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RUTGERS HILLEL STATEMENT REGARDING THE INVESTIGATION BY THE DOE-OCR

Rutgers Hillel has recently been made aware that the US Department of Education (DOE) Office of Civil Rights (OCR) has reopened its investigation of events that occurred at Rutgers University in 2011. Because Rutgers Hillel represents the organized Jewish community on the Rutgers-New Brunswick campus, and because Hillel was intimately involved in the events of 2011, we feel compelled to comment.

In reopening the case the OCR cited several issues:

- 1) Compelling evidence of anti-Jewish bias that was wrongly ignored previously.
- 2) Application of the US State Department definition anti-Semitism.
- 3) Defining Jews as an ethnic group, not strictly as a religion.

We applaud each of these reasons as being logical and appropriate.

If there is hard evidence of bias that exists and was previously ignored, the interests of justice demand that such evidence be revisited.

The definition of anti-Semitism now being applied was adopted by the US State Department in 2010 under the Obama Administration and is widely used internationally. It recognizes that under certain circumstances “anti-Semitism manifests itself with regard to the state of Israel.” These circumstances include situations where Israel is demonized, delegitimized, or subjected to double-standards.

The definition was adopted from the International Holocaust Remembrance Alliance (IHRA), of which the US is a member state. The United States now uses this working definition and encourages other governments and international organizations to use it as well. It is not a product of the Trump Administration as implied in a New York Times article and as others in the media have characterized it.

Defining Jews as an ethnic group, in addition to being a religious group, more accurately reflects how Jews define themselves and are commonly perceived by others. For example, a recent study by Pew Research shows that 62% of American Jews say being Jewish is mainly a matter of ancestry and culture, while just 15% say it is mainly a matter of religion. The fact is, being Jewish is a complex identity which can include elements of religion and ethnicity. The new OCR policy is a more accurate reflection of this reality.

In regard to the specific events being investigated, those of us who were present at the “Never Again For Anyone” event in 2011 can attest to the fact that attendees at the event who appeared to be Jewish were treated differently than attendees who did not appear to be Jewish. It was open, obvious, and outrageous.

An anti-Israel event sponsored by the student group BAKA (which no longer exists) had been advertised as “free and open to the public.” A protest was organized by student leaders at Rutgers Hillel which was joined by large numbers of people from the local Jewish community. When BAKA leaders saw a large number of apparently Jewish individuals, whom they characterized as “Zionists,” they changed the rules mid-event and began charging a fee to attend. Crucially, this fee was not universal. Students and others who were perceived as Jewish or pro-Israel were charged a fee, while those who were obviously not-Jewish or were perceived as anti-Israel were allowed in for free.

At one point students were told that only BAKA members were being allowed in for free (though early on non-BAKA members were allowed in for free). A Jewish student asked to join BAKA so that she could attend. She was refused membership, a violation of University policy. When this student later filed a report with University Bias Committee, her complaint went nowhere. After several frustrating meetings it became apparent that the Bias Committee would take no action. Similar meetings between students and the University Vice-President for Student Affairs yielded similar results.

When it became clear that the University itself would take no action in regard to such anti-Jewish discrimination, students took it upon themselves to look elsewhere for justice and turned to the Zionist Organization of America. Lawyers for the ZOA met with students and filed a complaint on their behalf with the Department of Education. This complaint sat, ignored, for three years before the case was quietly closed. The ZOA filed an appeal, which was also ignored - until now.

While we at Rutgers Hillel sincerely wish the University had dealt with this issue appropriately, and urged University officials at the highest level to do so at the time; and we wish the Department of Education had taken their investigation more seriously when it was originally filed, the facts remain: Rutgers students were discriminated against for being Jewish and this discrimination was ignored by both the University and the Department of Education.

Unfortunately, justice delayed is justice denied. Since the events of 2011, all the students involved have graduated or otherwise left the university. The leading University officials involved, including the President, Chancellor, Vice-President of Student Affairs, and deans have all changed. The current Rutgers Administration is in no way responsible for the events that occurred seven years ago.

We see little in the way of justice that can be done now, other than this: to expect that discrimination against Jews for being Jews will no longer be ignored by our university or our government.

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Clouding the specific issues of this case are several unrelated events and incorrect characterizations raised in a New York Times article of September 11.

In particular, BDS had absolutely nothing to do with the events being investigated. Omar Barghouti, considered by many to be the father of the BDS movement, did speak at Rutgers.

However, his talk was several months *after* the “Never Again For Anyone” event and was a non-event on campus, being poorly attended and without controversy.

Neither was there any violence at the “Never Again for Anyone” event, as alleged in the New York Times. While tensions were high, the Douglass Student Center lobby was jam-packed, and harsh words were exchanged in at least two cases of which we are aware, there was no violence, and no one was assaulted, on either side. Rutgers police were present the entire time and we are certain that police records will reflect this.

The events being investigated by the OCR are serious enough to merit media coverage and discussion. It is unfortunate that much of the media appear to conflate the actual anti-Jewish discrimination being investigated with other, non-related issues of free speech, BDS, and partisan politics.

And therein lies the problem. Too many institutions in our society, from universities, to the government, to major media outlets, simply cannot bring themselves to address anti-Semitism and anti-Jewish discrimination plainly and directly, the way they address discrimination against other groups in our society.

With the largest Jewish undergraduate population in the country, the largest Hillel facility, and a nationally acclaimed Jewish Studies Department, both located prominently in the heart of the College Avenue Campus, Rutgers is, indeed, a great place to be Jewish. It is our hope and prayer that the actions of the OCR represent continued progress in our nation’s dream of ensuring that discrimination, of any kind, has no place in America.