at students based on their religion or national origin (in this case, Jewish religion and Israeli national origin) constitutes discriminatory hostility in violation of Title VI. This is the ongoing state of affairs at UVA, and we respectfully request that you investigate this matter in the most expedient manner possible.

Sincerely,

A handwritten signature in black ink, appearing to read "L. O'Neill". The signature is fluid and cursive, with the first name "L." and the last name "O'Neill" clearly distinguishable.

Leigh Ann O'Neill  
Director of Legal Advocacy  
Foundation Against Intolerance & Racism (FAIR)