

## COMPLAINT, PURSUANT TO TITLE VI, AGAINST THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, FOR UNLAWFUL DISCRIMINATION AND FOR BREACH OF A RESOLUTION AGREEMENT

Complainant, David E. Weisberg, files this complaint with the Office for Civil Rights, U.S. Department of Education, pursuant to Title VI of the Civil Rights Act of 1964 (“Title VI”), and alleges that The University of North Carolina at Chapel Hill (“UNC”) has unlawfully discriminated against Jewish students based on actual or perceived shared ancestry or ethnic characteristics in violation of Title VI, and has also thereby breached a prior resolution agreement with the Office for Civil Rights (“OCR”)

### **Complainant**

The complainant is David E. Weisberg...is a Jewish American who favors a close relationship between the United States and Israel. He is an attorney and a member of the bar of New York State (NYS Bar #1183235) and of the Supreme Court of the United States.

### **Injured Persons**

The injured persons are Jewish students enrolled at UNC and, in particular, those Jewish students who have positive sentiments toward the State of Israel, the nation-state of the Jewish people.

### **Offending Institution**

The offending institution is UNC, a public university that is a creature of the State of North Carolina and is located in Chapel Hill, NC. UNC receives substantial funding annually from the U.S. Department of Education and therefore is subject to the jurisdiction of the OCR pursuant to Title VI.

### **Relevant Facts**

Complainant alleges that events that occurred in October and November of 2023 constitute independent violations of Title VI, and also constitute breaches of a previously executed resolution agreement between UNC and the OCR. To fully understand the latter aspect of this complaint, it is necessary to discuss events that occurred several years ago. These events, which are summarized below, are fully recounted in a letter dated November 6, 2019, from the OCR to UNC; the letter is linked [here](#).

#### Relevant events in 2019

From March 22 to March 24, 2019, a conference, titled “Conflict over Gaza: People, Politics and Possibilities,” was held on the UNC campus. That conference was organized and presented by the Consortium for Middle East Studies, which was a collaboration between the Duke University Middle East Studies Center and the Center for Middle East and Islamic Studies at UNC. The conference featured an offensive and antisemitic performance by a person who was identified as an entertainer. In addition, approximately two weeks after the conference, numerous antisemitic flyers were distributed in the UNC campus. The Zionist Organization of America filed complaints with the OCR against both Duke University and UNC.

The complaint against UNC was dealt with in a resolution agreement executed by UNC on October 14, 2019 (“Resolution Agreement”); a link to the Resolution Agreement is [here](#). The Resolution Agreement recites that, when fully implemented, it would resolve complaints that UNC had

discriminated against students of Jewish descent. In the Resolution Agreement, UNC “agrees to continue to take all steps reasonably designed to ensure that students enrolled in the University are not subjected to a hostile environment and to respond to allegations of anti-Semitic harassment.”

### Relevant events in October and November of 2023

The events recounted above are relevant to much more recent and independent incidents of discriminatory behavior. These recent incidents include both statements in the classroom and statements made outside the classroom, all in violation of Title VI and also of the Resolution Agreement.

#### Violations in the classroom

The most troubling in-classroom incident involves Assistant Professor E. Chebrolu, a member of the UNC Communications Department. On October 17, 2023, while he was in the classroom ostensibly teaching a class (COMM 170), Prof. Chebrolu made a series of offensive, disdainful, and antisemitic comments about Israel. A link to a newspaper account of the rant of October 17, which account apparently has not been disputed by the professor, is [here](#). One of Prof. Chebrolu’s in-class statements was this: “Israel and the United States do not give a shit about international law or war crimes.” He also said that the existence of the State of Israel is “somewhat ridiculous.” These statements, and many other in-class accusations and defamations expounded by Prof. Chebrolu, had no conceivable connection to any valid educational goal or objective.

But Prof. Chebrolu was not finished on October 17. On October 31, 2023, again in a classroom filled with UNC students, Prof. Chebrolu informed those students that Israel is “a clearly fascist state committing a genocide under the guise of it supposedly being the only democracy in the Middle East.” In addition to this bizarre antisemitic statement, he said, “The United States government is trying to cover up a genocide and make you all want it, desire it.” Again, these are only a few of his comments; a more complete recitation is [here](#).

#### Violations outside the classroom

Independent of Prof. Chebrolu’s antisemitic in-class statements, there have been recent events at UNC outside of the classroom that also violate Title VI. On November 28, 2023, the UNC Department of Geography and Environment and the UNC Center for Middle East and Islamic Studies jointly hosted, in the auditorium of UNC’s Genomic Science Building, an event entitled “No Peace Without Justice: A Round-Table Talk on Social Justice in Palestine.”

One of the speakers at the Round-Table Talk was Dr. Rania Masri, who is not employed by UNC but was invited to participate in the event. Dr. Masri told her audience: “October 7, for many of us from the region, was a beautiful day. It was a day on which we saw ... men break out of a concentration camp.” She also asserted that Zionism is a “cancer.” She went on to urge: “Let us demand the eradication of Zionism. Let us have that be our goal.” A newspaper op-ed reporting on the Round-Table Talk is [here](#), and an audio recording of Dr. Masri’s presentation is [here](#). According to the newspaper op-ed, no participant in the Round-Table Talk made any statements in any way supportive of Israel, and no questions were taken from the audience.

As noted, the Round-Table Talk was sponsored by two UNC academic departments and was held on UNC property. One of the academic departments involved was the UNC Center for Middle East and Islamic Studies—the same UNC department involved in the antisemitic incidents that supposedly were resolved in the 2019 Resolution Agreement. And, according to the flyer (linked [here](#)) publicizing the Round-Table Talk, the participants were to include four UNC faculty members and/or Ph.D. candidates: Sharon P. Holland (American Studies Department), Tara Di Cassio (Geography Department), Zachary Faircloth (American Studies Department), and Kylie Broderick (History Department). Also participating in the event was UNC Prof. Sara Smith (Geography Department).

## **Argument**

The U.S. Department of State has asserted (link [here](#)) that the United States, as a member of the International Holocaust Remembrance Alliance (“IHRA”), now uses the IHRA working definition of antisemitism and encourages others to use it as well. One of the prototypical instances of antisemitism, according to the IHRA working definition, is “[d]enying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.” A second instance cited in the IHRA working definition consists of “drawing comparisons of contemporary Israeli policy to that of the Nazis.”

Prof. Chebrolu asserted, in front of a classroom of UNC students, that Israel is a “fascist state,” and he also asserted that the existence of the State of Israel is “somewhat ridiculous.” Dr. Masri, at an event sponsored by two UNC academic departments and held on the UNC campus, urged: “Let us demand the eradication of Zionism. Let that be our goal.” The eradication of Zionism obviously entails denying the Jewish people their right to self-determination. Deriding the existence of Israel as “somewhat ridiculous,” and characterizing Israel as “a clearly fascist state,” similarly deprecates the right of the Jewish people to self-determination.\*

Moreover, Prof. Chebrolu’s reference to a “fascist state” inevitably invites comparisons to Nazi Germany, which again runs afoul of the IHRA working definition. The same is true of Dr. Masri’s claim that the terrorist attack on October 7 was equivalent to “men break[ing] out of a concentration camp.” The use, in that context, of the term “concentration camp” necessarily summons up comparisons to the Nazis. Particularly in light of the heated, well-nigh hysterical context in which they were made, these are clear instances of antisemitic statements either by UNC faculty members in their capacity as classroom teachers or by non-faculty persons in a setting that would nevertheless reasonably imply UNC approval of the offensive statements.\*\*

It is indisputable that, pursuant to both Title VI and the Resolution Agreement, UNC is required to take all steps reasonably designed to ensure that UNC students are not subjected to a hostile educational environment, including UNC students who are of Jewish descent and who entertain positive feelings toward the modern State of Israel. Moreover, it similarly cannot be denied that a substantial number of UNC students are of Jewish descent and do have such sentiments.

The creation and perpetuation of virulent anti-Israel sentiment by faculty members in UNC’s classrooms, such as occurred in Prof. Chebrolu’s classroom on October 17 and 31, 2023, amounts to harassment of, and discrimination against, students of Jewish descent. Those events violated both Title VI and the Resolution Agreement of 2019. And when on-campus events hosted by UNC

academic departments feature speakers who broadcast blatantly anti-Zionist, antisemitic remarks, Title VI and the Resolution Agreement again are both plainly violated. The fact that the Resolution Agreement was signed more than four years ago indicates that antisemitism at UNC is a persistent problem that in fact has not been resolved.

There are real grounds for concern that the aforementioned recent incidents are a relatively small visible tip of a very large and dangerous iceberg. On [www.change.org](http://www.change.org), a [petition](#) directed to UNC and demanding that “UNC Stop Antisemitism Now” has been signed (at this date) by more than 6,200 persons. That petition raises serious concerns regarding antisemitic incidents on the UNC campus since the Hamas attacks of October 7, 2023. It may well be that the ongoing conflict in Gaza will only embolden more faculty members, and others in the UNC community or on the UNC campus, to create hostile educational environments for students, Jewish and non-Jewish alike, who have positive feelings towards Israel.

### **Conclusion**

The unlawful behavior described above requires that decisive steps be taken to protect the right of UNC’s Jewish students, and particularly those Jewish students who entertain affirmative feelings for the State of Israel, to be afforded a positive, productive educational environment that is not suffused with anti-Israel hostility and marinated in blatant antisemitism. The fact that the Resolution Agreement executed in 2019 has been violated in 2023 indicates very clearly that stronger remedies are called for today. The OCR should impose such remedies as soon as it is able to do so.

Respectfully submitted,

David E. Weisberg, Complainant

\* In the period from 2018 to 2022, Israel had no less than five (5) democratic national elections, so one has to wonder in what universe Israel would qualify as a “fascist” state.

\*\* The events that precipitated the Resolution Agreement in 2019 involved (a) an event sponsored by UNC’s Center for Middle East and Islamic Studies (b) held on the UNC campus, which featured (c) antisemitic remarks by (d) a speaker who was not a UNC faculty member. These four features were replicated exactly in the Round-Table Talk of November 29, 2023.