



**THE EQUAL PROTECTION PROJECT**

**A Project of the Legal Insurrection Foundation**

**18 MAPLE AVE. #280**

**BARRINGTON, RI 02806**

**[www.EqualProtect.org](http://www.EqualProtect.org)**

May 1, 2024

**BY EMAIL** (OCR.Chicago@ed.gov)

U. S. Department of Education  
Office for Civil Rights – Chicago Office  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604

**Re: Civil Rights Complaint Against Northwestern University**

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education’s Office for Civil Rights (“OCR”) discrimination complaint resolution procedures. *See* 42 U.S.C. § 2000d-1; 34 C.F.R. §§ 100.7, 100.8, and 100.9.

We write on behalf of the Equal Protection Project of the Legal Insurrection Foundation, a non-profit that, among other things, seeks to ensure equal protection under the law and non-discrimination by the government, and that opposes racial discrimination in any form.

We bring this civil rights complaint against Northwestern University (“Northwestern”) located at 633 Clark St, Evanston, IL 60208, for its publicly stated announcement that it plans to discriminate based on ethnicity and national origin in violation of Title VI’s prohibition of such discrimination. Specifically, three members of the University’s top administration (President Michael Schill, Provost Kathleen Hagerty, and Vice-President for Student Affairs Susan Davis)

on April 29, 2024, issued a formal “Agreement on Deering Meadow” (the “Encampment Agreement”) with a group of students and faculty who had staged an unauthorized 5-day anti-Israel protest and encampment on a Northwestern property called Deering Meadow. In the Encampment Agreement (press release<sup>1</sup>, full agreement<sup>2</sup> attached, archived version<sup>3</sup>) Northwestern publicly committed, among other things, as follows (emphasis added):

- The University will support visiting Palestinian faculty and students at risk (funding two faculty per year for two years; and **providing full cost of attendance for five Palestinian undergraduates** to attend Northwestern for the duration of their undergraduate careers). The University commits to fundraise to sustain this program beyond this current commitment.
- The University will provide immediate **temporary space for MENA/Muslim students**.
- The University will provide and renovate **a house for MENA/Muslim students** that is conducive to community building as soon as practicably possible upon completion of the Jacobs renovation (Expected 2026).

The Encampment Agreement has received substantial news coverage.<sup>4</sup>

In violation of Title VI, the stated commitment of the University to provide five scholarships exclusively to “Palestinian” students illegally excludes and discriminates against non-Palestinian students based on their ethnicity, national origin, and shared ancestry.<sup>5</sup> Additionally, the reservation of space and housing for “MENA/Muslim” students appears to be segregationist in nature, excluding at least in part students on the basis of ethnicity, national origin, and shared ancestry.

### **The Encampment Agreement Violates The Law**

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits intentional discrimination on the basis of race, color or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” means “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A); *Rowles v. Curators of the Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (“Title VI prohibits discrimination on the basis of race in federally funded programs,” and thus applies to universities receiving federal financial assistance). As Northwestern receives federal funds, it is subject to Title VI.

---

<sup>1</sup> <https://www.northwestern.edu/leadership-notes/2024/april-29-agreement-on-deering-meadow.html>

<sup>2</sup> <https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf>

<sup>3</sup> <https://web.archive.org/web/20240429222506/https://www.northwestern.edu/leadership-notes/2024/agreement-on-deering-meadow.pdf>

<sup>4</sup> E.g., <https://www.chicagotribune.com/2024/04/29/northwestern-university-reaches-agreement-with-protesters/>; <https://dailynorthwestern.com/2024/04/29/campus/breaking-administrators-student-demonstrators-reach-agreement-to-end-encampment/>

<sup>5</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>

### **OCR Has Jurisdiction**

OCR has jurisdiction over this complaint. Northwestern is a recipient of federal funds. It is therefore liable for violating Title VI.

### **The Complaint Is Timely**

This complaint is timely brought because it includes allegations of discrimination based on race, national origin, and shared ancestry that occurred within the last 180 days and is ongoing.

### **Request For Investigation And Enforcement**

The Office for Civil Rights has the power and obligation to investigate Northwestern's role in participating in, sponsoring, supporting and promoting the Encampment Agreement, and to discern whether Northwestern is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold it accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law.

Accordingly, we respectfully ask the Department of Education's Office for Civil Rights to impose remedial relief as the law permits for the benefit of those who are being illegally excluded and to ensure that all ongoing and future programming through Northwestern comports with federal civil rights laws.

Sincerely,

William A. Jacobson, Esq.  
*President*  
Legal Insurrection Foundation  
[Contact@legalinsurrection.com](mailto:Contact@legalinsurrection.com)

Northwestern commits to the following:

### 1. Free Speech

- The University will permit peaceful demonstrations on Deering Meadow through the end of spring quarter classes (June 1) provided all such activity immediately and continuously complies with University policies. The university will allow one aid tent to remain on Deering Meadow.
  - All other tents at Deering Meadow must be removed.
  - Any devices used to project or amplify sound must be approved in advance. The University to considering these requests in good faith.
  - Only Northwestern students, faculty, and staff will be allowed in the demonstration area, except if otherwise authorized by the University.
  - The University and student representatives will work to maintain safety and ensure participation in the demonstration area is limited to University community members and allows for other reserved events to occur on Deering Meadow. Participants may be asked by the University to show their Wildcard ID.
  - The above applies to Deering Meadow. All other demonstrations on campus must also comply with University policies.
- The University will publicly condemn the doxing of any community member and will advise employers not to rescind job offers for students engaging in speech protected by the First Amendment.

### 2. Investments

- To provide a conduit to engagement with the Investment Committee of the Board of Trustees, the University is re-establishing the Advisory Committee on Investment Responsibility (ACIR) this fall. It will include representation from students, faculty, and staff.
- Northwestern will answer questions from any internal stakeholder about specific holdings, held currently or within the last quarter, to the best of its knowledge and to the extent legally possible. Northwestern will do so within 30 days, or, if unable to respond within 30 days, will provide a reason and a realistic timeline.

### 3. Inclusivity

- The University will support visiting Palestinian faculty and students at risk (funding two faculty per year for two years; and providing full cost of attendance for five Palestinian undergraduates to attend Northwestern for the duration of their undergraduate careers). The University commits to fundraise to sustain this program beyond this current commitment.
- The University will provide immediate temporary space for MENA/Muslim students.

- The University will provide and renovate a house for MENA/Muslim students that is conducive to community building as soon as practicably possible upon completion of the Jacobs renovation (Expected 2026).
- The University will engage students in a process dedicated to ensuring additional support for Jewish and Muslim students within Student Affairs/Religious & Spiritual Life.
- The University will include students in a process dedicated to implementing broad input on University dining services, including residential and retail vendors on campus.